



Shire of
Collie

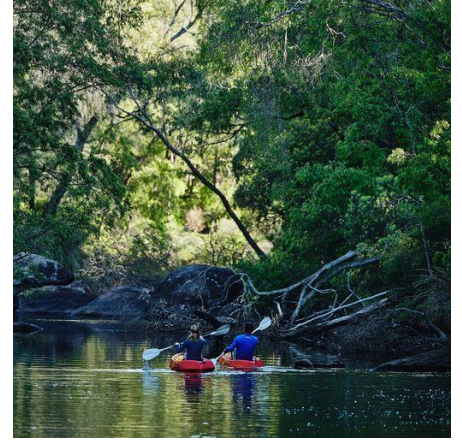
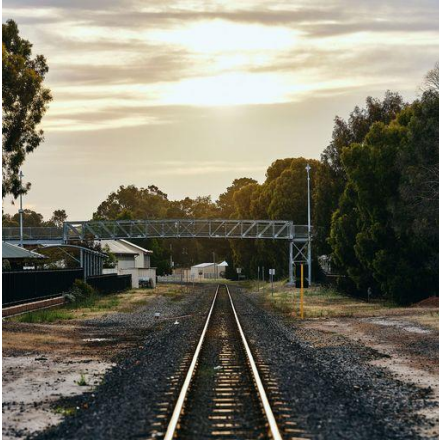
AGENDA

for the

SPECIAL MEETING OF COUNCIL

to be held on

Tuesday, 30 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

Special Meeting of Council

Members of Council are advised that a special meeting of Council will be held in the Council Chambers, 87 Throssel Street, Collie on:

Tuesday, 30 April 2024 at 6.00pm

The purpose of the meeting is to consider an application for development approval for a battery energy storage system and associated transmission infrastructure in the locality of Palmer.



Stuart Devenish
Chief Executive Officer

24 April 2024

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.

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Agenda for the Special Meeting of the Collie Shire Council to be held in Council Chambers, 87 Throssell Street Collie, on Tuesday, 30 April 2024 commencing at 6.00pm.

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. 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 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.

4. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

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

5. DEVELOPMENT SERVICES REPORT

5.1 Application for Development Approval - Industry (Steel Mill)- Lot No. 2 (154 Boys Home Road, Palmer and Lot 1505 on Plan 110876 and Lot 1468 on Plan 110882

Reporting Department:	Development Services
Reporting Officer:	Isabel Fry – Town Planner
Accountable Manager:	Matt Young – Director Development Services
Legislation	<i>Planning and Development Act 2005</i>
File Number:	A5984
Appendices:	Appendix 5.1.A Development Application Report Appendix 5.1.B Development Plans Appendix 5.1.C Regional Development Assessment Panel Responsible Authority Report Appendix 5.1.D Summary of Submissions
Voting Requirement	Simple Majority

Report Purpose

For Council to consider an application for development approval for Industry (Steel Mill) at Lot No. 2 (154 Boys Home Road, Palmer and Lot 1505 on Plan 110876 and Lot 1468 on Plan 110882 and endorse the Responsible Authority Report prepared for the Regional Development Assessment Panel.

Officer's Recommendation

That Council, in relation to an application for development approval for Industry (Steel Mill) at Lot No. 2 (154 Boys Home Road, Palmer and Lot 1505 on Plan 110876 and Lot 1468 on Plan 110882:

1. Note than no public submissions were received during the consultation period;
2. Note the agency submissions received during the referral period;
3. Endorse the Responsible Authority Report prepared for the Regional Joint Development Assessment Panel, with a recommendation for approval, subject to conditions.

Background:

This application will be determined by the Regional Development Assessment Panel (RDAP), 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 Bluewaters Farm Holdings Pty Ltd. Other areas of State Forest also the subject of the application are managed by the Department of Biodiversity, Conservation and Attractions.

Application

Green Steel of Western Australia (GSWA) is proposing to establish a green steel recycling facility (green steel recycling steel mill) within the Coolangatta Industrial Estate. The facility is intended to recycle approximately 450,000 tonnes of scrap metal, which is currently being exported from Western Australia for processing. The facility will turn the scrap metal into reinforcing bar (rebar), predominantly for the Australian market.

The proposed includes the following built elements:

- A total proposal area of approximately 102.8ha, with a development envelope of approx. 75ha.
- Electric Arc Furnace Steel mill facility comprising enclosed 'melt shop', 'rolling mill' and 'finishing area' areas.
- Extension of the Griffin Coal Mine rail loop and intermodal yard at the steel mill.
- Processed scrap metal storage yard and cold slag disposal storage areas.
- Incoming road, drainage and utility infrastructure and connection to existing 330kV transmission line.
- High voltage substation.
- Water, sewerage and fume treatment plant and air separation plant.
- Industrial gas, diesel and LPG storage facilities.
- Administration, amenities, and workshop area.
- Stormwater retention basins.
- On-site parking for approximately 181 light vehicles, with additional parking areas for buses and standing of delivery vehicles.
- Process and fire water infrastructure and storage.

Processes associated with operations of the proposed site are detailed below:

The proposal will utilise a state-of-the-art Electric Arc Furnace (EAF) based steelmaking process that utilised local scrap to manufacture various long steel products, including reinforced bars, bar coils and wired rod.

The products are intended for predominantly domestic consumption and this will be the first facility of its kind in Australia. The facility will be powered by renewable electricity and the EAF process will generate significantly less carbon dioxide (CO₂) and other air emissions making it significantly more environmentally friendly compared to traditional blast furnace steel making plants.

The plant is proposed to operate using an endless casting and rolling process which has the following benefits over a traditional steel mill process:

- Reduced plant footprint.
- Reduction in energy use.
- Reduced waste.
- Lower labour, emissions and consumables cost.

Containers of scrap metal will be transported to the site via rail and the finished rebar and wire rod will be packed into containers and loaded onto trains for transport to customers.

The proposal fits consistently with the Shire of Collie Local Planning Scheme No.6 definition for Industry, which means;

“A premises used for the manufacture, dismantling, processing assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes.

- a) The storage of goods;*
- b) The work of administration or accounting;*
- c) The selling of goods by wholesale or retail;*
- d) The provision of amenities for employees;*
- e) Incidental purposes.”*

Workforce

During construction, it is proposed there will be a workforce of approximately 600 people, with construction expected to take 18 months to complete.

It is anticipated that once in operation, the steel mill will employ approximately 200 people. It is anticipated that the existing mining, energy and construction workforce who will be impacted by Collie’s transition away from coal will be able to be employed at the facility.

Site Description

The development envelope is a 75ha area within the larger 302ha site. It is located approximately 5km to the north-east of the Collie townsite and comprises of land generally between the Bluewaters Power Station, Griffin Coal’s Ewington open cut mine and the Collie State Forest. Also, on Lot 2, is the WesTrac Technology Training Centre. Synergy’s collie Power Station is located on Lot 3001 to the east of the proposed facility.

The site is located within the wider Coolangatta Industrial Estate (CIE) which is subject to further planning by the State to deliver a strategic industrial area consistent with the Shire’s Local Planning Strategy, and to provide development ready industrial land.

The area generally comprises of undulating hills, the DE is generally flat with a central ridge that slopes from the southwest to the northeast. The DE is currently vacant agricultural land and has some native vegetation, existing tracks and fences, two dams and a series of small internal roads/ haul roads that serve Bluewaters Power Station and the Griffin Coal mine.

The site is currently accessed by Boys Home Road and there is an existing private road that provides access to the WesTrac facility and Bluewaters Power Station. The proposal includes the extension of this road to service the proposed development. There is an existing rail loop which provides turn-back for rail services from the Collie main line, which is approximately 650m south of the DE. This loop provides connection to the wider rail network for the Ewington open cut coal mine and connects to Brunswick, which provides access to the rest of the regions rail network.

Statutory and Policy Implications:Legislation

- *Environmental Protection Act 1986*
- *Environmental Protection (Noise) Regulations 1997*
- *Collie Coal (Griffin) Agreement Act 1979*
- *Environmental Protection and Biodiversity Conservation Act 1999*
- *Aboriginal Heritage Act 1972*
- *Rights in Water and Irrigation Act 1914*
- *Water Services Act 2012, WA*
- *Planning and Development Act 2005*
- *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)*

State Government Policies

- State Planning Strategy 2050
- Collie Just Transition Plan
- Bunbury-Geographe Sub-Regional Strategy
- Advanced Manufacturing and Technology Hub (AMTECH)
- Waste Avoidance and Resource Recovery Strategy
- Offshore decommissioning and recycling
- State Planning Policy 2.0 Environment and Natural Resources Policy
- State Planning Policy 3.7 Planning in Bushfire Prone Areas
- State Planning Policy 2.9 Water Resources

Structure Plans/Activity Centre Plans

- Coolangatta Industrial Estate Structure Plan

Local Policies

- Shire of Collie Local Planning Strategy
- Local Planning Policy 1.1 Stormwater

Assessment against the relevant legislation and planning frameworks has been detailed in the application and the Responsible Authority Report (Appendix 5.1.C).

Budget Implications:

Nil.

Communications Requirements:

Public Consultation

The application underwent public consultation through the following ways, for a total period of 28 days:

- Shire website from 27 February to 26 March;
- Notification in local newspaper on 7 and 14 March;
- Shire Facebook page on 5 and 12 March.

Consultation via maildrop was not undertaken, due to there not being privately owned land, that is not managed by people with awareness of the proposal, within close proximity of the site.

No submissions were received from the public on the proposal.

Referrals/consultation with Government/Service Agencies

The proposal was referred to agencies and authorities for a period of 42 days, commencing 27 February to 9 April. Responses were received from the following agencies and authorities:

- Department of Fire and Emergency Services (DFES)
- Main Roads WA (MRWA)
- Department of Energy, Mines, Industry Regulation and Safety (DEMIRS)
- Department of Water and Environmental Regulation (DWER)
- Department of Biodiversity, Conservation and Attractions (DBCA)
- Department of Jobs, Tourism, Science and Innovation (JTSI)
- Water Corporation (WC)
- Department of Planning, Land and Heritage (DPLH)

The submissions received have been summarised and responded to by the Applicant and Officers in Appendix 5.1.D.

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 5.1.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.

The proposal has been assessed against all the relevant legislative requirements of the Scheme, State and Local Planning Policies and the existing Coolangatta Industrial Estate Structure Plan, outlined in the Statutory and Policy section of this report. The following matters have been identified as key considerations for the determination of this application, these matters are addressed in detail in the planning assessment section of the Responsible Authority Report at Appendix 5.1.C.

- Due regard to the Coolangatta Industrial Estate Structure Plan and future structure planning of the wider Coolangatta Industrial Estate;
- The requirements of LPS6 Clause 35- Additional Site and Development Requirements and relevant Special Control Area requirements;
- Infrastructure and service provision, ie. Rail access, potable water, internal site access;
- Transport
- Water and Environment;
- Fire/Bushfire

Land Use

The proposed land use is consistent in that it proposed an industrial usage, which is consistent with the overall objectives of the zone.

The approved structure plan identifies the DE as being for coal storage and dams. While this proposal is consistent with the future intent of the Industrial Development zone, it has not been contemplated within the approved structure plan. It is important to note that the structure plan was prepared primarily to facilitate the WesTrac facility being established and does not contemplate zoning or land uses for the majority of this site. There is the ability to consider the structure plan with due regard and consider the proposal on its merits against the objectives of the zone and other Scheme requirements over the land.

It is considered that the proposed use is consistent with the objectives and future strategic direction of the Coolangatta Industrial Area and consider that the proposal will not impact on the future development of the Coolangatta Industrial Area. The supporting information provided with the application is adequate in addressing the information required to be provided with a structure plan for this lot.

Just Transition Plan

Through the implementation of Collie's Just Transition Plan, the Coolangatta Industrial Area has been identified by the State as a key location for diversification of industry in Collie. As detailed in the submission made by JTSI, they are currently undertaking structure planning for the wider Coolangatta Industrial Area to facilitate this.

JTSI confirmed in their submission that they have considered the proposal by GSWA and do not consider that this application will prejudice future development or adversely impact the orderly and proper planning of Coolangatta. This view is supported by Shire Officers. There are some components of the proposal surrounding access and infrastructure that will need to be carefully considered and managed through conditions, to ensure GSWA and future proposals in the Coolangatta Industrial Area are not impacted.

Conclusion

The decision maker is required to exercise discretion in a number of key areas as part of this proposal. Firstly, is to determine that the proposal is consistent with the principles of orderly and proper planning and given that the development being inconsistent with the existing Coolangatta Industrial Estate Structure Plan, it will not impede the future development of the area. Additionally, due to the existing Structure Plan not providing for specific development standards, the decision maker is to be satisfied that the development is consistent with the purpose, objectives and current and future amenity of the area.

The proposal is reliant on further approvals from other government agencies to allow for the project to proceed. This includes:

- Environmental/ clearing permits and licences;
- Approvals to connect to existing water supply;
- Approvals to connect to power supply;
- Approvals from Government to access and utilise the Griffin Coal rail line;
- Implementation of easements for access across the site.

It is anticipated that in obtaining these approvals, the project will have addressed all outstanding issues that relate to this application.

Additionally, if approved, the Shire will require further work to be undertaken on detailed design for surface water, effluent disposal, bushfire and landscaping.

This project is highly important in the implementation of Collie's Just Transition Plan and creating future employment in the area, with the State's commitment to close State run coal fired power stations in Collie. The GSWA is one of a number of industries seeking to establish in Collie and the Coolangatta Industrial Area, where the Synergy Battery Energy Storage System has already commenced construction.

It is recommended that the application be approved subject to conditions.

5.2 Recruitment and Arrangements for position of Chief Executive Officer	
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 5.2.A – Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination Appendix 5.2.B – Standards for Chief Executive Officer Recruitment, Performance and Termination
Voting Requirement:	Absolut Majority – Part 3 of recommendation

Report Purpose

To consider arrangements for the position of Chief Executive Officer.

Officer's Recommendation

That Council resolve to:

1. *note and accept the notice of termination of contract received from Mr Stuart Devenish dated 19 April 2024, and agree to a contract conclusion date of 28 June 2024;*
2. *appoint Mr Matthew Young as Acting Chief Executive Officer, effective from 10 June 2024, and for this period to endure until the commencement of a newly appointed Chief Executive Officer, subject to that period being not more than 12 months;*
3. *adopt, pursuant to clause 5.39B of the Local Government Act 1995, the Standards for Chief Executive Officer Recruitment, Performance and Termination as contained at Appendix 5.2 to form Policy CS2.8;*
4. *endorse the actions of the Chief Executive Officer to call for quotes from suitably qualified recruitment consultants to assist the Council in undertaking the recruitment for the position of Chief Executive Officer;*
5. *appoint the following members to the Chief Executive Officer selection panel for the purposes of current recruitment:*
 - *Shire President*
 - *Deputy Shire President*
 - *Councillor (to be determined by ballot if necessary)*
 - *Independent person – Mr Michael Murray*

Background:

Council is aware that Mr Devenish has provided notice of termination of his employment as provided for by the terms of the contract with the Shire. This circumstance leads to the need to make arrangements for business continuity and recruitment of a new CEO. Arrangements in this regard include appointment of an acting CEO and establishing a selection panel for recruitment.

A selection panel is necessary to assess applicants and to make a recommendation to Council regarding the most suitable application or applicants. The panel must include an independent member whose role is to bring an impartial perspective to the process and reduce any perception of bias or nepotism. This is to guard against a risk of, or perception of advantage (or disadvantage) due to matters such as associations, politics, religion or other. It is noted that an employee of the Shire or consultant cannot fulfill the role of independent member.

Appointment of a specialist consultant is recommended, ensuring due processes and statutory requirements are met. The function of a consultant would include:

- Development or review of the position description;
- Development of selection criteria
- Development of assessment methods in relation to the selection criteria
- Drafting of the advertisement
- Executive search
- Preliminary assessment of the applications
- Shortlisting
- Drafting questions for interview
- Coordinating interviews
- Preparing the selection summary assessment and recommendation.

To assist the process, the CEO has invited quotes from a number of recruitment consultants. It is intended that proposals received would be referred to the selection panel, once established, to consider the preferred consultant.

It is noted that the Act requires standards to be adopted for CEO recruitment, performance and termination. The model standards as prescribed by the *Local Government (Administration) Regulations 1996* are included at Appendix 5.2B and are suitable for adoption as a Corporate Policy. An absolute majority decision is required for adoption.

To assist recruitment, the Department of Local Government has prepared guidelines addressing the process. These are intended to ensure appointments are made in the best interests of the community, being merit based and free from bias or discrimination. The guidelines are included at Appendix 5.2.A.

Statutory and Policy Implications:

Arrangements for the appointment, review and termination of Chief Executive Officer's are governed by Part 5, Division 4 of the *Local Government Act 1995*, and Part 4 of the *Local Government (Administration) Regulations 1996*. Guidelines contained at Appendix 5.2.A provide an overview of the requirements.

Budget Implications:

Costs associated with recruitment will be accommodated within existing salary budget allocations.

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

Relevant Precedents:

Recruitment processes are routinely undertaken in accordance with statutory requirements and facilitated through recruitment consultants.

Comment:

The terms of the recommendation provide for orderly arrangements during the period of CEO changeover. It is recommended that the Director Development Services Mr Young be appointed acting CEO during the period of transition.

The adoption of standards for CEO recruitment will provide suitable terms for a selection panel to progress the recruitment process. Adoption of the model standards as set out in regulations for inclusion within the policy manual is recommended accordingly.

Upon establishment, the selection panel can review consultant proposals to assist with the process, and then subsequently be guided through the tasks involved with candidate assessment and recommendation to Council. A recommendation of the selection panel will be submitted to Council for consideration, with a resolution carried by absolute majority prior to an offer of employment being made.

6. CLOSE