



Shire of  
**Collie**

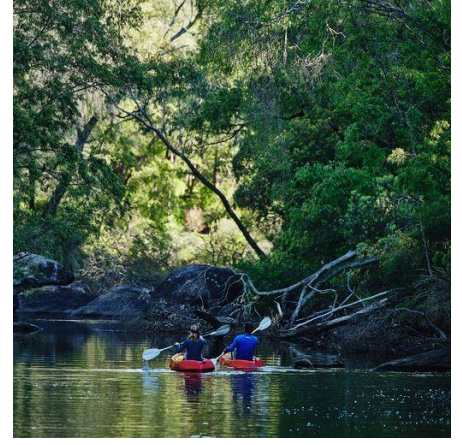
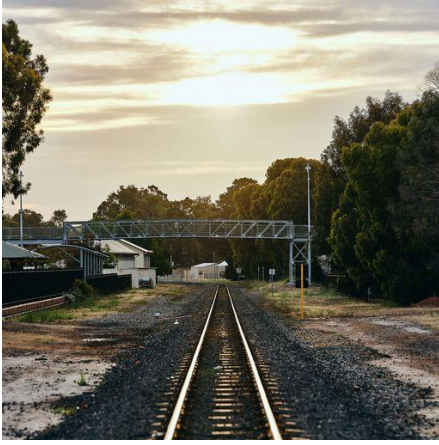
# AGENDA

for the

## ORDINARY MEETING OF COUNCIL

to be held on

**Tuesday, 10 October 2023**



## Our Vision

**Collie** - *A progressive community, rich in opportunities and as diverse as its heritage and landscape.*

## Our Values

The core values at the heart of the Council's commitment to the community are:

*Integrity*

*Transparency*

*Accountability*

*Collaboration*

*Respect*

## Our Commitment to Community

***We will*** lead the delivery of our vision

***We will*** support local business wherever possible

***We will*** consult and engage with our community on issues that affect them

***We will*** encourage, welcome and value feedback

***We will*** encourage, support and advocate for our community

# NOTICE OF MEETING

Please be advised that the



## Ordinary Meeting of Council

commencing at **7:00pm**

will be held on

**Tuesday, 10 October 2023**

in Council Chambers at 87 Throssell Street, Collie WA

A handwritten signature in blue ink, appearing to read "Stuart Devenish", is positioned above a horizontal line.

Stuart Devenish  
Chief Executive Officer

6 October 2023

**PLEASE READ THE FOLLOWING DISCLAIMER BEFORE  
PROCEEDING**

Members of the public are cautioned against taking any action on Council decisions, on items on this evening's Agenda in which they may have an interest, until such time as they have been advised in writing by Council staff.

**DISCLAIMER**

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Please note this agenda contains recommendations, which have not yet been adopted by Council.



## **MEETING SCHEDULE**

### **October 2023**

Councillors are reminded of the following meetings. Please note that other meetings may be planned that are not shown here. Councillors are advised to contact the Committee's Presiding Member/Chairperson if in doubt.

**Tuesday 10 October 2023**

**Ordinary Meeting of Council**

7.00pm in Council Chambers

**Tuesday 24 October 2021**

**Special Meeting of Council**

5.30pm in Council Chambers



Shire of  
**Collie**

**DISCLOSURE OF FINANCIAL INTEREST AND INTERESTS AFFECTING IMPARTIALITY**

File ref: GOV/062

**To: Chief Executive Officer**

As required by section 5.65(1)(a) or 5.70 of the *Local Government Act 1995* and Council's Code of Conduct, I hereby declare my interest in the following matter/s included on the Agenda paper for the Council meeting to be held on \_\_\_\_\_ (Date)

Item No.	Subject	Details of Interest	Type of Interest Impartial/Financial	*Extent of Interest (see below)

\* Extent of Interest only has to be declared if the Councillor also requests to remain present at a meeting, preside, or participate in discussions of the decision making process (see item 6 below). Employees must disclose extent of interest if the Council requires them to.

\_\_\_\_\_  
Name (Please Print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**NB**

1. This notice must be given to the Chief Executive Officer prior to the meeting or at the meeting immediately before the matter in which you have declared an interest is discussed, Section 5.65(1) (a) & (b).
2. It remains Councillors'/Employees' responsibility to make further declarations to the Council if a matter arises during the course of a meeting and no previous declarations have been made.
3. It is a Councillor's/Employee's responsibility to ensure the interest is brought to the attention of the Council when the Agenda item arises and to ensure that it is recorded in the minutes.
4. It remains the Councillor's responsibility to ensure that he/she does not vote on a matter in which a declaration has been made. The responsibility also includes the recording of particulars in the minutes to ensure they are correct when such minutes are confirmed.
5. It is recommended that when previewing Agenda, Councillors mark Agendas with items on which an interest is to be declared and complete the declaration form at the same time.
6. Councillors may be allowed to remain at meetings at which they have declared an interest and may also be allowed to preside (if applicable) and participate in discussions and the decision making process upon the declared matter subject to strict compliance with the enabling provisions of the Act and appropriately recorded resolutions of the Council. Where Councillors request consideration of such Council approval the affected Councillor must vacate the Council Chambers in the first instance whilst the Council discusses and decides upon the Councillor's application.

**Remember: The responsibility to declare an interest rests with individual Councillors/Employees. If in any doubt seek legal opinion or, to be absolutely sure, make a declaration.**

Office Use Only:

Date/Initials

1. Particulars of declaration given to meeting \_\_\_\_\_

2. Particulars recorded in the minutes \_\_\_\_\_

3. Signed by Chief Executive Officer \_\_\_\_\_

## **Local Government Act 1995 - SECT 5.23**

### **Meetings generally open to the public**

- 5.23. (1) Subject to subsection (2), the following are to be open to members of the public
- (a) all Council meetings; and
  - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a Council or by a committee referred to in subsection (1) (b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following --
- (a) a matter affecting an employee or employees;
  - (b) the personal affairs of any person;
  - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
  - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
  - (e) a matter that if disclosed, would reveal --
    - (i) a trade secret;
    - (ii) information that has a commercial value to a person; or
    - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
  - (f) a matter that if disclosed, could be reasonably expected to --
    - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
    - (ii) endanger the security of the local government's property; or
    - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
  - (g) information which is the subject of a direction given under section 23 (1a) of the *Parliamentary Commissioner Act 1971*; and
  - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.



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Agenda for the Ordinary Meeting of the Collie Shire Council to be held in Council Chambers, 87 Throssell Street Collie, on Tuesday, 10 October 2023 commencing at 7:00pm.

**1. OPENING/ATTENDANCE/APOLOGIES & LEAVE OF ABSENCE**

- 1.1 Councillors granted Leave of Absence at previous meeting/s.
- 1.2 Councillors requesting Leave of Absence for future Ordinary Meetings of Council.
- 1.3 Councillors who are applying for Leave of Absence for this Ordinary Meeting of Council.

**2. PUBLIC QUESTION TIME**

A 15 minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them.

Council Consideration towards the Public:

When public questions necessitate resolutions of Council, the matter is to be dealt with immediately to allow the public to observe the determination of the matter (obviates need for the public to wait an indeterminate period of time).

**3. RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

**4. DISCLOSURE OF FINANCIAL INTEREST**

Councillors in attendance at meetings must disclose to the meeting any Agenda items upon which they have a Financial Interest. Section 5.65 of the *Local Government Act 1995* requires Councillors to: a) give written notification of a financial Interest before the meeting; or b) at the meeting immediately before the particular matter is discussed (notification can be given verbally).

A Disclosure of Financial Interest Form is attached to this Agenda (immediately behind the Index) and can be used by Councillors for disclosure purposes - simply tear out and hand to the Chief Executive Officer. Additional forms will always be available at Council/Committee meetings.

Should Councillors be unsure on Disclosure of Financial Interest matters, further clarification can be obtained by reading Sections 5.53 to 5.59 inclusive of the Act.

**5. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

Members of the public invited by the Chairperson may address the meeting after Standing Orders have been suspended.

**6. NOTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**

Councillors may disclose at this point any matters which they wish to have discussed 'behind closed doors' ie the meeting is closed to members of the public. Section 5.23 of the *Local Government Act 1995* applies and the meeting may only go behind closed doors for matters expressly prescribed in the Act - see section of the Act appended immediately after the Disclosure of Financial Interest form.

Any decision (of the meeting) to close the meeting or part of the meeting and the reasons for the decision are to be recorded in the Minutes of the meeting.

**7. ITEMS BROUGHT FORWARD DUE TO INTEREST BY ATTENDING PERSONS****8. CONFIRMATION OF THE PREVIOUS MEETINGS OF COUNCIL MINUTES****8.1 Ordinary Council Meeting – 12 September 2023****Officer's Recommendation:**

*That Council confirms the Minutes of the Ordinary Meeting of Council held on 12 September 2023.*

**8.2 Special Council Meeting – 12 April 2023****Officer's Recommendation:**

*That Council confirms the Minutes of the Special Meeting of Council held on 12 April 2023.*

**9. BUSINESS ARISING FROM THE PREVIOUS MINUTES**

Only items that have been deferred from a previous Ordinary Council Meeting for either further consideration by Councillors or for additional background information may be dealt with under this item. Details of Business Arising items will always be listed on the Agenda.

**10. RECEIPT OF MINUTES OF COMMITTEE MEETINGS HELD SINCE THE PREVIOUS MEETING OF COUNCIL****10.1 Bushfire Advisory Committee Meeting – 6 September 2023****Officer Recommendation:**

*That Council receive the Minutes of the Bushfire Advisory Committee Meeting held on 6 September 2023.*

**10.2 Recommendations of the Bushfire Advisory Committee****Committee Recommendations:**

*That Council adopts en bloc the committee recommendations contained within the minutes of the Bush Fire Advisory Committee held 6 September 2023.*

**8.1 Appointment of Fire Control Officers**

*That Council resolve to appoint the following personnel and Shire staff to the positions of Fire Control Officer and Fire Weather Officer for the 2023/24 Bushfire season in accordance with the Bush Fire Act 1954:*

*Julian Martin – Chief BFCO & Deputy Fire Weather Officer  
Kohdy Flynn – Deputy Chief BFCO & Chief Fire Weather Officer  
Alex Price – Collie Preston  
Graham Genev – Worsley  
Michael Hart – Harris River  
Neil Waywood – Collieburn Cardiff  
Phillip Bartolo – Collie Preson  
Tristan Gulvin – Williams Road  
Terry Hunter – Shire of Collie  
Shane Hickson – Shire of Collie VFRS  
Melissa Howard – Shore of Collie BRMC  
Leigh O’connor – Shire of Collie Senior Ranger  
Shaun Partyka – Shire of Collie Community Ranger*

**8.2 Appointment of Brigade Office Bearers**

*That Council resolve to endorse the officers elected to the Shire of Collie Bushfire Brigades as stated in the 2023 Annual General Meeting minutes of the six brigades within the Shire.*

**8.3 Dissolution of William Road Bushfire Brigade**

*That the Council support the decision to dissolve the Williams Road Bush Fire Brigade*

**8.4 Reallocation of the Williams Road Appliances and Assets**

*That the Council resolve to approve the decision made on the relocation of the Williams Road Bushfire Brigade appliances and assets as set out in the report.*

**8.6 Reallocation of Williams Building Reserve Funding**

*That the Council resolve to approve the reallocation of the building reserve fund consisting of \$30,000, be reallocated for purposes of the servicing and maintenance cost of the donated Light Tanker Fire Appliance.*

**11. CEO REPORTS**

11.1 Corporate Business Plan – Quarterly Progress Report	
<b>Reporting Department:</b>	Chief Executive Office
<b>Reporting Officer:</b>	Stuart Devenish – Chief executive Officer
<b>Accountable Manager:</b>	Stuart Devenish – Chief Executive Officer
<b>Legislation:</b>	<i>Local Government Act 1995</i>
<b>File Number:</b>	GOV/001
<b>Appendices:</b>	Appendix 11.1.A – Corporate Business Plan Quarterly Progress Report – July to September 2023
<b>Voting Requirement:</b>	Simple Majority

**Report Purpose**

To receive the quarterly report on progress of actions set out in the Corporate Business Plan 2022/23 – 2026/27.

**Officer’s Recommendation**

*That Council resolve to receive the quarterly progress report on actions to give effect to the Strategic Priorities of the Corporate Business Plan 2022/23 – 2026/27 as contained at Appendix 11.1.A.*

**Background:**

At its meeting on 14 March 2023, Council resolved to adopt the Corporate Business Plan 2022/23 – 2026/27. The Plan sets out 56 actions that serve to give effect to the 28 strategic priorities. The strategic priorities are those set out in the adopted Strategic Community Plan, and address the themes of:

- Our Community
- Our Economy
- Our Built Environment
- Our Natural Environment
- Our Organisation

A quarterly progress report is an effective means to update Council and the community on progress against agreed priority actions.

**Statutory and Policy Implications:**

Corporate Business Plans are prepared and adopted under the terms of the *Local Government (Administration) Regulations 1996*.

**Budget Implications:**

Resourcing to deliver on the terms of the Corporate Business Plan are provided for in annual budget allocations.

**Communications Requirements:** (Policy No. CS 1.7)

The Strategic Community Plan was subject to communications through the community engagement process. This report will be published on the Shire website.

**Strategic Community Plan/Corporate Business Plan Implications:**

<b>STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022</b>		
<b>GOAL:</b>	5	Our Business
<b>Outcome:</b>	5.1	Good governance and leadership

**Relevant Precedents:**

The Strategic Community Plan and Corporate Business Plan are adopted in accordance with the terms of the Act and Regulations. The report on progress against these plans is scheduled to occur quarterly.

**Comment:**

The progress report appended to this report identifies the status of each of the 56 actions, along with a commentary on the progress. It is noted that 63% of items are on track or complete and 25% are pending (either scheduled for a subsequent year, or pending outcome of another action). Two items are identified as behind target with five identified as 'critical'. The critical actions relate to the Minningup Pool project and the Williams Road Bush Fire Brigade building project.

Commentary in relation to each action is included within the quarterly progress report which is recommended for noting.

**12. CORPORATE SERVICES REPORTS**

**12.1 Accounts Paid – September 2023**

<b>Reporting Department:</b>	Corporate Services
<b>Reporting Officer:</b>	Hasreen Mandry – Finance Manager
<b>Accountable Manager:</b>	Nicole Wasmann – Director Corporate Services
<b>Legislation:</b>	<i>Local Government Act 1995 &amp; Financial Management Regulations 1996</i>
<b>File Number:</b>	FIN/024
<b>Appendices:</b>	Appendix 12.1.A – Accounts Paid – September 2023
<b>Voting Requirement</b>	Simple Majority

**Report Purpose**

To present the accounts paid during the month of September 2023.

**Officer's Recommendation**

*That Council accepts the Accounts as presented in Appendix 12.1.A being vouchers 41939 - 41940 totalling \$1,086.36 and direct payments totalling \$801,240.56 authorised and paid in September 2023.*

**Background:**

In accordance with Delegation 2.2.21- payments from the Municipal or Trust Funds adopted by Council on 8 August 2023, the Chief Executive Officer is authorised to incur expenditure in accordance with the Annual Budget provisions and limited over-expenditure subject to subsequent budget amendment. In doing so, section 13 of the *Financial Management Regulations 1996* is to be adhered to with a list of accounts for approval to be presented to the Council each month.

Month	2023/24		
	Cheques	Electronic Transfer	Total Payment
July	919.23	1,640,941.51	<b>1,641,860.74</b>
August	155.02	1,122,377.12	<b>1,122,532.14</b>
September	1,086.36	800,154.20	<b>801,240.56</b>

**Statutory and Policy Implications:**

*WA Local Government Act 1995*

*Financial Management Regulations 1996*

Council Policy CS3.7 relates to the payment of creditors, and in particular item 5.0 which relates to the presentation of accounts paid. A list of all accounts paid shall be presented to Council within two months. The list shall comprise of details as prescribed in the *Local Government Financial Management Regulations 1996*.

**Budget Implications:**

All liabilities settled have been in accordance with the Annual Budget provisions.

**Communications Requirements: (Policy No. CS1.7)**

Nil

**Strategic Community Plan/Corporate Business Plan Implications:**

Nil

**Relevant Precedents:**

N/A

**Comment:**

For a detailed listing of payments see Appendix 12.1.A.

Please raise any queries prior the meeting to enable questions to be investigated and a response prepared.

**12.2 Financial Management Report – August 2023**

<b>Reporting Department:</b>	Corporate Services
<b>Reporting Officer:</b>	Hasreen Mandry – Finance Manager
<b>Accountable Manager:</b>	Nicole Wasmann – Director Corporate Services
<b>Legislation:</b>	<i>Local Government Act 1995 &amp; Financial Management Regulations 1996</i>
<b>File Number:</b>	FIN/024
<b>Appendices:</b>	Appendix 12.2.A – Financial Report – August 2023
<b>Voting Requirement</b>	Simple Majority

**Report Purpose**

To provide a summary of the financial position for the Shire of Collie for the month ending August 2023.

**Officer's Recommendation**

*That Council resolve to accept the Financial Management Report for August 2023 as presented in Appendix 12.2.A.*

**Background:**

In accordance with Council policy and the provisions of the *Local Government Act 1995*, the Financial Report and budget amendments required for the end of the period is presented to Council for information. Refer to Appendix 12.2.A.

**Statutory and Policy Implications:**

Section 34 (1) (a) of the *Local Government (Financial Management) Regulations 1996* states that a Local Government is to prepare monthly statement of financial activity including annual budget estimates; budget estimates to the end of the month to which the statement relates; actual amounts of expenditure, revenue and income to the end of the month to which the statement relates, material variances between monthly budget and actual figures, and net current assets on a monthly basis.

In accordance with section 34(5) of the *Local Government (Financial Management) Regulations 1996* each year a local government is to adopt a percentage or value to be used in statements of financial activity for reporting material variances. In this case, the Shire of Collie has adopted the material variance of 10% or \$10,000, whichever is greater, for reporting variations to the 2023/24 Budget in the monthly statement of financial activity reported to Council.

In accordance with section 6.8 of the *Local Government Act 1995*, a local government is not to incur expenditure, not included in the annual budget for an additional purpose unless the expenditure is (b) authorised in advance by absolute majority.

**Budget Implications:**

Nil

**Communications Requirements: (Policy No. CS1.7)**

Nil

**Strategic Community Plan/Corporate Business Plan Implications:**

Nil

**Relevant Precedents:**

N/A

**Comment:**

The financial statements provided in Appendix 12.2.A reports on the following information for the reporting period:

- Rate Setting Statement by Nature and Type
- Material Variances
- Statement of Financial Positions
- Cash and Investments
- Receivables & Payables
- Capital Projects
- Other Projects
- Budget Amendments

Commentary for the material variances identified is included in Appendix 12.2.A.

**12.3 Council Committees and Groups Structure and Councillor Forums Meeting Procedure**

<b>Reporting Department:</b>	Corporate Services
<b>Reporting Officer:</b>	Nicole Wasmann – Director Corporate Services
<b>Accountable Manager:</b>	Nicole Wasmann – Director Corporate Services
<b>Legislation:</b>	<i>Local Government Act 1995 &amp; Financial Management Regulations 1996</i>
<b>File Number:</b>	GOV/137
<b>Appendices:</b>	Appendix 12.3.A – Councillor Forum Meeting Procedure
<b>Voting Requirement</b>	Simple Majority

**Report Purpose**

For Council to consider the committee and working group structure and the format for Councillor forums post 2023 elections.

**Officer's Recommendation**

*That Council resolve to:*

1. *retain the following committees, working groups, and panels post 2023 elections:*
  - a) *Formal Committees*
    - *Audit Committee*
    - *Community Safety and Wellbeing Committee*
    - *Tourism and Marketing Advisory Committee*
    - *CEO Review Committee*
    - *Bush Fire Advisory Committee*
    - *Local Emergency Management Committee*
  - b) *Panels*
    - *House Panel*
    - *Plant and Infrastructure Panel*
    - *Sport Panel*
    - *Trails Panel*
  - c) *Working Groups*
    - *Collie Christmas Decorations Working Group*
    - *Recreation Facilities and Open Space Strategy Working Group*
    - *Environment Working Group*
    - *Renergi Working Group*
2. *advertise for community representative/s for the Community Safety and Wellbeing Committee and the Sport Panel;*
3. *acknowledge the appointment of councillor representation after the 2023 elections on the following external organisations or working groups;*
  - *Bunbury Geographe Tourism Partnership*

- *Bunbury-Geographe Sub-Regional Strategy Steering Group*
- *Collie Chamber of Commerce & Industry*
- *Collie Health Service Advisory Committee*
- *Collie River Valley Marketing Inc.*
- *Collie Visitor Centre*
- *Cooperative Research Program*
- *Development Assessment Panel*
- *Just Transitions Working Group*
- *Motoring Southwest*
- *Regional Road Group*
- *South West Zone of WA Local Government Association*
- *Trails Reference Group*
- *Premier Coal Community Reference Group*

4. *continue to hold councillor forums in the week prior to Council meetings in accordance with Councillor Forum Meeting Procedure set out at Appendix 12.3.A.*

**Background:**

Membership of a committee established under the *Local Government Act 1995* expires on the day of the ordinary election.

Following the ordinary election to be held on 21 October 2023, Council is required to appoint persons to committees.

Current Shire of Collie committees established under legislation include:

- Audit Committee
- Community Safety and Wellbeing Committee
- Tourism and Marketing Advisory Committee
- CEO Review Committee
- Bush Fire Advisory Committee
- Local Emergency Management Committee

Informal groups established by Council include:

Panels

- House Panel
- Plant and Infrastructure Panel
- Sport Panel
- Trails Panel

Working Groups

- Collie Christmas Decorations Working Group
- Recreation Facilities and Open Space Strategy Working Group
- Environment Working Group
- Renergi Working Group

Additionally Council is represented by an elected member on a number of organisations including:

- Bunbury Geographe Tourism Partnership
- Bunbury-Geographe Sub-Regional Strategy Steering Group
- Collie Chamber of Commerce & Industry
- Collie Health Service Advisory Committee
- Collie River Valley Marketing Inc.

- Collie Visitor Centre
- Cooperative Research Program
- Development Assessment Panel
- Just Transitions Working Group
- Motoring Southwest
- Regional Road Group
- South West Zone of WA Local Government Association
- Trails Reference Group
- Premier Coal Community Reference Group

The Premier Coal Community Reference Group is a relatively new group. Premier Coal have asked for representation from an elected member and the CEO or representative.

**Statutory and Policy Implications:**

The Council is responsible for ensuring that there is an appropriate structure for administering the local government in accordance with Section 5.2 of the *Local Government Act 1995*.

In accordance with Section 5.8 of the *Local Government Act 1995*, a local government may establish committees of three or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

Committees may comprise of council members, employees and other persons.

A local government is required to establish an audit committee of three or more elected members and other persons in accordance with Section 7.1A of the *Local Government Act 1995*.

The Local Emergency Management Advisory Committee is established under Section 38 of the *Emergency Management Act 2005*.

The Bush Fire Advisory Committee is established under Section 67 of *Bush Fires Act 1954*.

Council policy CS1.5 identifies that selection of committees and delegates will occur at a special meeting held after elections.

**Budget Implications:**

Maintaining the existing structure will have no budget implications.

Changes may have implications for staff resourcing.

**Communications Requirements:** (Policy No. CS 1.7)

Not applicable.

**Strategic Community Plan/Corporate Business Plan Implications:**

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
<b>GOAL:</b>	5.1	Innovative leadership, forward planning, and mutually beneficial partnerships
<b>Outcome:</b>	5.1.4	To collaborate and build partnerships with the Government sector to optimise resources and service delivery.

<b>Outcome:</b>	5.1.5	To imbed our strategic priorities through the organisation.
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**Relevant Precedents:**

Council reviewed the committee structure in October 2021.

**Comment:**

No changes are recommended by officers to the existing structure for committees, groups, council representation or councillor forums.

As appointments to committees are made at a special meeting in late October, Council may wish to review the structure at this time.

**13. DEVELOPMENT SERVICES REPORTS****13.1 Proposed Structure Plan - Lot 13, No. 177 Booth Street, Collie**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	Isabel Fry - Town Planner
<b>Accountable Manager:</b>	Matt Young – Director Development Services
<b>Legislation</b>	<i>Planning and Development Act 2005</i>
<b>File Number:</b>	A5974
<b>Appendices:</b>	Appendix 13.1.A - Structure Plan Appendix 13.1.B - Summary of Submissions
<b>Voting Requirement</b>	Simple Majority

**Report Purpose**

For Council to recommend to the Western Australian Planning Commission regarding a proposed Structure Plan at Lot 13, No. 177 Booth Street, Collie.

**Officer's Recommendation**

*That Council provides a report to the Western Australian Planning Commission regarding the proposed Structure Plan at No. 177 (Lot 13) Booth Street, Collie, to:*

*1. Recommend the following modifications to the Structure Plan, which are to be included in the report to be made to the Commission to allow the Structure Plan to be approved:*

*a) The Structure Plan should be amended to require an updated Site and Soil Evaluation to be prepared, consistent with the requirements of the Department of Health, prior to subdivision of the land.*

*Prior to further subdivision (exceeding the short-term proposed subdivision of 2 lots):*

*b) Further subdivision of the land will require the provision of reticulated sewerage.*

*c) Provision for Public Open Space be included within the plan of subdivision, where applicable.*

*d) Identification of vegetation worthy of retention.*

*e) Access, crossovers and internal roads are to be resolved (where applicable).*

*f) If the clearing purpose is exempt from the requirement for an Environmental Protection Act 1986 or is deemed of very low environmental risk such that it may proceed through the referral process and not require a clearing permit, then a licence is required to clear vegetation under Part IIA of the Country Areas Water Supply Act 1947.*

*2. Advise that the Shire recommends the Structure Plan be approved, subject to the above modifications and conditions.*

**Background:**

An application for a Structure Plan (refer Appendix 13.1.1) has been lodged with the Shire by Planned Focus, on behalf of Gary and Jenny French, owners of Lot 13, No.177 Booth Street, Collie. The application was lodged with the Shire on 30 May 2023.

The purpose of the Structure Plan is to guide and facilitate subdivision of the land for residential purposes. This is proposed in two stages, the short-term and initial stage consisting of only a 2 lot subdivision. The longer-term outlook relies on the availability of sewer, however has been designed to enable the retention of existing homes, generally at a density of R15. Subdivision of the land for both stages is subject to separate application through the Western Australian Planning Commission. The proposed Structure Plan, if approved, will supersede the North Collie Structure Plan where it applies to this lot.

Item	Data	
Total area covered by the Structure Plan	1.01 hectares	
Estimated number of dwellings	Short Term	2 dwellings
	Long Term (with reticulated sewer)	9 dwellings
Estimated residential site density	9 dwellings per hectare (if 9 lots created)	
Estimated population (at 2.5 persons/ dwelling)	22 persons (if 9 lots created)	

Site Description

The subject site is located approximately 2.5km to the north-east of the Collie townsite. The subject site has a 90m frontage to Booth Street and surrounding land contains Rural Residential style lots in the vicinity of 1ha. The site has historically been cleared for animal grazing and lifestyle purposes with only a small number of mature trees. There is an existing dwelling on the site, as well as associated outbuildings in the south-western portion of the lot. A building permit has recently been issued for another shed. Access to the existing development is via Booth Street.

The subject site was the result of an earlier subdivision which enabled the division of the former lot (Lot 1130) into two even sized 1ha parcels, one adjacent to Booth Street and the other at the rear via a battle axe style driveway arrangement. An accessway with an easement in favour of Lot 13 (177) Booth Street (subject site) is in place to facilitate access.

The lot is currently serviced by a reticulated power and water supply, however on-site effluent disposal systems are required.

Environment

The site is predominantly cleared with some existing trees on site, located closest to Booth Street. The site is not prone to flooding and is located approximately 300m from the Collie River. The site is not identified as Bushfire Prone and the application of SPP3.7 is not required.

Site and Soil Evaluation

A site and soil evaluation has been undertaken for the site to determine on-site effluent disposal capability of the whole parcel and particularly the portion of the lot forming the first stage of subdivision. The report acknowledges that the testing for the site was done in November, however WML has previously completed assessments in the area in winter with

no concerns. The WAPC has also recently approved a similar proposal at 327 Prinsep Street, Collie.

#### Shire of Collie Local Planning Strategy

The Strategy identifies the subject land as Urban Development with recognition of its inclusion within the North Collie Structure Plan.

The Strategy notes that the area was subdivided into mostly 1ha residential lots, resulting in rural residential land close to the town, which represents an under utilisation of land which would be more appropriately used for denser residential subdivision (eg. R15).

Clause 6.2 of the Strategy includes the following planning implications for the subject land:

- Land use constraints results in an urban growth front to the north of Collie.
- Existing Urban Development zones are to be used for Residential (ie. R15) and not for low density residential or rural residential.

Clause 6.3 of the Strategy includes the following planning response:

*Support the subdivision/ development of land identified as urban development subject to proponents satisfying relevant zoning, structure planning, environmental, fire management and other planning considerations.*

This Structure Plan seeks to guide future subdivision and development of the subject land at a residential density of R15 in accordance with the Strategy, although the initial stage of the Structure Plan is intended to only create 2 lots.

#### North Collie Structure Plan

The North Collie Structure Plan was endorsed by the WAPC in 2004. The subject land is included with the east section which is mostly unvegetated and plans for lot sizes in the vicinity of 1ha. Whilst some lots have been subdivided to the minimum of 1ha as indicated by the Structure Plan, several have not.

The North Collie Structure Plan refers to future planning and requires that subdivision at a higher density will require comprehensive structure planning to address future road networks, infrastructure and public open space. Subdivision applications are also required to be accompanied by a geotechnical report demonstrating the capacity of the land to accommodate further development.

The existing North Collie Structure Plan is not consistent with the objectives of the Strategy, requiring updated Structure Planning of the area.

#### **Statutory and Policy Implications:**

##### Planning and Development (Local Planning Schemes) Regulations 2015

- Schedule 2, Part 4- Structure Plans

##### Shire of Collie Local Planning Scheme No.6

Part 3 - Zones & Objectives – Urban Development Zone

Part 4 - General Development Requirements - 33.7 Urban Development Zone Requirements.

##### State Planning Policies

- State Planning Policy 3.0 Urban Growth Settlement
- Development Control Policy 2.2 Residential Subdivision
- Draft Liveable Neighbourhoods 2015
- State Planning Policy 7.3 Volume 1 Residential Design Codes

**Budget Implications:**

Nil.

**Communications Requirements:**

The proposal has been advertised in accordance with Schedule 2, Part Cl.18 of *Planning and Development (Local Planning Schemes) Regulations 2015*.

The public advertising period ran from 13 June 2023 to 25 July 2023 and communications were made in the following ways:

- An advertisement in the local newspaper on 29 June and again on 13 July 2023;
- Post on the Shire's Facebook page on the 29 June and 23 July 2023;
- Letters mailed to adjoining land owners in the locality;
- Letters/ email to relevant government agencies.

A total of two (2) submissions were received as a result of the public advertising period and four (4) were received from government agencies and service providers, a summary of the submissions is detailed in Appendix 13.1.2.

**Strategic Community Plan/Corporate Business Plan Implications:**

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
<b>GOAL:</b>	3	Our Built Environment
<b>Objective:</b>	3.2	Sound land planning and building strategies and schemes

**Relevant Precedents:**

The Shire has previously considered a similar proposal at 327 Prinsep Street North, Collie. This Structure Plan and subsequent 2 lot subdivision have been endorsed by the Shire and approved by the Western Australian Planning Commission.

**Comment:**

The role of the Local Government in the determination of Structure Plans is firstly to ensure that all information as referred to in Schedule 2, Part 4, Cl. 16 of the *Deemed Provisions* has been provided. Once all the information is provided, the Local Government is to accept the Structure Plan for assessment and advertising. The Structure Plan is then required to be advertised for a period of 42 days. Following advertising, the Local Government is to consider submissions received and prepare a report to the Western Australian Planning Commission, including a recommendation for modifications to the Structure Plan and if it should be approved by the Commission.

Advertising

The responses provided by agencies are generally consistent with the proposal. In particular, the advice that there is no issue with the short term, 2 lot subdivision that is proposed following the endorsement of this Structure Plan, however further subdivision to a higher density will require further planning and infrastructure provision.

The Department of Health has requested additional information, particularly relating to the site and soil evaluation being prepared in November and not at the wettest time of the year. The Applicant has provided comments on the issues raised and reaffirms that the proposed Structure Plan is to facilitate a 2-lot subdivision as supported by the approved Local Planning Strategy and provides the below:

- *There is 1 existing home (plus outbuildings), not multiple homes on the subject land. This misunderstanding seems to have misdirected the Department of Health response and*

*compels correction.*

- *Shire Officers reviewed the provided site and soil evaluation prior to lodging the Structure Plan (and separate 2 lot WAPC subdivision application) and indicated no concerns hence lodgement advanced.*
- *As Shire records demonstrate there has already been a site and soil evaluation undertaken in July 2013 on the subject land which demonstrates suitability. Further to this there have also been other recent site and soil evaluation's undertaken in proximity of the subject site, including as approved recently (Structure Plan and WAPC subdivision, with Department of Health support) 200m away at 327 Prinsep Street in effectively the same lot size arrangement.*
- *There is sufficient precedence and environmental knowledge available to demonstrate the site is suited, that this is not a high risk or not well understood site. We encourage the Shire to support our position, that no further site and soil evaluation is required.*

Submissions from nearby residents both indicated issues from their perspective with the higher density subdivision provided for by this Structure Plan, due to wanting to maintain the Rural Residential character of the area. It is important to note that the subject site is located in an area zoned for Urban Development, not Rural Residential and it has been identified in the Local Planning Strategy as an area suitable for the expansion of the townsite, to a possible density of R15.

#### Recommendation

The Structure Plan that has been submitted illustrates that the 2-lot subdivision that the property owner intends to undertake in the short term will not jeopardise the future development of this area to accommodate for residential expansion. As raised in Water Corporations submission, the provision of reticulated sewer to this area is reliant upon coordination from all landowners to apply to the Water Corporation for capital funding. This would be required before any further subdivision, beyond the 2 lots proposed, can even be considered.

The Applicant's comment regarding previous site and soil assessment being undertaken for the site and a similar proposal 200m from the site, demonstrating the capability for on-site effluent disposal has been noted and that it is appropriate to progress the Structure Plan on this basis, however that Department of Health's requirements should be satisfied prior to the lots being created through subdivision. It is recommended that this be reflected through Shire's recommended modifications to the Western Australian Planning Commission. The Commission can elect to not impose the Shire's recommended modifications should it determine that the information already provided is sufficient in progressing the Structure Plan and subdivision.

The following modifications to the Structure Plan are recommended in order to allow the Structure Plan to be approved:

- a) The Structure Plan should be amended to require an updated Site and Soil Evaluation be prepared, consistent with the requirements of the Department of Health, prior to subdivision of the land.

Prior to further subdivision (exceeding the short-term proposed subdivision of 2 lots):

- b) Further subdivision of the land will require the provision of reticulated sewerage.
- c) Provision for Public Open Space be included within the plan of subdivision, where applicable.

- d) Identification of vegetation worthy of retention.
- e) Access, crossovers and internal roads are to be resolved (where applicable).
- f) If the clearing purpose is exempt from the requirement for an Environmental Protection Act 1986 or is deemed of very low environmental risk such that it may proceed through the referral process and not require a clearing permit, then a licence is required to clear vegetation under Part IIA of the *Country Areas Water Supply Act 1947*.

It is recommended that subject to the above modifications and conditions being met, the Structure Plan referred to the Western Australian Planning Commission for approval.

### 13.2 Minningup Pool Project Update

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	Matt Young – Director Development Services
<b>Accountable Manager:</b>	Matt Young – Director Development Services
<b>Legislation</b>	<i>Planning and Development Act 2005</i>
<b>File Number:</b>	CMG/251
<b>Appendices:</b>	Appendix 13.2.A – Minister for Environment Appeal determination Appendix 13.2.B – OAC to Shire of Collie Appeal determination Appendix 13.2.C – Appeals Convenor Report Appendix 13.2.D – Petition Extract
<b>Voting Requirement</b>	Simple Majority

#### Report Purpose

To update Council on the various matters relating to Minningup Pool and to establish Councils position on the next steps for the project.

#### Officer's Recommendation

*That the Council resolve to:*

1. *Note that further engagement is being undertaken with cultural representatives of the Gnaala Karla Booja Corporation, representatives of the Shire of Collie, and South West Development Commission as to the potential impacts of the Minningup Pool project on Aboriginal cultural heritage values;*
2. *Require the matter to be reported back to the Minningup Pool Precinct Project Working Group and Council if the outcomes of discussions referred to in 1. above impact the detailed plans prepared to date;*
3. *Note and acknowledge the submissions outlined in the 31 July 2023 petition seeking further community engagement, and advise the petition organisers of this resolution;*
4. *Subject to 1) and 2) above, the Shire further engage with the whole community around the detailed day use plans and identified tourist accommodation sites if the project is to continue; and*
5. *Note the decision of the Minister for Environment in respect to the Clearing Permit application for the Minningup Pool day use area on Reserve 34343 and should the project proceed, note the requirement for a biodiversity offset of 1.1ha of native vegetation in order to provide new habitat for multiple threatened fauna within a significant ecological linkage.*

#### Background:

The Minningup Pool project on Reserve 34343 was made possible through \$500,000 funding from the Department of Primary Industries and Regional Development via the former local member and undertaken in partnership with the South West Development Commission.

Since commencement of the Minningup Pool Tourism Precinct project in mid-2018 a significant amount of planning and community consultation has been completed. Work completed to date includes:

- Reconnaissance and Targeted Flora and Vegetation Survey (EcoEdge) – November 2018
- Targeted Fauna Assessment (EcoEdge) - January 2019
- Noongar Visioning Report (Dr Myles Mitchell & Rosie Halsmith) - February 2019
- Noongar Heritage Report (Dr Myles Mitchell & Rosie Halsmith) - February 2019
- Site Analysis & Context Plans (Planned Focus) - March 2019
- Demand and Prefeasibility Study (BrightHouse Consulting) – December 2019
- Geotechnical Investigation (Local Geotechnics) – May 2020
- Minningup Pool Tourism Project – Servicing Report Report 1 (River Engineering) – June 2020
- Minningup Pool Tourism Project – Servicing Report (River Engineering). Further investigation to identify and outline the conceptual design of services infrastructure – October 2020.
- Master Plan for the Redevelopment of Minningup Pool Day Use Areas (Vicki Winfield and Associates) - December 2020.
- Bushfire Management Plan (Bushfire Prone Planning) – October 2021
- Bushfire Planning Feasibility Study and Report (Bushfire Prone Planning) – November 2021
- Phytophthora Dieback Assessment Report (Bark Environmental) – December 2021
- Noongar Engagement Day Use Area Minningup Pool Short Addendum Report (Archae-Aus, Dr Myles Mitchell) – June 2022
- DWER Clearing Permit Application
- Community consultation – broad and targeted has been undertaken as a necessary part of Noongar visioning, demand and prefeasibility and masterplan for redevelopment of the day use areas. This has included meetings, forums, workshops, surveys and media communications.
- In late 2020, the Shire of Collie ran an Expression of Interest for tourism development at the Minningup Pool site. A preferred proponent for the development of the portion of site colloquially known as “Kings Park” has been selected and the Shire of Collie are keen to continuing negotiations with this proponent as a priority. A second proponent has also expressed interest in the site locally known as “the old hockey ground”. The Shire entered into separate MOUs with both parties in March 2022 with the view to progress with best endeavours a commercial lease and business cases over both sites.
- An application for a clearing permit for area affected by the upgrades to the day use areas was submitted and approved (following an appeal).
- A submission was made to the Dept. Lands demonstrating the viability of establishing tourism accommodation on the reserve, the costs to the LG for the supporting upgrades to the day use areas and justification for our request for nominal rental fees due to community benefit and on the premise that all sub lease fees received from the accommodation are returned into the reserve through management. The Dept. Lands is now summarising this information into a submission for a nominal head lease.
- An application was made for a Section 18 permit to undertake the day use upgrades however with the changes to the Aboriginal Cultural Heritage Act (since withdrawn) this application lapsed.
- Consultants Icon Tourism continue to work with the proponent, WB Management (Desen Pty Ltd), in establishing concept plans and a business case for the development of the short term accommodation. In March 2023 the SWDC approved a \$100,000 grant to WB Management on behalf of Desen to fund the preparation of detailed designs and a business case. This is needed for the sub lease.

- Draft project management plans for the two accommodation lease sites (to be ready for the construction phase of the development) have been prepared.
- A Mini business case and presentation for the day use area upgrades was finalised and can be used to seek funding (see attached).
- South West Development Commission hosted a roundtable between cultural representatives of the Gnaala Karla Booja Corporation, representatives of the Shire of Collie, and South West Development Commission on Friday 21 July 2023. Participants discussed the proposed developments at Minningup Pool. At the conclusion of the meeting, there was a willingness from all parties to explore future development at Minningup Pool that encompass cultural, environmental, and economic opportunities that benefit the local Aboriginal community. Gnaala Karla Booja Corporation, on behalf of the traditional owners, and the Shire of Collie will continue to work together on further opportunities for collaboration on the Reserve, in accordance with the Aboriginal Heritage Act requirements.

#### Council Decisions

- 8 August 2023 OCM – Council received the petition in relation to Minningup Pool and referred it to the CEO to prepare a report to Council.
- 11 May 2021 OCM – Council resolved to enter into MOU with Desen (WB Management) for old Hockey Ground site.
- March 2021 OCM – Confidential item – Council received the two expression of interest and endorsed Walia Resorts as the preferred respondent.
- December 2020 OCM - Council endorses Day Use Masterplans, concepts and indicative costs and endorses implementation of day use masterplans including provision of services.
- November 2020 OCM – Council resolves to proceed to develop the final draft day use designs and costings for Minningup Pool assuming the connection to services being power, water and sewerage will be made available.
- 25 August 2020 OCM – Council resolved to excise portions of land from reserve and commence expressions of interest process for development and use of two portions of the reserve for tourist accommodation.
- 10 December 2019 OCM - Demand and prefeasibility report endorsed.

#### **Statutory and Policy Implications:**

- *Aboriginal Cultural Heritage Act (Bill) 2021*
- *Environmental Protection Act 1986*
- *Planning and Development Act 2005*

#### **Budget Implications:**

Nil.

Implementation of the concept plans covering Minningup Pool or progression of tourist accommodation lease areas will have ongoing budget implications into the long term.

#### **Communications Requirements:**

The following summarises community, stakeholder and Council engagement and consultation for the Minningup Pool tourism project:

#### Community

- January 2019 – December 2021 - Have Your Say Collie Shire Minningup Pool Project page – 1100 visits, 922 aware participants ie visited, viewed and downloaded information and 118 participants contributed ie through surveys and guest book entries.
- January 2021 – Shire update Collie Mail – final foreshore masterplans and foreshore

upgrades available for download.

- November 2020 – Expression of interest advertised in Collie River Bulletin, West Australian
- Newspaper website and social media – inviting potential developers interested in the supply short term tourist accommodation at Minningup Pool.
- October 2020 - press release thanking community input to the draft plans and providing links to view them.
- August - September 2020 – draft designs for day use areas advertised to community including public display in the library.
- July 2020 – Invitation to input into design of day use onsite at Minningup Pool.
- June 2020 – Online survey for day use area. Total online visits 106 people. 37 responses received.
- June 2020 - Press Release seeking community input for redevelopment of Minningup Pool Day Use Areas
- 23 May 2019 – Community meeting at Collie Ridge. 3 options for accommodation development presented. 60 people in attendance.
- 21 April – 20 May 2019 – Online survey “Have your say Collie”. Total online visits 200 people approx. 47 per day, total of 55 responses received.
- January 2019 – project advertised on social media and “Have Your Say Collie”. Comments collected.
- January 2019 - Media Release – Mick Murrays office
- July 2018 - Media release on announcement of funding and project purpose “to undertake planning such as economic prefeasibility, aboriginal heritage and environmental assessments for a nature-based tourism facility, including short stay accommodation and day use facilities, at Minningup Pool, Collie.”

#### Traditional Owners

- 21 July 2023 - South West Development Commission hosted a roundtable between cultural representatives of the Gnaala Karla Booja Corporation, Shire of Collie and South West Development Commission.

#### *Day Use area Masterplan and Detailed Design*

- 27 April 2022 – onsite meeting with 5 traditional owners to review the detailed plans for the day use area and support for the project.
- 13 August 2020 – letters with draft designs for the 3 main day use areas sent to all workshop participants.
- 23 July 2020 – traditional owner workshop on day use area masterplan

#### *Noongar Visioning Plan*

- November 2018 - Ethnographic assessment with extend project group (8 people as nominated by Elders)  
General engagement through:
  - Local Newspapers in Collie (Collie Mail)
  - Community Radio (Collie)
  - Word of Mouth
  - Flyers/Posters around Collie
  - Hand Delivered Flyers
  - Social Media
  - In person conversations
  - Phone calls
- November 2018 - Heritage Assessment with Core Project Group (4 people as nominated by Elders)
- December 2018 – January 2019 Eight small workshops (<10)
- 11 December 2018 and 22 January 2019 - Two open community meetings held (>20)

- people) – These were open to everyone to attend.
- 29 October 2018 – onsite meeting with these 3 nominated elders.
  - 10 July 2018 - Correspondence with South West Land and Sea Council who nominated 3 elders who must be officially consulted.

**Strategic Community Plan/Corporate Business Plan Implications:**

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
<b>GOAL:</b>	3	Our Built Environment
<b>Objective:</b>	4.2	Conservation of our natural environment
<b>Strategic Priority</b>	4.2.3	To pursue funding to implement the Minningup Pool Day Use Master Plan.

**Relevant Precedents:**

Nil

**Comment:**

The Minningup Pool project on Reserve 34343 is complex and comprises two main components:

1. Development of the river foreshore precinct referred to as the day use area.

The primary aims of the redevelopment of the Minningup Pool Foreshore are to

- provide for the whole of the local Collie community;
- acknowledge and share Noongar cultural values and
- maintain naturalness while sustainably providing for recreation (including improving access and facilities and protecting the foreshore from visitor impacts).

The secondary aims were to:

- support the development of the proposed adjacent nature based accommodation facilities;
- contribute to the development of Collie trails;
- provide an attractive area that will in time become well known and encourage visitors to the area and to
- provide a venue for events and commercial tourist operations such as canoe hire, coffee vans etc.

This Minningup Pool Day Use Area Master Plan has been divided into three sub-precincts, comprising:

- a) Sandy Beach Precinct
- b) Pool Precinct
- c) Rowing Club Precinct

The final masterplans for the foreshore day use areas at Minningup Pool have been endorsed by Council with implementation of the plans a priority.

Advertising and consultation on the draft plans in August and September 2020 resulted in over 20 community submissions. Feedback, such as increased disabled access, flushing toilets and a swimming pontoon have been incorporated into the final plans.

Total expected funding required for the project, including the provision of services is estimated at \$7.5 million. Government funding for the project will be sought as a whole,

however, the project can be broken into stages with the provision of services power, water and sewerage being the priority.

2. The original Brighthouse 'Minningup Pool Demand and Pre-feasibility Study' (2019) focused on determining the feasibility of providing a nature based campsite and appropriate tourism accommodation that will support the development of Collie as a Trails Hub, while at the same time managing the impacts of informal camping at Minningup Pool.

Development of eco tourism accommodation in two separate areas, comprising:

- a) Old hockey grounds site

Continue to de-risk the site for a suitable proponent/investor including a feature survey and fire management plans. Detailed design and business case to be developed. Work with Department of Lands to finalise terms for lease especially fee structure.

- b) Kings Park

Work with proponent to negotiate terms of development and sub lease. Final surveyed lease area and further planning such as fire management to be undertaken. Work with Department of Lands to finalise terms for lease especially fee structure.

### Petition

The following petition was received by the Shire administration on 31 July 2023. The petition contained 972 signatures, including 784 with a declared Collie address, 24 with address not stated and 164 with addresses in other areas including eastern states and overseas.

The petition reads:

*"We the undersigned are against the redevelopment plans, in their entirety, known as Minningup Pool Day Use Area Masterplans ("the Plans"), endorsed by Collie Shire Council during Ordinary Meeting of Council 15 December 2020, and are requesting that the decision to endorse "the Plans" be revoked until further community consultation has been undertaken.*

*We suggest such consultation be held by means of survey, community vote, local referendum or the like, and that such consultation be widely advertised within the local community by means, not limited to, physical notices in multiple Shire and non-Shire owned locations (eg Shop windows), through local media outlets (radio and newspaper) and also on multiple social media platforms so as to reach a broader and majority cross-section of Collie residents.*

*Minningup Pool is an area of significant cultural importance to local indigenous people, significant social and lifestyle importance to the general community. We believe the previous advertising for community comment, that being one month between 13 August to 14 September 2020, was grossly inadequate for the scale, nature and impact "the Plans" may have on the cultural, social and current lifestyle use of this location to the local Collie community."*

A cover letter with the petition reads in part:

*"We, the representatives for the attached signed documents, formally submit to you a petition requesting the stoppage to any proposed developments at Minningup Pool, Collie WA, and that all planning discontinue until more comprehensive community and Indigenous people's consultation occurs. The numbers in this petition (1000 citizens) are solid evidence that the*

*Collie Community is not in favour of the proposed development at Minningup Pool and that any previous consultation was inadequate.”*

As detailed in this report the project has been ongoing since 2018, when the State funded \$500k to progress the planning for Minningup Pool.

Various aspects of the initial visioning and subsequent detailed studies have been subject to community consultation, however it is acknowledged that this has occurred over the project time period and the community makeup, project awareness and possibly opinion has changed over this period.

#### Clearing Permit

The Shire lodged an application for a clearing permit which was approved by the Department of Water and Environmental Regulation on 12 August 2022. The purpose of the clearing is for the construction of a recreational nature based hub (for the day use area), adjacent to Minningup Pool. This includes a car park, road drainage, toilet blocks and footpaths.

An appeal was lodged with the Minister for Environment in objection to the grant of the above permit. The appeal has now been determined and the Minister’s appeal determination is contained in Appendix 13.2.1.

The Minister accepted the recommendations of the Appeals Convenor and agreed that the decision to the grant the permit was justified. However, the Minister decided to allow the appeal in part, by applying an additional condition to require a biodiversity offset to counterbalance the significant residual impacts to 1.1ha of native vegetation that is habitat for multiple threatened fauna within a significant ecological linkage. The Minister arrived at this decision having considered the Appeal Convenor’s report (refer Appendix 13.2.2), the Department of Water and Environmental Regulation’s response to the appeal and advice received from the Shire of Collie.

#### Aboriginal Heritage Approval

The Collie River foreshore is a registered Aboriginal site and any such clearing or development works will require application and approval under what was previously the Aboriginal Heritage Act (now the Bill relating to the *Aboriginal Cultural Heritage Act 2021*). Consultation with local Noongars for the use and development of the foreshore and the overall reserve has been ongoing since late 2018 and includes a visioning and heritage report.

Following objections made from local Aboriginal groups direct to the Minister for Regional Development earlier this year, the South West Development Commission hosted a roundtable between cultural representatives of the Gnaala Karla Booja Corporation, Shire of Collie and South West Development Commission on 21 July 2023. Further discussion are required, however this has not yet been timetabled.

The abovementioned roundtable meeting represents the first step in reviewing traditional owners support for the project. There is budget provision in the project to further progress these discussions with traditional owners so that an agreed position can be reached. Subsequently an application under the Aboriginal Cultural Heritage Act can be lodged (what was formally a section 18 application).

#### Conclusion

Upon direction from the State Government, via the South West Development Commission the entire project is paused to enable further Aboriginal consultation to determine the projects

potential impact on the Aboriginal cultural heritage. This initial process of engagement and discussion needs to be concluded, however the process and timeframe is largely directed by the Commission and Corporation.

The submission outlined in the 31 July 2023 petition seeking further community engagement is acknowledged. Notwithstanding the fact that the day use detailed design/costings and business case has been prepared, it is recognised that Minningup Pool is highly significant from an Aboriginal cultural heritage and local community perspective.

If the outcomes of these discussions have an impact on the detailed plans prepared to date then the matter will have to be reported back to the Project Working Group and Council to determine how or if the project should proceed.

Following the above, it is recommended that the Shire further engage with the whole community around the detailed day use plans and identified tourist accommodation sites.

The decision around the Clearing Permit appeal is noted. No further applications (such as Aboriginal cultural heritage approval) or detailed work will progress until the above engagements processed have been concluded.

### 13.3 Collie Airport Masterplan - Vision

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	Matt Young – Director Development Services
<b>Accountable Manager:</b>	Matt Young – Director Development Services
<b>Legislation</b>	N/A
<b>File Number:</b>	CMG/292
<b>Appendices:</b>	Appendix 13.3.A - Vision Presentation Appendix 13.3.B – Code 2 non Instrument options
<b>Voting Requirement</b>	Simple Majority

#### Report Purpose

To seek Council direction for the future vision for the Collie Airport ahead of working up the terms of a Masterplan.

#### Officer's Recommendation

*That the Council endorses development option 2 as contained in the report as the basis for the development of the detailed masterplan for the Collie Airport.*

#### Background:

The Collie airport is located 4km east of Collie town centre, 49km east of Bunbury Airport and 82km north east of Busselton Margaret River Airport.



Council at its OCM on 8 February 2022 resolved (motion 8930):

*That Council resolves to support in principle the establishment of a private flight training school at the Collie Airport subject to the following:*

- a) *consultation with the Collie Aero Club Inc., the Department of Biodiversity Conservation and Attractions and other airport users;*

- b) *master planning for the airport being undertaken, so as to ensure that the proposal does not prejudice the future planning and potential for the airport's development; and*
- c) *A further report being presented to Council to address commercial and any other terms relevant to the proposed activities.*

The tragic demise of the sole operator means a former proposal to establish a flying school cannot longer proceed.

The Shire has achieved a \$30,000 grant through the South West Development Commission to prepare a Master Plan for the Shire's aerodrome. The grant supplemented the Shire's budget for the project via a budget amendment which was approved by Council at its 13 December 2022 OCM (motion 9107).

In 2023, the Shire engaged Aviation Projects to prepare the Collie River Airport Masterplan. The Master Plan is intended to establish the framework for future development of the aerodrome (including airside and landside areas). It will provide guidance to the Shire of Collie on the future commercialisation of the aerodrome including activation of potential aviation activities.

The development of a Master Plan will contribute to future detailed study and investment, including the preparation of a Strategic Airport Asset and Financial Management Plan.

The key project objectives are:

- Establish a strategic direction for the aerodrome
- Provide for the development of the airport site
- Provide an indication to the public the intended uses of the site
- Reduce potential conflicts between uses of the site
- Ensure that uses of the site are compatible with areas surrounding the airport.

Specific deliverables will include the identification and assessment of:

- aviation and tourism related investment opportunities, flight training facility operations opportunities and aviation related manufacturing and service opportunities
- opportunities to enhance visitation and visitor services to the region and/or firefighting surveillance base
- opportunities for electric airport design, development and manufacture and remote air surveillance monitoring operations
- potential for increased service levels to industry, tourism activity and community
- potential new industries and recreational activity opportunities
- intermodal freight viability including facility provision
- development areas, servicing requirements and arrangements for land development (land development capability and land use plan) including areas for potential new industry and industry sectors
- recommendations for land tenure rationalisation based on the dot point above
- recommendations for airport certification, regulation and management arrangements to best meet objectives for the facility.

Initial stakeholder discussions and a site inspection of the airfield were held in March 2023. The consultant also met with officers online on 18 April and the 4th May to go through findings to date including engagement and present the SWOT analysis.

Presentation of the vision for the masterplan to Councillors was made at the September 2023 Forum (refer Appendix 13.3.1 Vision Presentation) and vision options will be presented to this Council meeting.

The final masterplan is expected to be delivered by the end of December 2023.

**Statutory and Policy Implications:**

*Civil Aviation Act 1988* and associated Regulations

**Budget Implications:**

Nil

**Communications Requirements:**

Preliminary stakeholder discussions have been held with Shire officers, Collie Aero Club, DBCA, DFES, RFDS, SWDC, JTSI, Australia's South West, Bunbury Airport, Busselton Airport and a number of local Collie businesses.

**Strategic Community Plan/Corporate Business Plan Implications:**

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
<b>GOAL:</b>	2	Our Economy
<b>Objective:</b>	2.1	Economic Development
<b>Strategic Priority</b>	2.1.3	To develop a plan to commercialise the airport.

**Relevant Precedents:**

Nil

**Comment:**

The following vision is described for the airport:

*Provide an airport for the Collie community that will support aviation related emergency services operations, enable other commercial and private aviation activities including low intensity flight training, act as an air gateway to the Collie Shire for business and tourist visitors and provide for aviation related manufacturing and service opportunities.*

Development on the airport will:

1. Comply with applicable civil aviation safety regulations and standards;
2. Be on land controlled by Shire of Collie;
3. Be resilient to natural disasters and climate change;
4. Have minimal impact on the environment;
5. Meet community expectations in respect of level of service;
6. Be future proofed to respond to new opportunities and technologies that will emerge over time; and
7. Unlock broader economic development opportunities.

Understanding the regulatory framework relating to airports the consultant has identified three vision options for future development. These are based on the following short term and longer term outcomes:

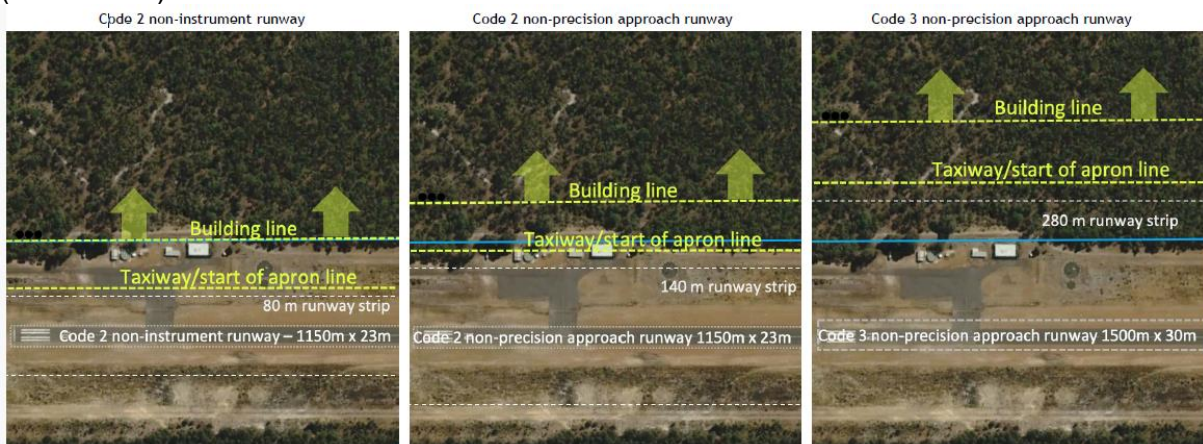
Short term

- Correct compliance issues and improve infrastructure
- Provide simple but nice passenger facility
- Entrance statement / signage and branding
- Consider provision of Mogas and/or JetA1 fuel, electric charging points

Longer term

- Identify opportunities to attract commercial businesses that can use current aeronautical facilities on land adjacent to airfield
- Secure tenure and environmental approvals over master planned expansion site to enable certification, instrument approaches and larger scale commercial development, private hangarage

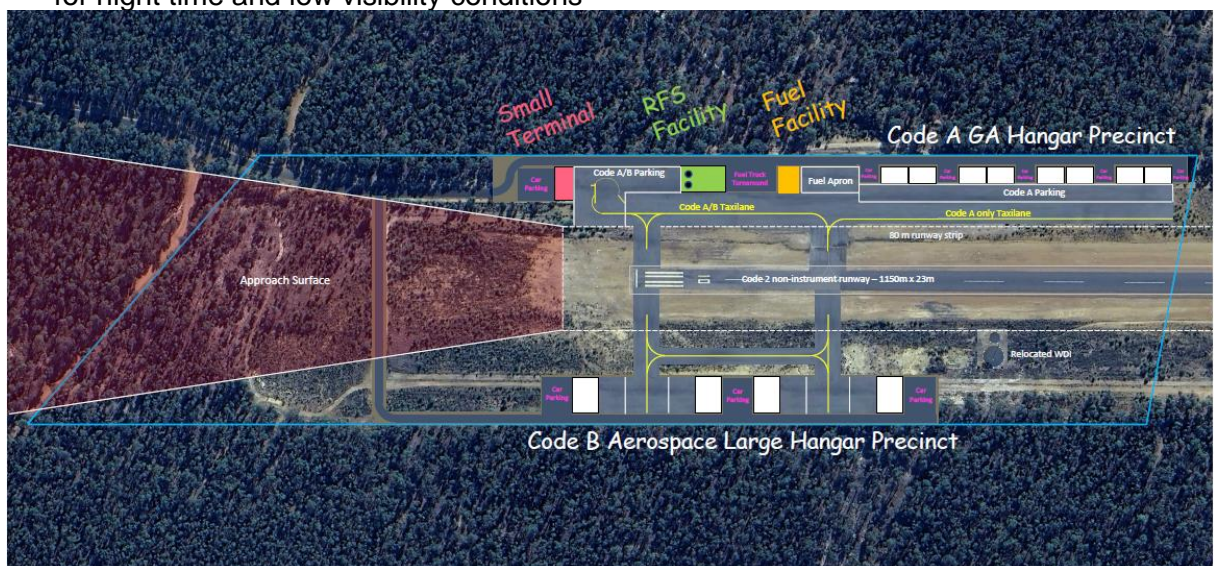
The following 3 development or vision options are presented for Council's decision. The most significant outcomes of each option is that the land take and length and width of the runway (and buffers).



Development Visions:

Option 1: Code 2B development with a Code 2 non-instrument runway (1150m x 23m)

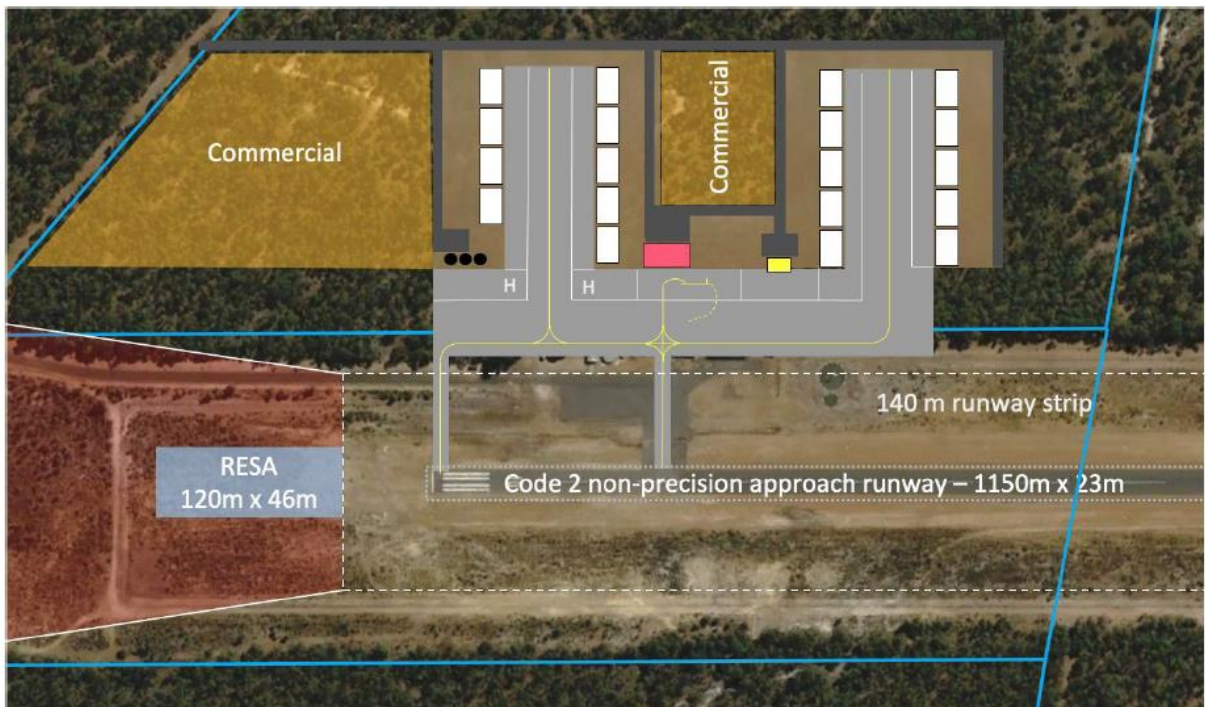
- Largest example aircraft - PC24, B350 King Air, with no instrument approach capability for night time and low visibility conditions



Option 2: Code 2B development with a Code 2 non-precision approach runway (1150m x 23m)

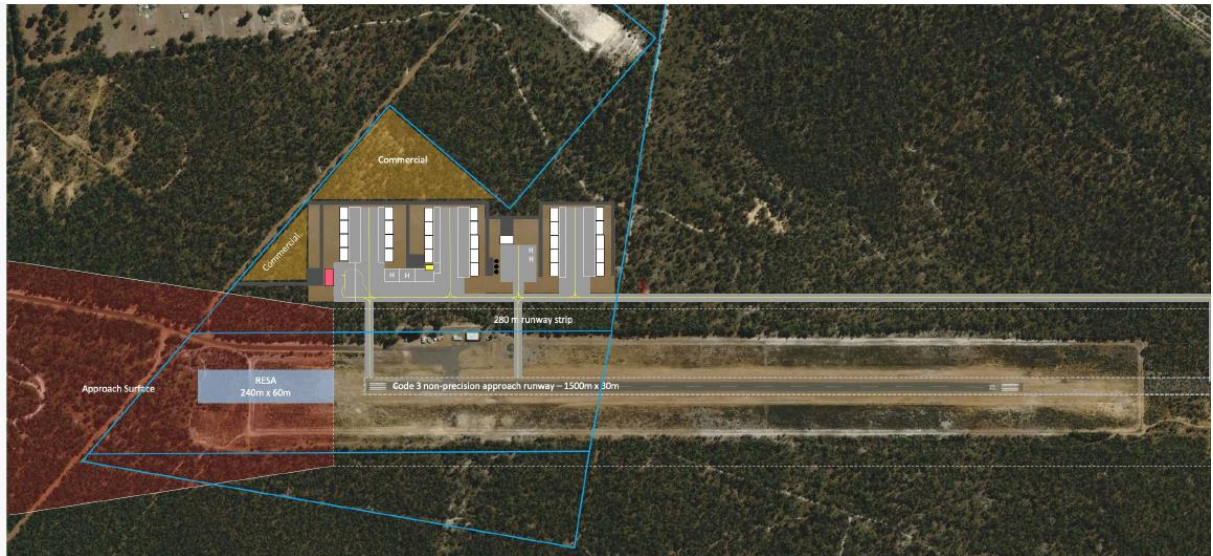
- Largest example aircraft - PC24, B350 King Air, with instrument approach capability

for night time and low visibility conditions



Option 3: Code 3C development with a Code 3 non-precision approach runway (1500m x 30m)

- Largest example aircraft - Saab 340, Dash 8 with instrument approach capability for night time and low visibility conditions



The above options are designed in detail in Appendix 13.3.1.

In terms of aircraft, Code A and B aircraft extend from single seater aircraft up to 24-30 seats. Code C aircraft are designed to carry up to 39 passengers. The consultants are of the view that a small regional airport such as Collie will not have demand for the larger Code C type aircraft based on future anticipated demands.

Option 2 is the preferred option, as it establishes the most realistic framework for airport expansion, without committing to a substantially longer and wider airport (option 3).

Widening and extending the runway (and associated safety apron) as set out in Option 3 extends the airside aspect of the airport outside of the existing reserve and eastern DBCA lease area. Progression of Option 3 would also mean that any interim development or enhancement of the airport would have to be located outside of the airport land (due to the widening required) or be designed to be redundant or relocatable.

In practical terms Option 2 provides a suitable long term framework for Collie, well beyond current or foreseeable demands, but also provides for incremental staging and expansion over time.

It is recommended that the Council set Option 2 as the basis for the detailed development of the masterplan.

Next steps for the project by the consultants Aviation Projects will involve:

1. Strategy Development - land use, facilities development, road, movement area layout, safeguarding etc.
2. Draft Master Plan.
3. Final Master Plan.

**13.4 Draft Collie River Revitalisation Strategy**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	Matt Young – Director Development Services
<b>Accountable Manager:</b>	Matt Young – Director Development Services
<b>Legislation</b>	<i>Planning and Development Act 2005</i>
<b>File Number:</b>	ENV/010
<b>Appendices:</b>	Appendix 13.4.A – Draft Collie River Revitalisation Strategy Appendix 13.4.B – Draft Collie River Revitalisation Strategy, Appendices
<b>Voting Requirement</b>	Simple Majority

**Report Purpose**

To seek Council approval to advertise the draft Collie River Revitalisation Strategy for public comment.

**Officer's Recommendation**

*That the Council adopts the draft Collie River Revitalisation Strategy for a 28 day public advertising period.*

**Background:**

In 2023, the Shire commenced a review of the Collie River Revitalisation Strategy 2018-2022. GFG Consulting were engaged to undertake the review, including:

- Update on the existing river condition
- Assess the current state and management of the river; and
- Review existing and determine any new recommendations.

**Statutory and Policy Implications:**

- *Country Areas Water Supply (CAWS) Act 1947*
- *Water Services Act 2012*
- *Aboriginal Cultural Heritage Act (Bill) 2021*
- *Environmental Protection Act 1986*

**Budget Implications:**

The Collie River Revitalisation Strategy review project will be delivered through existing budgets.

The implementation of the Strategy as outlined in the recommendations and River Maintenance Plan (contained in Appendix 1 of the Strategy) will have ongoing budget implications into the long term.

**Communications Requirements:**

Initial key agency and key community consultation occurred on 8 & 9 February 2023, together with site inspections and water monitoring.

A well-attended community workshop was held on the 18 April 2023. The outcomes of this engagement was to inform the drafting and recommendations of the draft Strategy.

The Department of Water and Environmental Regulation also has responsibilities of all of the State's waterways and has already reviewed the draft Strategy and its comments have been incorporated into the report.

The draft Collie River Revitalisation Strategy is a non-statutory document and it is up to the Council if it is to be advertised. The level of community interest in the river and its future management remains of high priority and accordingly it is recommended that the draft strategy be advertised for 28 days.

It is intended that the draft Strategy be launched at a public ceremony together with formal opening the Venn Street river stop.

**Strategic Community Plan/Corporate Business Plan Implications:**

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
<b>GOAL:</b>	3	Our Built Environment
<b>Objective:</b>	4.2	Conservation of our natural environment
<b>Strategic Priority</b>	4.2.1	To prepare, implement and review Collie River Revitalisation Strategy to improve the health and amenity of the Collie River.
	4.2.2	To obtain funding and increase community capacity to remove weeds and pests on Shire reserves.

**Relevant Precedents:**

The Shire prepared the Collie River Revitalisation Strategy 2018-2022 and the Collie River Revitalisation Plan 2008.

**Comment:**

The Collie River is a major river system in south west and the premier environmental and cultural heritage asset of Collie. The river has been impacted by a range of land-uses and significantly modified over the past 120 years. A 12km section of the river which runs through the town of Collie is the 'Study Area' for the Collie River Revitalisation Strategy. After a major flood event in 1964, an 8km stretch of the river was dredged, deepened, widened and fringing vegetation removed significantly altering that section.

Returning the river system to a pre-European state, or even to pre-dredging condition is an unrealistic aim given the competing needs of ecology, community, and industry and the limited funds available. Added to these competing needs are the overarching problems of climate change and salinity and the considerable impact each of them will have on the whole Collie River system in years to come. Despite these limitations, with strategic focus, effort, resources, and time the river can be enhanced through a consistent effort aimed at increasing public amenity, water quality, ecological diversity and recreational opportunities.

The vision for the Strategy is to develop and implement recommendations to improve the health and amenity of the river including enhancing community experience, reducing nutrient runoff, increasing biodiversity, managing weed species and improving water quality. These

recommendations benefit not only the local community but also those accessing water further downstream, whilst increasing public amenity to the river.

This draft Strategy focuses on the changes impacting the river since the 2018-2022 Strategy and any anticipated changes over the next five years and beyond. The Strategy includes the gathering and collation of information from stakeholders, community consultation and field investigations.

The draft Strategy raises a number of issues requiring attention to ensure the river is effectively managed by the various agencies entrusted with its care, including the Shire, Water Corporation, Department of Water and Environmental Regulation.

The twenty-one recommendations listed in Table 1 (refer Appendix 13.4.1) are for the Shire of Collie to take the lead however they are not all intended for the Shire to implement on its own. The Strategy will be used to advocate priorities with State and Federal agencies to ensure it can be implemented.

Recommendations have been prioritised where possible. Others have been labelled “In context with other Capital Works priorities”. This is in recognition of the Shire’s realistic capacity to implement this Strategy considering its limited resources and competing priorities. It is recommended that the Council adopt the draft Strategy for the purpose of public advertising.

Following a period of advertising, the Strategy will be brought back to Council for consideration of endorsement.

**13.4 Collie Town Centre Special Purpose Parking**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	Matt Young - Director Development Services
<b>Accountable Manager:</b>	Matt Young - Director Development Services
<b>Legislation</b>	<i>Shire of Collie Parking Local Law</i>
<b>File Number:</b>	CRL/050
<b>Appendices:</b>	Nil
<b>Voting Requirement</b>	Simple Majority

**Report Purpose:**

For Council to consider draft Collie town centre car parking brief and interim measures to address current parking issues.

*That Council resolves pursuant to the Shire of Collie Parking Local Law to:*

- 1. designate a taxi only on-street parking bay on Throssell Street in front of the vacant 101 Throssell Street;*
- 2. designate the existing loading bay opposite the Boulevard Shopping Centre as a dual taxi parking and loading bay on Forrest Street; and*
- 3. designate an Australian Standard compliant on-street disabled bay on Throssell Street opposite 123 Throssell Street.*

**Background:**

Council considered a report on a Collie Town Centre Car Parking Survey at its Ordinary Meeting on 11 October 2022 (Motion 9078) wherein it resolved:

- 1. To receive the results of the Collie town centre car parking survey;*
- 2. To instruct officers to commence work to scope out a Collie town centre car parking strategy and budget, in consultation with the Chamber of Commerce and Industry and local businesses;*
- 3. To instruct officers to address short term parking maintenance (such as re-line marking of car parking bays on Throssell Street) and car parking compliance matters as raised in Appendix 13.6.B; and*
- 4. To instruct officers to liaise with local businesses identified in detailed comments to the survey in respect to the maintenance standard of privately owned car parks.*

Council considered a report on a project brief for a Collie Town Centre Car Parking Study at its Ordinary Meeting on 11 April 2023 (Motion 9172) wherein it resolved:

- 1. To receive the draft project brief for the car parking study for the Collie town centre and Throssell Street;*
- 2. To direct officers to investigate and report back to Council on the following:*
  - a. designate a taxi only parking bay(s) on Throssell Street in front of the hotels;*

- b. *designate a taxi only parking bay on Forrest Street close to the front of the Boulevard Shopping Centre;*
  - c. *liaise with private land owners to provide taxi only parking bay(s) close to the entrances to Collie's two supermarkets;*
  - d. *to review an alternative location and Australian Standard compliant disabled bay on close to the entrance to Collie's two chemists;*
  - e. *to investigate additional timed restricted parking within the parking investigation area on Throssell Street, Forrest Street, Steere Street North, Johnston Street and Harvey Street.*
3. *That officers report back to Council on item 2. above following liaison with affected landowners, businesses and the Collie Chamber of Commerce and Industry.*

**Statutory and Policy Implications:**

Nil

**Budget Implications:**

Upon Council adoption of the preferred arrangements, actual modification works will be confirmed, costed and budget amendment facilitated if necessary.

**Communications Requirements:**

Engagements with the local taxi company have confirmed support for the taxi bay locations at Throssell and Forrest Street locations.

**Strategic Community Plan/Corporate Business Plan Implications:**

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
<b>GOAL:</b>	3	Our Built Environment
<b>Objective:</b>	3.1	Safe and well-maintained shire owned facilities and infrastructure
<b>Strategic Priority</b>	3.1.1	To increase the Shire's capability to maintain and improve facilities and infrastructure.
<b>Objective:</b>	3.2	Sound land planning and building strategies and schemes
<b>Strategic Priority</b>	3.2.3	To prepare a carparking and access strategy addressing commercial and visitor needs in the town centre.

**Comment:**

**THROSSELL STREET DISABLED BAYS**

Three options have been identified for the Throssell Street bays for improving on-street disabled parking, specifically to access to the pharmacy at 121 Throssell Street. The current provision of a bay on Mungalup Road does not meet the specified requirements for an AS/NZS 2890.6 compliant bay for the following reasons:

- Gradient of bay being greater than allowable 1:40 in any direction (1:33 for bituminous seal)
- Lack of delineated 'shared space' and bollard

**Option 1 Throssell Street Westbound**

The last westbound parallel bay adjacent to the corner of 123 Throssell Street has been identified, which will require works to the footpath to provide compliance with Australian Standards (AS/NZS 2890.6).

To meet the standard, the bay will need to be widened to a minimum of 3,200mm, into portion of the footpath (approx. 200mm). The kerbing will need to have kerb ramps installed, as per AS 1428.1. A diagram of the arrangement is shown below, taken from AS/NZS 2890.6.

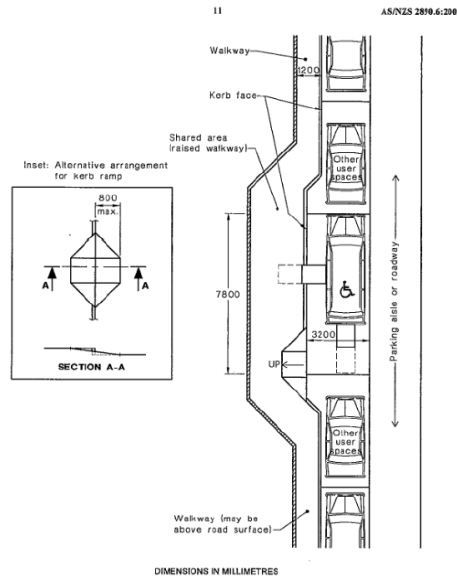


FIGURE 2.6 EXAMPLE OF A PARALLEL PARKING SPACE WITH SHARED AREA RAISED—DIMENSIONS FOR AUSTRALIA ONLY\*

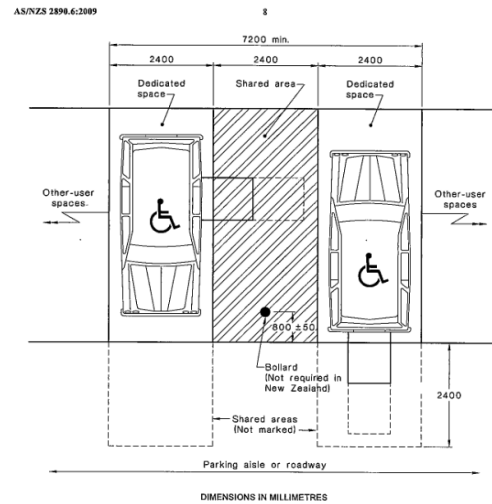


FIGURE 2.3 EXAMPLE OF TWO PARKING SPACES WITH A COMMON SHARED AREA—DIMENSIONS FOR AUSTRALIA ONLY\*

### Option 2: Throssell Street Eastbound

Alternatively, eastbound has identified the ability to increase the number of accessible bays to two, due to the ability to utilize the Shared Space for two bays. This would be beneficial for the businesses along Throssell Street, as it increases the number of bays for people to use, allowing longer use of the bays (such as for those dining). Option 2 would impact the number of generally available bays along Throssell Street, with the crossover for KFC resulting in the loss of approximately 5 bays. Additionally, the implementation of a pedestrian crossover would need to be approved by Main Roads, due to the large vehicle haulage nature of the road. The crossover would also result in the loss of a parking bay on the westbound parallel parking, and may require the installation of a small median (as already recently modified along Throssell Street).

### Option 3: Mungalup Road Bay Modification

The Mungalup Road bay can be retained, provided there is an ability to reduce the slope of the bay to a 1:33 bituminous slope. This would be possible by incorporating a levelled surface for the bay to be installed on, with a barricade provided to the north of the bay to prevent toppling from the levelled surface. A shared area will also need to be delineated. An off-ramp would need to be installed - this would need to meet AS 1428.1.

Option 1 is preferred as it represents the best solution to disabled persons and avoids having to cross Throssell Street.

### **FORREST STREET DISABLED BAYS**

Two options have been identified to bolster the number of accessible bays on Forrest Street - the addition of an angle parking bay adjacent to the crosswalk on the westbound side of the road (facing into Central Park), or by converting the last bay of the Goods Shed parking area into a gazetted accessible bay.

**Option 1: Forrest Street Westbound**

The Forrest Street west-bound bay is ideal, due to its proximity to the existing pedestrian crossing. It would result in the loss of one bay from Forrest Street. Alternatively, the location of the shared space and the accessible bay could be inverted, to allow a less formal 'parent bay' to be placed alongside it.

**Option 2: Goods Shed**

The large bay existing at the Goods Shed has previously been delineated as an ACROD bay, however this is no longer enforced. Reactivating the bay would result in no loss of bays to Forrest Street.



Option 1 is as it will provide a compliant disabled bay that provides convenient access to the shopping centre, cross walk and Central Park.

Taxi bays are required to service the hotels and chemist on Forrest Street (between Mungalup Road and Steere Street). It is proposed to designate a taxi only parking bay on Throssell Street opposite the vacant 101 Throssell Street.

It is also recommended that the existing loading bay on Forrest Street opposite the Boulevard shopping centre be dedicated also as a taxi bay, so that these itinerate users can have close and readable access to shopping and the chemist close for taxi users.

**14. TECHNICAL SERVICES REPORTS**

Nil.

**15. MOTIONS FOR WHICH PRIOR NOTICE HAS BEEN GIVEN**

Elected Members have the ability to submit notices of motion between meetings and up to a time prescribed in standing orders before a meeting.

**16. QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN**

Members have the ability to submit notices of questions between meetings and up to a time prescribed in standing orders before a meeting.

Responses to questions asked at the last Ordinary Council Meeting, for which an answer has not been provided, are listed below:

**17. URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION****18. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS****19. STATUS REPORT ON COUNCIL RESOLUTIONS**

Summary reports on the status of Council's resolutions are:

- 'Closed Since Last Meeting' at Appendix 19.1.A
- 'All Open' at Appendix 19.1.B

**20. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC****21. CLOSE**