



# MINUTES

of the

## ORDINARY MEETING OF COUNCIL

held on

Tuesday, 22 January 2019

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Minutes of the Ordinary Meeting of the Collie Shire Council held in Council Chambers, 87 Throssell Street Collie, on Tuesday, 22 January 2019 commencing at 7:16pm.

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

**PRESENT:** Sarah Stanley Councillor (Presiding Member)  
Michelle Smith Councillor  
John Piavanini Councillor  
Rebecca Woods Councillor  
Bett King Councillor  
Jodie Hanns Councillor  
Leonie Scoffern Councillor  
Elysia Harverson Councillor  
Joe Italiano Councillor

David Blurton CEO  
Allison Fergie Director Corporate Services  
Andrew Dover Director Development Services  
Hasreen Mandry Finance Manager  
Belinda Dent CEO PA

**APOLOGIES:** Cr Gary Faries  
Cr Ian Miffing  
Brett Lowcock Director Technical Services

**GALLERY:** Ashley Bolt – Collie Mail  
Ashley Davidson  
Judith Davidson  
Geoff Wilks  
Lee-anne Bentley  
Mark Thomas  
Pauline Olney

- 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.

Cr Faries and Cr Miffing have requested Leave of Absence for this Ordinary Meeting of Council.

**8022**

<b>Moved: Cr Woods</b>	<b>Seconded: Cr Harverson</b>
<b>That Cr Faries and Cr Miffing be granted Leave of Absence from this Ordinary Meeting of Council.</b>	
<b>CARRIED 9/0</b>	

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**2. PUBLIC QUESTION TIME**

Nil

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

**Questions Taken on Notice:**

**EFT24525** – Artic Air – Air Conditioning unit. Was a local quote sought to undertake the work?

Response: – A quote was sought from Collie Betta Home Living (quote 10083083 for \$1,649 per unit), however this was more than 10% more expensive than Artic Air quote.

**EFT24602** – Varley Group – Elevated work platforms. Why isn't this work being undertaken by the Mechanic?

Response: - The EWP and also the Forklift are classified as specialist machines and the maintenance of both these items are classified as high risk based on the potential consequences if there is mechanical and/or hydraulic failure. Therefore, based on a risk assessment, staff have made an operational decision to outsource the servicing of both of these items. In addition, the Workshop has more than enough work servicing the rest of the plant and responding to callouts, repairs etc. Over the past 1-2 years, this has also included the servicing of most of the admin based light vehicles that were historically outsourced.

**4. DISCLOSURE OF FINANCIAL INTEREST**

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

<b>Councillor/Staff</b>	<b>Agenda Item</b>	<b>Disclosure</b>
Cr Piavanini	Item 13.1 – Proposed Home Business (Motorcycle Repairs)	Financial Interest – Owner of vacant Industrial Rental Units.
Cr Woods	Item 13.2 – Proposed Home Business (Dog Breeding and Whelping Kennels)	Impartial Interest – Registered Breeder and friends with property owner.

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

Nil

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

Nil

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**7. ITEMS BROUGHT FORWARD DUE TO INTEREST BY ATTENDING PERSONS**

Item 13.1 brought forward due to attending persons.

Cr Piavanini declared an interest in Item 13.1 and left the room at 7.19pm and returned at 7.26pm.

**13.1 11 Swanstone Street – Proposed Home Business (Motorcycle repairs)**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	Robert Quinn – Shire Planner
<b>Accountable Manager:</b>	Andrew Dover – Director Development Services
<b>Legislation</b>	Planning and Development Act 2005
<b>File Number:</b>	A2354
<b>Appendices:</b>	Yes – Appendices 8 Site and location plan and 9 Schedule of Submissions
<b>Voting Requirement</b>	Simple Majority

**Report Purpose:**

To seek Council approval for a Home Business (Motor Cycle/Small Engines Repairs) at 11 Swanstone Street Collie.

**Officer's Recommendation:**

That Council advise Mark Thomas that approval is granted for a Home Business (Motor Cycle/Small Engines Repairs) at 11 Swanstone Street Collie subject to the following conditions:

1. At all times, the development the subject of this planning approval must comply with the definition of 'Home Business', incidental to the main dwelling, as contained in Schedule 1 of the Shire's Local Planning Scheme.
2. All development shall be in accordance with the approved development plans (attached) which form part of this planning approval.
3. This approval is valid for a period of 1 (one) year from the date of issue and is subject to annual renewal due on 31<sup>st</sup> January every year thereafter. The approval is liable to cancellation without compensation at any time for infringement of any breach of any conditions under which it is issued.
4. The business shall not cause injury to or adversely affect the amenity of the neighbourhood.
5. Hours of operation shall be limited to:

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Monday - Friday: 8.00am – 5:00pm

Saturday: 8:00am – 5:00pm

Sunday/ Public Holiday: Nil

6. 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.
7. The use/development is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, water products or grit, oil or otherwise.
8. The business shall not occupy an area greater than 50 square metres.
9. The business shall not display a sign exceeding 0.2 square metres. The advertisement/ sign is of a type that is incorporated as part of a building wall, fence or entry statement and not illuminated.
10. In relation to vehicles and parking, the business shall not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, shall not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and shall not include provision for the fueling, repair or maintenance of motor vehicles.
11. The business shall not involve the retail sale, display or hire of goods of any nature.
12. The Shire of Collie advises that failure to comply with all conditions of the planning approval at any time may result in the withdrawal of the home occupation approval.

**8023**

**Council Decision:**

**Moved: Cr Harverson**

**Seconded: Cr Woods**

**That Council advise Mark Thomas that approval is granted for a Home Business (Motor Cycle/Small Engines Repairs) at 11 Swanstone Street Collie subject to the following conditions:**

1. **At all times, the development the subject of this planning approval must comply with the definition of 'Home Business', incidental to the main dwelling, as contained in Schedule 1 of the Shire's Local Planning Scheme.**
2. **All development shall be in accordance with the approved development plans (attached) which form part of this planning approval.**
3. **This approval is valid for a period of 1 (one) year from the date of issue and is subject to annual renewal due on 31<sup>st</sup> January every year thereafter. The approval is liable to cancellation without compensation at any time for infringement of any breach of any conditions under which it is issued.**
4. **The business shall not cause injury to or adversely affect the amenity of the neighbourhood.**

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5. Hours of operation shall be limited to:  
Monday - Friday: 8.00am – 5:00pm  
Saturday: 9.00am – 5.00pm  
Sunday/ Public Holiday: Nil
6. 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.
7. The use/development is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, water products or grit, oil or otherwise.
8. The business shall not occupy an area greater than 50 square metres.
9. The business shall not display a sign exceeding 0.2 square metres. The advertisement/ sign is of a type that is incorporated as part of a building wall, fence or entry statement and not illuminated.
10. In relation to vehicles and parking, the business shall not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, shall not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and shall not include provision for the fueling, repair or maintenance of motor vehicles.
11. The business shall not involve the retail sale, display or hire of goods of any nature.
12. The Shire of Collie advises that failure to comply with all conditions of the planning approval at any time may result in the withdrawal of the home occupation approval.

**CARRIED 6/2**

**Background:**

Letter were sent to the 5 adjacent landowners to whom may be affected by this proposal inviting comment on the proposal. Two submissions were received from one landowner objecting to the proposal based on potential noise generation from the proposal and loss of residential amenity. See Schedule of Submissions.

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12 Swanstone Street is zoned Residential R15, slightly undulating with an easterly aspect and 809m<sup>2</sup> in area. The subject site is located in a well established residential area, serviced by a rear laneway which will provide access to the proposed Home Business.

**Statutory and Policy Implications:**

A "Home Business" is a "A" use in the Residential zone under the Shire of Collie Local Planning Scheme No. 5 (the LPS). This proposal is consistent with the LPP 4.1 Home Based Businesses Policy.

The Development Application has been processed in accordance with policy and the LPS provisions.

There are no material Statutory or Policy implications with this proposal.

Budget Implications:

There are no budget implications for this report

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

1. Providing regular and consistent communication on Council's projects and activities to all stakeholders.
2. Creating a positive and professional image for the Shire of Collie through open, transparent communication and increased awareness of Council's projects and activities.



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3. Fostering meaningful community consultation processes in Council's activities.

**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 are approximately 17 Home Business/Home Occupations operating within the Shire.

**Comment:**

This proposal may have some impact upon the area, however, given that Home Business approvals are effectively an annual approval based upon inspections and compliance with conditions, it will be relatively simple to ensure compliance with conditions, should non-compliance occur. If there are issues which are brought to Shire officers' attention regarding non-compliance then the approval can be simply revoked by not renewing the annual Home Business approval. Home Businesses are inspected by Shire Officers on an annual basis and a renewal fee is also required.

The noise issues raised by the respondent are covered by the Environmental Protection (Noise) Regulations 1997 and it is considered that these regulations would control noise complaint issues. It also needs to be recognised that apart from having a Home Business in the area there will always be a level of noise in residential area and noise tolerance levels are subjective and depend on the noise level tolerance of individuals.

There are no compelling reasons/issues arising from this application which would warrant refusal of the application.

Suspend Standing Orders

**8024**

**Cr Italiano**

**Seconded: Cr Smith**

**That Council Suspend Standing Orders.**

**CARRIED 8/0**

Mark Thomas spoke to Council regarding the operation of the business to be conducted at 11 Swanstone St.

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**8025**

<b>Cr Italiano</b>	<b>Cr Woods</b>
<b>That Council resumes Standing Orders.</b>	
<b>CARRIED 8/0</b>	

Pauline Olney and Mark Thomas left Chambers at 7.26pm.  
Cr Piavanini returned to the chambers at 7.26pm

**8. CONFIRMATION OF THE PREVIOUS MEETINGS OF COUNCIL MINUTES**

**8026**

<b>Recommendation/Council Decision:</b>	
<b>Moved: Cr Woods</b>	<b>Seconded: Cr Smith</b>
<b>That Council confirms the Minutes of the Ordinary Meeting of Council held on 11 December 2018.</b>	
<b>CARRIED 9/0</b>	

**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 Access and Inclusion Committee**

**8027**

<b>Recommendation/Council Decision:</b>	
<b>Moved: Cr Woods</b>	<b>Seconded: Cr Hanns</b>
<b>That Council receives the minutes of the Access and Inclusion Committee held on 13 December 2018.</b>	
<b>CARRIED 9/0</b>	

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**10.2 Adoption of the Recommendations of the Access and Inclusion Committee**

**8028**

**Recommendation/Council Decision:**

**Moved: Cr Smith**

**Seconded: Cr Italiano**

**That Council adopts en block the recommendations contained within the minutes of the Access and Inclusion Committee held on 13 December 2018.**

**That Council;**

**10.2.1 endorse the 2019 meeting dates for the Access and Inclusion Committee as listed at item 16.**

**10.2.2 write to the Miners Institute inviting the Chairperson of the committee to attend the next Access and Inclusion meeting and arrange a tour of the institute to discuss accessibility issues raised by community members.**

**10.2.3 write to Community Home Care enquiring about their plans for the return of the woodworking equipment removed from the former Adult Day Centre now that the renovations at the new centre are complete as the equipment belongs to the Collie Community.**

**CARRIED 9/0**

**10.3 Receipt of the Minutes of the Economic Development Advisory Committee**

**8029**

**Recommendation/Council Decision:**

**Moved: Cr Woods**

**Seconded: Cr Italiano**

**That Council receives the minutes of the Economic Development Advisory Committee held on 13 December 2018.**

**CARRIED 9/0**

**10.4 Adoption of the Recommendations of the Economic Development Advisory Committee**

**8030**

**Recommendation/Council Decision:**

**Moved: Cr Stanley**

**Seconded: Cr Woods**

**That Council adopts en block the recommendations contained within the minutes of the Economic Development Advisory Committee held on 13 December 2018.**

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**That Council;**

**10.4.1 Call for expressions of interest for a group to instigate the CBD revitalization projects, beginning with an interactive artwork in Forrest St as suggested in the CBD Walkabout session. Allocate \$1,500 seed funding for the successful group.**

**10.4.2 the Reimaging Collie Report be deferred.**

**10.4.3 note the update on the development of Shotts Industrial park and the work being undertaken by Landcorp in consultation with Shire of Collie staff and provide any previous information to Landcorp where appropriate.**

**10.4.4 note the progress on achieving small business friendly accreditation.**

**10.4.5. 1. Receive the report;**

**2. Investigate options for vacant shops in the CBD and call for expressions of interest for land owners and potential tenants.**

**3. Advertise more broadly and investigate the possibility of real estate agents collaborating on a campaign to promote affordable housing.**

**CARRIED 9/0**

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**11. CEO REPORTS**

**11.1 Tidy Towns National Awards 2019**

<b>Reporting Department:</b>	CEO Office
<b>Reporting Officer:</b>	David Blurton - CEO
<b>Accountable Manager:</b>	David Blurton - CEO
<b>Legislation</b>	WA Local Government Act 1995
<b>File Number:</b>	
<b>Appendices:</b>	No
<b>Voting Requirement</b>	Simple Majority

**Report Purpose:**

To consider sending representation to the National Tidy Towns awards in Tasmania in April 2019.

**8031**

**Officer's Recommendation/Council Decision:**

**Moved: Cr Italiano**

**Seconded: Cr King**

**That Council authorise Cr Scoffern and Mr Andrew Dover to represent the Shire of Collie at the National Tidy Towns awards in Smithton, Tasmania during April 2019.**

**CARRIED 9/0**

**Background:**

The Shire of Collie was successful in winning the state tidy town award for Sustainable Communities in 2018. In winning the award, the Shire of Collie will represent Western Australia at the National Awards to be held in Smithton, Tasmania on 4<sup>th</sup> and 5<sup>th</sup> April 2019.

The awards are run by the Keep Australia Beautiful foundation and encourage, motivate and celebrate sustainability achievements of rural and regional communities across Australia.

The state finalists for the 2019 Keep Australia Beautiful Tidy Towns – Sustainable Communities are:

<u>State</u>	<u>Finalist</u>
NSW	Cessnock
NT	Santa Teresa
SA	Ardrossan
TAS	Oatlands
VIC	Dimboola

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WA Collie  
QLD No Competitor

**Statutory and Policy Implications:**  
N/A

**Budget Implications:**

Return economy flights range from \$288-\$578 each depending upon airline and departure time.

Accommodation at Tall timbers hotel, Smithton Tasmania \$200 per night each

Event tickets estimate \$200 each

Accommodation at Welborough Hotel, Derby \$97 per night each

Car Hire estimate \$400 incl fuel

Other expenses including airport parking, food, etc estimate \$300

Total \$2,270 - \$2,850

This could be funded from accounts 119220 – Tidy Towns [\$1,500] and 102620 – Conferences and training – administration. Payment for catering, venue hire and music for the community event on the day of the national judging will also need to be paid from the Tidy Towns account.

Expenses for Mrs Nola Green are not included in the above as these can be funded from the Tidy Towns trust account T391 – Tidy Town Committee which Council holds on behalf of the group. The trust account has a balance of \$2,827.96 with a further \$2,000 to be received from the Keep Australia Beautiful Council for a total of \$4,827.96.

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

N/A

**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 Visitors Centre.

2.3.2 Develop and implement a trails strategy.

2.3.3 Support local and regional tourism destination management and marketing initiatives that provide local tourism growth.

**Relevant Precedents:**

N/A

**Comment:**

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It is recommended that one Councillor and one staff member attend the event as well as Mrs Nola Green, who for many years has invested her time and energy into making the awards a success.

Considering Councils investment in trail development, it is suggested that the travelling party visit Derby whilst in Tasmania which is a former mining town that has been transformed into a mountain bike destination.

It is the CEO's recommendation to authorise Mr Andrew Dover, Director of Development Services to represent the Shire of Collie given his efforts in trail planning and development and a Councillor to be nominated.

Details of the event are have not yet been finalised, however an indicative itinerary is as follows;

1. The event will start with a Reception BBQ and Drinks on the Thursday evening the 4<sup>th</sup> April at around 5pm.
  2. Friday morning will be a presentation from each state on a project selected by the National Judge.
  3. Friday afternoon will be a local tour
  4. Friday night will be the Awards Dinner to be held at the Tall Timbers Resort in Smithton [www.talltimbershotel.com.au](http://www.talltimbershotel.com.au)
  5. Potentially a Saturday morning farewell breakfast tbc.
- Smithton is about a 2 hour and 40 minute drive from Launceston Airport.

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**12. CORPORATE SERVICES REPORTS**

**12.1 2019 Council Elections**

<b>Reporting Department:</b>	Corporate Services
<b>Reporting Officer:</b>	Allison Fergie - Director Corporate Services
<b>Accountable Manager:</b>	Allison Fergie - Director Corporate Services
<b>Legislation</b>	Local Government Act 1995
<b>File Number:</b>	GOV/038
<b>Appendices:</b>	Yes – Appendix 2
<b>Voting Requirement</b>	Absolute Majority

**Report Purpose:**

For Council to appoint the Electoral Commissioner to be responsible to undertake the 2019 Council elections and to determine postal voting as the method of conducting the elections.

**8032**

**Officer's Recommendation/Council Decision:**

**Moved: Cr Smith**

**Seconded: Cr King**

**That Council by ABSOLUTE MAJORITY:**

- 1. Declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2019 ordinary elections together with any other elections or polls which may be required; and**
- 2. Decide, in accordance with section 4.61(2) of the Local Government Act 1995, that the method of conducting the election will be as a postal election.**

**CARRIED 9/0**

**Background:**

The next local government elections will be held on Saturday, 19 October 2019. The Electoral Commissioner has written to the Shire [Appendix 2] providing written agreement to be responsible for the conduct of the election for the Shire of Collie prior to the vote by Council as is required by the *Local Government Act 1995* (the Act). Council is now required to declare that the Electoral Commissioner is responsible for the conduct of the ordinary election together with any other elections or polls that may also be required, and to decide whether the election will be held as an "in person" election on the day or as a postal election, as has been the Shire's practice since 1999.



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For the Shire of Collie, six (6) Councillors' positions will become vacant. Those Councillors whose terms expire in October 2019 are:

- 1) Cr Gary Faries
- 2) Cr Ian Miffing
- 3) Cr Jodie Hanns
- 4) Cr Elysia Harverson
- 5) Cr Joe Italiano
- 6) Cr John Piavanini

With respect to recent postal elections the Council has received favourable voter returns:

2015 - 34.35% [state average participation rate 27.50%]  
2017 - 43.0% [state average participation rate 34.5%]

**Statutory and Policy Implications:**

The Act provides for Council to resolve to conduct elections by postal voting and if so, for the Western Australian Electoral Commission (WAEC) to undertake that task on Council's behalf. The WAEC must appoint a Returning Officer to conduct the election. This appointment must be made at least 80 days prior to the elections.

**Budget Implications:**

A cost estimate for the 2019 election has been provided by the WAEC as \$37,000 inclusive of GST. This is an increase of \$4,000 over 2017 election costs.

The estimate is based on the following assumptions:

- 6,450 electors;
- Response rate of 45%;
- 6 vacancies;
- Count to be conducted at the Shire of Collie offices;
- Appointment of a local Returning Officer; and
- Regular Australia Post delivery service to apply.

In addition, there are computer support and staff costs of approximately \$1,000 associated with the count on the day of the election and into the evening of the count.

**Communications Requirements:** (Policy No. C1.7)

Advice to WAEC of Council decision.

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

*GOAL 5 Our Business – Good governance through an effective, efficient and sustainable organisation*

Outcome 5.1: Good governance and leadership

Strategy 5.1.2: Promote the role of Council by informing, resourcing, skilling and supporting Elected Members

**Relevant Precedents:**

All Shire of Collie elections since 1999 have been conducted as postal elections by the WAEC.

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**Comment:**

As noted above, the Electoral Commissioner has advised the Shire in writing that if Council so required, he would agree to be responsible for the conduct of the October 2019 Shire of Collie Council elections in accordance with section 4.20(4) of the Act.

This being the case, Council needs only to resolve in accordance with Section 4.61(2) of the Act by **Absolute Majority** the method of conduct for the upcoming election, which is again recommended to be postal.

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**12.2 Renewal of Lease for Collie Race Club Inc**

<b>Reporting Department:</b>	Corporate Services
<b>Reporting Officer:</b>	Allison Fergie – Director Corporate Services
<b>Accountable Manager:</b>	Allison Fergie – Director Corporate Services
<b>Legislation</b>	N/A
<b>File Number:</b>	L34414
<b>Appendices:</b>	No
<b>Voting Requirement</b>	Simple Majority

**Report Purpose:**

For Council to consider renewal of the lease of Reserve 33414 being the Collie race course to the Collie Race Club Inc.

**8033**

**Officer's Recommendation/Council Decision:**

**Moved: Cr Piavanini**

**Seconded: Cr Woods**

**That Council:**

- 1. lease Reserve 33414 being the Collie race course to the Collie Race Club Inc. subject to the consent of the Minister for Lands with the following conditions:**
- 2. lease to be deemed a Community Built and Operated Lease with a term of 10 years with a 10 years option;**
- 3. annual lease amount payable be \$1 per annum incl GST; and**
- 4. other conditions to be in accordance with Council policy DS 1.5.**

**CARRIED 9/0**

**Background:**

The Collie Race Club Inc has leased the race course established on Reserve 33414 on Chapman Street, Collie, for many years. The reserve is vested in the Shire of Collie for the purpose of Race Course and Recreation, with power to lease subject to the approval of the Minister for Lands.

This lease renewal will be over the same area as previously leased to the Collie Race Club Inc and is the standard lease document adopted and used by Council for other lease arrangements.

The diagram below shows the extent of Reserve 33414.

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**Statutory and Policy Implications:**

DS 1.5 - Buildings on Council Reserves.

**Budget Implications:**

The Annual lease fee is proposed to be \$1 per annum.

Council's Development Services Policy 1.5 outlines the responsibilities of the parties to the lease as follows:

<b>Issue</b>	<b>Community built and operated</b>
Building insurance	Lessee
Vandalism damage to building (assuming no negligence on lessee's part)	Building insurance excess Lessee
Contents insurance	Lessee
Public liability insurance of \$10m	Lessee
Compliance with <i>Health (Public Building) Regulations 1992</i>	Lessee
Upgrades required by legislative changes	Lessee
Building additions and alterations	Lessee must obtain Shire approval and comply with Building Code of Australia.
Major maintenance	Lessee
Minor maintenance and cleaning	Lessee

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<b>Issue</b>	<b>Community built and operated</b>
Security system and response	Lessee
Payment of utility charges (power, water etc)	Lessee
Payment of Emergency Services Levy	Shire
Painting upgrade (internal and external)	By Lessee every 5 years to satisfaction of Shire
Asbestos removal (if required)	Lessee
Sub letting	With Shire approval
Use by others	Casual hire with Shire approval

**Communications Requirements:** (Policy No. CS 1.7)  
Correspondence to proponent.

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

Goal 1: Our Community *A vibrant, supportive and safe community.*

1.3 An active and supportive community

1.3.1 Support community initiated and owned projects

Goal 4: Our Built Environment *Infrastructure, amenities and development that supports the needs and aspirations of the community*

1.5 Council buildings and service related assets that support community needs

4.5.1 Manage and maintain public buildings, facilities and public amenities.

**Relevant Precedents:**

Council regularly renews lease agreements for community groups. Where groups have significant investment in infrastructure, Council has extended the period of the lease from 5 years with a 5 year option to 10 years with a 10 year option.

Most recently, at its meeting held 11 December 2018 Council resolved:

*8007 – That Council lease the portion of Reserve 34343 being the Collie golf course to the Collie Golf Club Inc. subject to the consent of the Minister for Lands with the following conditions:*

*lease to be deemed a Community Built and Operated Lease with a term of 10 years with a 10 year option;*

*Annual lease amount payable be \$1 per annum incl GST; and*

*Other conditions to be in accordance with Council policy DS 1.5.*

**Comment:**

The Collie Race Club Inc has leased the Collie race course for many years. The area is maintained by the club, and extensive improvements have been made over recent years. The race course is used by local trainers and is the venue for the successful Collie Race Day that attracts a large number of visitors each year.

The lease is proposed to be for a term of 10 years with a 10 years option due to the significant investment in infrastructure by the Collie Race Club.

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**12.3 Sub Lease for Western Australian Endurance Rider's Association**

<b>Reporting Department:</b>	Corporate Services
<b>Reporting Officer:</b>	Allison Fergie – Director Corporate Services
<b>Accountable Manager:</b>	Allison Fergie – Director Corporate Services
<b>Legislation</b>	N/A
<b>File Number:</b>	L34414
<b>Appendices:</b>	No
<b>Voting Requirement</b>	Simple Majority

**Report Purpose:**

For Council to consider approval of a sub-lease agreement for the Western Australian Endurance Rider's Association to use and occupy Reserve 33414 leased to the Collie Race Club Inc.

**8034**

**Officer's Recommendation/Council Decision:**

**Moved: Cr Scoffern**

**Seconded: Cr Hanns**

**That Council approves the request from the Collie Race Club Inc to sub-lease Reserve 33414 to the Western Australian Endurance Rider's Association Inc, subject to the consent of the Minister for Lands; with the following conditions:-**

- 1. The sub-lease to be for the same term as the lease to the Collie Race Club Inc.;**
- 2. The Western Australian Endurance Rider's Association Inc. to provide a certificate of currency for public liability insurance;**
- 3. All other conditions to be as for Development Services Policy DS1.5.**

**CARRIED 9/0**

**Background:**

The Collie Race Club Inc and the Western Australian Endurance Rider's Association Inc (WAERA) have both operated from the Collie race course located on Reserve 33414 for many years.

Since 2009 a Memorandum of Understanding (MOU) has been in place between the Shire of Collie, the Collie Race Club and WAERA that has formalised the sharing arrangement over the race course leased premises. The term of the MOU was aligned with the term of the lease to the Collie Race Club and extended to WAERA the right to participate in any negotiations for a new lease at the expiry of the current lease agreement.

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Under the terms of its lease Collie Race Club Inc. require Council approval for any sub-leasing arrangements. This is a standard clause applied to all leases on Council managed reserves and the sub-lease is the standard lease document adopted and used by Council for other sub-lease arrangements.

**Statutory and Policy Implications:**

DS 1.5 - Buildings on Council Reserves.

**Budget Implications:**

The Annual lease fee is proposed to be \$1 per annum.

Council's Development Services Policy 1.5 outlines the responsibilities of the parties to the lease as follows:

Issue	Community built and operated
Building insurance	Lessee
Vandalism damage to building (assuming no negligence on lessee's part)	Building insurance excess Lessee
Contents insurance	Lessee
Public liability insurance of \$10m	Lessee
Compliance with <i>Health (Public Building) Regulations 1992</i>	Lessee
Upgrades required by legislative changes	Lessee
Building additions and alterations	Lessee must obtain Shire approval and comply with Building Code of Australia.
Major maintenance	Lessee
Minor maintenance and cleaning	Lessee
Security system and response	Lessee
Payment of utility charges (power, water etc)	Lessee
Payment of Emergency Services Levy	Shire
Painting upgrade (internal and external)	By Lessee every 5 years to satisfaction of Shire
Asbestos removal (if required)	Lessee
Sub letting	With Shire approval
Use by others	Casual hire with Shire approval

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

Correspondence to proponents.

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

Goal 1: Our Community *A vibrant, supportive and safe community.*

1.3 An active and supportive community

1.3.1 Support community initiated and owned projects

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Goal 4: Our Built Environment *Infrastructure, amenities and development that supports the needs and aspirations of the community*

1.6 Council buildings and service related assets that support community needs

4.5.1 Manage and maintain public buildings, facilities and public amenities.

**Relevant Precedents:**

Council has previously approved sub-lease agreements for community groups. Most recently, at its meeting held 23 January 2018 Council resolved:

*7685 – That Council approves the request from the Collie BMX Club to sub-lease a portion of Reserve 8278 to the Collie Radio Control Club Inc, subject to the consent of the Minister for Lands; with the following conditions:-*

- 1. The licence to be for a term to 30 April 2020;*
- 2. The Collie Radio Control Club Inc. to provide a certificate of currency for public liability insurance;*
- 3. Compliance with the Department of Environmental Regulation defined noise levels; and*
- 4. All other conditions to be as for Development Services Policy DS1.5.*

**Comment:**

Under the MOU the Collie Race Club and WAERA formed a joint committee for the management of the race course precinct for the common purpose of both organisations, with the MOU recognising that the race days of the Collie Race Club as the principal user will have precedence over all other uses. WAERA has been granted exclusive use of the facility for their events subject to prior agreement with the Collie Race Club.

The joint committee also apportions utility charges and plans and funds upgrades to the facility.

In 2020 WAERA will host a significant national event at Collie – the Tom Quilty Gold Cup Endurance Ride. The approval of the sub-lease will provide WAERA with the security of tenure required to attract funding towards further upgrades of the facility such as veterinary and horse strapping areas and establish an asset capable of attracting further endurance riding events to Collie.



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**12.4 Accounts Paid – November 2018**

**Reporting Department:** Corporate Services  
**Reporting Officer:** Hasreen Mandry – Finance Manager  
**Accountable Manager:** Allison Fergie – Director of Corporate Services  
**Legislation:** Local Government Act 1995 & Financial Management Regulations 1996  
**File Number:** FIN/024  
**Appendices:** Yes – Appendix 3  
**Voting Requirement** Simple Majority

**Report Purpose:**

To present the accounts paid during the month of November 2018.

**8035**

**Officer’s Recommendation/Council Decision:**

**Moved: Cr Harverson**

**Seconded: Cr King**

**That Council accepts the Accounts as presented in Appendix 3 being vouchers 3192 & 41514-41433 totalling \$46,817.40 and direct payments totalling \$1,972,635.40 authorised and paid in November 2018.**

**CARRIED 9/0**

**Background:**

In accordance with clause 12 of the WA Local Government Financial Management Regulations (1996) the Council may delegate the authority to the Chief Executive Officer (CEO) to authorise payments from both the municipal, trust and reserve funds in accordance with the Annual Budget provisions. The CEO shall cause for section 13 of the WA Financial Management Regulations (1996) to be adhered to with a list of accounts for approval to be presented to the Council each month.

Month	2018/19		
	Cheques	Electronic Transfer	Total Payment
July	\$39,724.54	\$422,209.63	<b>\$461,934.17</b>
August	\$54,077.74	\$782,538.66	<b>\$836,616.40</b>
September	\$34,057.86	\$566,848.03	<b>\$600,905.89</b>
October	\$47,005.40	\$641,951.33	<b>\$688,956.73</b>
November	\$46,817.40	\$1,972,635.40	<b>\$2,019,452.80</b>
December			
January			
February			

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<b>March</b>			
<b>April</b>			
<b>May</b>			
<b>June</b>			

**Statutory and Policy Implications:**

WA Local Government Act 1995  
Financial Management Regulations 1996

Council has Policy number CS3.7 which 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 in the month prior shall be presented to the Council. 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:**

**Comment:**

For a detailed listing of payments see Appendix 3.

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**12.5 Financial Report – November 2018**

<b>Reporting Department:</b>	Corporate Services
<b>Reporting Officer:</b>	Hasreen Mandry – Finance Manager
<b>Accountable Manager:</b>	Allison Fergie – Director of Corporate Services
<b>Legislation:</b>	Local Government Act 1995 & Financial Management Regulations 1996
<b>File Number:</b>	FIN/024
<b>Appendices:</b>	Yes – Appendix 4
<b>Voting Requirement</b>	Simple Majority

**Report Purpose:**

This report provides a summary of the Financial Position for the Shire of Collie for the month ending November 2018.

**8036**

**Officers Recommendation/Council Decision:**

**Moved: Cr Harverson**

**Seconded: Cr Woods**

**That Council accept the Financial Report for November 2018 as presented in Appendix 4.**

**CARRIED 9/0**

**Background:**

In accordance with Council policy and the provisions of the Local Government Act 1995, the Financial Report for the end of the period is presented to Council for information. Refer to Appendix 4.

**Statutory and Policy Implications:**

WA Local Government Act 1995  
Financial Management Regulations 1996

**Budget Implications:**

Nil

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

Nil

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

Nil

**Relevant Precedents:**

N/A

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**Comment:**

The report provided to Council as Appendix 4 is inclusive of the information required by the Local Government Act 1995 and includes information as set out in Council Policy.

The report includes a summary of the financial position along with comments relating to the statements. If Councillors wish to discuss the report contents or any other matters relating to this, please contact Council Finance staff prior to the meeting.

**Notes to the Financial Statements (items in bold represent new notes).**

**Operating Revenue by Program**

1. **Law, Order and Public Safety is \$14,255 under budget due to the repayment of the Digital Radio System and GPS Tracking Grant (\$28,937) and the DFES contribution for the Community Emergency Services Manager is over budget by \$14,077.**
2. Transport is \$419,182 over budget mainly due to the payment for Regional Road Group grant received earlier than expected.

**Operating Expenditure by Program**

3. **Governance is \$146,480 over budget due to the changes to the reclassification of Council asset's below \$5,000 as per the changes to Section 17A of the Local Government (Financial Management) Regulation 1996. A separate register is kept for assets below \$5,000. Please note that this is a non-cash item.**
4. **Law, Order and Public Safety is \$128,313 over budget due to the Community Emergency Services (\$24,244) which is 50% reimbursed by DFES (refer note 1). Initial Budget only allows for salary and no other expenses. The over budget is also contributed by the purchase of plant and equipment (\$20,067) and maintenance of vehicles (\$46,863) for the Bushfire Brigade and SES. This is partly a timing issue and arrangements have been made with DFES to reimburse any over budget expenses.**
5. **Economic Services is \$69,805 under budget mostly due to the expenditure for the Economic Development (\$54,680) and sand and gravel pits (\$14,075) are yet to commence.**
6. **Other Property and Services is \$105,135 under budget as the plant direct cost and public works overhead is lesser than expected.**

**Operating Revenue by Nature and Type**

7. Operating grants, subsidies and contributions are under budget by \$207,375 mainly due to the prepayment of the 2018/19 Financial Assistance Grant in June 2018. These will remain the same until the 2018/19 Budget Review.
8. **Interest earning is \$25,518 over budget mainly due to non-payment penalty being greater than expected.**

**Operating Expenditure by Nature and Type**

9. Utility charges are \$69,810 under budget; most of the utility payments are yet to be

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made, this is due to timing factor.

10. **Non-operating grants is \$411,613 over budget due to the payment for Regional Road Group grant received earlier than expected.**
11. **Loss on asset disposal is over budget by \$136,436, please refer note 3.**

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**12.6 Renewal of Lease to Collie Senior Citizens Inc and Federation of Police and Community Youth Centres Inc**

<b>Reporting Department:</b>	Corporate Services
<b>Reporting Officer:</b>	Allison Fergie – Director Corporate Services
<b>Accountable Manager:</b>	Allison Fergie – Director Corporate Services
<b>Legislation</b>	WA Local Government Act 1995
<b>File Number:</b>	L40854
<b>Appendices:</b>	No
<b>Voting Requirement</b>	Simple Majority

**Report Purpose:**

To seek Council authorisation to renew the leases to the Collie Senior Citizens Inc and the Federation of Police and Community Youth Centres Inc for portions of the Margaretta Wilson Centre building located on Reserve 40854, Forrest Street, Collie

**8037**

**Officer's Recommendation/Council Decision:**

**Moved: Cr Hanns**

**Seconded: Cr Scoffern**

**That Council renew the lease of portion of the Margaretta Wilson Centre building located on Reserve 40854 to the:**

- 1. Collie Senior Citizens Inc subject to the consent of the Minister for Lands with the following conditions:**
  - a) Lease to be deemed Long Term Lease with a term of 5 years with a 5 year option;**
  - b) Annual lease amount payable be \$1 per annum incl GST;**
  - c) Other conditions to be in accordance with Council policy DS 1.5.**
  
- 2. Federation of Police and Community Youth Centres Inc subject to the consent of the Minister for Lands with the following conditions:**
  - a) Lease to be deemed Long Term Lease with a term of 5 years with a 5 year option;**
  - b) Annual lease amount payable be \$1 per annum incl GST;**
  - c) Other conditions to be in accordance with Council policy DS 1.5**

**CARRIED 9/0**

**Background:**

The Margaretta Wilson Centre is located in Forrest Street, Collie, on Reserve 40584 vested in the Council for the purposes of Community Centre, Recreation and tourism.

The building has been leased to the Collie Senior Citizens and the Federation of Police and Community Youth Centres (PCYC) for many years. Both groups have indicated to the Shire that they wish to renew their respective leases, with some changes to the leased area from the previous renewal.

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The changes are:

- The atrium area will no longer be 'common area', rather it will be included in the lease area of the Collie Senior Citizens.
- The corridor leading to the main hall will no longer be 'common area', rather it will be included in the lease area of the PCYC.
- The former PCYC creche room which has been occupied as an office by Community Home Care will be returned to the PCYC lease area.

The only common area remaining is the toilet area and the two groups will divide the cleaning of this common area. These changes have been discussed and agreed to at a joint meeting with the two groups.

**Statutory and Policy Implications:**

WA Local Government Act (1995)

Section 3.58 of the Local Government Act refers to the disposal of property and includes lease arrangements. Under this section, local public notice and a submission period is normally required to be undertaken by Council's when entering lease arrangements, however there is a specific exemption for the requirement to advertise under section 30 of the associated Functions and General Regulations where the intended lease is with certain organisations;

- 30 (2) (b) (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and  
 (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;

**Budget Implications:**

Council's Development Services Policy 1.5 outlines the responsibilities of the parties to the lease as follows:

Issue	Long Term Lease Responsible Party
Building insurance	Shire
Vandalism damage to building (assuming no negligence on lessee's part)	Building insurance excess shared equally between Lessee and Shire
Contents insurance	Lessee
Public liability insurance of \$10m	Lessee
Compliance with <i>Health (Public Building) Regulations 1992</i>	Lessee
Upgrades required by legislative changes	Lessee
Building additions and alterations	Lessee must obtain Shire approval and comply with Building Code of Australia
Major maintenance	Shire

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Issue	Long Term Lease Responsible Party
Minor maintenance and cleaning	Lessee
Security system and response	Lessee
Payment of utility charges (power, water etc)	Lessee
Payment of Emergency Services Levy	Shire
Painting upgrade (internal and external)	By Lessee every 5 years to satisfaction of Shire
Asbestos removal (if required)	Shire
Sub letting	Not permitted
Use by others	Casual hire with Shire approval

The cost of electricity is shared between the Collie Senior Citizens and the Collie PCYC, while water is divided equally between the two groups and the Shire.

**Communications Requirements:** (Policy No. CS 1.7)  
 Correspondence to proponents.

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

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

Outcome 1.2 Participation in sport, recreation and leisure opportunities.

Goal 4 OUR BUILT ENVIRONMENT *Infrastructure, amenities and development that supports the needs and aspirations of the community*

Outcome 4.5 Council buildings and service related assets that support community needs.

**Relevant Precedents:**

Council regularly renews lease agreements using a standard template document.

**Comment:**

The Collie PCYC is operating successfully, and the additional meeting room is proposed to be used for activities such as computer use for Coder DoJo and counselling services in a more private environment.

The Senior Citizens are in the process of building new programs and membership following the relocation of Community Home Care and the Meals on Wheels service. They have purchased furniture and regularly use the atrium for their activities, and would prefer that it be part of their lease area.



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**12.7 Accounts Paid – December 2018**

<b>Reporting Department:</b>	Corporate Services
<b>Reporting Officer:</b>	Hasreen Mandry – Finance Manager
<b>Accountable Manager:</b>	Allison Fergie – Director of Corporate Services
<b>Legislation:</b>	Local Government Act 1995 & Financial Management Regulations 1996
<b>File Number:</b>	FIN/024
<b>Appendices:</b>	Yes – Appendix 5
<b>Voting Requirement</b>	Simple Majority

**Report Purpose:**

To present the accounts paid during the month of December 2018.

**8038**

**Officer’s Recommendation/Council Decision:**

**Moved: Cr Scoffern**

**Seconded: Cr King**

**That Council accepts the Accounts as presented in Appendix 5 being vouchers 41534-41552 totalling \$76,126.49 and direct payments totalling \$652,110.36 authorised and paid in December 2018.**

**CARRIED 9/0**

A question was taken on notice regarding Eft 24779 - Ian Guppy Smash Repair. Was this recoverable on insurance? The CEO indicated that nearly all smash repair invoices are insurance claims, however would check this payment and advise.

**Background:**

In accordance with clause 12 of the WA Local Government Financial Management Regulations (1996) the Council may delegate the authority to the Chief Executive Officer (CEO) to authorise payments from both the municipal, trust and reserve funds in accordance with the Annual Budget provisions. The CEO shall cause for section 13 of the WA Financial Management Regulations (1996) to be adhered to with a list of accounts for approval to be presented to the Council each month.

Month	2018/19		
	Cheques	Electronic Transfer	Total Payment
<b>July</b>	\$39,724.54	\$422,209.63	<b>\$461,934.17</b>
<b>August</b>	\$54,077.74	\$782,538.66	<b>\$836,616.40</b>
<b>September</b>	\$34,057.86	\$566,848.03	<b>\$600,905.89</b>
<b>October</b>	\$47,005.40	\$641,951.33	<b>\$688,956.73</b>
<b>November</b>	\$46,817.40	\$1,972,635.40	<b>\$2,019,452.80</b>

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<b>December</b>	\$76,126.49	\$652,110.36	<b>\$728,236.85</b>
<b>January</b>			
<b>February</b>			
<b>March</b>			
<b>April</b>			
<b>May</b>			
<b>June</b>			

**Statutory and Policy Implications:**

WA Local Government Act 1995

Financial Management Regulations 1996

Council has Policy number CS3.7 which 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 in the month prior shall be presented to the Council. 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:**

**Comment:**

For a detailed listing of payments see Appendix 5.

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**12.8 Financial Report – December 2018**

<b>Reporting Department:</b>	Corporate Services
<b>Reporting Officer:</b>	Hasreen Mandry – Finance Manager
<b>Accountable Manager:</b>	Allison Fergie – Director of Corporate Services
<b>Legislation:</b>	Local Government Act 1995 & Financial Management Regulations 1996
<b>File Number:</b>	FIN/024
<b>Appendices:</b>	Yes – Appendix 6
<b>Voting Requirement</b>	Simple Majority

**Report Purpose:**

This report provides a summary of the Financial Position for the Shire of Collie for the month ending December 2018.

**8039**

**Officers Recommendation/Council Decision:**

**Moved: Cr King**

**Seconded: Cr Woods**

**That Council accept the Financial Report for December 2018 as presented in Appendix 6.**

**CARRIED 9/0**

**Background:**

In accordance with Council policy and the provisions of the Local Government Act 1995, the Financial Report for the end of the period is presented to Council for information. Refer to Appendix 6.

**Statutory and Policy Implications:**

WA Local Government Act 1995  
Financial Management Regulations 1996

**Budget Implications:**

Nil

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

Nil

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

Nil

**Relevant Precedents:**

N/A

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**Comment:**

The report provided to Council as Appendix 6 is inclusive of the information required by the Local Government Act 1995 and includes information as set out in Council Policy.

The report includes a summary of the financial position along with comments relating to the statements. If Councillors wish to discuss the report contents or any other matters relating to this, please contact Council Finance staff prior to the meeting.

**Notes to the Financial Statements (items in bold represent new notes).**

**Operating Revenue by Program**

1. **Governance is \$13,905 under budget mainly due to sundry revenue being under budget. This is a timing factor**
2. Law, Order and Public Safety is \$14,255 under budget due to the repayment of the Digital Radio System and GPS Tracking Grant (\$28,937) and the DFES contribution for the Community Emergency Services Manager is over budget by \$14,077.
3. **Transport is \$142,166 over budget due to the timing of several grants, the Regional Road Group Grant and County Pathways Grant is over budget by \$183,503 and \$12,045 respectively while the Main Road Direct Grant is under budget by \$54,000.**
4. **Economic Services is \$149,299 under budget as the Minnipup Pool River Grant was invoiced in January 2019.**
5. **Other property and services is \$22,747 under budget as the fuel tax credit is yet to be claimed.**

**Operating Expenditure by Program**

6. Governance is \$148,215 over budget due to the changes to the reclassification of Council asset's below \$5,000 as per the changes to Section 17A of the Local Government (Financial Management) Regulation 1996. A separate register is kept for assets below \$5,000. Please note that this is a non-cash item.
7. Law, Order and Public Safety is \$128,313 over budget due to the Community Emergency Services (\$24,244) which is 50% reimbursed by DFES (refer note 1). Initial Budget only allows for salary and no other expenses. The over budget is also contributed by the purchase of plant and equipment (\$20,067) and maintenance of vehicles (\$46,863) for the Bushfire Brigade and SES. This is partly a timing issue and arrangements have been made with DFES to reimburse any over budget expenses.
8. Economic Services is \$95,218 under budget mostly due to the expenditure for the Economic Development (\$73,505) and sand and gravel pits (\$16,890) are yet to commence.
9. Other Property and Services is \$90,472 under budget as the plant direct cost and public works overhead is lesser than expected.

**Operating Revenue by Nature and Type**

10. Operating grants, subsidies and contributions are under budget by \$270,449 mainly due to the prepayment of the 2018/19 Financial Assistance Grant in June 2018. These will remain the same until the 2018/19 Budget Review.

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**Operating Expenditure by Nature and Type**

11. Utility charges are \$78,677 under budget; most of the utility payments are yet to be made, this is due to timing factor.

**Non-Operating Expenditure by Nature and Type**

12. Loss on asset disposal is over budget by \$136,436, please refer note 6.

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**12.9 Mid-Year Budget Review 2018/19**

<b>Reporting Department:</b>	Corporate Services
<b>Reporting Officer:</b>	Hasreen Mandry – Finance Manager
<b>Accountable Manager:</b>	Allison Fergie – Director Corporate Services
<b>Legislation</b>	WA Local Government Act (1995)
<b>File Number:</b>	
<b>Appendices:</b>	Yes – Appendix 7
<b>Voting Requirement</b>	Absolute Majority

**Report Purpose:**

To review the 2018/19 Adopted Budget.

**8040**

**Officer's Recommendation/Council Decision:**

**Moved: Cr Italiano**

**Seconded: Cr King**

**That Council by ABSOLUTE MAJORITY adopts the changes to the 2018/19 Annual Budget as identified in Appendix 7 of this Agenda.**

**CARRIED 9/0**

**Background:**

A thorough review of the Council's financial performance against budget has been undertaken by the Executive Management team. From this review, several items of expenditure and income have been recommended as budget reallocations. These are summarised in Appendix 7.

The purpose of this process is twofold. Firstly, it provides the Council with the opportunity to address any budget items which are or will be significantly over or under budget and secondly it allows the Council the opportunity to re-allocate its resources and consider undertaking additional projects during the current financial year, if sufficient funding is available.

**Statutory and Policy Implications:**

Section 33A of the WA Local Government (Financial Management) Regulations 1996 reads as follows:

**33A. Review of budget**

- (1) *Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
- (2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) *A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

*\*Absolute majority required.*

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(4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*  
[Regulation 33A inserted in Gazette 31 Mar 2005 p. 1048-9.]

**Budget Implications:**

The financial impacts of the review are nil, i.e. all changes are balanced out.

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

Nil

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

KEY OBJECTIVE 5.0

Our Business

Good governance and an effective, efficient and sustainable organisation.

Outcome 5.3:

Financial sustainability and accountability, with emphases on the below strategy;

5.3.5, provide corporate financial services that support the Shires operations and meet planning, reporting and accountability requirements.

**Relevant Precedents:**

The 2017/18 Budget Review was adopted by the Council on 27 March 2018.

**Comment:**

Please refer to Appendix 7 for the Budget Amendments and revised statement for the 2018/19 Budget. The amendments in Appendix 7 are required to ensure that the Council remains in a financially sound position.

**2018/19 Budget Review Notes (Suggested budget amendments). The notes relates to page 2 in Appendix 7**

**Note 1**

The adjustment to the operating surplus for the 2018/19 budget is \$131,139. The following 2018/19 budget adjustments has been itemised in this report and in Appendix 7.

**Note 2-5**

Part of the 2018/19 Financial Assistance Grant was prepaid in June 2018 which decreased the budgeted revenue by \$869,747. Council has also received an additional \$582,291 for Coombes Street bridge which will be carried out by Main Roads (no financial impact to Council).

**Note 6-10**

The Motorplex Stage 2 of \$1,506,500 will be carried out using funding from Building Better Regions Grant (\$764,000), contribution from Motoring South West (\$100,000), Bendigo Bank (\$450,000) and Department of Sports & Recreation (\$192,500)

**Note 11-12**

Council has received funding approval from Building Better Region to build footpath

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to Minninup Pool of \$210,000, this will require Council to allocate \$58,366 in material costs. Labour and plant will be allocated internally. The path will be constructed over two financial years and requires the deferral of Patstone Road widening to 201920 for the Councils labour to complete 50% of the path as required by the grant agreement.

**Note 13-14**

To complete the project in note 4, Patstone Road (SLK 3.98-SLK 3.58) widening will need to be deferred until 201920 due to labour requirements.

**Note 15-16**

As per Council motion 8012, the combined grant from Department of Fire and Emergency Services for Bushfire Brigade building in Worsley and Cardiff is \$646,712. The cost to council has been estimated as \$30,000 per building for ground works and supply of services. The council contribution for the Worsley building was approved as part of the 201819 original budget, it is suggested that the cost for the Cardiff building be included as part of the 201819 budget review.

**Note 17-20**

Similar to the Financial Assistance Grant, part of the Local Government Grant ESL Scheme was received in June 2018. The adjustment recommended is to adjust the Council's budget accordingly.

**Note 21-22**

Reserve transfers

- a) Motoring South West Reserve: A transfer from the MSW reserve is required to be undertaken reflecting the deferral of the final payment of CSRFF grant of \$192,500 from Department of Sports and Recreation for stage 1 of the Motorplex upgrade. These funds will be spent as part of stage 2 upgrade.
- b) The initial transfer to the legal reserve in 201617 was done as a contingency in the event of a failed legal action and can now be transferred to Municipal funds.

**Note 23-25**

Penalties and reimbursements for the legal proceedings are expected to be \$150,016. An increase of \$13,951 to legal fees expense is also suggested.

**Note 26**

Note Reduction in Long Service Leave provision of \$72,000 reflecting the recent departure of several long-term staff members.

**Note 27**

Decrease the budget for Fringe Benefit Tax by \$15,000 due to identified operational savings.

**Note 28**

Regional Road Group Grant for Wellington Dam Road of \$60,000 was expected in 201718 but received in 201819.



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**Note 29**

Additional Workers Compensation reimbursements are expected from 201718 of \$59,074.

**Note 30**

Final payment for the Throssell Street Truck Bay grant of \$26,000 received. The capital project was carried out in 201718.

**Note 31**

Final payment for the Changing Places grant of \$24,000 received. The capital project was carried out in 201718.

**Note 32**

An external request has been received from South West Academy of Sport for donation of \$2,000. This was omitted from the budget consideration process.

**Note 33**

Heritage Incentive Scheme budget of \$10,000 to be added to fund the Pak It Verandah (Council Motion 7855) and item 13.3 in this Agenda.

**Note 34**

CCTV System Audit of \$2,000 as per Council Motion 7980.

**Note 36**

Motoring South West Advance of \$50,000 as per Council Motion 7964.

**Note 37**

Early payment of an outstanding advance for Valley View Residences of \$50,000 has been received.

**Note 38-42**

A review of the 201819 budgeted trade ins were done and it was financially unfeasible to trade in all 3 vehicles as there has been a change in the trade in and purchase price. Appendix 7 details the changes.

**Note 43-44**

The initial budget of \$83,433 was for the Community Emergency Services Manager's employment cost, the additional \$30,000 (50% reimbursed by DFES) are now for materials and contract which were omitted from the original budget.

**Note 45**

Savings of \$17,000 in material costs upon the completion and certification of the weighbridge modifications.

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**Note 46-50**

Non-cash item

- a) Changes to Financial Management Regulation 17A has resulted in disposing of assets below \$5,000 from Council balance sheets. A separate register has been kept.
- b) Changes to suggested changes for vehicle trade ins (refer note 38-42)

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**13. DEVELOPMENT SERVICES REPORTS**

Cr Woods has declared an Impartial Interest in Item 13.2.

**13.2 92 Johns Road – Proposed Home Business (Dog Breeding and Whelping Kennels)**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	Robert Quinn – Shire Planner
<b>Accountable Manager:</b>	Andrew Dover – Director Development Services
<b>Legislation</b>	Planning and Development Act 2005
<b>File Number:</b>	A5369
<b>Appendices:</b>	Yes – Appendices 10 - Site and location plan and 11 Schedule of Submissions
<b>Voting Requirement</b>	Simple Majority

**Report Purpose:**

To seek Council approval for a Home Business (Dog Breeding and Whelping Kennels) at 92 Johns Road, Preston Settlement

Officer's Recommendation/Council Decision:

Moved: Cr Harverson

Seconded: Cr Stanley

That Council advise Ian Combes that approval is granted for a Home Business (Dog Breeding and Whelping Kennels) at 92 Johns Road Preston Settlement subject to the following conditions:

1. At all times, the development the subject of this planning approval must comply with the definition of 'Home Business, incidental to the main dwelling, as contained in Schedule 1 of the Shire's Local Planning Scheme.
2. All development shall be in accordance with the approved development plans (attached) which form part of this planning approval.
3. This approval is valid for a period of 1 (one) year from the date of issue and is subject to annual renewal due on 31st January every year thereafter. The approval is liable to cancellation without compensation at any time for infringement of any breach of any conditions under which it is issued.
4. The business shall not cause injury to or adversely affect the amenity of the neighbourhood.
5. 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.
6. The use/development is not to interfere with the amenity of the locality or cause

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nuisance by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, water products or grit, oil or otherwise.

7. The business shall not display a sign exceeding 0.2 square metres. The advertisement/ sign is of a type that is incorporated as part of a building wall, fence or entry statement and not illuminated.
8. In relation to vehicles and parking, the business shall not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, shall not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and shall not include provision for the fuelling, repair or maintenance of motor vehicles.
9. The business shall not involve the retail sale, display or hire of goods of any nature.
10. The Shire of Collie advises that failure to comply with all conditions of the planning approval at any time may result in the withdrawal of the home business approval.
11. The maximum number of dogs to be kept at 92 Johns Rd Preston Settlement shall be limited to 10 Adult Dogs at any time.

LOST 4/5

Moved: Cr Italiano

Seconded: Cr

That Council decline the application at 92 John Rd Preston Settlement.

LAPSED

**8041**

**Officer's Recommendation/Council Decision:**

**Moved: Cr Harverson**

**Seconded: King**

**That Council advise Ian Combes that approval is granted for a Home Business (Dog Breeding and Whelping Kennels) at 92 Johns Street Preston Settlement subject to the following conditions:**

- 1. At all times, the development the subject of this planning approval must comply with the definition of 'Home Business, incidental to the main dwelling, as contained in Schedule 1 of the Shire's Local Planning Scheme.**
- 2. All development shall be in accordance with the approved development plans (attached) which form part of this planning approval.**
- 3. This approval is valid for a period of 1 (one) year from the date of issue and is subject to annual renewal due on 31st January every year thereafter. The approval is liable to cancellation without compensation at any time for infringement of any breach of any conditions under which it is issued.**
- 4. The business shall not cause injury to or adversely affect the amenity of the neighbourhood.**

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5. 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.
  6. The use/development is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, water products or grit, oil or otherwise.
  7. The business shall not display a sign exceeding 0.2 square metres. The advertisement/ sign is of a type that is incorporated as part of a building wall, fence or entry statement and not illuminated.
  8. In relation to vehicles and parking, the business shall not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, shall not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and shall not include provision for the fuelling, repair or maintenance of motor vehicles.
  9. The business shall not involve the retail sale, display or hire of goods of any nature.
  7. The Shire of Collie advises that failure to comply with all conditions of the planning approval at any time may result in the withdrawal of the home business approval.
  11. The maximum number of dogs to be kept at 92 Johns Rd Preston Settlement shall be limited to 10 Adult Dogs at any time.
  12. That noise mitigation strategies are implemented to the satisfaction of staff.
- CARRIED 9/0**

**Background:**

A decision of the Council is required for this application as all advertised developments must be considered by Council. The owner-occupiers are seeking approval to extend an existing shed by 144m<sup>2</sup> (27m<sup>2</sup> of that under cover, 117m<sup>2</sup> of that an exercise yard for the dogs) and to use the completed structure as a Home Business. Fifteen letters were sent out to landowners in the area near the proposal seeking comment, 5 complaints were received, most expressing a concern about the health, safety, movements and noise levels of the dogs. The houses on the surrounding blocks range from 250m to 800m away from the kennels. Should the owner-occupiers not comply with the conditions regarding the health, safety, movements and noise of the dogs then the Home Business approval can be revoked by not renewing the approval annually.



Figure 1 – Location Plan

**Statutory and Policy Implications:**

Local Planning Scheme No. 5

The subject lot is zoned Rural Residential (RR-2). The proposal has been assessed in accordance with the following clause(s) of the Scheme:

4.2 Objectives of the Zones – Rural Residential Zone

(b) to ensure that development maintains the rural character of the locality, maintains a high level of residential amenity and minimises disturbance to the landscape through construction of buildings and structures, clearing, earthworks and access roads.

(d) to discourage or prohibit development not compatible with the predominantly rural nature and residential amenity of the zone.

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10.2 Matters to be Considered

- (f) any Local Planning Policy adopted by local government under clause 2.4;
- (i) the compatibility of a use or development with its setting;
- (y) any relevant submissions received on the application;

**Budget Implications:**

There are no budget implications for this report

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

1. Providing regular and consistent communication on Council's projects and activities to all stakeholders.
2. Creating a positive and professional image for the Shire of Collie through open, transparent communication and increased awareness of Council's projects and activities.
3. Fostering meaningful community consultation processes in Council's activities.

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

Goal 3: Our Built Environment

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 are approximately 17 Home Business/Home Occupations operating within the Shire.

**Comment:**

Officers support the proposed development due to the Home Business approval being able to be revoked by not renewing the approval, should non-compliance occur. It is considered the location of the kennels and distance between dwellings should minimise any noise disruption which may be caused by this proposal.

To further support approval of this establishment, under the Shire of Collie Dogs Local Law an annual Kennel Licence will be required as well as the annual Home Business renewal. If there are any barking issues or non-compliance they can be dealt with under the standard procedures of the Dog Act 1976.

There are no issues which cannot be addressed by conditions and/or approval renewals which should Council supporting this proposal.

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**13.3 121 Throssell St, Collie (Greg's Discount Pharmacy) – Request for Heritage Funding**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	Robert Quinn – Shire Planner
<b>Accountable Manager:</b>	Andrew Dover – Director Development Services
<b>Legislation:</b>	WA Local Government Act 1995
<b>File Number:</b>	A339
<b>Appendices:</b>	Appendix 12 - Quote and Request for Funding Assistance
<b>Voting Requirement</b>	Simple Majority

**Report Purpose:**

To seek Council approval for a contribution of \$1713.25 (GST Inc.) towards works on the Greg's Discount Pharmacy Awning in accordance with DS 4.4 Town Centre and Mixed Use Zone Frontage Upgrade Incentives.

**8042**

**Officer's Recommendation/Council Decision:**

**Moved: Cr King**

**Seconded: Cr Hanns**

**That Council, pursuant to the provisions of DS 4.4 Town Centre and Mixed Use Zone Frontage Upgrade Incentives policy, hereby resolves to contribute \$1713.25 (GST Inc.) towards the upgrade of the Greg's Discount Pharmacy awning at 121 Throssell Street Collie upon completion of the works contained within quotation dated 18 December 2018 and submission of a tax invoice.**

**CARRIED 5/4**

**Background:**

A request was received from Peter Carr for a Council funding contribution for works on the Greg's Discount Pharmacy at 121 Throssell Street awning. The works are for the following:

- Remove existing sheeting and box gutter, flashing from front awning; and
- Replace existing Zinalume sheeting and flashings; and
- Dispose of waste materials.

The funding request is now presented to Council for their consideration and decision.

**Statutory and Policy Implications:**

Clause 4.2 of the DS 4.4 Town Centre and Mixed Use Zone Frontage Upgrade Incentives states the following in regard to funding of heritage works:



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4.2 Financial incentives - Upgrades that include facade refurbishments and verandah reinstatements

**Where proposed developments include facade refurbishments or verandah reinstatements the following financial incentives will be offered:**

Fees - Planning and/ or building application fees (including State government charges) will be paid for by the Shire.

Design - Shire funds will be made available on a dollar for dollar basis up to a maximum of \$2,000 to reimburse costs for design work.

Where a building has heritage values the design work must be done by a suitably qualified architect and comply with Policy DC 4.3 Heritage Design (Interim).

Funds will be paid on receipt of copies of invoices for work completed in accordance with the design. The design fee invoices will also need to be provided.

Implementation of approved works - Shire funds will be made available on a dollar for dollar basis up to a maximum of \$12,500 for implementation of approved works.

Interest free loans - Interest free loans will be made available from the first call for applications to December 2011, after which the Interest free loan scheme ends.

Interest free loans can be used for design or for implementation of approved works.

Loans must be re-paid within three years and will become a charge against the land in accordance with the Local Government Act (or be lodged against the property).

Sponsorship - For buildings on the Heritage List (under Local Planning Scheme No. 5) Council may endeavour to attract sponsorship from suppliers of materials.

Where the value of Shire funds to be granted, sponsorship, or an interest free loan exceeds \$5,000, the landholder and Shire of Collie shall enter into a legally binding contract<sup>1</sup> that specifies the obligations of each party. The legal agreement will require that payments be made on receipt of copies of invoices for completed work.

The combined value of funds made available to landholders for implementation of approved works and as an interest free loan shall not exceed 60% of the total project cost.

**Budget Implications:**

There are no budget implications for this report as these funds will be funded from the Heritage Incentive Scheme allocation in the mid-year budget review.

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

N/A

**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:**

Refurbishments of the Colliefields building have been funded from the Heritage Incentive Scheme. The Pak-it Computer building awning is being funded partly through the Heritage Incentive Scheme.

**Comment:**

This is a relatively minor upgrade to the Pharmacy awning and is considered to meet the intent of the DS 4.4 Town Centre and Mixed Use Zone Frontage Upgrade Incentives Policy. The Policy is for works which include “.....facade refurbishments or verandah reinstatements.” and the proposed works clearly fall within this requirement.

Based on the relatively minor scale of and nature of the works, no design or planning approval or building permit will be required as the works are considered maintenance in a material sense.

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**14. TECHNICAL SERVICES REPORTS**

Nil

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

Nil

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

Nil

**17. URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION**

Nil

**18. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS**

Cr Smith

- Neil Liddelow – Roundhouse Committee would like to meet with Council on the 30<sup>th</sup> or 31<sup>st</sup> January.

Cr King

- Acknowledging the volunteer's efforts of the involvement with the Fire at Allanson.
- Thanking the Shire for acknowledging the volunteers.

Cr Woods

- Thanked all involved with the Fire efforts on the weekend.
- Advised that she has been appointed as CEO of the Chamber of Commerce.

Cr Stanley

- 13 December – Represented Council and provided an address at the annual Cheerio Club Luncheon at the Collie Miners' Institute.
- 14 December – Attended the union-led Community Meeting at the Bendigo Bank Music Shell.
- 9 January – Attended a planning meeting for the Tidy Towns National Judging, which is scheduled to occur late February.
- 18 January – Collie Futures announcement regarding the second tranche of funding recipients in the small grants program and the opening of applications to the Industry Development Fund to support industry-led projects that will grow and diversify the economy, with up to \$2m available per project to support new and existing industries.
- Recipients included
  - Collie River Valley Marketing - \$70,000 towards Black Diamond Tourism Feasibility;

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- Leschenault Catchment Council - \$75,000 towards Danju-Jobs Together; and
- Dam Fish - \$75,000 towards CRV Demonstration Marron Farm.
  
- 20 January – major catastrophe in a Bushfire Emergency in Allanson was avoided thanks to the efforts of everyone involved.

We thank the Department of Biodiversity and Conservation and Attractions for their efforts and support which ensured minimal losses and disruption for the Allanson community as well as the Department of Fire and Emergency Services, Department of Child Protection, Collie Police, our local Bush Fire Brigade volunteers and Collie Volunteer Fire and Rescue, Collie SES, local businesses and Shire of Collie staff for their quick response and commitment to containment of the incident.

Special thanks to Bushfire Control Officer Julian Martin and Deputy Bushfire Control Officer Shane Hickson for their efforts in controlling the incident.

- 22 January – Attended Minninup Pool Noongar community engagement session to consider the potential for nature-based tourism at the site.

Upcoming events:

- 25 January – Union Community Meeting, 5.30pm, Bendigo Bank Music Shell.
  
- 26 January – Australia Day Celebrations in Central Park, starting with the parade at 7.30am and official ceremony from 7.45am, followed by the traditional Lions Club of Collie breakfast.
  
- 6 February – Business Connections, 6-8pm, Collie Ridge Function Room.

Mr Blurton

- 12 December – represented the Shire of Collie at Fairview Primary School end of year assembly and presented the Environmental Award.
  
- 18 January – attended announcement by Minister McTiernan in regard to next stage of Collie Futures fund.
  
- 22 January – attended meeting with Noongar community in regard to Minninup Pool proposal.
  
- 25 January – reminder regarding meeting with Minister Johnston at 10.00am in Chambers

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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 13
- 'All Open' at Appendix 14

**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 8.58pm.

I certify that these Minutes were confirmed at the Ordinary Meeting of Council held on Tuesday, 12 February 2019.

.....  
Presiding Member

.....  
Date