



Shire of
Collie

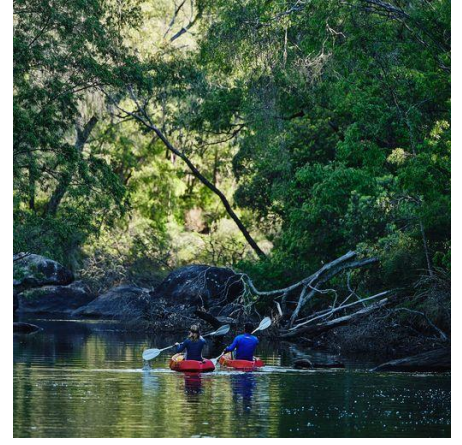
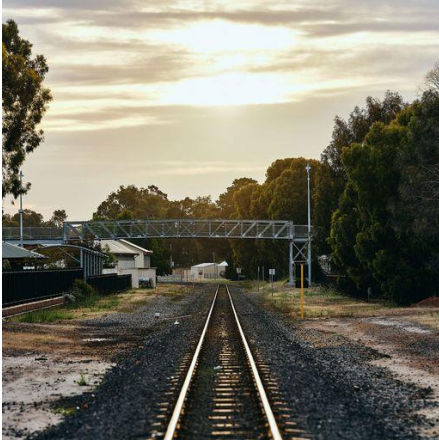
AGENDA

for the

ORDINARY MEETING OF COUNCIL

to be held on

Tuesday, 9 April 2024



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, 9 April 2024

in Council Chambers at 87 Throssell Street, Collie WA



Stuart Devenish
Chief Executive Officer

4 April 2024

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

April 2024

Councillors are reminded of the following meeting. 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 23rd April 2024

Special Meeting of Council
6.00pm in Council Chambers



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 Interest (see below)	of

* 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, 9 April 2024 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

Nil.

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 March 2024****Officer's Recommendation:**

That Council confirms the Minutes of the Ordinary Meeting of Council held on 12 March 2024.

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 Tourism & Marketing Advisory Committee Meeting – 19 March 2024****Officer Recommendation:**

That Council receive the minutes of the Tourism & Marketing Advisory Committee held on Friday, 19 March 2024.

10.2 Audit Committee Meeting – 26 March 2024**Officer and Committee Recommendation:**

That Council receive the minutes of the Audit Committee held on Tuesday, 26 March 2024 and adopt the recommendation contained within the minutes;

- *9.1 That Council, pursuant to section S7(2) (b) of the Local Government Act 1995, the revised CS3.23 Purchasing Policy, incorporating the additional information proposed relating to evaluation of procurement above \$250,000, as included as Appendix 9.1.A to this report.'*

11. CEO REPORTS

11.1 Budget Parameters for 2024/25 Financial Year	
Reporting Department:	Chief Executive Office
Reporting Officer:	Stuart Devenish – Chief executive Officer
Accountable Manager:	Stuart Devenish – Chief Executive Officer
Legislation:	<i>Local Government Act 1995</i>
File Number:	GOV/001
Appendices:	Appendix 11.1.A – 2024/25 Budget Parameters Discussion Paper Appendix 11.1.B – 2024/25 Budget Process Timeline
Voting Requirement:	Simple Majority

Report Purpose

To consider endorsing the broad parameters for the preparation of the budget for year 2024/25.

Officer's Recommendation:

That Council resolve to endorse the recommendations set out within the Discussion Paper as included at Appendix 11.1.A for the purposes of guiding draft budget preparation.

Background:

The adoption of the annual budget for the Shire is a significant decision of Council as it determines rate payment obligations, services provided to the community and works to be undertaken. It also determines the ability of the Shire to financially sustain operations on an ongoing basis.

The setting of the budget involves a balance of revenue and expenditure while ensuring adequate funds are put aside in reserve to meet future obligations.

A strategic approach to budget preparations for the coming financial year has been adopted to ensure progressive improvement to the financial health of the Shire. By setting the broad terms, detailed budget allocations can be prepared having regard for overall financial priorities and affordability.

A 2024/25 Budget Parameters – Discussion Paper has been prepared as included at Appendix 11.1.A. This has been prepared in-line with the outline endorsed by Council on 13 February 2024 and as published with the Councillor Forum agenda of 26 March 2024.

The Discussion Paper addresses the range of budget terms and includes high-level recommendations relating to 11 matters including:

1. Staff establishment
2. Elected member fees
3. Operational cost indexation

4. Discretionary spend
5. Capital budget parameters
6. Project priorities
7. Requests for consideration
8. Financial reserve purposes
9. Financial reserve contributions
10. Fees and charges indexation
11. Rate rise percentage

An important consideration is the extent of the raise that should be applied to rates for the new year. Regard is to be given to a range of factors including inflation, wage growth, grants, reserve provisioning and the overall ability to absorb increases. Taking these factors into account, the recommended rate increase is in the order of 5.5%.

Statutory and Policy Implications:

Annual budgets are prepared and adopted under the provisions of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*.

Budget Implications:

This report addresses budget preparations and associated provisions.

Communications Requirements: (Policy No. CS 1.7)

N/A

Strategic Community Plan/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	5	Our Business
Outcome:	5.1	Innovative leadership, forward planning and mutually beneficial partnerships
Strategic Priority	5.1.2	To progressively improve the Shires financial health indicators

Relevant Precedents:

The last three budgets have been guided by budget parameters that improve the financial health of the Shire while ensuring operational and capital provisioning.

Comment:

By adopting the high-level parameters for the coming budget, direction is given to the administration to prepare detailed budget proposals that align with agreed terms. Endorsement of the recommendations set out in the paper is recommended.

The next steps for budget preparation are set out in the process timeline as previously endorsed by Council and included at Appendix 11.1.B.

11.2 Corporate Business Plan – Quarterly Progress Report

Reporting Department:	Chief Executive Office
Reporting Officer:	Stuart Devenish – Chief executive Officer
Accountable Manager:	Stuart Devenish – Chief Executive Officer
Legislation:	<i>Local Government Act 1995</i>
File Number:	GOV/001
Appendices:	Appendix 11.2.A – Corporate Business Plan Quarterly Progress Report – January to March 2024
Voting Requirement:	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 11.2.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:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	5	Our Business
Outcome:	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 for the period January to March this year. Overall, the report shows positive progress of actions with 5 additional tasks recorded as on track or complete compared to the previous reporting period. Three items are listed as behind target or at risk, with 6 pending and 3 marked as critical and 2 as deferred or not proceeding.

The quarterly progress report is recommended for noting.

11.3 Strategic Community Plan - Corporate Business Plan – Annual Review

Reporting Department:	Chief Executive Office
Reporting Officer:	Stuart Devenish – Chief executive Officer
Accountable Manager:	Stuart Devenish – Chief Executive Officer
Legislation:	<i>Local Government Act 1995</i>
File Number:	GOV/001
Appendices:	Nil
Voting Requirement:	Absolute Majority

Report Purpose

To consider modifying the strategic priorities and associated actions for the Strategic Community and Corporate Business Plans respectively.

Officer’s Recommendation:

That Council:

1. *Resolve by Absolute Majority, pursuant to regulation 19C (7) of the Local Government (Administration) Regulations 1998 to modify the Shire of Collie Strategic Community Plan 2022 in accordance with the recommendations within table 1 of report 11.3; and*
2. *Resolve pursuant to regulation 19DA (5) of the Local Government (Administration) Regulations 1998 to modify Corporate Business Plan 2022/23 – 2026/27 in accordance with the recommendations within tables 2 and 3 of report 11.3.*

Background:

In December 2022, Council adopted a new Strategic Community Plan. This followed a program of community engagement and plan preparation activities including:

- Councillor workshop
- Staff workshop
- Community workshop
- Targeted interview
- Community surveys (hard copy and on-line)
- Staff workshop – preliminary drafting of plan priorities
- Councillor workshop – consideration of plan priorities
- Community leaders workshop
- Councillor review of draft plan

A Corporate Business Plan was subsequently adopted by Council in March 2023 for the purposes of setting out the various actions that will give effect to the Strategic Community Plan. The two documents are structured to provide:

Strategic Community Plan;	5 Themes
	9 Objectives
	28 Strategic Priorities
Corporate Business Plan;	56 Action

It was previously agreed that a high-level review would be undertaken annually to ensure directions remain appropriate. To this end, a review has been undertaken as addressed in this report.

Review of Strategic Priorities

Each of the 5 themes and the 9 objectives of the Strategic Community Plan that have been established through community engagement processes, remain relevant and are not recommended for change. Recommendations however are proposed for some of the 28 strategic priorities and 56 associated actions to reflect work completed and changes in priority. These are discussed in table 1.

Table 1: Strategic Community Plan – Strategic Priority Review

Number	Current Adopted Priority	Comment and Recommendation
Our Community – Community health, safety and wellbeing		
1.1.2	To improve our emergency management planning in terms of prevention, preparedness, response and recovery capabilities.	A comprehensive update of the emergency management arrangements for the Shire have now been completed. It is recommended the priority now be replaced with a new matter, namely: <i>To expand and upgrade the play facilities and amenities at Soldiers Park to provide a signature attraction with access for all abilities.</i>
Our Economy – Economic development, tourism promotion and attractions		
2.1.3	To develop a plan to commercialise the airport.	As a Master Plan for the airport is now complete, it is recommended the priority address arrangements to implement the terms of the plan, with wording now to read: <i>To prepare the Collie airstrip site for investment by the aviation industry.</i>
2.2.2	To be registered as a Trail Town to promote Collie as a recognisable destination for adventure trails.	Significant progress has been made in developing trails in and around Collie. An appropriate priority would see this investment optimized to the benefit of the community. An alternate priority wording is proposed: <i>To optimise the value to the community of the various investments in trail installations.</i>
Our Built Environment – Safe and well-maintained shire owned facilities and infrastructure		
3.1.3	To advocate for the development of the Williams Road Bushfire Brigade facilities.	The Williams Road Bushfire Brigade has elected to dissolve and active members from this brigade are supporting other local brigades. This circumstance was brought about through an inability over multiple years to attract funding for an additional facility.

		<p>It is recommended this priority be removed from the Strategic Community Plan.</p> <p>It is noted that support for volunteer fire fighters remains a priority and will continue to be serviced through the Community Emergency Services Manager.</p>
Our Natural Environment – Conservation of our natural environment		
4.2.1	To prepare, implement and review Collie River Revitalisation Strategy to improve the health and amenity of the Collie River.	<p>With the recent receipt of the river revitalization strategy, the priority shifts to implementation measures. To this end, it is proposed to reword the priority as follows:</p> <p><i>To facilitate measures to optimize the quality and amenity of the river and its surrounding environment.</i></p>
4.2.3	To pursue funding to implement the Minningup Pool Day Use Master Plan.	<p>The Minningup Pool locality involves complex considerations that have been progressively addressed over a period exceeding 5-years. This timeframe has given the impression that the planning work has not engaged the community adequately. The considerable concerns raised by some members of the community prevents plan progression to implementation. It is therefore inappropriate to pursue implementation funding.</p> <p>Work undertaken to date has been overseen and funded by the State. Any progress will require substantial re-work, necessitating further funding and continued commitment. It is proposed this project be removed from priority at this time.</p>

Review of Corporate Business Plan Actions

A review of all actions set out in the Corporate Business Plan has been undertaken. Each action is appropriate and continues to be suitable, except for the 14 items set out in table 2 below.

Table 2: Corporate Business Plan – Actions Review

Number	Current Adopted Action	Comment and Recommendation
Our Community		
1.1.2.1	Undertake a review of the Local Emergency Management Arrangements	The review of the emergency management arrangements has been undertaken with Council endorsing new arrangements. The action can be removed.
1.1.2.2	Ongoing coordination with emergency response agencies	Ongoing coordination is a matter that is suitably actioned as an ongoing operational matter. In view of the new emergency arrangements, the action does not require retention in the plan.
1.2.3.1	Prepare and refer to Council for adoption, a Corporate Communications Plan	A communications plan has been adopted by Council and the action can now be removed.
Our Economy		
2.1.3.1	Prepare the Collie Airfield Masterplan Proposed new priority: <i>To prepare the Collie airstrip site for investment by the aviation industry</i>	The plan has been adopted by Council. A revised ongoing action to address the modified priority is proposed to read: <i>Progressively implement the terms of the master plan to enable new industry investment.</i>
2.2.2.1	Achieve registration of Collie as a Trail Town Proposed new priority: <i>To optimise the value to the community of the various investments in trail installations.</i>	As substantial progress has been made to achieve registration, focus can shift to actions that will derive benefit from the investment. A revised ongoing action is proposed to read: <i>Optimise awareness of trail opportunities and their attraction to the community and visitors through all marketing avenues.</i>
Our Built Environment		
3.1.2.2	Forecast expenditure requirements for renewal works	While this action was identified for 2023, it is recommended it continue throughout the duration of the plan.
3.1.3.1	Apply for DFES funding for the Williams Rd Bushfire Brigade centre and associated fire trucks	The action is proposed to be removed in line with the removal of the strategic priority referred to in table 1.

3.1.3.2	Once funded, build the new Williams Rd centre	The action is proposed to be removed in line with the removal of the strategic priority referred to in table 1.
Our Natural Environment		
4.2.1.1	Finalise review of the Collie River Revitalisation Strategy	As the river revitalisation plan has now been received by Council, this action is fulfilled and can be removed.
4.2.1.2	Implement the strategy review recommendations Proposed new priority: <i>To facilitate measures to optimize the quality and amenity of the river and its surrounding environment.</i>	A revised ongoing action is proposed to read: <i>Progressively implement the recommendations of the river strategy on advice of the Townscape and Advisory Committee.</i>
4.2.3.1	Complete all statutory approvals to implement the Minningup Pool Day Use Master Plan	The action is proposed to be removed in line with the removal of the strategic priority referred to in table 1.
4.2.3.2	Seek State and Federal Government and other funding for the Minningup Pool Day Use Master Plan	The action is proposed to be removed in line with the removal of the strategic priority referred to in table 1.
4.2.3.3	Formalise head lease and sub lease arrangements for commercially operated tourism accommodation providers	The action is proposed to be removed in line with the removal of the strategic priority referred to in table 1.
Our Organisation		
5.1.3.1	Prepare a reporting template for publishing progress of this plan	A reporting template has been utilized for quarterly reports since adoption of the plan. The action can be removed.

Taking account of a new priority proposed in relation to the theme 'Our Community', a new action is required as described in table 3.

Table 3: Corporate Business Plan – New Action

Number	Proposed New Priority	Comment and Recommendation
Our Community		
1.1.2.2	Table 1 recommends the removal of the existing strategic priority 1.1.2.1. It is proposed to replace with the following: <i>Provide a signature attraction with access for all abilities at Soldiers Park.</i>	A new action to give effect to the proposed priority is proposed to read and apply for 2024 and 2025: <i>Develop plans and achieve grant funding for a major inclusive expanded and upgraded play facility at Soldiers Park.</i>

Statutory and Policy Implications:

The Strategic Community and Corporate Business Plans are prepared and adopted under the terms of the *Local Government (Administration) Regulations 1996*. The Regulations provide for modifications to be made to each plan.

Budget Implications:

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

Communications Requirements: (Policy No. CS 1.7)

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

Strategic Community Plan/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	5	Our Business
Outcome:	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. A report on progress against these plans has been provided each quarter since adoption.

Comment:

The review of the plans has identified opportunities to update priorities and reset actions to reflect changes that have occurred over the first year of operation and tasks that have been finalised. It is recommended that the Strategic Community Plan and Corporate Business Plan be formally modified accordingly.

11.4 Proposed Terms of Reference – Townscape and Environment Committee

Reporting Department:	Chief Executive Office
Reporting Officer:	Stuart Devenish – Chief executive Officer
Accountable Manager:	Stuart Devenish – Chief Executive Officer
Legislation:	<i>Local Government Act 1995</i>
File Number:	GOV/001
Appendices:	Appendix 11.4.A – Proposed Terms of Reference – Townscape and Environment Committee
Voting Requirement:	Absolute Majority

Report Purpose

To consider adoption of terms of reference for an advisory committee to Council addressing townscape and environment related matters.

Officer’s Recommendation:

That Council resolve:

1. Pursuant to section 5.8 of the Local Government Act 1995, to adopt a Terms of Reference for the Townscape and Environment Committee as included at Appendix 11.4.A; and
2. Invite nominations from the community for membership to the Townscape and Environment Committee, with a further report to Council to determine representatives to be appointed as members to the Committee.

Background:

Prior to the last ordinary election in October 2023, Council had established a number of committees including:

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

At its meeting on 10 October 2023, Council resolved to formulate a Townscape and Environmental Committee, enabling a committee to address matters relevant to these themes. Further to this, Council resolved at its Special Meeting on 24 October 2023 formally resolved to establish a Townscape and Environmental Committee and to appoint Councillors and other members in accordance with a Terms of Reference once approved by Council. The Councillors nominated for membership at the Special Meeting are:

- Cr Scoffern
- Cr Harverson
- Cr Smith
- Cr Hill-Power

A draft terms of reference has now been prepared and distributed to the Councillors nominated for membership who have subsequently had input to the proposed terms now contained at Appendix 11.4.A.

Statutory and Policy Implications:

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

Budget Implications:

Costs associated with administering the Committee are absorbed within operational budget provisions..

Communications Requirements: (Policy No. CS 1.7)

Public notices will be published calling for nominations for Committee membership.

Strategic Community Plan/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	5	Our Organisation
Objective:	5.1	Innovative leadership, forward planning and mutually beneficial partnerships

Relevant Precedents:

Council elects, from time to time, to create Committees to provide advice and recommendations on particular subjects.

Comment:

The Terms of Reference contained at Appendix 11.4.A set out aims of the Committee in relation to townscape matters, and in relation to environmental matters, including river revitalisation initiatives. Suitable arrangements are set out for procedures to be observed by the Committee. Noting that there is no delegation of authority to the Committee and that recommendations would come forward to Council to consider, the establishment of the Committee under the proposed Terms of Reference are recommended.

With adoption of the Terms of Reference, arrangements can be made to call for nominations from the community for membership.

12. CORPORATE SERVICES REPORTS

12.1 Accounts Paid – March 2024	
Reporting Department:	Corporate Services
Reporting Officer:	Hasreen Mandry – Finance Manager
Accountable Manager:	Nicole Wasmann – Director Corporate Services
Legislation:	<i>Local Government Act 1995 & Financial Management Regulations 1996</i>
File Number:	FIN/024
Appendices:	Appendix 12.1.A – Accounts Paid – March 2024
Voting Requirement	Simple Majority

Report Purpose

To present the accounts paid during the month of March 2024.

Officer's Recommendation:

That Council accepts the Accounts as presented in Appendix 12.2.A being cheques totalling \$472.40 and direct payments totalling \$1,570,441.07 authorised and paid in March 2024.

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	1,641,860.74
August	155.02	1,122,377.12	1,122,532.14
September	1,086.36	800,154.20	801,240.56
October	234.95	924,946.44	925,181.39
November	881.65	1,788,936.83	1,789,818.48
December	726.18	1,378,214.66	1,378,940.84
January	246.25	1,077,387.18	1,077,633.43
February	291.40	1,361,552.69	1,361,844.09
March	472.40	1,570,441.07	1,570,913.47

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 – February 2024

Reporting Department:	Corporate Services
Reporting Officer:	Hasreen Mandry – Finance Manager
Accountable Manager:	Nicole Wasmann – Director Corporate Services
Legislation:	<i>Local Government Act 1995 & Financial Management Regulations 1996</i>
File Number:	FIN/024
Appendices:	Appendix 12.2.A – Financial Report – February 2024
Voting Requirement	Simple Majority

Report Purpose

To provide a summary of the financial position for the Shire of Collie for the month ending February 2024.

Officer’s Recommendation:

That Council resolve to accept the Financial Management Report for February 2024 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 Feast At The Quarry 2024	
Reporting Department:	Corporate Services
Reporting Officer:	Nicole Wasmann – Director Corporate Services
Accountable Manager:	Nicole Wasmann – Director Corporate Services
Legislation:	Nil
File Number:	EDV/008
Appendices:	Appendix 12.3.A Feast at the Quarry Post Event Report
Voting Requirement	Simple Majority

Report Purpose

For Council to consider whether the Shire should proceed with the delivery of Feast at the Quarry in 2024.

Officer's Recommendations:

That Council resolve to not proceed with the Feast at the Quarry events in 2024.

Background:

During 2022 and early 2023, a series of events were held to celebrate Collie's rich and diverse history under the banner of "Kaya Collie" which coincided with Collie's 125th anniversary since gazetted as a town. The program was delivered as part of the Collie Just Transition with the support of the State Government, Shire of Collie, and local industry.

One of the premier events was the Gala Dinner held within the walls of the historic Wellington Dam Quarry in October 2022. Given the success of the Gala Dinner, it was identified that an event of this style had the potential to become a signature event for Collie. The Shire was invited to submit an application to the South West Development Commission (SWDC) Collie Futures Small Grant Program for funding for further events to be held during 2023 and 2024. The intent was that the event would eventually become a well-known event delivered in its own right with financial support from alternative sources, such as Tourism Western Australia's Regional Event Scheme.

In 2023, Feast at the Quarry was held over the weekend of 14 and 15 October with Collie raised guest chef Scott Hollsworth. A fine dining experience, including a formal sit down four course dinner and live entertainment, was held on the Saturday evening and a stand up cocktail lunch with entertainment was provided on the Sunday. The number of dinner tickets sold was 173 at \$230 per ticket and the number of lunch tickets sold was 78 at \$150 for a ticket including alcohol and \$100 for a skippers ticket. A small booking fee was additional to the ticket prices. Some complimentary tickets were provided with sponsorship.

The SWDC has supplied an event manager for the 2022, 2023 and 2024 events. The Shire's role has included liaison with project reference group, financial management, seeking sponsorship, design and marketing, social media and public relations, email communication with ticket holders before and after the events, and overall responsibility of the event.

Significant support has also been provided from the Department of Premier and Cabinet's Collie Delivery Unit (CDU), and SWDC.

Statutory and Policy Implications:

There are no statutory or policy implications.

Budget Implications:

The Shire received funding of \$100,000 from the SWDC to deliver events in 2023 and 2024. Following the 2023 events, approximately \$39,000 of the funding received remains available for the 2024 event.

After taking account of ticket sales, the total funding and sponsorship required to deliver the 2022 event was \$62,000 and for the 2023 events \$92,000.

The initial conservative budget for delivery of one evening cocktail style event in 2024 utilising the remaining grant funding and without any sponsorship, identifies a loss of \$15,000, excluding staff resources and event management. The budget includes a contingency of \$8,000 and proposes the sale of 200 tickets at \$275 per ticket (inc GST plus booking fee). The Shire would be required to meet any funding shortfall.

Communications Requirements: (Policy No. CS 1.7)

Staff have liaised with the event coordinator and representatives from the SWDC and CDU in reviewing options for the delivery of an event in 2024.

The working group supports not proceeding with Feast at the Quarry in 2024 on consideration of the options.

Strategic Community Plan/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	2	Our Economy
Outcome	2.1	Economic Development
Strategic Priority:	2.1.1	Support the State Government Collie's Just Transition initiatives to achieve economic diversification and sustainability.

Relevant Precedents:

Events have been held at the Quarry in 2022 and 2023.

Comment:

The events have demonstrated what can be achieved at the Wellington Dam Quarry, highlighting the site as a venue for events. In 2023, Feast at the Quarry partnered with Telethon, further showcasing Collie to Western Australia.

The events have however required a significant amount of resources to deliver. Whilst an event coordinator has been provided by the SWDC, the events have been reliant on Shire staff resources and support from the CDU. The Shire has been fortunate to have had the support of a Tourism and Marketing Coordinator, funded by South32, to assist with coordination during 2023, however with the primary role of the two year tourism position is to deliver on the Shire's

Tourism Strategy and the Shire cannot be as reliant on the level of support provided in 2023 during 2024 and beyond.

The Quarry venue is spectacular and has created a wonderful atmosphere for the events, however the lack of infrastructure, such as power, water and toilets at the site, increases costs with equipment having to be hired and transported to the site and security and traffic management provided.

A number of options have been considered during planning for Feast at the Quarry in 2024 including whether to hold one or two events, the style of events, partnering with a corporate business to hold events on the same weekend, financial risk to the Shire, the ability of the Shire to resource the event, the likelihood of further sponsorship, and ticket prices and the ability to sell sufficient tickets in the current financial environment.

If the events were to continue post 2024, further grant applications would be required to source funding.

The Quarry events have been well received by those who attended and have brought Collie to the attention of a broader tourism market. They have also demonstrated the opportunity to hold a high-class event and provided learnings for potential events in the future. Notwithstanding the benefits, a number of factors prevent continuation of the event this year including the limited grant funding, unavailability of staff resources, and the need for the Shire to fund cost over runs. In the circumstances it is recommended that the event not proceed in 2024. Should Council support the recommendation not to proceed, the CEO will write to the Minister advising that the funds will not be utilised.

13. DEVELOPMENT SERVICES REPORTS

13.1 Application for Development Approval - Workforce Accommodation and Tourist Development - Lot 8 Collie-William Road, Palmer	
Reporting Department:	Development Services
Reporting Officer:	Isabel Fry – Manager Planning and Development
Accountable Manager:	Matt Young – Director Development Services
Legislation	<i>Planning and Development Act 2005</i>
File Number:	A5877
Appendices:	Appendix 13.1.A Development Application Report Appendix 13.1.B Site Plan Appendix 13.1.C Responsible Authority Report Appendix 13.1.D Summary of Submissions
Voting Requirement	Simple Majority

Report Purpose

For Council to consider an application for development approval for Workforce Accommodation and Tourist Development (Collie Hills Village Expansion) at Lot 8 Collie-Williams Road, Palmer and endorse the Responsible Authority Report prepared for the Development Assessment Panel.

Officer's Recommendation:

That Council, in relation to an application for development approval for Workforce Accommodation and Tourist Development at Lot 8 Collie-Williams Road, Palmer:

- 1. Note the submissions received during the referral period; and*
- 2. Endorse the Responsible Authority Report prepared for the Development Assessment Panel, with a recommendation for approval, subject to conditions.*

Background:

This application will be determined by the Development Assessment Panel (DAP), the purpose of this report is for Council to endorse the Responsible Authority Report (RAR) to be provided to the DAP as the Shire's assessment of the proposal in accordance with the relevant planning framework.

The subject site is owned by Mauree and Rosemarie Rees and the application has been lodged by Geoff Stowe, on behalf of Numans Accommodation Villages Pty Ltd.

The development site is located 6km north east of the Collie Townsite and is accessed by Collie-Williams Road, which is a Main Roads WA (MRWA) controlled road. The development site is also less than 5km from the future Coolangatta Industrial Estate (location of approved Synergy BESS Stage 1 and lodged Green Steel WA Steel Mill), Bluewaters and Collie Power Stations and the Westrac Autonomous Training Centre. Guests accommodated at the development site can travel to the Collie townsite for retail purchases and visit local hospitality

venues, while also being in close proximity to these major development sites, but sufficiently far away to not be impacted by industrial activities in the area.

The total lot area is approximately 80ha; whereas the portion of the site the subject of this application is approximately 15ha. The site slopes down from the north-east corner towards the dam and creek line in the centre of the development site. There are pockets of native vegetation on the site, which will mostly remain undisturbed, with the exception of the facilitation of the new access as required by MRWA.

The proposed development (refer Appendix 13.1.A and 13.1.B) is an expansion of the existing Collie Hills Accommodation Village which has been operational since 2007, primarily providing workforce accommodation, however more recently this has also included tourist accommodation.

The proposed expansion of the site consists of the following works:

- 58x 2 storey units of 8 rooms each (total of 464 rooms);
- 4x 2 storey units, each with two rooms for people with disabilities on lower level and four rooms on upper level (total of 24 rooms);
- 1x crib room for guests to prepare their takeaway meals;
- 1 x recreational room;
- 2x laundry;
- 2x store rooms;
- Enlargement of the existing dining room;
- Establishment of outdoor alfresco area “sports bar” adjacent to existing recreational room;
- Installation of a lap pool and associated deck area;
- Relocation of existing ice room, ablution block and disabled room;
- 118 additional car parking bays;
- Roadworks, pathways and in-ground services; and
- Expansion and relocation of waste water treatment plant.

The application is for the consideration of two land uses, being Workforce Accommodation and Tourist Development, as defined below pursuant to the Shire’s Local Planning Scheme No.6,

Workforce Accommodation: “Means a premises, which may include modular or relocatable buildings, used -

- a. Primarily for the accommodation of workers engaged in construction, resource, agricultural industries on a temporary basis; and*
- b. For any associated catering, sporting and recreation facilities for occupants and authorised visitors.”*

Tourist Development: “Means a building or group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide -

- a. Short-term accommodation for guests; and*
- b. On-site facilities for the use of guests; and*
- c. Facilities for the management of the development.”*

The proposed expansion is consistent with both the definitions of Tourist Development and Workforce Accommodation, where they each relate to each component of the business. Both uses are an 'A' use in the Rural zone under LPS6 and consistent with the Scheme, the proposal was publicly advertised in accordance with clause 64 of the Deemed Provisions.

The applicant states that the proposal is a response to a rapid increase in demand for short term accommodation in Collie over the coming years, to cater for new projects associated with Collie's transition away from coal as State owned coal fired power stations are set to be closed within the decade. The proposal will support the transition by providing accommodation for construction and operational workforces for key projects, such as the Neoen and Synergy BESS developments, South 32 Worsley's mud washing energy efficiency project, Green Steel WA's proposed steel recycling mill, Water Corporations water upgrade for the Collie townsite and Magnium's Collie Pilot Plant, as well other future projects still being finalised.

Collie Hills Village has received numerous enquiries for large scale bookings for extended periods, well in excess of the current capacity of the facility and availability in Collie as a whole. The proposed development will also assist in accommodating for the current shortfall in accommodation generally in Collie and the surrounding region.

The Village is proposed to continue to be used predominantly for workforce accommodation, as the number of tourist bookings will vary depending on the time of year and functions and events in the area. Larger booking numbers by tourists are usually on weekends, where the workforce accommodation bookings are reduced. The existing number of tourism bookings would be maintained going forward.

The existing Village has the required base infrastructure and land availability to be able to support and accommodate the new development, as well as an existing management structure and systems for the operation of the expanded village.

The total development cost for the expansion is \$19,433,500.

Statutory and Policy Implications:

Legislation

- *Planning and Development Act 2005 (P&D Act);*
- *Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations);*
- *Planning and Development (Development Assessment Panels) Regulations 2011(DAP Regulations);*
- *Shire of Collie Local Planning Scheme No.6 (LPS6)*
- *Environmental Protection Act 1986, WA (EP Act)*
- *Environmental Protection (Noise) Regulations 1997*
- *Environmental Protection and Biodiversity Conservation Act 1999*
- *Aboriginal Heritage Act 1972*
- *Rights in Water and Irrigation Act 1914*
- *Water Services Act 2012, WA*

State Government Policies

- State Planning Policy 2.0 Environment and Natural Resources
- State Planning Policy 2.5 Rural Planning
- State Planning Policy 2.9 Water Resources
- State Planning Policy 3.7 Planning in Bushfire Prone Areas
- State Planning Policy 5.4 Road and Rail Noise
- Guidance Statement 33 Environmental Guidance for Planning and Development

- Bunbury Geographe Sub-regional Strategy
- Collie Just Transition Plan
- Government Sewerage Policy 2019

Local Policies

- Shire of Collie Local Planning Strategy (2020)
- Shire of Collie Strategic Community Plan (2022)
- Shire of Collie Local Planning Policy 1.1 Stormwater Discharge from Building Sites (2017)

Budget Implications:

Nil.

Communications Requirements:

The proposal was advertised to the public in the following ways:

- To landowners within a 1.5km radius of the site, from 12 December 2023 to 19 January 2024 (5 properties)
- Shire of Collie website
- Shire of Collie Facebook Page (2x posts)
- Local newspaper (2x advertisements)

A total of 2 submissions were received during the advertising period and one after the closing date. There was one support, one objection and one providing comments. The full summary of submissions can be found at Appendix 13.1.D.

The proposal was referred to the following agencies/ service authorities for comment:

- Department of Water and Environmental Regulation (DWER)
- Department of Fire and Emergency Services (DFES)
- Department of Biodiversity, Conservation and Attractions (DBCA)
- Main Road WA (MRWA)
- Water Corporation
- Department of Planning, Lands and Heritage - Aboriginal Heritage (DPLH)
- Department of Energy, Mines, Industry Regulation and Safety (DEMIRS)

The full submissions from these agencies and authorities has been summarised in Appendix 13.1.D.

Their referral responses from MRWA, DFES and DWER resulted in amendments to the plans and supporting documentation, commentary surrounding this is provided in the Planning Assessment section of the Responsible Authority Report (Appendix 13.1.C).

Strategic Community Plan/Corporate Business Plan Implications:

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

Comment:

A full planning assessment of the application is contained within the Responsible Authority Report at Appendix 13.1.C. General commentary surrounding the assessment of the proposal

pursuant to the Shire's planning framework and the broader Collie's Just Transition Plan is provided below.

Local Planning Scheme No.6

The proposal is an expansion of an existing, approved development. The development site covers 15ha of a 80ha property, with the balance of the land used for agricultural purposes. The development site is surrounded by State forest to the north and north west, rural land to the west and east and State owned land to the north and east. The proposed expansion will not impact on the ongoing use of these surrounding properties.

The proposal has been designed to minimise clearing of native vegetation on the site and has avoided modifications or impacts to the creek line and dam, which is also an Aboriginal Heritage Site (Place ID 16713).

The proposal has a demonstrated benefit in providing much needed workforce accommodation for current and upcoming major projects in the area and is conveniently located in close proximity to the Coolangatta Industrial Estate and the Collie townsite. The existing site has existed harmoniously within the rural setting at the current location and has not impacted on the use of the land for rural/agricultural purposes.

The need for the accommodation is acknowledged by the Shire and was also reflected in the submission made by JTSI, as a key agency in facilitating development of the Coolangatta Industrial Estate and Just Transition initiatives in Collie. The proposal has been considered as part of a broader strategy for accommodation in Collie and will support economic development in Collie.

The expansion of an existing site that has been managed without major issues or disruptions is supported by the Shire. It has also allowed for reduced clearing of native vegetation and relates to rural land already being used for non-rural purposes. The proposal will not impact on the surrounding rural and State forest functions and is located to be adequately separated from the Coolangatta Industrial Area.

The expansion will allow for improved outcomes relating to landscaping and the interface between the facility and the road.

The facility design is consistent with that already on the site, with the exception of the addition of 2 storey units. This allows for increased density of rooms with reduced land take required, which is a preferred approach to reduce impacts on the wider site area.

Local Planning Strategy

The Local Planning Strategy stipulates that the zoning of Rural land allows for incidental uses such as events, tourist accommodation or cafes which lead to increased economic diversity whilst protecting land for agricultural pursuits. These land uses should be encouraged, but not to the detriment of future agriculture. The proposal is consistent with the Strategy, in that the expansion will not detriment future agriculture.

Collie's Just Transition Plan

The proposal will provide accommodation support for projects related to Collie's Just Transition Plan. The provision of accommodation, primarily for workers but also for tourism, supports in the implementation of various new projects and there is a demonstrated shortage of accommodation available in Collie and the wider south-west.

Conclusion:

The RAR recommends the application be approved, subject to conditions. It is recommended that Council endorse the RAR to be provided to the DAP.

The proposal is a significant expansion to the existing facilities on site, however the style of development is consistent with what is existing. The proposed uses are consistent with the definitions of Workforce Accommodation and Tourist Development under LPS6, which are both uses that can be approved in the Rural zone.

Discretion is required to be applied in relation to standard setbacks and carparking requirements which have both been reduced as part of this proposal. Additionally, there are some detailed design components and future approvals by other agencies that will need to be navigated by the applicant. It is not anticipated that these issues will be insurmountable and cannot be addressed through conditions of approval and appropriate staging of construction.

Discretion is also required to be applied in relation to DFES comments, where they have objected to the proposal on the basis of the location being in an extreme bushfire risk location and resulting in a significant intensification of people on the site. It is recommended that amendments be made to the Bushfire Management Plan and Bushfire Emergency Evacuation Plan to address comments made and reduce the risk where practicable, through conditions of approval.

The provision of accommodation for workers in the immediate area is essential for the success and implementation of a number of significant projects that are part of Collie's Just Transition Plan for the economic diversification in Collie. It is the position of the Shire that the development can be managed so as to not have significant on and off-site impacts and it is recommended that approval be granted, subject to conditions.

13.2 Designated Non-Smoking Areas in the Shire of Collie	
Reporting Department:	Development Services
Reporting Officer:	Mikaela Kerwin – Strategic Planner
Accountable Manager:	Matt Young – Director Development Services
Legislation	<i>Tobacco Products Control Act 2006</i>
File Number:	ENV/010
Appendices:	Appendix 13.2.A - Smoke Free Areas Local Law Provisions Appendix 13.2.B - Table of Submissions Appendix 13.2.C - Smoke Free Areas – Education and Enforcement Policy
Voting Requirement	Special Majority

Report Purpose

For Council to consider submissions and incorporate non-smoking provisions into the Shire of Collie's *Activities in Thoroughfares and Public Places and Trading Local Law 2012*.

Officer's Recommendation:

That the Council:

1. Pursuant to section 3.12(4) of the Local Government Act,
 - a. considers submissions as contained in Appendix 13.2.B; and
 - b. adopts the non-smoking provisions in the Shire of Collie's *Activities in Thoroughfares and Public Places and Trading Local Law 2012* as contained in Appendix 13.2.A;
2. Authorise officers to investigate specific areas for application of the non-smoking provisions in the Shire of Collie's *Activities in Thoroughfares and Public Places and Trading Local Law 2012* and report back to Council, including the finalisation of a *Smoke Free Areas – Education and Enforcement Policy* generally in line with Appendix 13.2.C.

Background:

On 13 December 2022 Council resolved (Motion 9113) as follows:

That the CEO investigate options available to Council to designate areas within Collie as smoke free areas and report back to Council accordingly.

On 14 February 2023 Council resolved (Motion 9131) as follows:

1. *Instruct the CEO to prepare a draft proposed Local Law that provides an ability for Council to designate smoke-free areas within the Shire;*
2. *Refer a draft proposed Local Law as referred to in 1. Above to Council for consideration under section 3.12 of the Local Government Act 1995;*
3. *Undertake a community consultation workshop regarding smoking in public areas; and*

4. *Seek funding for a community education campaign including signage and other methods to promote smoke-free choices.*

On 9 May 2023 Council resolved (Motion 9185) as follows:

1. *Advertise the new Smoke Free Areas provisions to the Activities in Thoroughfares and Public Places and Trading Local Law 2022 as set out in Appendix 13.3.1 for a period of 6 weeks (42 days), as per the requirement under the Local Government Act 1995.*
2. *Provide a copy of the amended Activities in Thoroughfares and Public Trading Local Law 2022 to the Department of Local Government, Sport and Cultural Industries for comment and subsequently the Minister for Local Government's consideration.*
3. *Note the purpose of the amended Activities in Thoroughfares and Public Places and Trading Local Law 2022 is to designate smoke free areas in Collie.*
4. *Notes the effect of the Shire of Collie Activities in Thoroughfares and Public Places and Trading Local Law 2022 is that the procedure for making a smoke-free area determination is specified and a penalty for smoking in a smoke-free area is applicable.*

Existing Regulations on Smoking

The Western Australian Tobacco Products Control Act 2006 aims to reduce the instance of illness and deaths caused by tobacco use by:

- Prohibiting the sale and supply of tobacco products to young people.
- Discouraging the use of tobacco products.
- Restricting the promotion of tobacco products.
- Reducing community exposure to second-hand smoke.

In WA, it is illegal to smoke:

- In enclosed public places (such as shopping centres, hospitals, cinemas, theatres, pubs, clubs, restaurants);
- In outdoor eating areas, unless in a designated smoking area in a liquor licensed premise;
- Between the flags at patrolled beaches;
- In taxis, on buses and other public transport that is available to or being used by the public;
- In vehicles carrying children under the age of 17; and
- Near playground equipment.

Since December 2012 cigarettes sold in Australia must be in plain packaging, and evidence has shown that this assists in helping to prevent smoking.

The Local Law provisions have been prepared, and has been advertised to the community and Department of Local Government, Sport and Cultural Industries. A community workshop was held during the advertising period.

Statutory and Policy Implications:

Local Government Act 1995

Part 3 Division 2 s3.12 – Procedure for making local laws. Once the provisions of the updated Local Law are finalised, and the specific areas subject to the local law are finalised, it is to be published in the Gazette and distribute a copy to the Minister (in line with Part 3 Division 2 s3.12(5, 6)).

Budget Implications:

Under the Local Government Act 1995, notification will need to be distributed to the community to notify that the Local Law has been updated.

Communications Requirements:

The following procedures apply to Local Law amendments:

- a) The Shire is required to give local public notice stating that –
 - i. The local government proposed to make a local law for the purpose and effect of which is summarised in the notice; and
 - ii. A copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - iii. Submission about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks (42 days) after the notice is given; and
- b) As soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister, and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
- c) Provide a copy of the proposed local law in accordance with the notice, to any person requesting it.
- d) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.

The proposed modification to the local law was advertised for a period of 50 days. This advertising period was extended beyond the statutorily required period as the Christmas and New Years break fell over this time. During the advertising period, Shire officers hosted a community workshop.

One submission was received from the community, and two submissions were received from industry organisations during this time. Full copy of the submissions can be found at the Schedule of Submissions at Appendix 13.2.B.

The Local Law provisions were also distributed to the Department of Local Government, Sport and Cultural Industries (DLGSCI) for comment. At the closure of this advertising period, as well as with prompts from the Shire, no comment

The two agency submissions were received from the Cancer Council and the WA Country Health Service. Both of these submissions were supportive of the modified Local Law provisions.

The community submission is supportive of the Local Law provisions, and proposes updates to be more stringent. The community member requested that the Local Law includes areas in Allanson and Cardiff.

The advertised local law included the following wording, which outlines specific application of the Local Law for the Collie town centre:

'Smoke free area means an area prescribed by Council under this Division as an area where smoking is prohibited. Areas are limited to:

- a) *The Collie town centre, generally bounded by Medic Street, Steere Street North, Lefroy Street, Throssell Street, Steere Street North, Throssell Street and Prinsep Street North;*
- b) *A Public Open Space that is local government property (recreation, sport and nature*

spaces defined by the Department of Local Government, Sport and Cultural Industries Public Open Space (classification);

- c) A thoroughfare or public place (but does not include vehicles within the thoroughfare) adjacent to a business or facility where there is activity that caters for children and/or young people;*
- d) A thoroughfare or public place (but does not include vehicles within a thoroughfare) adjacent to a business or facility where trading with an outdoor eating area as an extension of food premises or licensed premises.'*

Shire officers propose modifying the provisions outlined above, to include an additional provision that reads:

- e) a thoroughfare or public place adjacent to a business or facility in Allanson generally along Bedlington Street.*

Strategic Community Plan/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	1	Our Community
Objective:	1.1	Community Health, safety and wellbeing
Strategic Priority	1.1.1	To prepare and implement a comprehensive Open Space and Recreation Facilities Strategy.
Success Measurement	The community is satisfied with the delivery of the priorities outlined in the Shire's Public Health Plan.	

Relevant Precedents:

Priority Action 8 of the Shire of Collie's Public Health Plan 2022-2027 outlines the Shire will 'Administer local laws and ensure compliance with statutory relevant health and safety obligations (e.g. smoking in public places).'

Priority Action 11 of the Shire's Public Health Plan 2022 – 2027 details 'Support stakeholders which can assist the Shire in promoting healthy lifestyle initiatives such as: Liveliighter; Stay On Your Feet; Act Belong Commit; Making Smoking History; RUOK; Alcohol. Thank again; - including promoting at events and in Shire venues and with staff participation. Measure: Investigate options available to Council to designate areas within Collie as smoke free areas.'

With this in mind, the proposed inclusion of Smoke Free Areas provision is the actualisation of two of the Actions of the Shire's Public Health Plan.

Comment:

The Shire of Collie Thoroughfares and Public Places and Trading Local Law 2012 relates to activities in public places. This Local Law can be amended to include new provisions relating to designating smoke free areas over and above that controlled through the Tobacco Products Control Act 2006.

Draft Local Law amendment provisions have been prepared based on the City of Vincent's Local Law. It is proposed that these provisions are modified slightly, in line with the comments received from the community submission, to ensure that the Shire of Collie's Local Law is tailored to meet the specific needs of the Collie community. This modification is to ensure that Allanson is explicitly included in the Local Law modifications.

The proposed Local Law provisions will provide the head of power for the Shire to be able to designate smoke free areas in Collie.

At this stage areas under consideration to be designated 'smoke free' include:

- Collie town centre;
- Public parks;
- Thoroughfares or public place adjacent to a business where there is activity that caters for children and/or young people;
- Thoroughfares or public place adjacent to a business or facility where trading with an outdoor eating area as an extension of food premises or licensed premises.

Note:

A public place is defined in the current local law as:

Public place includes any thoroughfare or place which the public are allowed to use, whether or not the thoroughfare or place is on private property, but does not include –

- (a) Premises on private property from which trading is lawfully conducted under a written law; and
- (b) Local government property

A thoroughfare includes a public street and right-of-way or laneway.

This means that private property can be included in the smoke free areas and could include, by way of example, car parks adjacent to the Shire's main supermarkets.

A draft Council policy has been prepared to illustrate how the Local Law will be communicated and administered (refer Appendix 13.2.C – Smoke Free Areas – Education and Enforcement Policy). In addition, actual areas to be designated as being 'smoke free' will need to be defined and adopted by Council. It is intended to use the community engagement to assist in defining where these restrictions should apply.

Conclusion

Generally laws in Australia restrict tobacco advertising to limit people's exposure to messaged and images that may persuade them to start or continue smoking.

The Shire of Collie Public Health Plan identified smoking as a significant issue for Collie and the Shire's Public Health Plan includes 'Action 11' to investigate options available to Council to designate areas within Collie as smoke free areas.

An advertising campaign and community workshop have been undertaken, and comments made through this process have been included in the Local Law provisions which are viewable at Appendix 13.2.A.

Consideration will also need to be given to the costs associated with communicating, advertising and enforcing these proposed Local Law provisions by the Shire's community rangers.

It is recommended that the Council endorse the Local Law provisions as they are, and authorise officers to investigate specific areas which will be subject to the non-smoking provisions.

14. OPERATIONS 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.

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**