



MINUTES

of the

ORDINARY MEETING OF COUNCIL

held on

Tuesday, 13 NOVEMBER 2018

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Minutes of the Ordinary Meeting of the Collie Shire Council held in Council Chambers, 87 Throssell Street Collie, on Tuesday, 13 November 2018 commencing at 7:01pm.

1. OPENING/ATTENDANCE/APOLOGIES & LEAVE OF ABSENCE

PRESENT:	Sarah Stanley	Councillor (Presiding Member)
	Ian Miffing	Councillor (Deputy Member)
	Michelle Smith	Councillor
	John Piavanini	Councillor
	Rebecca Woods	Councillor
	Bett King	Councillor
	Leonie Scoffern	Councillor
	Elysia Harverson	Councillor
	Joe Italiano	Councillor
	Gary Faries	Councillor (arrived 7.09pm)
	David Blurton	CEO
	Allison Fergie	Director Corporate Services
	Brett Lowcock	Director Technical Services
	Andrew Dover	Director Development Services
	Robert Quinn	Shire Planner
	Tamsin Emmett	CDO
	Belinda Dent	CEO PA

APOLOGIES: Cr Jodie Hanns
Hasreen Mandry – Finance Manager

GALLERY: Breeanna Tirant – Collie Mail
Dr Tony Brandis
Elsje Brandis
Chris Haddon
Trudi Curran
Don Clark
Jamie Moloney
Mark Williams
Laurel Dhu
Courtney Dhu
Linda Gallagher

- 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 the Absence for this Ordinary Meeting of Council.

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7971

Moved: Cr Scoffern

Seconded: Cr Woods

That Cr Hanns be granted Leave of Absence for this Ordinary Meeting of Council.

CARRIED 9/0

2. PUBLIC QUESTION TIME

Nil

3. RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Questions Taken on Notice:

A question was asked relating to the purchase of grader tyres, specifically the different amounts that were spent on replacing tyres on the two (2) graders and if we purchased the six (6) tyres in each case.

Response: - Brett Lowcock – Director of Technical Services

It is confirmed that 6 tyres were purchased for each of the graders. In both cases the tyres were replaced with the same tyres as existing, and in both cases we received quotes from both local suppliers.

Our mechanic advised, the difference in price can be attributed to the size difference of the tyres between the graders, and this was consistent across the quotes.

EFT 24376 - P & S Griggs Plumbing – Repair broken waste pipe Truck Bay toilets.

Response – Brett Lowcock – Director of Technical Services:

Drainage pipes were damaged by the Shire skid steer loader when staff were installing the footpath to the new toilet/showers.

4. DISCLOSURE OF FINANCIAL/IMPARTIALITY INTEREST

The Chief Executive Officer advised that Disclosures of Financial Interests had been received from Councillors/staff as listed below:

Councillor/Staff	Agenda Item	Disclosure
Cr Italiano	Item 12.2	Impartial

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5. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

7972

Moved: Cr Italiano	Seconded: Cr Woods
Suspend standing orders.	
CARRIED 9/0	

Mr Dover left the room at 7.05pm and returned at 7.06pm.

- Linda Gallagher presented a video that was produced by the Youth of Collie in conjunction with the Collie PCYC – All the Things we Love.

Cr Gary Faries arrived at 7.09pm.

- Dr Tony Brandis addressed Council on Equestrian events coming up in Collie in relation to Item 12.2.

7973

Moved: Cr Woods	Seconded: Cr Italiano
Resume Standing Orders.	
CARRIED 10/0	

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

Nil

7. ITEMS BROUGHT FORWARD DUE TO INTEREST BY ATTENDING PERSONS

Item 12.2 – Community Small Grants and Item 13.1 – Extension Collie Art Gallery

Cr Italiano has declared an Impartial interest in Item 12.2.

12.2 Community Small Grants Fund Round One 2018/19

Reporting Department:	Corporate Services
Reporting Officer:	Tamsin Emmett – Community Development Officer
Accountable Manager:	Allison Fergie – Director Corporate Services
Legislation	WA Local Government Act (1995)
File Number:	GAS/017
Appendices:	Yes – Appendix (provided separately)
Voting Requirement	Simple Majority

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Report Purpose:

For Council to consider applications received and allocate funding from the Shire of Collie Community Small Grants Fund, Round One 2018/19.

7974

Officer's Recommendation/Council Decision:

Moved: Cr King

Seconded: Cr Faries

That Council allocate the following amounts from the 2018/19 Community Small Grants Fund:

WA Endurance Riders Association Inc	\$5,000
Collie Horse & Pony Club	\$5,000
Collie PCYC	\$4,900

CARRIED 10/0

Background:

Council has recently reviewed its Community Small Grants Policy and this round of applications for the community small grants were required to comply with the following criteria:

- The application is for amounts up to \$5,000
- The project will be undertaken within the Shire of Collie and funds expended in Collie (wherever possible)
- The project will deliver economic benefit and / or social and community well-being benefit to the community
- The project can demonstrate an alignment to the Shire of Collie Strategic Community Plan 2017-2027 (as outlined above)
- Unless otherwise agreed, the applicant will need to be an incorporated not for profit organisation or seek the auspice of an incorporated not for profit organisation to administer the applicant's fund and provide accountability for the grant.
- Organisations will not be funded for more than one project in any one financial year
- Council staff will access the application using the following criteria:

Economic weighting	10%
[estimate of local spend to be provided]	
Social/community well-being weighting	50%
Strategic plan alignment weighting	40%

The Policy will be reviewed again in May 2019 in conjunction with the Contributions to External Groups Policy prior to the 2019/20 budget process.

Furthermore, Council had previously resolved:

6271 [12 November 2013]

That Council maintains 2 rounds and splits whatever funding is allocated through the budget evenly between the two funding rounds.

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A total of eight applications were received for Round One of the 2018/19 Shire of Collie Community Small Grants Fund, with one application requesting support for \$1,000 or under and seven applications for funding between \$1,001 and \$5,000.

The total amount of funds requested through the eligible applications is \$35,165. A copy of all applications received was sent to Councillors on 2 November 2019.

Applications were assessed independently by four senior staff members resulting in the ranking of applications as shown in the table below.

APPLICANT	PROJECT NAME	AMOUNT REQUESTED	ESTIMATED PROJECT TOTAL	RANK
WA Endurance Riders Assoc.Inc.	Tom Quilty Gold Cup 2020	\$5,000	\$139,243	1
Collie Horse & Pony Club Inc.	Kitchen Fitout	\$5,000	\$10,745	2
Collie PCYC	Tools n Trails Camp (Non Residential)	\$4,900	\$60,700	3
Collie Cricket Club Inc.	Clubroom Upgrade	\$5,000	\$6,625.70	4
Collie Heritage & Menshed Group Inc.	Collie Timber History Book	\$3,000	\$17,300	5
Collie Early Education Inc.	Kitchen Supplies Set up	\$3,544.51	\$3,544.51	6
St Brigids P&F	Outdoor Learning Space	\$5,000	\$24,000	7

At the meeting held 17 April 2018, Council also resolved:

7769 - To direct the Policy Review Committee to develop a policy and review the assessment criteria weightings of the Community Small Grants Round and invite the applicants to address Council to support their applications should they wish.

Consequently, all proponents have been invited to attend this meeting of Council in order to address Council in support of their application, if required.

Statutory and Policy Implications:

Applications have been assessed in accordance with Council Policy CS3.18 Community Small Grants Fund.

Budget Implications:

An amount of \$30,000 was allocated for community small grants in the 2018/19 budget. The recommendation is to allocate \$14,900 [approximately 50% of the available funding] in the first round as per Council Resolution 6271 above.

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Communications Requirements: (Policy No. CS 1.7)

The community small grants opening date was advertised in the Council Chat page of the Collie Mail, on the Shire website and Facebook page. Printed versions of the grant applications were available from the Shire office.

Notification will be required to all applicants on the success or otherwise of their application.

Strategic Community/Corporate Business Plan Implications:

Goal 1: OUR COMMUNITY *A vibrant, supportive and safe community.*

1.2 Participation in sport, recreation and leisure opportunities.

1.3 An active and supportive community

Relevant Precedents:

Council has allocated community grants previously, the most recent allocations being at its meeting held 17 April 2018:

<i>7768 - That Council allocate the following amounts from the 2017/18 Community Small Grants Fund:</i>	
<i>Collie Race Club</i>	<i>\$2,470</i>
<i>Collie Festival Committee</i>	<i>\$2,470</i>
<i>Collie Mountain Trail Bike Club</i>	<i>\$2,470</i>
<i>Collie Horse & Pony Club</i>	<i>\$2,470</i>
<i>Collie Swimming Club</i>	<i>\$2,470</i>
<i>Allanson Primary School P&C</i>	<i>\$2,470</i>

Comment:

The Officer's Recommendation is based on the rankings of the applications by staff assessed against the Selection Criteria and the available funds. However, one application was deemed non-compliant at the assessment stage as the applicant was asking for business registration and incorporation costs.

Dr Tony Bandis, Elsje Brandis, Chris Haddon, Jamie Moloney, Mark Williams, Laurel Dhu, Courtney Dhu and Linda Gallagher all left Council Chambers at 7.17pm

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13.1 Extension to Collie Art Gallery

Reporting Department:	Development Services
Reporting Officer:	Shire Planner-Robert Quinn
Accountable Manager:	Andrew Dover – Director Development Services
Legislation	Planning and Development Act 2005 WA Local Government Act 1995
File Number:	A5898
Appendices:	Yes – Appendix 4 - P017/18 Plans
Voting Requirement	Simple Majority

Report Purpose:

To seek Council Approval for an addition of an external storage area to the Collie Art Gallery.

7975

Officer's Recommendation/Council Decision:

Moved: Cr Miffling

Seconded: Cr Smith

That Council:

pursuant to the provisions of the Planning and Development Act 2005, hereby resolves to:

Grant approval to Donald Clark (the applicant) for the construction of an extension (External Store Room) to the Collie Art Gallery, Throssell Street subject to the following conditions:

1. The development plans, as dated 19 September 2018 and accompanying documentation, together with any requirements and annotations detailed thereon, are the plans approved as part of this application and shall form part of the development approval issued.
2. This decision constitutes development approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.
3. All works required to satisfy a condition of this approval are required to be installed/ constructed and maintained in accordance with the approved plans and conditions of approval for the life of the development.
4. All stormwater from proposed roofed area shall be collected and disposed of on site in accordance with the Shire of Collie's Local Planning Policy: Stormwater Discharge from Building Sites.

CARRIED 10/0

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Background:

The Collie Art Gallery is a recently constructed building with distinctive contemporary architectural features. The Collie Art Gallery building has contrasting roof pitches and the walls are a mixture of rammed earth and “Equifone” cladding.

There are no material development guidelines/standards within Local Planning Scheme No. 5 which provide guidance for this proposal due to the Collie Art Gallery being located on a Parks and Recreation Reserve.



Statutory and Policy Implications:

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 cl. 60 Requirements for Development Approval

Schedule 2 cl. 66 Matters to be Considered by Local Government

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised

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- under the Planning and Development (Local Planning Schemes) Regulations 2015 or another proposed planning instrument that the local government is seriously considering adopting or approving;
- (c) any approved State planning policy;
 - (g) any local planning policy for the Scheme area;
 - (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
 - (n) the amenity of the locality including the following —
 - (i) environmental impacts of the development;
 - (ii) the character of the locality;
 - (iii) social impacts of the development;
 - (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
 - (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;
 - (s) the adequacy of —
 - (i) the proposed means of access to and egress from the site; and
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
 - (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
 - (y) any submissions received on the application;
 - (zb) any other planning consideration the local government considers appropriate.

Local Planning Scheme No. 5

The Collie Art Gallery is located on a Parks and Recreation reserve. The proposal has been assessed in accordance with the following clause(s) *of the Scheme*:
10.2 Matters to be considered by Local Government – see *Schedule 2 cl. 66* above.

Budget Implications:

Nil

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Communications Requirements: (Policy No. CS 1.7)

The proposal has not been advertised for public comment due to the minor nature of the development as the proposal will have almost none, if any, impact to the amenity of the area. The proposal abuts a rail reserve and will have no impact the rail reserve.

Strategic Community Plan/Corporate Business Plan Implications:

Goal 3: Our Built Environment

Outcome 3.1 Appropriate Land Use, Development and Conservation of Heritage;

Strategy 3.1.1: Ensure appropriate Planning Controls for land use and development through the administration of the local planning scheme and strategies.

Relevant Precedents:

There is a comparable/similar structure at the rear of the Margaretta Wilson Centre north of the railway line from this proposal.

Comment:

The proposal is for the addition of a storage area of approximately 24 m² in area on the north face of the building adjacent to the Gallery entrance. The proposed addition continues with the roof pitch of the existing entry to keep the form of the roof line. The proposal will be finished with the same wall panels as the existing Art Gallery and will be matched to have the existing wall pattern. By keeping the same roof pitch as the existing entry and using the same cladding the visual impact of the storage area addition will be minimised.

There may be an impact on the building form of the Collie Art Gallery as this storage area is an addition and will most likely be recognised as a later addition to the original building, particularly as it is visible from the main entry.

Shire officers met with a representative of the Art Galley Board (Geoff Blackford) to discuss alternative locations for the proposed storage area. After a site visit and discussion it was concluded that if any development occurred on the north west face of the building it would prejudice any future expansion of the building. The sewerage holding tank and the services are located on the south west face of the building which would be expensive to relocate.

Based on the discussions, the proposed location of the storage area is considered to be the location which would cause minimal impact and not prejudice any future expansion of the building.

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Trudi Curran and Don Clark left Council Chambers at 7.21pm

Cr King left the room at 7.21pm and returned at 7.24pm.

8. CONFIRMATION OF THE PREVIOUS MINUTES OF COUNCIL

7976

<p>Recommendation/Council Decision:</p> <p>Moved: Cr Smith Seconded: Cr Harverson</p> <p>That Council confirms the Minutes of the Ordinary Meeting of Council held on 23 October 2018.</p> <p style="text-align:right">CARRIED 10/0</p>

9. BUSINESS ARISING FROM THE PREVIOUS MINUTES

Nil

10. RECEIPT OF MINUTES OF COMMITTEE MEETINGS HELD SINCE THE PREVIOUS MEETING OF COUNCIL

10.1 Receipt of the Minutes of the Bush Fire Advisory Committee

7977

<p>Recommendation/Council Decision:</p> <p>Moved: Cr King Seconded: Cr Woods</p> <p>That Council receives the minutes of the Bush Fire Advisory Committee held on 17 October 2018.</p> <p style="text-align:right">CARRIED 10/0</p>

10.2 Adoption of the Recommendations of the Bush Fire Advisory Committee

7978

<p>Recommendation/Council Decision:</p> <p>Moved: Cr Piavanini Seconded: Cr King</p> <p>That Council adopts en block the recommendations contained within the minutes of the Bush Fire Advisory Committee held on 17 October 2018.</p> <p>That Council authorise staff to;</p> <p>10.2.1 appoint the following volunteers and staff to the position of Fire Control Officer in accordance with the Bush Fire Act 1957. Julian Martin, Shane Hickson, Graeme Genev, Kohdy Flynn, Brett King, Graeme Pilatti, Neil Waywood, Kevin Bazeley, Phillip Bartolo, Leigh O'Connor and Tristan Gulvin.</p>

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10.2.2 1. appoint Mr Peter Lubcke as a dual Fire Control Officer for the 2018/19 financial year.

2. request the Shire of West Arthur that Mr Julian Martin be appointed as a dual Fire Control Officer for the 2018/19 financial year.

10.2.3 adopt the updated document Shire of Collie Bush Fire Brigades Guidelines.

CARRIED 10/0

10.3 Receipt of the Minutes of the Community Safety and Crime Prevention Committee

7979

Recommendation/Council Decision:

Moved: Cr Scoffern

Seconded: Cr Woods

That Council receives the minutes of the Community Safety and Crime Prevention Committee held on 18 October 2018.

CARRIED 10/0

10.4 Adoption of the Recommendations of the Community Safety and Crime Prevention Committee

7980

Recommendation/Council Decision:

Moved: Cr Scoffern

Seconded: Cr Smith

That Council adopts en block the recommendations contained within the minutes of the Community Safety and Crime Prevention Committee held on 18 October 2018.

That Council authorise staff to;

10.4.1 request an independent audit of the current CCTV system to be undertaken in order to provide recommendations for improvement and extension of the CCTV coverage and equipment in Collie; and

10.4.2 refer an amount of up to \$2,000 to the mid-year budget review for the audit.

CARRIED 10/0

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11. CEO REPORTS

11.1 Council Meeting Dates - 2019

Reporting Department:	Chief Executive Office
Reporting Officer:	Belinda Dent – CEO PA
Accountable Manager:	David Blurton – Chief Executive Officer
Legislation	Local Government Act 1995 (Division 2) & Local Government (Administration Regulations)
File Number:	GOV/049
Appendices:	No
Voting Requirement	Simple Majority

Report Purpose:

To make a determination as to the meeting dates in 2019.

7981

Officer's Recommendation/Council Decision:

Moved: Cr Faries

Seconded: Cr Scoffern

That Council;

- 1) recommences Council business in the New Year with a Full Council Meeting on Tuesday, 22 January 2019;**
- 2) give local public notice of the meeting dates as per Table 1.**

CARRIED 10/0

Background:

As per the previous year the Full Council Meetings are held every three weeks on a Tuesday of each month. The first meeting in January 2019 will be the fourth Tuesday of the month – 22 January 2019. It is recommended, as in previous years, the meeting held in December is held on the second Tuesday of the month – 10 December 2019.

Statutory and Policy Implications:

Local public advertising through the Collie Mail newspaper is required.

Budget Implications:

Nil

Communications Requirements: (Policy No. CS 1.7)

Under Council's Policy, Council is required to inform the public of any changes in meeting dates/times – this is also prescribed by the Local Government Act 1995. Should the Council resolve to make alterations as suggested, the staff will place advertisements within the Collie Mail newspaper and on the Council and Public Library notice boards.

Strategic Plan Implications:

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N/A

Comment:

The process as outlined above has not caused any difficulties in previous years and it gives Councillors and staff an opportunity to enjoy the Christmas/New Year break without the rush of meeting attendances and deadlines. With respect to the January and December meetings it is proposed that they be held on Tuesday 22 January 2019 and Tuesday, 10 December 2019 respectively.

The schedule of meeting dates for 2019 therefore is as listed below:

TABLE 1

22 January 2019	9 July 2019
12 February 2019	30 July 2019
5 March 2019	20 August 2019
26 March 2019	10 September 2019
16 April 2019	1 October 2019
7 May 2019	22 October 2019
28 May 2019	12 November 2019
18 June 2019	10 December 2019

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11.2 Corporate Business Plan Progress Report

Reporting Department:	Chief Executives Office
Reporting Officer:	David Blurton – Chief Executive Officer
Accountable Manager:	N/A
Legislation	N/A
File Number:	
Appendices:	Yes – Appendix 1
Voting Requirement	Simple Majority

Report Purpose:

To update Council on the progress of various major projects identified in the Corporate Business Plan 2017/18 – 2021/22 document.

7982

Officer's Recommendation/Council Decision:

Moved: Cr King

Seconded: Cr Woods

That Council receives the report as provided at Appendix 1.

CARRIED 10/0

Background:

Council has established a range of initiatives under its Corporate Business Plan 2017/18-2021/22 document which will be progressed over the current financial year. Forming part of the accountability commitment and in order to keep the Council informed on the progress of various works a project update report is provided.

Statutory and Policy Implications:

N/A

Budget Implications:

N/A

Communications Requirements: (Policy No. CS 1.7)

Provided to all staff members (revised version)

Strategic Plan Implications:

Key Objective 5.0 - Our Business

Our Goal:

To make decisions and manage the resources of the organisation in a sustainable manner, with a focus on;

- Effective medium – long term planning
- Effective Communication
- Development of our staff
- Achieving high standards in the management of Council's financial resources.
- Managing risk at an acceptable level.

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- Fulfil the Council's strategic Goals and Objectives.

Relevant Precedents:

Major Project Update reports are presented to Council quarterly.

Comment:

Given the number and wide range of projects questions pertaining to individual items would be appreciated prior to the meeting.

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11.3 Black Diamond Risk Assessment

Reporting Department:	CEO Office
Reporting Officer:	David Blurton - CEO
Accountable Manager:	David Blurton - CEO
Legislation	WA Local Government Act 1995
File Number:	
Appendices:	Yes – Appendix 2
Voting Requirement	Simple Majority

Report Purpose: To present the Risk Assessment report for Black Diamond Lake as prepared by Local Government Insurance Services. (LGIS)

Officer's Recommendation:

That Council;

- 1. Receive the risk assessment report for Black Diamond Lake as prepared by LGIS;**
- 2. Note the risk assessment and suggested treatment options which has been prepared by staff**
- 3. Direct staff to address the identified risks which are the responsibility of the Shire of Collie by implementing the suggested treatments;**
- 4. Refer an amount of \$20,000 to the midyear budget review process to fund the purchase and installation of road safety barriers within the road reserve.**
- 5. Refer a copy of the risk assessment report to the Department of Lands and request that the risks which have been identified on crown land be addressed by the state.**

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through the Department of Mines abandoned mine scheme with the works comprising battering of the cliffs on the southern side of the lake to improve safety. Whilst this has eliminated a significant risk at the site, many issues remain unresolved.

To exacerbate the situation, Black Diamond has had a surge in popularity in recent times due to social media and this has resulted in a significant increase in visitor numbers on long weekends and holiday periods.

Statutory and Policy Implications:

Staff have considered the Council's Risk Management Framework policy CS4.4 in the development of this report.

Budget Implications:

Costings previously undertaken by staff indicate an amount of \$20,000 is required to install vehicle safety railing. A further \$3-5,000 is required to address signage issues raised.

An allocation of \$10,000 is currently included in the 18/19 budget which will be used to fulfil public health responsibilities including the hiring of portable toilets during peak times, water sampling and skip bin hire. Staff consider that the current budget is adequate to address the signage issues identified in the report.

Communications Requirements: (Policy No. CS 1.7)

In accordance with policy cs1.7

Strategic Community Plan/Corporate Business Plan Implications:

2.3 A growing tourism industry

2.3.1 Support the provision of appropriate visitor servicing facilities including the Collie Visitor Centre

2.3.2 Support local and regional tourism destination management and marketing initiatives that provide local tourism growth; including:

- Collie Caravan Park
- supporting development of Lake Kepwari and Collie Motorplex
- support development of camping facility managed by the Department of Parks and Wildlife (DPAW)

Relevant Precedents:

N/A

Comment:

LGIS have provided a thorough analysis of the issues at Black Diamond and have concluded that there is a current high level of risk for the shire for a legal challenge based on a breach of duty of care should injury, harm or loss result from use of the location. (pg24) LGIS have also concluded there is a moderate risk of legal challenge from other land holders relating to trespass or nuisance (pg25).

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In reaching this conclusion, each individual risk was identified separately (pages 3-22) and liability considerations related to each risk considered. The report also recommended that Council complete its own risk assessment exercise, utilising Councils own risk management framework – policy cs4.4 for each of the issues identified in the report. Staff have undertaken this exercise (refer Appendix 2) to determine the highest priorities with regard to the issues raised and staff have included a suggested treatment to mitigate each risk identified.

Some of the risks identified are located within the shire-controlled land and relate to signage and vehicle barriers. It is suggested that Council address these issues as a matter of priority with the shortfall in funding to be considered as part of the midyear budget review process.

LGIS also discuss the Council's liability to Black Diamond more broadly in the report. The Council's duty of care in relation to the Black Diamond site was previously tested in the 1989 case involving the Shire of Collie as co-defendant in *The State Western Australia v Dale and Anor*. The judge found the State of Western Australia was the occupier of the reserve and that the state owed the plaintiff a duty of care rather than the Shire of Collie.

However, circumstances have changed at Black Diamond since the 1989 case which may not result in the same finding for the Shire of Collie should a similar incident occur today. The report notes that some actions which have been undertaken by the Shire of Collie, may increase the likelihood that a court will establish enough relationship of proximity, and therefore duty of care owed by the shire to visitors to the site.

Given the conundrum the Shire faces between fulfilling its health responsibilities but not taking responsibility for the unmanaged portion of the site, LGIS have identified several land management options for Council to consider and these are itemised on page 35 of the report.

Given that resolution 7749 indicates a reluctance on Council part to take further responsibility for the site, the recommendation above reflects option 2, *maintaining current involvement with the site* but addressing the risks which Council are directly responsible for. The Department of Lands would be provided with a copy of the report and be requested to address the risks which have been identified on crown land.

As noted in the LGIS report regardless of the decision taken by Council, it is unlikely to be without risk.

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12. CORPORATE SERVICES REPORTS

12.1 Request for Approval to Conduct Private Swimming Lessons

Reporting Department:	Corporate Services
Reporting Officer:	Allison Fergie – Director Corporate Services
Accountable Manager:	Allison Fergie – Director Corporate Services
Legislation	WA Local Government Act 1995
File Number:	RCS/002
Appendices:	Yes – Appendix 3
Voting Requirement	Simple Majority

Report Purpose:

For Council to consider a request from S Coughlan to conduct swimming lessons at the Collie Mineworkers Memorial Swimming Pool

7984

Officer's Recommendation/Council Decision:

Moved: Cr Faries

Seconded: Cr Scoffern

That Council approve the request from S Coughlan to conduct private swimming lessons at the Collie Mineworkers Memorial Swimming Pool for a term of three (3) years to April 2022 subject to the provision of relevant certificates of currency and qualifications.

CARRIED 10/0

Background:

An application has been received from S Coughlan requesting approval to conduct private swimming lessons at the Collie Mineworkers Memorial Swimming Pool (the Pool) – Appendix 3. Council policy permits that the Pool be available for persons wishing to offer private swimming lessons. The Aqua Splash Swim School and two individual swimming instructors have been authorised by Council to operate from the Pool.

The applicant is seeking permission to give private lessons at the Pool on weekends and at times to suit clients that will not compete with the Aqua Splash Swim School. The applicant is very experienced, including working with children with special needs, has a current AustSwim licence and a Working with Children card. The applicant has stated that if this application is approved, then all necessary certificates of currency for insurances will be provided.

Statutory and Policy Implications:

Council Policy CS6.2 Swimming Pool – Private Swimming Lessons requires persons wanting to conduct private swimming lessons at the Council pool for financial gain to

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apply in writing to Council for permission and to provide relevant insurances and qualifications.

Budget Implications:

Participants would pay entrance to the Pool in accordance with Council's adopted fees and charges.

Communications Requirements: (Policy No. CS 1.7)

Advice to applicant of Council's decision.

Strategic Community Plan/Corporate Business Plan Implications:

GOAL 1: OUR COMMUNITY – *A thriving, supportive and safe community*

Outcome 1.2: Participation in sport, leisure and recreation activities.

Strategy 1.2.1: Provide and promote sport, recreation and leisure facilities and programs.

Relevant Precedents:

Council has previously approved similar applications. On 10 November 2015 Council resolved:

6901 - That Council approve the request from T Emmett to conduct private swimming lessons at the Collie Mineworkers Memorial Swimming Pool subject to the provision of relevant certificates of currency and qualifications.

On 13 February 2018 Council resolved:

7713 – That Council approve the request from Ms S Lasisz to conduct private swimming lessons at the Collie Mineworkers Memorial Swimming Pool for a term of three (3) years to April 2021 subject to the provision of relevant certificates of currency and qualifications.

Comment:

There have been no problems reported with the approvals already given. Mrs T Emmett has indicated that she will no longer be offering private swimming lessons at the Pool, so there will be no nett increase in the number of instructors approved to operate from the pool.

Approval is recommended as the applicant has been approached by families in Collie to teach their children, is very experienced with children with special needs, and has indicated that she will operate at times that will not compete with the existing swim school.

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13. DEVELOPMENT SERVICES REPORTS

Item 13.1 Extension to Art Gallery brought forward.

14. TECHNICAL SERVICES REPORTS

Nil

15. MOTIONS FOR WHICH PRIOR NOTICE HAS BEEN GIVEN

Nil

16. QUESTIONS FROM MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN

Nil

17. URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER AND COUNCILLORS

Nil

18. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS

Cr Faries

- Advised that the Collie Motorplex Chairperson has resigned and a special meeting will be called.

Cr Scoffern

- 3 November – Attended the Community Garden Day

Mr Dover

- 7 November - Attended a Trails Forum in Perth.
- 15 November - Will be attending the Affinity Awards for waste in Perth.

Cr Miffling

- 26 October - Attended Tidy Towns
- Future Event - Sports Person of the Year Award - 30 November 2018

Cr Stanley

- 2 November – Attended the Local Govt Act Review Forum in Busselton
- 7 November – Business Connection Event - Revitalise/Reactivate CBD
- 10 November - Union Delegates Meeting
- 11 November - Attended Remembrance Day Service at Soldier Park
- Future Event - Collie Agricultural Show – 17 November 2018

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19. STATUS REPORT ON COUNCIL RESOLUTIONS

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

- 'Closed Since Last Meeting' at Appendix 5
- 'All Open' at Appendix 6

20. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

Nil

21. CLOSE

The Shire President thanked Council and Staff for their attendance. The Presiding Member declared the meeting closed 8.15pm.

I certify that these Minutes were confirmed at the Ordinary Meeting of Council held on Tuesday, 11 December 2018.

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Presiding Member

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Date