



Shire of  
**Collie**

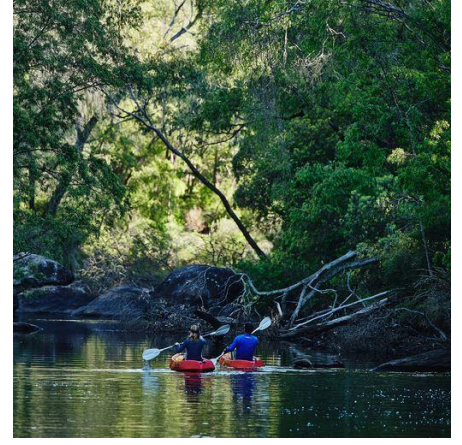
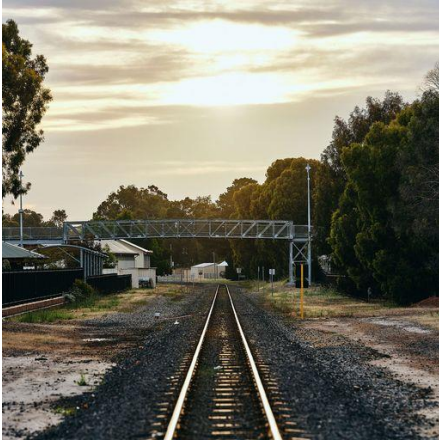
# AGENDA

for the

## ORDINARY MEETING OF COUNCIL

to be held on

**Tuesday, 13 August 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, 13 August 2024**

in Council Chambers at 87 Throssell Street, Collie WA



Matthew Young  
Acting Chief Executive Officer

7 August 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**

### **September 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 10 September**

**Ordinary Council Meeting**

7.00pm in Council Chambers



## DISCLOSURE OF FINANCIAL INTEREST AND INTERESTS AFFECTING IMPARTIALITY

**To: Chief Executive Officer**

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

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

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

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**NB**

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

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

Office Use Only:

Date/Initials

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

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

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

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

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

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



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Agenda for the Ordinary Meeting of the Collie Shire Council to be held in Council Chambers, 87 Throssell Street Collie, on Tuesday, 13 August 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**

**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 – 9 July 2024****Officer's Recommendation:**

*That Council confirms the Minutes of the Ordinary Meeting of Council held on 9 July 2024, and authorises officers to redact any reference to a third party in Appendix 13.1.C.*

**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**

**11. CEO REPORTS**

**11.1 Covid-19 Leave Arrangements**

<b>Reporting Department:</b>	Chief Executive Office
<b>Reporting Officer:</b>	Matt Young – Acting Chief Executive Officer
<b>Accountable Manager:</b>	Matt Young – Acting Chief Executive Officer
<b>Legislation</b>	<i>Local Government Act 1995</i>
<b>File Number:</b>	PHL/034
<b>Appendices:</b>	Nil
<b>Voting Requirement</b>	Simple Majority

**Report Purpose**

To consider reducing the additional special leave clause approved by Council at the Ordinary Meeting of Council on 8 February 2022 in response to the Covid-19 pandemic.

**Officer's Recommendation:**

*That Council resolves to reduce the allowance of additional leave provided for Covid-19 related absence from work from up to ten days to up to five days.*

**Background:**

It is acknowledged that during the Covid-19 pandemic employees, at times, needed to take extended periods of leave due to personal ill health or to isolate due to close contact with others affected by Covid-19 virus.

Under a general duty of care, the Shire must ensure that all employees attending work are fit to undertake the duties and responsibilities of their position. Managers may require an employee to leave the workplace if they believe the employee is not fit for work and/or to obtain a medical certificate to confirm fitness to return to work following a period of ill health or absence to care for family members (to avoid transmission of infection).

In the current environment staff who contract Covid-19 are no longer mandated to isolate. However, the Department of Health encourages that Covid-19 positive workers stay away from the workplace for a minimum of five days or until symptoms are not present in order to prevent spreading the illness to others.

With current high levels of immunisation, and public health treatments there are lower risks of serious infection to the general public. Reducing the additional leave entitlements from ten days to five days continues to provide leave support to staff who may need to be absent from work, protects the workforce and ensures operations of Council in line with business requirements.

**Statutory and Policy Implications:**

As part of its workplace health and safety obligations, the Shire has a duty of care to manage hazards and risks in the workplace as far as reasonably practicable.

**Budget Implications:**

Leave arrangements do not directly impact expenditure, however may potentially impact revenue and levels of service to the community.

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

N/A

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

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
<b>GOAL:</b>	5.0	Our Business Good governance and an effective, efficient and sustainable organisation.
<b>Outcome:</b>	5.1	Financial sustainability and accountability, providing corporate financial services that support the Shires operations and meet planning, reporting and accountability requirements.

**Relevant Precedents:**

N/A

**Comment:**

Where staff are unable to attend work due to Covid-19 illness, leave will need to be taken. Leave types that may presently available to staff include:

- Sick (personal) leave
- Accrued leave
- Annual leave
- Long service leave (if available)
- Leave without pay

Separately, it is noted that the Australian Government no longer offers payments to people where income cannot be earned due to Covid-19 related circumstances.

To avoid undue hardship for employees and to help minimise risk of transmission within the workplace/community, it is recommended that Council reduce the special Covid-19 leave of up to five days, provided the following leave types are exhausted:

1. Sick (personal) leave;
2. Accrued leave; and
3. Annual leave accrued in excess of that provided for by the Shire of Collie Industrial Agreement.

Council endorsement to this arrangement is recommended.

**12. CORPORATE SERVICES REPORTS**

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

**Report Purpose**

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

**Officer's Recommendation:**

*That Council accepts the Accounts as presented in Appendix 12.2.A totalling \$2,375,843.11 authorised and paid in July 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.

**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.

## 12.2 Financial Management Report – June 2024

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

### Report Purpose

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

### Officer's Recommendation:

*That Council resolve to accept the Financial Management Report for June 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

There will be changes to the June 2024 figures as the end of year processing and audit for the 2023-2024 financial year is yet to be completed.



**13. DEVELOPMENT SERVICES REPORTS**

<b>13.1 Scheme Amendment No. 2 to Local Planning Scheme No.6 to rezone portion of No. 323, Lot 2977 Patstone Road from 'Rural' to 'Light Industry'</b>	
<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	Isabel Fry – Manager Planning and Development
<b>Accountable Manager:</b>	Matt Young – Acting Chief Executive Officer
<b>Legislation:</b>	<i>Planning and Development Act 2005</i>
<b>File Number:</b>	A3917
<b>Appendices:</b>	Appendix 13.1.A Applicant's Scheme Amendment Report, Submission to Modify Scheme Amendment and Revised TIA and Concept Plan Appendix 13.1.B Scheme Amendment Report to WAPC (recommendation and schedule of modifications) Appendix 13.1.C Summary of Submissions
<b>Voting Requirement:</b>	Simple Majority

**Report Purpose**

For Council to consider submissions on the proposed amendment to the Local Planning Scheme and to forward a recommendation to the Western Australian Planning Commission for its consideration and recommendation to the Minister for Planning.

**Officer's Recommendation:**

*That Council, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015, Regulation 50(2)(a) and 50(3)(b), resolves to:*

- 1. Note the submissions received during the advertising period.*
- 2. Support with modification the proposed standard Scheme Amendment No.2 to the Shire of Collie Local Planning Scheme No. 6.*
- 3. Submit the advertised scheme amendment documentation and schedule of submissions to the Western Australian Planning Commission.*
- 4. Following approval of the amendment by the Minister for Planning, execute the amendment documents and provide copies to the Western Australian Planning Commission for endorsement.*

**Background:**

The proposed Scheme Amendment No. 2 to Local Planning Scheme No. 6 (LPS) was presented to Council for initiation at the 13 February Ordinary Council Meeting. Council resolved to proceed to advertise the proposed amendment subject to environmental review not being required by the Environmental Protection Agency (EPA) and consent to advertising being granted by the Minister for Planning (Resolution No. 9358).

The EPA issued a decision that a formal environmental review was not required and the Minister granted consent for the amendment to be advertised. The amendment was then subsequently advertised for public comment and referred to the relevant government and service agencies for review.

The amendment proposes to rezone a portion of Lot 2977, No. 323 Patstone Road, Collie from 'Rural' to 'Light Industry' under the LPS. This is consistent with section 9.1 of the Shire of Collie Local Planning Strategy which in the context of the existing Collie Light Industrial Area states: *"The proposed extension of this industrial area is to include Lots 51, #289, #303, #311, #323, #342 Patstone Road and #199 Harris River Road. This represents a logical expansion of industrial lot supply and will service the medium to long term local light and industrial needs for Collie."*

Lot 2977 is 57.6032ha in area, the solar array facility will occupy 36.7879ha, leaving the remaining 20.8153ha available for industrial use.

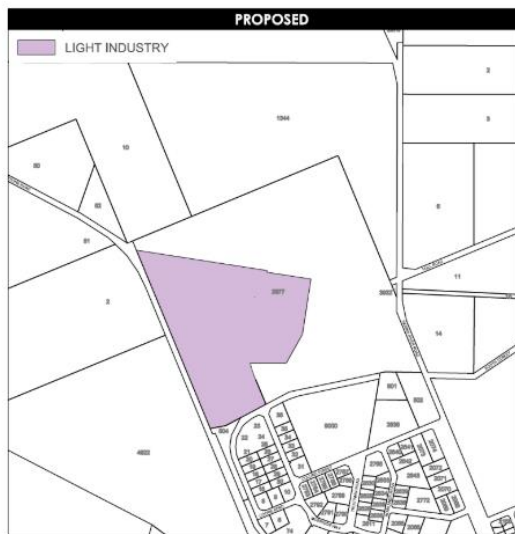
The 'Light Industry' zone has been selected to allow for a broad range of industrial, service and storage activities and land uses to be considered within the site, whilst ensuring any potential impacts on the surrounding area, environment or public health are appropriately considered. The proposed rezoning to 'Light Industry' provides flexibility for a broad range of industrial uses to be accommodated within the site, in accordance with the Zoning Table of LPS6. However, given the list of potential uses under the Light Industrial zone is quite wide-ranging, to ensure an appropriate development outcome is achieved, which addresses site specific considerations, it is intended to include additional requirements within Table 8 of LPS6, as set out below.

Additional requirements that apply to specific lots

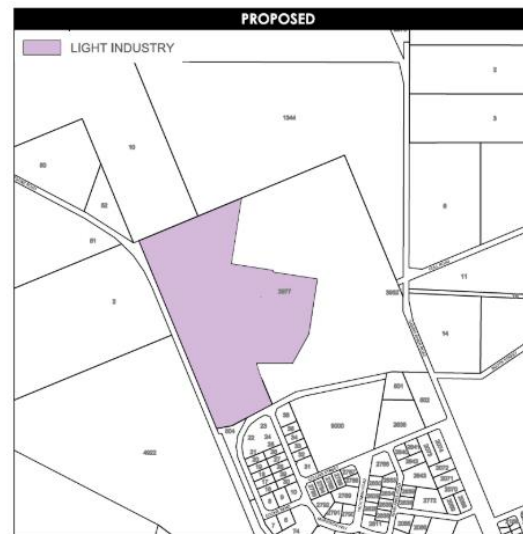
No.	Description of land	Requirement
ASR5	Lot 2977 (323) Patstone Road, Collie	<p>1. Land use and development is restricted to 'Dry Industry' activities unless the site and development is connected to reticulated sewer.</p> <p>'Dry Industry' means any industrial use permitted by the Shire of Collie Local Planning Scheme No. 6 and where:</p> <ul style="list-style-type: none"> <li>i. it can be demonstrated that the quality and volume of effluent to be disposed of on-site can be successfully disposed of, without adverse environmental or health effects, utilising effluent disposal systems approved by the relevant Government agency; and</li> <li>ii. the development is of a type which is predicted to generate waste water intended for disposal on site at a volume not exceeding 840 litres per day.</li> </ul> <p>2. Direct lot access to Patstone Road is not permitted.</p> <p>3. A minimum 10m wide landscape strip shall be provided along the entire length of lot boundaries adjoining Patstone Road.</p> <p>4. The proponent will need to demonstrate to the satisfaction of the local government that the proposed industrial use will not detrimentally impact surrounding uses by way of noise, dust, odour, light spill or visual amenity.</p>

Early in the public advertising period, the Shire received a submission from the Applicant for the purpose of incorporating a minor modification to the proposed Amendment for the purpose of including an additional portion of the land to be rezoned 'Light Industrial', which is situated in the north-eastern corner of the subject site. The following updated information was provided with the submission (refer Appendix 13.1.A).

- **Appendix A-** A copy of the updated Concept Plan and Proposed Scheme Amendment Map;
- **Appendix B-** Updated Engineering Servicing Report;
- **Appendix C-** Updated Water Management Summary Note
- **Appendix D-** Updated Transport Impact Assessment; and
- **Appendix E-** Updated Site and Soil Evaluation



Scheme Amendment No. 2 (As Initiated, February 2024)



Scheme Amendment No. 2 (Proposed Modification, May 2024)

This reduced the area of the solar array facility to 31.3671ha, leaving the remaining 26.2361ha available for light industrial use.

Due to being received early in the advertising period, the updated amendment was provided to agencies and service providers for their comments and letters were sent directly to landowners directly adjacent to the additional area proposed to be rezoned, advising them of the amendment to the originally advertised proposal.

The Department of Planning, Lands and Heritage and the EPA indicated that the modification to the amendment did not need to be treated as a new amendment or be referred again to consent to advertising and was able to continue through the usual process.

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

#### Planning and Development Act 2005 (PD Act)

- Section 75. Amending Scheme  
*“A local government may amend a local planning scheme with reference to land within its district, or with reference to land within its district, or with reference to land within its district and other land within any district, by an amendment-*  
*b) proposed by all or any of the owners of any land in the scheme area, adopted, with or without modifications, by the local government, approved by the Minister and published in the Gazette.”*

- Division 3 - Relevant considerations in preparation or amendment of local planning scheme  
Section 77. State planning policies, effect of on scheme  
Section 81. Referral of proposed scheme or amendment to EPA  
Section 82. Environmental review, when required etc.  
Section 83. Consultation requirements
- Division 4 - Advertisement and approval  
Section 83A - Proposed scheme or amendment to be submitted to the Minister for approval to advertise

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

- Part 5, Division 1 - Amending local planning scheme  
Standard amendment  
Cl.35 Resolution to prepare or adopt amendment to local planning scheme
- Part 5, Division 3 -  
Cl. 47 Advertisement of Standard Amendment  
Cl. 49 Submissions on Standard Amendment  
Cl. 50 Consideration of submissions on standard amendments  
Cl. 53 Provisions of Standard Amendment and Documents to Commission

*Environmental Protection Act 1986*

- Section 48A - Authority to decide whether or not schemes to be assessed.

**Budget Implications:**

Nil.

**Communications Requirements:**

The amendment was advertised in accordance with clause 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015* for a period of 42 days from the 23 April to the 5 June 2024. The amended proposal that was provided by the application as a submission to the amendment was advertised for 30 of the total 42 days.

Advertising was undertaken using the following methods:

1. Letters to property owners directly adjoining and nearby the subject site. Follow up letters with the amended proposal were also sent to the property owners directly adjoining the extended area to be rezoned.
2. The Shire's website for the entire advertising period.
3. The local newspaper on 2 occasions being the 9 and 23 of May.
4. The Shire's Facebook page on 2 occasions on 8 May and 22 May.
5. To the below agencies and service providers:
  - Department of Planning, Lands and Heritage
  - Department of Water and Environmental Regulation
  - Department of Fire and Emergency Services
  - Department of Energy, Mines and Industry Regulation
  - Main Roads WA
  - Department of Biodiversity, Conservation and Attractions
  - Water Corporation
  - Department of Health
  - Department of Jobs, Tourism, Science and Innovation
  - Telstra
  - Western Power
  - ATCO Gas (on behalf of Alinta)

Appendix 13.1.C provides a full summary of submissions from agencies and service providers that were received. No public submissions were received.

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

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

**Comment:**

Advertising

As a result of submissions made during advertising, technical reports relating to bushfire management and transport have been amended.

The original transport impact assessment report (TIA) identified that the road layout as detailed in the original concept plan is reliant on a speed limit reduction from the existing 90km/h to 60km/h for Patstone Road. MRWA was referred the application, however was unable to provide an indication of if a speed reduction on this road would be supported, as it is subject to a separate application process. As a result of this advice, it was considered that the speed limit reduction would not be able to be relied on in providing support for the proposal with the TIA and concept plan provided.

In response to MRWA comments, the Applicant has provided an updated concept plan and TIA, which demonstrates an indicative subdivision design that does not rely on the speed limit being reduced to 60km/h. This plan is being treated as being for information purposes only and is accompanied by a technical note from the Applicant's traffic consultant to demonstrate appropriateness and compliance of the alternative intersection design. It is still the intention of Shire officers and the Applicant to pursue a speed limit reduction, through a separate application to MRWA and proceed with the concept plan road layout proposed as part of the submission to the amendment, which will be realised at subdivision stage.

MRWA also raised in its submission that further investigation is required into the intersection design/capability at Patstone Road and Coalfields Highway. MRWA raised concerns relating to the safety of this intersection as traffic volumes will increase as a result of the broader expansion of the LIA. The Applicant has responded, stating that this intersection is 3.5km from the subject site and that the traffic demands at the intersection extends beyond what will be generated from this site. Patstone Road is a Shire managed road and with the expansion of the LIA being identified in the Shire's Local Planning Strategy and land already being, or proposed to be rezoned for industrial expansion, the Shire and MRWA will need to investigate required upgrades to Patstone Road and the Coalfields Highway intersection as a separate matter.

Department of Fire and Emergency Services' (DFES) submission identified areas of non-compliance in the Bushfire Management Plan (BMP) prepared for this amendment. The comments made by DFES have been reviewed by the Applicant's bushfire consultant and detailed comments have been provided detailing their response to the submission and the intended modifications to be made to the BMP to achieve compliance with DFES comments (refer Appendix 13.1.C Summary of Submissions). The Applicant has requested that the Shire recommend these amendments be required as modifications in the recommendation made to the WAPC, due to timing in being able to re-engage the consultants to make amendments to the BMP. This approach is supported by the Shire, as the issues raised in DFES's submission can be addressed during the finalisation of the amendment.

### Conclusion

The modification to the area to be rezoned Light Industry, as detailed in the submission by the Applicant, does not materially impact on the proposal and was provided early within the advertising period. Agencies and impacted landowners were advised of the change and the revised proposal was advertised accordingly, as such it is not considered that re-advertising of the proposal was required.

The amended indicative concept plan and TIA that demonstrate suitability in the existing speed environment are also not considered to require re-advertising as the changes are considered minor in relation to the rezoning of the land.

The proposed scheme amendment presents a logical expansion of the existing LIA, as contemplated by the Shire's Local Planning Strategy in order to supply additional industrial land for new industries in Collie and the subsequent new employment opportunities for the local area. The concept plan provided with the scheme amendment responds to market feedback in providing for larger industrial lots (1ha to 2.2ha) than what is presently available in the LIA. It is important to recognise that with the influx of new industry seeking to establish in Collie, much of the current LIA is earmarked for new developments, creating a need for further land to be made available.

This proposal is consistent with the Shire's Strategic Community Plan and broader State objectives in supporting the following objectives:

- *Economic diversification to provide new opportunities for the workforce displaced by changes in the coal mining and coal fired power generation sector.*
- *An expansion of the Collie Light Industrial area through the creation of additional lots and the planning for further heavy industrial land availability.*

The proposed amendment seeks to rezone a portion of Lot 2977, No. 323 Patstone Road from Rural to Light Industry. The amendment is consistent with the overarching planning framework applicable to the site and it is recommended that Council supports the amendment with modification, so that it can be forwarded to the WAPC for consideration of approval by the Minister for Planning.



**13.2 Proposal to Reduce the Posted Speed Limits on a Section of Patstone Road, Collie to Accommodate Expansion of the Light Industrial Area**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	Isabel Fry – Manager Planning and Development
<b>Accountable Manager:</b>	Matthew Young – Acting Chief Executive Officer
<b>Legislation:</b>	<i>Road Traffic Code 2000</i>
<b>File Number:</b>	RDS0004
<b>Appendices:</b>	Appendix 13.2.A Context and Location Map
<b>Voting Requirement:</b>	Simple Majority

**Report Purpose**

For Council to authorise Officers to make a submission to Main Roads WA to reduce the speed limit on a portion of Patstone Road, Collie.

**Officer’s Recommendation:**

*That Council authorise Officers to make formal submission to Main Roads WA in accordance with section 6 of their Speed Zoning: Policy and Application Guidelines to lower the existing posted speed limits on portion of Patstone Road in Collie, to improve safety and sightlines for the expansion of the Collie Light Industrial Area, as outlined in the report.*

**Background:**

The Shire is currently considering a proposal to amend the Shire’s Local Planning Scheme No.6 (LPS6), to rezone a portion of Lot 2977 (323) Patstone Road, Collie from Rural to Light Industry. This portion of land directly adjoins and is proposed to be accessed utilising Patstone Road and Morrison Way in the Light Industrial Area (LIA). Lots 2 and 51 Patstone Road were also rezoned from Rural to Industrial Development through an omnibus scheme amendment to LPS6 (finalised in January 2024). All of these lots are in the immediate vicinity of each other and were identified for expansion of the LIA through the Shire’s Local Planning Strategy (Strategy).

Through the assessment of the proposal to amend LPS6 to rezone Lot 2977, a Traffic Impact Assessment (TIA) has been prepared, accompanied by an indicative concept plan which shows the future indicative lot layout for the site once subdivided into light industrial lots. This TIA identifies that the intersection location proposed on the preferred concept plan cannot comply with the sight line requirements within the existing speed environment of 90km/h. The TIA was initially prepared on the basis of the speed limit on this portion of Patstone Road being lowered to 60km/h, consistent with the speed environment of Patstone Road further east at the intersection of Rowlands Road entrance to the existing LIA.

At the western end of Pastone Road the posted speed limit from the Coalfields Highway is 70km/h, changing to 90km/h someday after Ireland Street intersection.

As part of the scheme amendment process, the Applicant has prepared an updated TIA which demonstrates that a compliant intersection location can be achieved on the site, while retaining the 90km/h speed environment, however the Shire and the Applicant wish to pursue a request with MRWA to lower the speed limit. The preferred indicative concept plan has been prepared in a manner that will allow for future transport and road connections to the Industrial

Development zoned land at Lots 2 and 51 to also be considered. These lots are subject to structure planning prior to being zoned for industry and further TIA reporting would be required to facilitate access and intersection design for these lots.

Officers have identified that it is likely that access to these lots in the future is unlikely to be achieved in a 90km/h speed environment, particularly if the amended (designed for 90km/h) indicative concept for Lot 2977 is required to be implemented. The vertical and horizontal geometry of Pastone Road and the separation of staggered new road intersections constrains options for accessing Pastone Road. This is particularly challenging for Lots 2 and 51 Patstone Road, which have no other road access options.

MRWA Speed Zoning: Policy and Application Guidelines (Policy)

The Policy provides guidance on the speed environments suitable for each level of road and their definitions within the road hierarchy.

A 'District Distributor A' road means: *"a road that carries traffic between industrial, commercial and residential areas and generally connects to Primary Distributor roads"* e.g. Coalfields Highway.

A 'Local Distributor' road means: *"a road that carries local traffic, typically linking local areas to higher-order distributor roads"* e.g. Patstone Road.

Patstone Road connects the existing LIA and town centre (residential and commercial areas) through to Coalfields Highway in Allanson, which is a Primary Distributor road managed by MRWA. The area being investigated for a speed reduction is an industrial precinct, with land already zoned Industrial Development or currently being rezoned to Light Industry.

The TIA prepared for the most recent scheme amendment for Lot 2977 identifies Patstone Road as a Local Distributor road, however with further industrial and urban development proposed, it is anticipated the road will fit more suitably into the District Distributor road category in the future.

The Policy details the below typical target speed ranges for these road categories:

<b>Movement Function</b>	<b>Place Value</b>	<b>Typical Road Application</b>	<b>Key Features</b>	<b>Indicative Target Speed (Km/h)</b>
Access and Local Distributors	Low	Rural or remote roads	Low standard/higher risk roads in rural/regional environments	80-100
Access and Local Distributors	Moderate to low	Low standard roads in rural/semi-developed areas	Minor roads in partially built-up areas	60-80
Access and Local Distributors	Moderate	Industrial Precincts	Wider/unmarked carriageways, mix of heavy and light vehicle traffic, limited pedestrian activity	50-70



District Distributors A or B	High to moderate	Typical undivided arterial within an Urbanised area	Speed limit for most undivided district and primary distributor roads in built-up areas with direct access from abutting development	50-60
District Distributors A or B	Moderate	Local roads in Semi-Rural/ Rural Residential areas	Undivided roads having low levels of direct access from, abutting development	60-80

**Statutory and Policy Implications:**

- Road Traffic Code 2000 - Part 3, Speed Restrictions.
- Main Roads Speed Zoning: Policy and Application Guidelines
- Austroads – Guide to Road Safety Part 3: – Speed Limits and Speed Management.

**Budget Implications:**

Nil.

**Communications Requirements:**

Speed limit changes are advertised on MRWA's website once approved and implemented.

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

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
<b>GOAL:</b>	2	Our Economy
<b>Objective:</b>	2.1	Economic Development
<b>GOAL:</b>	3	Our Built Environment
<b>Objective:</b>	3.1	Safe and well-maintained Shire owned facilities and Infrastructure

**Comment:**

In considering a proposal to amend speed limit on a road, the Shire and MRWA consider the following factors -

**Movement:**

- Volume of traffic
- Profile of traffic and vehicle types
- Purpose of road use
- Design standard of the road and geometric layout

**Place:**

- The role of the roadway in supporting activity
- Importance of the roadway as part of a destination or destinations

- Intensity of land uses
- Presence of land uses that may increase crash risk
- Number of accesses onto the roadway

Level of Movement Function	Increasing significance ↑	Level of Place Value				
		Highest	High	Moderate	Low	Lowest
		← Indicative Target Speed (in km/h): →				
Primary/Regional Distributor*		50-60	50-70	60-80	80-100	100-110
District Distributor A/B		40-50	50-60	60-80	80-100	100-110
Local Distributor		30-50	40-60	60-70	80-100	100-110
Access Roads		10-50	30-50	50-70	80-100	100-110

In addition to the movement function and place value of a road, MRWA also consider:

- Road user risk: The level of risk posed to an individual road user.
- Safe Systems Principles: Decreasing the severity of crashes by reducing speed and the degree to which road users can react to potential collisions.
- Crash History and Risk Evaluation: Considering crashes that have occurred at a specific location and their frequency.
- Road Form and Specific Limiting Features:
  - Clear zones
  - Lane width
  - Horizontal and vertical curves
  - Roadside hazards
  - Batter slopes
  - Sealed shoulder widths
  - Sight distances
  - Cross section
  - Intersection and access forms and frequency
  - Surface and pavement quality
- Route consistency and continuity

#### Justification and Reasons for Investigating Speed Reduction

MRWA previously recommended that consideration be given to investigate a broader access strategy for the overall industrial precinct (IND1 & IND2), as identified in the Shire's Local Planning Strategy. The precinct appears to have a number of access constraints due to the road geometry of the Patstone Road reserve, the saline water pipe line and potential widening constraints introduced by State Forest.

Importantly, road connections and access arrangements in this precinct need to be carefully considered, given likely access constraints of the existing and future industrial zoned land to Patstone road, and to improve permeability within the larger industrial precinct identified in the Local Planning Strategy.

The area which currently presents as a rural area will be developed to be more akin to an urban area with an increase in traffic utilising the roadway, much of which will be heavy vehicles associated with industry. With this in mind, the future land use and function of the road needs to be considered and revised.

The below provides an estimate of the daily traffic impacts associated with only the development of Lot 2977, which estimates an increase of traffic volumes on Patstone Road and Morrison Way, it is important to note that all traffic directed through Morrison Way will travel through the LIA and onto Patstone Rd.

**Table 2: Estimated daily traffic impacts on surrounding roads**

Roads	Daily Traffic Volumes (vpd)			
	Current	Additional	Post	Increase (%)
Patstone Road (W)	1,215	1,770	2,985	146%
Patstone Road (S)	1,215	710	1,925	58%
Morrison Way	500 <sup>1</sup>	1,060	1,560	212%

While Lot 2977 can implement an access solution to comply to a 90km/h speed zone, it should be noted that the proposed retention of current speed limit of Patstone Road, as indicated by Main Roads WA in their responses the scheme amendment referrals, would pose a significant challenge to owners of Lot 2 to develop a compliant subdivision access intersection with respect to safe intersection sight distance requirements and potential compromised traffic operation safety.

With reference consistency and continuity, the posted speed limit for Patstone Road in the area from the town centre to past the Rowlands Road turn off to the LIA is 60km/h. This proposal would present an extension of this lower speed zone to capture the areas designated for industrial development. The lowering of the speed limit needs to be considered and confirmed in the early stages of the development of the expanded LIA, as access to these areas and cohesive design is heavily reliant on a lower speed limit being approved.

### Conclusion

It is recommended that Council authorise Officers to make formal submission to Main Roads WA in accordance with section 6 of their Speed Zoning: Policy and Application Guidelines to lower the existing posted speed limits on Patstone Road in Collie, to improve safety and sightlines for the expansion of the Collie Light Industrial Area, as identified in the Shire's Local Planning Framework.

**13.3 Activities in Thoroughfares and Public Places and Trading Local Law 2024**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	Isabel Fry – Manager Planning and Development
<b>Accountable Manager:</b>	Matthew Young – Acting Chief Executive Officer
<b>Legislation:</b>	<i>Local Government Act 1995</i>
<b>File Number:</b>	LAW/001
<b>Appendices:</b>	Appendix 13.3.A Draft Local Law Appendix 13.3.B Briefing Paper
<b>Voting Requirement:</b>	Absolute Majority

**Report Purpose**

For Council to consider and endorse for advertising, a draft new Activities in Thoroughfares and Public Places and Trading Local Law 2024.

**Officer's Recommendation:**

*That Council resolve to:*

1. *Advertise the new Activities in Thoroughfares and Public Places and Trading Local Law 2024 for a period of 6 weeks (42 days), as per the requirement under the Local Government Act 1995.*
2. *Provide a copy of the new Activities in Thoroughfares and Public Places and Trading Local Law 2024 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 new Activities in Thoroughfares and Public Places and Trading Local Law 2024 is to provide for the orderly management of the Shire's thoroughfares and public places.*
4. *Note the effect of the new Activities in Thoroughfares and Public Places and Trading Local Law 2024 is to advise that some activities are prohibited, and some activities are permitted only under permit or exemption on thoroughfares and public places within the Shire of Collie.*

**Background:**

The existing Shire of Collie Activities in Throughfares and Public Places Local Law 2012 is overdue for review.

Council last considered an item relating to the Local Law review on 1 October 2019 (Decision No. 8271). At this meeting, the Council noted the purpose and effect of the proposed new Local Law, made a minor amendment and also authorised the advertising of the Shire's intention to make a new Local Law and forward a copy to the Department of Local Government, Sport and Cultural Industries (DLGSCI) for the Minister's consideration.

Additionally, at this meeting Council requested that Officers conduct a review of local governments that have a similar Local Law in place, with a view to understanding how they manage risks and were tasked with reporting back to Council, prior to adoption of the Local Law. Records show that officers undertook a search through the DLGSCI Local Law database. A number of Local Governments advised they do operate under Local Laws, however they are titled differently. The requirements for traders to have a permit remains consistent under these

other Local Laws. Many of the other Local Government's contacted were small, regional authorities.

The Local Law is intended to cover trading applications on all thoroughfares, public places and local government property within the Shire of Collie, regardless of if the land is private property.

The current Local Law provides provisions for:

- general prohibitions
- vehicle crossings
- verge treatments
- public works
- advertising signage
- animals
- vehicles
- shopping trolleys
- roadside conservation
- planting
- fire management
- trading, including stallholders, mobile traders street entertainers, outdoor eating facilities
- permits and conditions on permits
- enforcement and penalties

The Draft Local Law also incorporates the previously endorsed provisions relating to designated non-smoking areas, which Council considered at its meeting held 9 April 2024 (Resolution No. 9398).

Since the initial review of the Local Law, additional work has been undertaken to establish clear principles and objectives for the new Local Law and a further draft has been prepared for Council's consideration (refer Appendix 13.3.A). Council was provided an updated briefing paper in July 2024 (refer Appendix 13.3.B), outlining the principles for the Local Law review.

The principles guiding the review are:

1. The Local Law will allow competition between businesses/traders.
2. The Local Law will allow trading in central Collie to promote vitality and interest.
3. The Local Law will seek to extend food, drink, and entertainment offerings beyond normal business hours for residents and visitors.
4. The Local Law will seek to address the growing and continuing interest in mobile food vendors and traders in the town centre and in areas such as parks, recreation grounds, special events and the Shire as a whole.
5. The Local Law will seek to reduce red-tape and make it easier to trade and set up business.
6. The Local Law will seek to assist in the facilitation of Collie's Just Transition Plan.
7. The Local Law will establish deemed to comply criteria, where in no permits are required.

The revised Local Law has been drafted using the WALGA model template for Activities in Thoroughfares and Public Places and Trading Local Law, with changes to suit the identified principles and the Collie context. The purpose of the proposed Local Law is to provide for the orderly management of the Shire's thoroughfares and public places. The effect of the proposed Local Law is to advise that some activities are prohibited and some activities are permitted only under permit or exemption on thoroughfares and public places within the Shire of Collie.

**Statutory and Policy Implications:**

Local Government Act 1995

Division 2- s 3.12 Procedure for making local laws.

**Budget Implications:**

Nil.

**Communications Requirements:**

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
- a) 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
  - b) Provide a copy of the proposed local law in accordance with the notice, to any person requesting it.
  - c) 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.

Shire Officers have also engaged with the Collie Chamber of Commerce and Industry (CCCI) on several occasions throughout formulating the latest draft. This included a meeting at the Chamber on 19 October 2021 and a follow up request for feedback on the guidance paper, which was to be provided by 1 November 2021. Additionally, Shire Officers provided the draft in its current form to the CCCI on 2 June 2022.

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

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
<b>GOAL:</b>	1	Our Community
<b>Objective:</b>	1.1	Community health, safety and wellbeing
<b>GOAL:</b>	2	Our economy
<b>Objective:</b>	2.1	Economic development
<b>GOAL:</b>	3	Our built environment
<b>Objective:</b>	3.2	Sound land planning and building strategies and schemes

**Comment:**

The revised Local Law has been drafted using the WALGA model template for Activities in Thoroughfares and Public Places and Trading Local Law. The model template is consistent

with the existing Shire of Collie Local Law (2012) and a number of changes are therefore proposed to the draft Local Law.

The draft Local Law will address the guiding principles as presented in the briefing paper to Council in July 2024 in the following ways:

1. The Local Law will allow competition between businesses/traders.

The draft Local Law does not propose to restrict traders, mobile or otherwise from operating within an allocated distance of an existing permanent business. The threat of competition to existing businesses is not a relevant planning consideration. It only becomes a relevant planning consideration if there is a prospect that there will be a reduction in the facilities available to the community. This was made clear in the High Court decision of *Kentucky Fried Chicken Pty Ltd v Gantidis*. In that case the judge said: *“economic competition feared or expected from a proposed use is not a planning consideration within the terms of the planning ordinance governing this matter”*.

Appropriate locations for traders will be determined on a case by case basis, with the predominant considerations being safety, accessibility and promoting vibrancy in the town centre.

2. The Local Law will allow trading in central Collie to promote vitality and interest.

Placemaking principles refer to strengthening the connection between people and public spaces. Placemaking initiatives and projects are about discovering the needs and values on the community in a particular place, then reflecting and providing for this in the public realm. The draft Local Law seeks to encourage this connection of people and public spaces, through facilitating trading in public spaces and alfresco dining opportunities.

3. The Local Law will seek to extend food, drink, and entertainment offerings beyond normal business hours for residents and visitors.

The Local Law will allow for traders, such as mobile food vans to operate in the Shire and extend the usual food and social offerings in the town centre. Promoting and supporting the night time economy of a business centre increases vibrancy and activity, as well as supporting artists, musicians and businesses in the local community. A vibrant night time economy also supports tourism and creates a destination for visitors to the centre. The night time economy is a key driver of growth and significantly contributes to the economy of a place.

4. The Local Law will seek to address the growing and continuing interest in mobile food vendors and traders in the town centre and in areas such as parks, recreation grounds, special events and the Shire as a whole.

There is a strong interest for traders to locate in the town centre and on recreation grounds during special events. These sites also have a range of amenities and facilities that are important for trading, including:

- car parking
- room to park vehicles and awnings
- suitable areas of open space
- public toilets
- bins



- access to power connections
- CCTV
- lighting
- proximity to banks/ATMs, other retail and tourist facilities.

All of these elements contribute to the customers safety, access to high quality amenities, a good customer experience the successful events/functions. Importantly this will also translate to a positive impression of Collie.

5. The Local Law will seek to reduce red-tape and make it easier to trade and set up business.

The draft Local Law has attempted to implement the goals of the State Government's Planning Reform Action Plan. One of the key benefits identified for planning reform are new ways of working that reduce unnecessary red-tape, increase cooperation and create more consistency and efficiency in how the planning system operates. The same should also apply to other regulations such as this Local Law. This has been facilitated through provisions relating to advertising signage and exemption criteria.

6. The Local Law will seek to assist in the facilitation of Collie's Just Transition Plan.

The Shire of Collie has the opportunity to support this movement and the Just Transition Plan through ensuring our Council processes and policy has the capacity to efficiently and successfully facilitate the transition of Collie.

What outcomes do we hope to assist in facilitating through Council policy?

- Vibrancy
- Support for tourism
- Night-time economy
- Improvement through competition
- Support for small business and align with the Small Business Development Corporation's Small Business Friendly Local Government initiative and Approvals Program.
- Reducing unnecessary red-tape, while ensuring safety, maintenance and amenity are maintained.

7. The Local Law will establish deemed to comply criteria, where in no permits are required.

The draft Local Law has provided for instances where permits are not required for various activities in thoroughfares, where conditions can be met. These relate to portable advertising signage (such as sandwich board style signage), election signage, stallholders and outdoor eating facilities. If an applicant for these activities cannot meet the exemption criteria, then a permit is required, and that proposal will be assessed on its merits and compliance with other requirements of the Local Law.

Included in the changes is an amendment to clarify that permits are required not only over thoroughfares, but also includes public places and local government property. The purpose of this is to ensure it is clear to applicants that permits to trade or undertake activities in a thoroughfare, extends to any public place, such a public reserve. It is important to note that the definition of public place includes a premises on private property, that the public are allowed to use.

It is recommended that Council authorise the new Local Law to be advertised for a period of 6 weeks (42 days), as per the requirement under the *Local Government Act 1995*. It is also required that the Council note the purpose and effect of the Local Law and this is



included in the public advertising notice. Additionally, it is recommended that a copy of the new Local Law is provided to the Department of Local Government, Sport and Cultural Industries for comment and subsequently the Minister's consideration. Further consideration by Council may be required pending the outcome of the public notice period and any required amendments.

Additional actions relating to the designated non-smoking area provisions, as contained in the resolution of Council on 9 April 2024 (Resolution No. 9398) will continue to be acted as resolved upon gazettal of this new Local Law. If gazettal is not supported, an amendment to the existing Local Law to include the non-smoking area provisions will be pursued.

13.4 Draft Council Policy – Development Services Policy 3.1 – Events Policy: Policy for the Assessment of Events in the Shire of Collie – Consent to Advertise	
<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	Isabel Fry – Manager Planning and Development
<b>Accountable Manager:</b>	Matthew Young – Acting Chief Executive Officer
<b>Legislation:</b>	<i>Health (Public Buildings) Regulation 1992</i> <i>Health Local Laws 2003</i> <i>Public Health Act 2016</i> <i>Public (Miscellaneous Provisions) Act 1911</i>
<b>File Number:</b>	GOV/154
<b>Appendices:</b>	Appendix 13.4.A Draft Events Policy Appendix 13.4.B Draft Application Package and Events Checklist
<b>Voting Requirement:</b>	Simple Majority

### Report Purpose

For Council to review and endorse a new draft Events Policy for public advertising.

### Officer's Recommendation:

*That Council resolves to;*

1. *Authorise officers to advertise for public comment the proposed draft Shire of Collie Events Policy for a period of 28 days;*
2. *Subject to no objections being received during the advertising process, proceed with the policy without modification; and*
3. *Subject to 2. above, authorise officers to publish a notice of the Shire of Collie Events Policy.*

### Background:

The Shire of Collie does not have an Events Policy or procedure to give guidance to public events within the Shire. The Shire does however issue event permits for public events within the Shire boundary.

This Policy will be used to manage the application and approval process of all types of events conducted in the Shire of Collie to ensure events meet legislative requirements, are managed to avoid area of potential conflict and scheduling, are safe and minimize potential impacts on the amenity of public places.

The objectives of the Policy are:

1. To set standards for the conduct of events within the Shire of Collie.
2. To require the organisers to submit details for events and demonstrate compliance with all regulatory requirements and standards to ensure an enjoyable and safe environment is available for patrons.
3. To ensure events are sited and conducted to minimise any adverse impacts on the amenity of the area and nearby land or roads.
4. To exempt certain types of events from requiring approval.

**Statutory and Policy Implications:**

- *Health (Public Buildings) Regulation 1992*
- *Health Local Laws 2003*
- *Public Health Act 2016*
- *Public (Miscellaneous Provisions) Act 1911*

**Budget Implications:**

Associated advertising and public notice costs.

All events will attract an application fee in accordance with the established Shire of Collie Schedule of Fees and Charges.

**Communications Requirements:**

The policy will undergo public advertising for a period of 28 days via a notice in the local paper and social media outlets.

If any submissions are received on draft Development Services Events Policy 3.1 They will be re-presented to Council for consideration.

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

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
<b>GOAL:</b>	1	Our Community
<b>Objective:</b>	1.1	Community health, safety and wellbeing
<b>Objective</b>	1.2	Community connection, engagement and participation
<b>GOAL:</b>	2	Our Economy
<b>Objective:</b>	2.1	Economic Development
<b>Objective</b>	2.2	Tourism promotion and attractions

**Comment:**

The draft Policy for events will cover any organised gathering of more than 100 people within the Shire of Collie on private or public land, either indoor or outdoor by a person(s)/group/organisation, where people assemble at a given time for entertainment, recreation or community purposes.

The policy will not cover events to be held at:

- Educational premises, including primary, secondary and tertiary centres,
- Religious centres including churches and worship centres; or
- A birthday party, anniversary, funeral, private picnic, weddings and ANZAC Day ceremonies.

Further event approval is also not required providing there is no variation from the following existing approvals:

- Conditions associated with a Development Approval under the Shire of Collie Local Planning Scheme for a specific land parcel.
- Approvals as required in accordance with the Health (Miscellaneous Provisions) Act 1911 and associated Regulations.

The following issues will be considered by the Shire in the assessment and approval process of event applications:

- The nature, size and suitability of the event in relation to the venue requested (including the presence of alcohol) and the likely impact of the event on the facility;
- The amenity of the event;
- The ability of the facility to accommodate the event at the proposed time (taking into account available open space);
- The likely impact on adjacent residents during the event (including noise, dust, excessive light, or other adverse effects perceptible outside the venue);
- The availability of the venue at the required time(s) and on the required day(s);
- The period of time for which the event will operate and the proposed times of operation;
- Conflict or potential conflict with other events in that location or a surrounding location;
- The estimated number of participants associated with the special event in relation to the carrying capacity of the facility;
- Reputation of the operator; and
- Any other factors that may be considered necessary in relation to a particular event.

As the Shire embraces and attracts more events in Collie there is a need to properly consider and manage the events, particularly where they occur in a public place. This approval process assists the Shire in scheduling events, particularly in popular areas, administering the event holder needs for access to power, toilets, bins and to ensure that park reticulation times do not impact on the event itself.

Officers request that the draft policy be reviewed and subsequently advertise a notice of the policy for public comment. If any submissions are received on the draft policy they will be presented to Council for consideration.

**13.5 Main Roads WA Request for Support – Collie-Williams Road Dedication and Improvements**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	Glen Burton – Town Planner
<b>Accountable Manager:</b>	Matt Young – Acting Chief Executive Officer
<b>Legislation:</b>	Land Administration Act 1997
<b>File Number:</b>	RDS/022
<b>Appendices:</b>	Appendix 13.5.A – MRWA Road Dedication Request and Plans
<b>Voting Requirement:</b>	Simple Majority

**Report Purpose**

For Council to consider a proposed road dedication by Main Roads WA for improvements to portions of the Collie-Williams Road, including works to improve sightlines and increase the seal width as general improvements to traffic safety.

**Officer's Recommendation**

*That Council provides its support to Main Roads WA, to request the Department of Planning, Lands and Heritage to:*

- 1. Dedicate the land the subject of Main Roads Land Dealings Plans 202402-0131, 202402-0132 and 202402-0133, as a road pursuant to section 56 of the Land Administration Act 1997.*
- 2. Note that Main Roads WA indemnify Council against any costs or claims that may arise as a result of the dedication.*

**Background:**

Main Roads WA (MRWA) have requested Council to consider a proposal for road improvements on Collie-Williams Road, through the dedication of privately owned land as road reserve (refer Appendix 13.5.A). The proposed road dedication is intended to accommodate earth works and intersection upgrades to improve sightlines and vehicle access safety relating to the Neoen Battery Energy Storage System access road and facility currently being developed in Palmer.

The long-term component of the road upgrades includes the widening and sealing of portions of Collie-Williams Road to improve vehicular safety. Council has previously considered a wider proposal for upgrades to Collie-Williams Road within State Forest areas at its Ordinary Meeting of Council held 11 October 2022 (Resolution No. 9076) and this proposed dedication will further support these previously planned upgrades.

MRWA has been in contact with the existing landowners regarding the acquisition of land prior to making the request, with the land acquisition process being underway. MRWA has indemnified Council for any costs which may arise from the dedications.

**Statutory and Policy Implications:**

*Land Administration Act 1997- Section 56 – Dedication of land as road*

**Budget Implications:**

Nil.

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

Consultation has been undertaken with Shire officers and MRWA, Shire officers had no objections to the proposal. MRWA has undertaken consultation with the landowners as part of the road works land acquisition process.

MRWA has advised that the Shire is not required to undertake advertising to the public or to service providers and agencies for this proposal.

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

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
<b>GOAL:</b>	2	Our Economy
<b>Objective:</b>	2.1	Economic Development
<b>GOAL:</b>	3	Our Built Environment
<b>Objective:</b>	3.1	Safe and well-maintained Shire owned facilities and Infrastructure

**Comment:**

It is recommended the resolution for the proposed road dedications be supported by Council. The road dedication is a formality required to formalise the road works to be undertaken to support intersection upgrades and sightline improvements associated with the Neoen Battery Energy Storage System facility.

**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**