



Shire of
Collie

AGENDA

for the

ORDINARY MEETING OF COUNCIL

to be held on

Tuesday, 5 March 2019

**PLEASE READ THE FOLLOWING DISCLAIMER BEFORE
PROCEEDING**

Members of the public are cautioned against taking any action on Council decisions, on items on this evening's Agenda in which they may have an interest, until such time as they have been advised in writing by Council staff.

Council's Vision

Collie – a connected, committed and creative community.

Values

The core values at the heart of the Council's commitment to the community are:

- Acting with integrity, transparency and accountability
 - Leading the delivery of the community's vision
- Enabling community-led endeavours to make the Shire of Collie a better place
 - Respectful progress

NOTICE OF MEETING

Please be advised that meeting of the

Ordinary Meeting of Council

commencing at **7:00pm**

will be held on

Tuesday, 5 March 2019

in Council Chambers at 87 Throssell Street, Collie WA,



David Blurton
Chief Executive Officer

1 March 2019

DISCLAIMER

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Please note this agenda contains recommendations, which have not yet been adopted by Council.

MEETING SCHEDULE

March 2019

Councillors are reminded of the following meetings. Please note that other meetings may be planned that are not shown here. Councillors are advised to contact the Committee's Presiding Member/Chairperson if in doubt.

Tuesday 5 March 2019	Ordinary Meeting of Council 7.00pm in Council Chambers
Wednesday 6 March 2019	Bush Fire Advisory Committee 7:00pm in Council Chambers
Thursday 7 March 2019	Weeds & Waterways Advisory Committee 9:00am in Council Chambers
Thursday 7 March 2019	Access and Inclusion Committee 12.15pm in Elected Members Room
Tuesday 12 March 2019	Townscape Advisory Committee 9.00am in Library Undercroft Room
Thursday 14 March 2019	Economic Development Advisory Committee 4.00pm in Council Chambers
Thursday 28 March 2019	Community Safety and Crime Prevention Committee 2.00pm in Library Undercroft Room

SHIRE OF COLLIE
DISCLOSURE OF FINANCIAL INTEREST AND INTERESTS AFFECTING IMPARTIALITY

To: Chief Executive Officer

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

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

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

Name (Please Print) Signature Date

NB

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

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

Office Use Only:	Date/Initials
1. Particulars of declaration given to meeting	_____
2. Particulars recorded in the minutes	_____
3. Signed by Chief Executive Officer	_____

Local Government Act 1995 - SECT 5.23

Meetings generally open to the public

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

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SHIRE OF COLLIE
AGENDA - ORDINARY MEETING OF COUNCIL
Tuesday, 5 March 2019

Agenda for the Ordinary Meeting of the Collie Shire Council to be held in Council Chambers, 87 Throssell Street Collie, on Tuesday, 5 March 2019 commencing at 7:00pm.

1. OPENING/ATTENDANCE/APOLOGIES & LEAVE OF ABSENCE

- 1.1 Councillors granted Leave of Absence at previous meeting/s.
- 1.2 Councillors requesting Leave of Absence for future Ordinary Meetings of Council.
- 1.3 Councillors who are applying for Leave of the Absence for this Ordinary Meeting of Council.

2. PUBLIC QUESTION TIME

A 15 minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them.

Council Consideration towards the Public:

When public questions necessitate resolutions of Council, the matter is to be dealt with immediately to allow the public to observe the determination of the matter (obviates need for the public to wait an indeterminate period of time).

3. RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. DISCLOSURE OF FINANCIAL INTEREST

Councillors in attendance at meetings must disclose to the meeting any Agenda items upon which they have a Financial Interest. Section 5.65 of the Local Government Act 1995 requires Councillors to: a) give written notification of a financial Interest before the meeting; or b) at the meeting immediately before the particular matter is discussed (notification can be given verbally).

A Disclosure of Financial Interest Form is attached to this Agenda (immediately behind the Index) and can be used by Councillors for disclosure purposes - simply tear out and hand to the Chief Executive Officer. Additional forms will always be available at Council/Committee meetings.

Should Councillors be unsure on Disclosure of Financial Interest matters, further clarification can be obtained by reading Sections 5.53 to 5.59 inclusive of the Act.

5. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

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

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

Councillors may disclose at this point any matters which they wish to have discussed 'behind closed doors' ie the meeting is closed to members of the public. Section 5.23 of the Local Government Act 1995 applies and the meeting may only go behind closed doors for matters expressly prescribed in the Act - see section of the Act appended immediately after the Disclosure of Financial Interest form.

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Any decision (of the meeting) to close the meeting or part of the meeting and the reasons for the decision are to be recorded in the Minutes of the meeting.

7. ITEMS BROUGHT FORWARD DUE TO INTEREST BY ATTENDING PERSONS

8. CONFIRMATION OF THE PREVIOUS MEETINGS OF COUNCIL MINUTES

Recommendation:

That Council confirms the Minutes of the Ordinary Meeting of Council held on 12 February 2019.

9. BUSINESS ARISING FROM THE PREVIOUS MINUTES

Only items that have been deferred from a previous Ordinary Council Meeting for either further consideration by Councillors or for additional background information may be dealt with under this item. Details of Business Arising items will always be listed on the Agenda.

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

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

Recommendation:

That Council receives the minutes of the Community Safety and Crime Prevention Committee held on 14 February 2019.

10.2 Receipt of the Minutes of the Economic Development Advisory Committee

Recommendation:

That Council receives the minutes of the Economic Development Advisory Committee held on 14 February 2019.

10.3 Adopt the Recommendation of the Minutes of the Economic Development Advisory Committee

Recommendation:

That Council adopts en bloc the recommendations contained within the minutes of the Economic Development Advisory Committee held on 14 February 2019.

That Council;

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10.3.1 write to the Minister for Lands and the local member Mick Murray to investigate opportunities to release Landcorp controlled LIA and residential lots at a discounted rate to attract new business and residents.

10.3.2 invite expressions of interest for the development of Lot 27 Throssell Street, targeting tourism and hospitality.

10.3.3 continue to work with stakeholders and identify alternative opportunities to provide the retail service previously available through the Target Country Collie store.

10.3.4 invites principals of local Real Estate agents to attend the next Economic Development Advisory Committee meeting to discuss marketing Collie as an alternative place to live.

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11. **CEO REPORTS**

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12. CORPORATE SERVICES REPORTS

12.1 Accounts Paid – January 2019

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 1
Voting Requirement	Simple Majority

Report Purpose:

To present the accounts paid during the month of January 2019.

Officer's Recommendation:

That Council accepts the Accounts as presented in Appendix 1 being vouchers 3193 & 41553-41566 totalling \$43,038.99 and direct payments totalling \$500,161.31 authorised and paid in January 2019.

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	\$461,934.17
August	\$54,077.74	\$782,538.66	\$836,616.40
September	\$34,057.86	\$566,848.03	\$600,905.89
October	\$47,005.40	\$641,951.33	\$688,956.73
November	\$46,817.40	\$1,972,635.40	\$2,019,452.80
December	\$76,126.49	\$652,110.36	\$728,236.85
January	\$430,38.99	\$500,161.31	\$543,200.30
February			
March			

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April			
May			
June			

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 1.

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12.2 Financial Report – January 2019

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 2
Voting Requirement	Simple Majority

Report Purpose:

This report provides a summary of the Financial Position for the Shire of Collie for the month ending January 2019.

Officers Recommendation:

That Council accept the Financial Report for January 2019 as presented in Appendix 2.

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 2.

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. **Law, Order and Public Safety is \$22,265 over budget mainly due to the DFES contribution for Local Government Grant Scheme (LGGS) for the Bush Fire Brigades being over budget by \$56,038. This is reduced by the LGGS State Emergency Services grant being under budget by \$5,900 and the repayment of the Digital Radio System grant (\$28,938).**
2. **Recreation and Culture is \$23,584 under budget due to sporting bodies ground maintenance fees (\$9,439), Roche Park Program revenue (\$5,082), swimming pool revenue (\$5,458) and communication tower lease payment (\$6,125).**
3. Transport is \$167,166 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 \$37,045 respectively while the Main Road Direct Grant is under budget by \$54,222.
4. **Other property and services is under budget by \$34,679 due to pending workers compensation reimbursements.**

Operating Expenditure by Program

5. Law, Order and Public Safety is \$131,116 over budget due to the Community Emergency Services (\$17,609) which is 50% reimbursed by DFES. The over budget is also contributed by the purchase of plant and equipment (\$29,513), maintenance of vehicles (\$62,161), clothing and accessories (\$17,116), and other goods and services (\$8,179) 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.
6. Economic Services is \$138,002 under budget mostly due to the expenditure for the Economic Development (\$84,098) and sand and gravel pits (\$19,705) are yet to commence.
7. Other Property and Services is \$19,177 over budget as the plant direct cost and public works overhead is greater than expected.

Operating Revenue by Nature and Type

8. **Operating grants, subsidies and contributions are over budget by \$80,969 due to timing of several grants such as the Financial Assistance Grants, LGGS from DFES and Main Roads Grant.**
9. **Interest earnings is \$16,448 over budget mainly due to non-penalty payments.**

Operating Expenditure by Nature and Type

10. Utility charges are \$94,215 under budget; most of the utility payments are yet to be made, this is due to timing factor.

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Non-Operating Income by Nature and Type

11. Non-operating grants is \$190,981 over budget mainly due to the timing of the Regional Road Group grant.

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12.3 Comment on Feasibility Study for Indoor Heated Swimming Pool

Reporting Department:	Corporate Services
Reporting Officer:	Allison Fergie – Director Corporate Services
Accountable Manager:	Allison Fergie – Director Corporate Services
Legislation	N/A
File Number:	CPR/032
Appendices:	Yes – Appendix 3
Voting Requirement	Simple Majority

Report Purpose:

For Council to consider the results of the community comment on the Indoor Heated Pool Needs Assessment and Feasibility Study.

Officer's Recommendation:

That Council:

- 1. Receive the comment on the Indoor Heated Pool Needs Assessment and Feasibility Study;*
- 2. Do not proceed to develop an indoor heated pool at this point in time;*
- 3. Request staff investigate options for the increased provision of service at the existing pool for the 2019/2020 pool season;*
- 4. Approach the Minister for Sport and Recreation to have the balance of the \$150,000 provided for the feasibility study re-allocated towards the building of the swimming club clubrooms; and*
- 5. Continue discussions with the Minister for Sport and Recreation regarding the potential for reallocation of the remaining \$1.85million from the election promise.*

Background:

On 2018 Council received an amount of \$150,000 from the State election commitment for the undertaking of a needs assessment and feasibility study for an indoor, heated swimming pool in Collie. The purpose of the study was for the Shire of Collie to understand the cost of developing an indoor, heated, swimming pool at the current site, and establish likely demand and ongoing costs in order to make an informed decision on whether or not to proceed with the project. The study was required to include the examination of a 25metre indoor heated swimming pool as one of the options.

Tredwell Management Solutions working with Donovan Payne Architects and Neil Butler Quantity Surveying completed the needs assessment and feasibility report. In preparing the report, there was extensive consultation in the form of a community survey, stakeholder meetings with the Collie Swimming Club, the Collie Underwater

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Hockey Club, swimming school and exercise physiotherapists, an open community workshop and a Councillor briefing.

The report has provided information about three options for consideration:

- A six-lane 25metre lap pool
- A three-lane 25metre/learn to swim/program pool hybrid
- A two-lane 16.66metre/learn to swim/program pool hybrid

Concept designs, capital and ongoing costs for each option were provided within the report. On receipt of the feasibility study, at its meeting held 11 December 2018 Council resolved:

- 8006 – That Council:*
- 1. Receive the Indoor Heated Pool Needs Assessment and Feasibility Study;*
 - 2. Advertise the Indoor Heated Pool Needs Assessment and Feasibility Study for community and stakeholder comment, and report the results back to Council; and*
 - 3. Authorise staff to call for tenders for the replacement of the electric heat pumps at the existing pool in 2019 and report back to Council.*

The feasibility study was emailed to stakeholders inviting comment, and also advertised for community comment. The comment received from all sources can be found at Appendix 3. The quick poll results are as follows:

Option	Poll Result
Do nothing	42%
25m six lane	34%
25m three lane + program pool	14%
Indoor warm water pool	10%

Some paper-based comments and one email comment received suggested that the existing pool be covered. However, during the consultation process this option was raised and rejected as very expensive to retrofit, and problematic in terms of ventilation and humidity control.

The tender for the replacement of the electric heat pumps at the existing pool has been advertised and will be the subject of a separate report to Council.

Statutory and Policy Implications:

N/A

Budget Implications:

The increased provision of service at the existing pool would have cost implications that would need to be considered during the 2019/20 budget process. The balance of the funds provided for the feasibility study is \$108,560.

Communications Requirements: (Policy No. CS 1.7)

Community informed of Council decision.

Strategic Community Plan/Corporate Business Plan Implications:

Goal 1 Our Community A thriving, supportive and safe community

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

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

Action 1.2.1.2 Revitalise Collie Mineworkers Memorial Pool precinct

Relevant Precedents:

N/A

Comment:

The option of 'Do Nothing' received the highest proportion of votes, and the comments that related to this choice were generally not in favour of imposing any additional costs on ratepayers at this point in time.

The most favoured of the three options was a '25m six lane pool', though this came at the highest cost to ratepayers and the feasibility study found that 'In our view the provision of an indoor 6 lane 25m pool is not an affordable option for the Collie community and the Shire.' (page ix of Executive Summary).

The remaining two options were supported to a significantly lesser extent by the community. However, the proportion of respondents choosing one of the three options totalled 58%, demonstrating a desire within the community for an indoor heated pool facility in one form or another.

Comment from the Shire of Donnybrook Manager of Community Development included at Appendix 3 states that a coaster bus from Collie visits the Donnybrook pool three times per week, with up to 6 people per visit.

In the comments received and those presented at the Annual Electors Meeting held in January there is a request from the community for increased service provision at the current pool. In response to this demand, options for increased service provision and extending opening hours can be prepared for consideration by Council during the 2019/20 budget process, as additional staffing costs would be incurred. Staff are currently acting on an opportunity to apply for grant funding for a full-time trainee that could partly off-set additional staffing costs, and the outcome of this application will be known prior to the commencement of the budget considerations.

Additional staffing combined with more efficient heat pumps that will be installed in 2019 will provide the potential for extending the period for the early morning swimming to encompass the entire season that the pool is open, opening for longer in the morning when the UV index is not as high, catering for pass-outs and offering expanded programs at the pool.

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12.4 Lease to Collie Radio Control Club Inc

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:	L17723
Appendices:	No
Voting Requirement	Simple Majority

Report Purpose:

To seek Council authorisation to lease a portion [Lot 3673 and portion Lot 5912] of Reserve 17723, Buckingham Recreation Reserve, to the Collie Radio Control Club Inc.

Officer's Recommendation:

That Council:

Lease portion of Reserve 17723 to the Collie Radio Control Club Inc subject to the consent of the Minister for Lands with the following conditions:

- 1. Lease to be deemed Community Built and Operated Lease with a term of 5 years with a 5 year option;*
- 2. Annual lease amount payable be \$1 per annum incl GST; and*
- 3. Other conditions to be in accordance with Council policy DS 1.5.*

Background:

The Collie Aero Modellers Club have used the proposed lease area at Buckingham Recreation Reserve for the purpose of flying model aeroplanes for a number of years. The Reserve is vested in the Shire of Collie for the purposes of Recreation. In 2018, the Collie Aero Modellers Club indicated to the Shire that it wished to lease the area comprising Lot 3673 and portion of Lot 5912 as shown outlined in red on the diagram in the Comments section of this report. Subsequently at its meeting held 28 May 2018, Council resolved:

7819 - That Council:

1. Authorise staff to apply for a change to the Management Order of Reserve 17723 to provide power to lease.
2. Lease portion of Reserve 17723 to the Collie Aero Modellers Inc subject to the consent of the Minister for Lands with the following conditions:
 - a. Lease to be deemed Community Built and Operated 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.

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Staff applied for a change to the Management Order of Reserve 17723 to provide power to lease, and the new Management Order was received on 5 February 2019. However, in the intervening time, the situation with the Collie Aero Modellers Club has altered, and the club has not progressed to incorporation. Rather, the last President of the Collie Aero Modellers Club has been in discussion with the Collie Radio Control Club Inc [RC Club] with a view to the RC Club taking on the lease and including the aero modellers as part of the RC Club.

This would allow the RC Club to expand their activities to include vehicles that they are currently unable to use at the area they sub-lease from the BMX grounds due to noise and space restrictions.

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	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

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Issue	Community built and operated
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.*
1.2 Participation in sport, recreation and leisure opportunities.

Relevant Precedents:

Council regularly authorises leases to community groups, most recently at its meeting held 12 February 2019, Council resolved:

8057 - That Council lease the building and grounds known as the Collie Tennis Club located on Part Reserve 6684 to the Collie Lawn Tennis Club Inc. subject to the consent of the Minister for Lands with the following conditions:

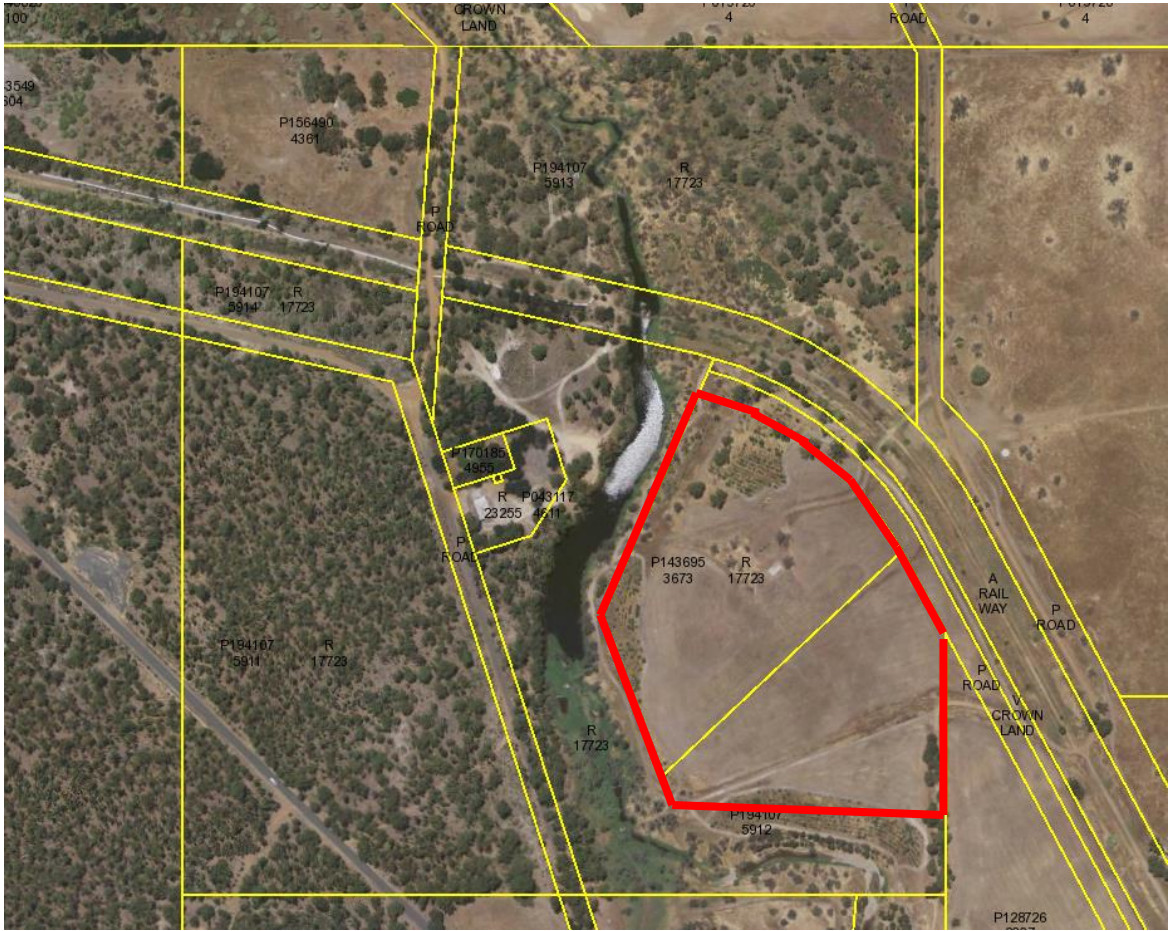
- a) lease to be deemed a community built and operated lease with a term of 5 years with a 5 year option;*
- b) Annual lease amount payable be \$1 per annum incl GST;*
- c) Other conditions to be in accordance with Council policy DS 1.5*

Comment:

The new arrangement will allow the Collie Aero Modellers who have used the land for many years to continue to do so, while at the same time allow the RC Club to expand its activities and membership.

The area proposed to be leased is shown outlined in red on the diagram below.

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13. DEVELOPMENT SERVICES REPORTS

13.1 Local Law Adoption – Shire of Collie Parking and Parking Facilities Amendment Local Law 2019

Reporting Department:	Development Services
Reporting Officer:	Robert Quinn – Shire Planner
Accountable Manager:	Andrew Dover – Director Development Services
Legislation	WA Local Government Act 1995
File Number:	LAW/001
Appendices:	Yes – Appendix 4 and 5
Voting Requirement	Absolute Majority

Report Purpose:

For Council to formally adopt the Shire of Collie Parking and Parking Facilities Amendment Local Law 2019.

Officer's Recommendation:

That Council adopts the Shire of Collie Parking and Parking Facilities Amendment Local Law 2019 as presented in Appendix 4.

Background:

The Council resolved at its meeting on 01 August 2017 the following in relation to the Shire of Collie Parking and Parking Facilities Local Law 2012.

Minute # 7514

That Council by ABSOLUTE MAJORITY adopts the Shire of Collie Parking and Parking Facilities Amendment Local Law 2017 as presented in Appendix 11.

The Council resolved at its meeting on 18 April 2017 the following in relation to the above Local Law.

Minute # 7401

That Council:

- 1. Advertises its intention to amend the Parking and Parking Facilities Local Law 2012 as per Table 1 and forward a copy of the proposed amendment to the Local Law to the Department of Local Government for the Minister's consideration;*
- 2. Notes the purpose of the Shire of Collie Parking and Parking Facilities Local Law 2012 is to provide for the orderly management of the Shire's designated public parking areas; and*
- 3. Notes the effect of the Shire of Collie Parking and Parking Facilities Local Law 2012 is that adequate measures are in place to control parking and stopping areas generally within the Shire of Collie.*

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The Council resolved at its meeting on 27 March 2018 the following in relation to the above Local Law.

Minute # 7757

That Council:

- 1. Undertake to amend the Shire of Collie Parking and Parking Facilities Local Law 2012 as requested by the Joint Standing Committee on Delegated Legislation as outlined in the body of this report,*
- 2. In the meantime, not enforce the Local Law in a manner contrary to the undertakings given, and*
- 3. Where the local law is made available to the public, whether in hard copy or electronic form, it be accompanied by a copy of these undertakings.*

As per legislative requirements, a copy of the proposed Local Law was advertised by local and state-wide public notice and a copy of the Law was provided to the Minister for Local Government. The Council was required to advertise the proposed law for a period of no less than 6 weeks (as per section 3.12 (3) (a) (iii) of the Local Government Act 1995 and consider any submissions received in regards to the law at the close of this period.

No community submissions have been received.

Due to the time the local law has taken to process it is now known as the Shire of Collie Parking and Parking Facilities Amendment Local Law 2019, as opposed to the Shire of Collie Parking and Parking Facilities Amendment Local Law 2017.

Statutory and Policy Implications:

The process required to be used when adopting or amending a local law is set out in s3.12 –3.14 of the Local Government Act 1995 and is extracted below:

3.12. Procedure for making local laws

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) The local government is to —*
 - (a) give State wide public notice stating that —*
 - (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice;*
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*

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- (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
- (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3a) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*

** Absolute majority required.*

- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice —*
 - (a) *stating the title of the local law;*
 - (b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) *advising that copies of the local law may be inspected or obtained from the local government's office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section —*

“making” in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

[Section 3.12 amended by No. 1 of 1998 s. 8; No. 64 of 1998 s. 6; No. 49 of 2004 s. 16(4) and 23.]

Budget Implications:

Payment for local advertising of the new local law and for publication in the Government Gazette.

Communications Requirements: (Policy No. CS 1.7)

The new Law will be required to be advertised in the Government Gazette.

Minister's Directions – pursuant to s. 3.12(7) of the LG Act 1995

Please note: Once the Shire has published a local law in the *Government Gazette*, the Shire must comply with the requirements of the Minister's *Local Laws Explanatory Memoranda Directions 2010*. The Shire must, within ten working days of the Gazettal publication date, forward the signed Explanatory Memoranda material to the Committee at the current address –

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Committee Clerk
Joint Standing Committee on Delegated Legislation
Legislative Council Committee Office
GPO Box A11
PERTH WA 6837

Strategic Community Plan/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 5.1.5: Administer local laws and ensure compliance with statutory obligations.

Relevant Precedents:

At its meeting held 20 June 2017 Council resolved:

7466 – That Council by ABSOLUTE MAJORITY adopts the Shire of Collie Bush Fire Brigades Local Law 2017 as presented in Appendix 6.

Comment:

The proposed Shire of Collie Parking and Parking Facilities Amendment Local Law 2019 was submitted to the Department of Local Government, Sport and Cultural Industries (DLG) for comment and review. A reply was received, and the proposed Shire of Collie Parking and Parking Facilities Amendment Local Law 2019 has been amended in accordance with the DLG's advice. See Appendix 5.

The amended Shire of Collie Parking and Parking Facilities Amendment Local Law 2019 is now presented to Council for their consideration and adoption.

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13.2 Visitor Centre Rear Exit

Reporting Department:	Development Services
Reporting Officer:	Andrew Dover – Director Development Services
Accountable Manager:	Andrew Dover – Director Development Services
Legislation	Building Act 2011
File Number:	A5256
Appendices:	No
Voting Requirement	Absolute Majority

Report Purpose:

For Council to consider funding the installation of a rear exit door at the Collie Visitor Centre.

Officer's Recommendation:

That Council by Absolute Majority;

- 1. Increase the proposed loan amount \$9,000 for this project as shown in the 18/19 budget from \$130,000 to \$139,000; and*
- 2. Subsequently install a rear exit door at the Collie Visitor Centre.*

Background:

Enquiries were made by the Visitor Centre and Council regarding the installation of an emergency exit at the Collie Visitor Centre which could be used in the event of aggressive customers and/or emergencies such as fire. The building currently complies with the National Construction Code which does not require a designated emergency exit due to the size of the building.

A risk assessment was conducted in 2015 through LGIS for the Visitor Centre addressing these issues. This report identified that providing an exit door and access point to the enclosed compound was not recommended as an adequate control measure for duress response and safe egress for staff and volunteers to retreat to, in the event of an emergency. The area is elevated, isolated and enclosed. Further, there is no exit point from this location. Staff would be safer retreating to a secure room, such as the kitchen.

Following the report, a 'safe room' was installed to the rear of the building, conveniently located behind the customer service counter for the safety of staff. This room has reinforced walls and door, has a telephone to call emergency services and can monitor the activity in the rest of the Visitor Centre through the CCTV system. However, there is no other exit from this room.

Staff have investigated various options for an alternative exit from the building. Following a report to Council on 02 October, it was determined that an exit through the rear via the 'safe room', across the Tourist Mine roof and exiting to the boundary

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of Collie Mowers & More toward Throssell Street was the preferred option. It was also resolved to fund this within the mid year budget review, resolution below:

Motion Number: 7948

That Council

Allocate funds of up to \$9,000 for this project in the 18/19 financial year mid-year budget review; and

Subsequently install a rear exit door at the Collie Visitor Centre.

Statutory and Policy Implications:

Building Act 2011

Local Government Act 1995

CS2.7 Tenders, Quotations & Price Preference Policy

Budget Implications:

An initial written quotation states that the proposed work can be completed for \$9,000.

Communications Requirements: (Policy No. CS 1.7)

Consultation was with the Collie Visitor Centre Management. Their preferred option is to install an exit through the rear as per the Council recommendation.

Strategic Plan Implications:

GOAL 4: OUR BUILT ENVIRONMENT

Infrastructure, amenities and development that supports the needs and aspirations of the community.

4.5 Council buildings and service related assets that support community needs

4.5.1 Manage and maintain public buildings, facilities and public amenities

Relevant Precedents:

Nil

Comment:

The allocation of funding to the project as per the 02 October 2018 resolution was omitted from the 18-19 mid year budget review. This prevents this project from proceeding. It is now proposed that funding is allocated to this project by raising a loan.

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13.3 Collie Futures Industry Development Fund Grant Application – Trails

Reporting Department:	Development Services
Reporting Officer:	Andrew Dover – Director Development Services
Accountable Manager:	Andrew Dover – Director Development Services
Legislation	Local Government Act 1995
File Number:	Nil
Appendices:	No
Voting Requirement	Simple Majority

Report Purpose:

For Council to allocate contributing funding to trails for the Collie Futures Industry Development Fund Grant Application for the development of Trails.

Officer's Recommendation:

That Council:

- 1. Apply to the Collie Futures Fund Grant for the development of trails in the region; and*
- 2. Allocate contributing funding for this grant of \$100,000 in each of the 19/20 and 20/21 financial years should this grant application be successful.*

Background:

The Collie River Trails Strategy 2018-2021 was adopted by Council at the Council meeting of 11 December 2018. The vision in this strategy is to

'Build on Collie's natural resources, location, infrastructure, amenities and community by developing and maintaining high quality sustainable trails of all types by 2021. Develop Collie as a Trails Town to diversify the economy, enhance the visitor experience and for the enjoyment, health and wellbeing of locals.'

To achieve this vision, various funding opportunities have been identified including grant sources. One of the predominant sources of grant funding is the Collie Futures Industry Development Fund. This grant is aimed at the economic development of Collie through the creation of jobs and therefore the above vision to *'Develop Collie as a Trails town to diversify the economy'* is aligned with this grant.

Statutory and Policy Implications:

CS3.15 Guidelines for funding requests for Council projects

Budget Implications:

It is proposed to apply to the Collie Futures Industry Development Fund for \$2,000,000 broken down as per the below table. An equal contributing amount has been identified in existing projects, mostly funded through the state and federal

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government. These include the upgrade of Wellington Forest Road and the Collie River Trail as well as other smaller projects all of which have funding secured. This satisfies the grant criteria for dollar for dollar contributing funding however will not be viewed favourably as the sole contributing funding. For this grant it is necessary to have direct contributing funding from the Shire. In addition, should this grant be successful, it will also be necessary to deliver the below actions. This is outside the staff's existing capacity. To resolve both of these matters, it is proposed that Council allocate \$100,000 per year for the next two financial years to fund a project manager including all on costs (e.g. computer etc.) to implement the project. This can be used as the Shire's direct contribution to the project and would only be required should this grant application be successful.

Should this grant be successful there will be further opportunities for other grants as the below may be used as contributing funding, depending on the grant. As part of these applications, staff will attempt to recoup the allocation for a project manager.

		Collie Futures Fund
1.	Heritage Walk Trail connecting the Visitors Centre and Soldiers Park through Collie CBD and the development of the Visitor Centre Trail Head/Hub	\$150,000
2.	Cycle Trail through Collie CBD	\$20,000
3.	Collie River Trail and Aboriginal Interpretation	\$150,000
4.	Night Trail through Collie CBD (planning)	\$20,000
5.	Collie Darkan Rail Trail (connection from Collie to existing trail at Buckingham)	\$45,000
6.	Paddle Trail including signage and Trail Heads at Minninup, Telfers Pool and Collie CBD*	\$75,000
7.	Equestrian Trail (loop trail from Collie Race Club)	\$30,000
8.	Collie – Bridgetown Equestrian Trail (connecting to existing trails from Bridgetown to Augusta and Broke Inlet)	\$50,000
9.	International Trails Conference and Mountain Bike Event	\$110,000
10.	Wellington Dam Trail Head	\$200,000
11.	Access across Wellington Dam	\$500,000
12.	Dual use path from Potters Gorge to Wellington Dam	\$400,000
13.	Arklow Trail Head	\$50,000
14.	Marketing	\$200,000
	Total	\$2,000,000

Note:

Unless other savings or grant sources can be identified, an additional \$100,000 in the next two years budgets will equate to 1.6% rates increase each year.

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Communications Requirements: (Policy No. CS 1.7)

Officers have discussed this opportunity with the South West Development Commission who have encouraged the Shire to put in a grant application.

This also was discussed at the Council's Trails Panel which noted that this was a decision of Council as it commits Council funds.

The above table was discussed with staff from the Department of Biodiversity, Conservation and Attractions (DBCA), particularly items 10-13. DBCA supports the proposal including providing most of the contributing funding.

Strategic Plan Implications:

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

1.2 Participation in sport	1.2.1 Provide and promote sport, recreation and leisure opportunities 1.2.2 Provide support to local sport and recreation clubs and groups to increase participation
1.4 A growing community	1.4.1 Attract new residents through promoting and marketing the lifestyle, natural environment, facilities, services, and business opportunities in Collie

Goal 2 Our Economy: A strong diversified economic base driven by a range of business and employment opportunities

2.1 Local industrial development and diversification	2.1.1 Work with the State Government to invest in Collie's economic future
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 Develop and implement a trails strategy. 2.3.2 Support local and regional tourism destination management and marketing initiatives that provide local tourism growth.

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

4.1 Appropriate land use, development and heritage conservation	4.1.4 Support and promote the conservation, interpretation and maintenance of heritage buildings, sites and places of interest
4.6 A sustainable asset and infrastructure base	4.6.2 Develop capital programs based on asset management plans and complete identified projects within scheduled timeframes 4.6.3 Maintain effective liaison with other levels of government and regional bodies to ensure coordinated provision of regional infrastructure

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Relevant Precedents:

The Shire has applied for a number of grant for trails but none to date have required direct contribution. However other grants have required direct contribution including the Building Better Regions Grant for the construction of the Throssell Street toilets of \$75,000 from the Shire and \$75,000 through the grant.

Comment:

The return on investment (\$10 for \$1 invested) for the direct contribution is significant as other contributing funding will be used. This grant will enable the Shire and DBCA to develop numerous trails and facilities in the region for the benefit of both the local community and to attract tourists. There also is a component of marketing within this grant application which is not usually eligible in other grants. As a result, it is recommended that the direct funding be allocated (should the grant be successful) and that the Shire apply for this funding.

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13.4 Collie River Trail Alignment

Reporting Department:	Development Services
Reporting Officer:	Andrew Dover – Director Development Services
Accountable Manager:	Andrew Dover – Director Development Services
Legislation	Local Government Act 1995
File Number:	Nil
Appendices:	Yes - Appendices 6 – Map, 7 – Letter and 8 - LGIS Report
Voting Requirement	Simple Majority

Report Purpose:

For Council to consider the alignment for the Collie River Trail.

Officer's Recommendation:

That Council endorse the alignment of the Collie River Trail along Mungalup Road to Minninup Pool.

Background:

The Collie River Trail is a significant part of the Collie trail network and envisaged in the Collie Trails Strategy 2018-2021 as it allows for the following:

- Connection between the CBD (Soldiers Park) and Minninup Pool via the High School and Lions Park;
- Diversion of the Munda Bididi and Bibbulmun Track through Collie instead of being a spur;
- Connection to the Wagyl Bididi; and
- Activation and showcasing the Collie River, particularly at the CBD.

This trail will be a dual use (walk and cycle) trail, 2.5m wide with a bitumen service similar to the Karak Trail. This trail has received funding from the State and Federal Governments through the State Department of Transport and the Federal Building Better Regions Fund Grant.

Stage 1 of this trail, from Soldiers Park to the Wagyl Bididi is already under construction. Stage 4 is ready to commence. This stage is between the Mungalup Road-Crampton Street roundabout and Minninup Pool. The construction of Stage 4 before the other stages will allow the reconstruction of Venn Street Stop to be undertaken unhindered and without the risk of the Venn Street construction vehicles damaging the newly laid path as well as allowing the full length of the path to be opened this financial year.

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Statutory and Policy Implications:

CS2.7 Tenders, Quotations & Price Preference Policy

Budget Implications:

The alignment along the Collie River is more expensive than along Mungalup Road. For the Mungalup Road alignment, the existing footpath can be used and upgraded to a 2.5m standard (currently 1.5m). For the Collie River alignment, there are a number of features which must be incorporated to ensure that the trail is safe. These are outlined below.

Collie River Alignment – Contracts and Materials		
1.	Overall - Additional Gravel	\$20,000
2.	Fairway 3	
	– Boardwalk	\$100,000
	– Abutments	\$10,000
	– Clearing	\$5,000
	– Fencing	\$10,000
3.	Fairway 8	
	– Fencing	\$5,000
	– Pump Shed Modification	\$15,000
4.	Kings Park – Retaining	\$35,000
	Total	\$200,000

Collie River Alignment – Plant and Labour		
1.	Assemble Boardwalk	\$50,000
2.	Clearing	\$30,000
3.	Design	\$15,000
	Total	\$95,000

The boardwalk proposed with the river alignment will also require maintenance in future years which will need to be funded by Council. It will also require a bed and banks permit from the Department of Water and Environmental Regulation and aboriginal monitoring costs during construction.

It may be that some or all of the additional funding may be sourced from grant funding such as the Collie Futures Fund, however this is not guaranteed to be successful and there is the opportunity cost for which other projects that this grant funding may be used.

Communications Requirements: (Policy No. CS 1.7)

This also was discussed extensively at the Council's Trails Panel which noted that this was a decision of Council as it commits Council funds.

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Consultation has been undertaken with the Collie Golf Club. This group has significant concerns regarding the Collie River alignment. These are summarised below:

Golf Club Concern	Officer's Response
Alignment passes very close and in parallel to the Fairway 3. This creates a conflict of uses as walkers/cyclists are in danger of being hit with golf balls.	The installation of the boardwalk creates a separation between the trail and this fairway. Officers also engaged the Shire insurer to investigate. This report is at Appendix 7. This report states that the golfer would be liable should a trail user be hit with a golf ball which could increase insurance claims and costs and ultimately render the golf club uninsurable.
Opening up the golf course to other users including additional access to trail bikes which currently cause damage on the greens and fairways.	This trail can be monitored with CCTV and passive surveillance can deter any antisocial activity.

The Golf Club raises valid and real concerns and the responses above only mitigate these issues rather than remove them altogether.

Strategic Plan Implications:

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

1.2 Participation in sport	1.2.1 Provide and promote sport, recreation and leisure opportunities
1.4 A growing community	1.4.1 Attract new residents through promoting and marketing the lifestyle, natural environment, facilities, services, and business opportunities in Collie

Goal 2 Our Economy: A strong diversified economic base driven by a range of business and employment opportunities

2.3 A growing tourism industry	2.3.2 Develop and implement a trails strategy. 2.3.2 Support local and regional tourism destination management and marketing initiatives that provide local tourism growth.
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Goal 4 Our Built Environment: Infrastructure, amenities and development that supports the needs and aspirations of the community

4.6 A sustainable asset and infrastructure base	4.6.2 Develop capital programs based on asset management plans and complete identified projects within scheduled timeframes 4.6.3 Maintain effective liaison with other levels of government and regional bodies to ensure coordinated provision of regional infrastructure
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Relevant Precedents:

The Shire has constructed trails such as this in the past including the Karak Trail and

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the current construction of Stage 1 of the Collie River Trail.

Comment:

The Collie River alignment would be a trail of an international standard and a major asset to the town. However, this trail has a number of issues as outlined by the Golf Club in the community consultation section above. Arising from these issues are the mitigating steps including the installation of fencing and a boardwalk to separate the golf course from the trail while retaining the unique nature of this alignment. These mitigating steps add additional expenses which were not in the original budget of \$200,000 and \$95,000 in kind.

The Trails Panel discussed this matter at length and the general consensus was that the Collie River alignment is the better alignment, however expenditure of this magnitude on this alignment would be burdensome on the Council. It was also considered that the Mungalup Road alignment would allow for the development of another dual use trail or a mountain bike trail along the Collie River connecting with the Wagyl Biddi in the future.

The recommended alternative is to construct the Mungalup Road alignment without any additional cost and investigate funding to place a mountain bike trail along the river which would not cause the above issues.

Alternative Recommendation:

That Council by ABSOLUTE MAJORITY:

- 1. Endorse the alignment of the Collie River Trail along Mungalup Road to Minninup Pool;*
- 2. Allocate additional funding for this grant of \$200,000 and \$95,000 in kind contributions towards this trail: and*
- 3. Seek additional funding to offset Council's funding commitment.*

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14. TECHNICAL SERVICES REPORTS

15. MOTIONS FOR WHICH PRIOR NOTICE HAS BEEN GIVEN

Elected Members have the ability to submit notices of motion between meetings and up to a time prescribed in standing orders before a meeting.

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

Members have the ability to submit notices of questions between meetings and up to a time prescribed in standing orders before a meeting.

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

18. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS

19. STATUS REPORT ON COUNCIL RESOLUTIONS

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

- 'Closed Since Last Meeting' at Appendix 9
- 'All Open' at Appendix 10

20. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

20.1 - Sale of Property

20.2 – Review of Lease – Wagon 537

20.3 - Bioenergy Proposal

20.4 – Legal Matter

20.5 – Motorplex Resurfacing (To be provided prior to the meeting.)

21. CLOSE