



Shire of
Collie

MINUTES

OF the

ORDINARY MEETING OF COUNCIL

held on

Tuesday, 30 July 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, 30 July 2019 commencing at 7:03pm.

1. OPENING/ATTENDANCE/APOLOGIES & LEAVE OF ABSENCE

PRESENT: Sarah Stanley Councillor (Presiding Member)
Ian Miffling Councillor (Deputy Member)
John Piavanini Councillor
Gary Faries Councillor
Brett King Councillor
Rebecca Woods Councillor
Elysia Harverson Councillor (arrived 7.05pm)
Leonie Scoffern Councillor

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

APOLOGIES: Joe Italiano Councillor
Jodie Hanns Councillor
Michelle Smith Councillor

GALLERY: Neil Martin- Collie Rotary Club

1.1 Councillors granted Leave of Absence at previous meeting/s.

Cr Italiano has been granted leave of absence from this meeting at the Council meeting held 18 June 2019.

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.

8201

Moved: Cr Faries

Seconded: Cr Woods

That Cr Hanns and Cr Smith be granted Leave of Absence from this Ordinary Meeting of Council.

CARRIED 7/0

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2. **PUBLIC QUESTION TIME**

Nil

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

Nil

4. **DISCLOSURE OF FINANCIAL INTEREST**

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

Councillor/Staff	Agenda Item	Disclosure
Nil		

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

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

8202

Moved: Cr Faries	Seconded: Cr Scoffern
That Council suspends Standing Orders.	
CARRIED 7/0	

- Neil Martin on behalf of Collie Rotary Club Collie provided a presentation on the proposed Cemetery Chapel and an update on Valley View.

Cr Harverson arrived at 7.05pm.

Mr Martin left Chambers at 7.25pm.

8203

Moved: Cr Faries	Seconded: Cr Woods
That Council resumes Standing Orders.	
CARRIED 8/0	

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

Nil

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

Nil

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8. CONFIRMATION OF THE PREVIOUS MEETINGS OF COUNCIL MINUTES

8204

Recommendation/Council Decision:

Moved: Cr Piavanini **Seconded: Cr Scoffern**

That Council confirms the Minutes of the Ordinary Meeting of Council held on 9 July 2019.

CARRIED 8/0

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

8205

Recommendation/Council Decision:

Moved: Cr Woods **Seconded: Cr Scoffern**

That Council receives the minutes of the Access and Inclusion Committee held on 11 July 2019.

CARRIED 8/0

10.2 Receipt of the Minutes of the Weeds and Waterways Advisory Committee

8206

Recommendation/Council Decision:

Moved: Cr Woods **Seconded: Cr Faries**

That Council receives the minutes of the Weeds and Waterways Advisory Committee held on 11 July 2019.

CARRIED 8/0

10.3 Receipt of the Minutes of the Audit Committee

8207

Recommendation/Council Decision:

Moved: Cr Miffling **Seconded: Cr Scoffern**

That Council receives the minutes of the Audit Committee held on 23 July 2019.

CARRIED 8/0

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10.4 Adopt the Recommendations of the Minutes of the Audit Committee

8208

Recommendation/Council Decision:

Moved: Cr Miffling

Seconded: Cr Faries

That Council adopts en bloc the recommendations contained within the minutes of the Audit Committee held on 23 July 2019.

That Council:

- 10.4.1 1) Notes the correspondence form the Department of Local Government, Sport and Cultural Industries dated 28 June 2019;**
2) Provides the report at Appendix 3 to the Department and upload to the Shires website with relevant attachments; and
3) Raise the report recommendations at the South West Zone of WALGA as an emerging issue.

CARRIED 8/0

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11. CEO REPORTS

11.1 Delegations 2019/20

Reporting Department:	Chief Executive Office
Reporting Officer:	David Blurton
Accountable Manager:	N/A
Legislation	Local Government Act 1995
File Number:	Gov/043
Appendices:	Yes - Appendix 1
Voting Requirement	Absolute Majority

Report Purpose:

Delegate certain functions to the Shire President, Chief Executive Officer, Chief Bushfire Control Officer and other staff.

8209

Officer's Recommendation/Council Decision:

Moved: Cr Miffing

Seconded: Cr Woods

That Council:

A) In accordance with S5.42 of the Local Government Act 1995 (Absolute Majority) delegates authority to the Chief Executive Officer for the following matters;

- 1.1 Duties & Compensation**
- 1.2 Notices Requiring Certain things to be done to land**
- 1.3 Additional Powers Relating to Notices**
- 1.4 Things local governments can do on land that is not local government property**
- 1.5 Power of Entry on to Land**
- 1.6 Removal and Impounding of any goods**
- 1.7 Temporary Closure of thoroughfares**
- 1.8 Level and alignment of thoroughfares**
- 1.9 Control of certain unvested facilities**
- 1.10 Tenders**
- 1.11 Disposal of Property**
- 1.12 Management of Investments**
- 1.13 Investment of surplus funds**
- 1.14 Non Payment of Rates**
- 1.15 Rate Record Objections**
- 1.16 Enforcement and Legal Proceedings**
- 1.17 Activities on thoroughfares & trading in thoroughfares & public places**
- 1.18 Grant Concession or write off debt**

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That Council in accordance with the Bushfire Act delegate authority to the Chief Executive Officer for the following matter

1.19 Bushfire Act Offences

That Council in accordance with the Building Act 2011 delegate authority to the Chief Executive Officer for the following matter

1.20 Issuing of Building Orders and Recovery of Expenses

That Council in accordance with the Planning & Development Act 1995 and Shire of Collie Local Planning Scheme No 5 delegate authority to the Chief Executive Officer for the following matters;

1.21 Town Planning Functions (subdivision and development)

1.22 Town Planning Functions (taking action, legal proceedings and actions)

With the addition of **“A” and** added before **“D”** use in the second line of clause (q) of delegation 21 of Appendix 1; and

With the addition of clause d) to delegation 22 of Appendix 1, being **“Where actions are taken under clause (b) the Council is to be notified as soon as possible after the action/s have commenced. “**

That Council delegates authority to the Chief Executive Officer and the Environmental Health Officer pursuant to the Health Act 1911 for the following matters;

1.23 Serve notices / orders and take requisite action

That Council delegates authority to the Chief Executive Officer with regards to the administrative requirements regulated by the Food Act 2008

1.24 Appointment of Authorised Officers

1.25 Issuing certificates, notices and infringements

That Council in accordance with the Caravan and Camping Grounds Act 1995 delegate authority to the Chief Executive Officer for the following matters

1.26 Appointment of Authorised Officers

1.27 Serving notices/orders

That Council in accordance with the Dog Act 1976 delegate authority to the Chief Executive Officer for the following matter

1.28 Appointment of Authorised Officers

That Council in accordance with the Bushfire Act (S.17) delegate authority jointly to the Shire President and Chief Bushfire Control Officer the following matter;

1.29 Variation to Prohibited and restricted burning times

That Council in accordance with the Building Act 2011 delegate authority to the Building Surveyor for the following matters;

1.30 Building Permits – issuing

That Council in accordance with the Local Government Act 1995 (S5.42) and by Absolute Majority that the Chief Executive Officer be delegated authority to;

1.31 Issue Swimming Pool Passes to Not for Profit Community Groups

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That Council, subject to the requirements of the Liquor Control Act 1988 and Liquor Licensing Act 1988 delegate authority to the CEO to approve events where alcohol will be consumed on Council controlled reserves where deemed appropriate and with appropriate controls in place.

B) Receive the delegations report for 18/19 noting the instances where delegated authority has been used by staff as per attached Appendix 1.

C) That the CEO be authorised to provide one free tip pass per annum to Not for Profit organisations upon request.

CARRIED 8/0

Background:

The following background is provided as sourced from Department of Local Government Operational Guideline #17 – Delegations, for the information of Council.

The Macquarie Dictionary Second Edition (1991), The Macquarie Library Pty Ltd, Macquarie University, New South Wales (Australia), p.469, defines “delegate” as follows;

- To send or appoint (a person) as deputy or representative
- To commit (powers, duties etc) to another as agent or deputy; and
- To commit powers or duties to others.

The operational guidelines go on to cite a number of other sources for definition of a delegation and summarise that to delegate is to appoint another person to exercise a power or discharge a duty, going on to say that a delegation does not strip the person making the delegation of the right to exercise the delegated power or discharge the delegated duty.

Delegations are most commonly used in organisations where;

- A particular person has authority to exercise a discretion to enforce a right or discharge a duty on behalf of the organisation;
- That person or officer has either;
 - A multitude of authorities to exercise discretion to enforce rights or discharge powers; or
 - Many circumstances in which they have authority to exercise a discretion to enforce rights or discharge duties;
- The business of the organisation could not be efficiently carried on if that person were to personally exercise their discretion to enforce all the right or discharge all of the duties; and
- Through practical administration, that person needs to appoint other persons to exercise their discretion to exercise powers or discharge duties on behalf of the organisation

Whilst there is a requirement for local government delegations to be authorised by statute, there is no limitation (unless otherwise specifically stated by statute) on appointing a person to act on behalf of the local government or the CEO, provided that appointment does not include the power of delegation.

Sections 5.43 of the Local Government Act 1995 provides limitations on what powers and duties a local government can delegate to its CEO, stating that;

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A local government cannot delegate to a CEO any of the following powers or duties;

- a. Any power or duty that requires a decision of an absolute majority or 75% majority of the local government;*
- b. Accepting a tender which exceeds an amount determined by the local government of the purposes of this paragraph;*
- c. Appointing an auditor;*
- d. Acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purposes of this paragraph;*
- e. Any of the local governments powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- f. Borrowing money on behalf of the local government;*
- g. Hearing or determining an objection of any kind referred in section 9.5;*
- h. Any power or duty that requires the approval of the Minister or Governor; or*
- i. Such other powers or duties as may be prescribed.*

Section 5.43 (i) of the Act provides for regulations to prescribe further powers or duties which cannot be delegated to the CEO. The following regulations prescribe powers and duties which cannot be delegated to the CEO;

- a. Regulation 18G of the Local Government (Administration) Regulations 1996 prohibits the delegation to a CEO the powers and duties under
 - a. Sections 7.12A(2), 7.12 (3)(a) and 7.12A(4) of the Local Government Act 1995 (relating to meetings with auditors); and*
 - b. Regulations 18C and 18D (relating to the selection and appointment of CEOs and reviews of their performance)**
- b. Regulation 6 of the Local Government (Financial Management) Regulations 1996 prohibits the delegation of the duty to conduct an internal audit to an employee (including the CEO) who has been delegated the duty of maintaining the local government's day to day accounts or financial management operations.*

The Act further allows the CEO to make delegations to other employees. A decision to delegate a power or duty should be made by local governments only after thorough consideration of whether the delegation will facilitate the effective operation of the local government. This will therefore depend on the particular circumstances of each local government.

A local government council is unable to deal with all of the numerous issues and duties concerning its local government. As far as is possible and reasonable, councils should be predominantly concerned with dealings with higher level policy matters for their local governments. Duties and powers which are operational by nature, but exercise discretion should be delegated to the CEO.

Powers and duties can be delegated to CEOs with comprehensive conditions attached. The conditions limit the exercise of powers or discharge of duties to circumstances prescribed by the council. For example, a permit application which does not satisfy the conditions attached to a delegation must be referred to the council for determination.

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Section 5.46 of the Act, states that delegations are to be reviewed by the delegator (in this case Council) at least once every financial year. Appendix 1 includes the delegation register for the 18/19 financial year as well as the proposed register for 19/20 which provides more information / direction for staff on each of the delegations.

Statutory and Policy Implications:

Local Government Act 1995 (S5.16(1), 5.18, 5.42(1), 5.43, 5.44 (1))
Local Government (Miscellaneous Provisions) Act 1960; Strata Titles Act 1995 (S2 & 23)
Bushfires Act (S17 & S48)
Planning and Development Act 2005 (Item 11.3.1 & 11.3.2)
Shire of Collie Local Planning Scheme #5

Budget Implications:

Nil

Communications Requirements: (Policy No. CS 1.7)

Nil

Strategic Plan Implications:

Outcome 5.1 - Good governance and leadership
Strategy 5.1.5 - Administer local laws and ensure compliance with statutory obligations.

Relevant Precedents:

The recommended delegations reflect those which have been endorsed by Council for the past 2-3 years, with the exception point C) of the recommendation.

Comment:

A complete copy of the proposed delegations is attached at Appendix 1.

Each time a delegation is used the relevant officer is required to record the use of the delegation in an appropriate register. This information is included in Appendix 1 for the 18/19 Financial year for Councillors information.

The following modification/insertion shown in bold below is proposed to Town Planning Functions, item j) of delegation 21.

- j) *To approve any development application for 'P' or 'D' uses under the Local Planning Scheme and impose reasonable conditions. All 'A' uses under the Scheme to be referred to Council for determination "**if any objections are received**" after advertising.*

By inserting "**if any objections are received**" applications can be approved by officers promptly and not be considered by Council. This allows for efficient processing of applications and reduces unnecessary delays promoting development.

The following modification/insertion shown in bold below is proposed to the Activities on Thoroughfares and Trading in Thoroughfares and Public Places 2012, item iv) of delegation 17.

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It is proposed to increase the stallholder's and trader's permits officer delegation from 3 months to 12 months.

(iv) The determination of applications for stallholder's and trader's permits under Part 6 Division 1 provided that the application is for a period of 3 "12" months or less and in the opinion of the Chief Executive Officer the issue of the permit will not impact adversely on nearby landholder or shire operations.

This proposed modification is based on two issues, firstly, the application cost to apply and secondly the application process required. There is a maximum approval period of 12 months for any permit issued, therefore, regardless of whether Council or an officer approves a permit it can only be for a period of 12 months. Any refusal of an application would be dealt with by Council.

Further to this, there is a \$25 application fee regardless of the time period applied for. Therefore, it is cost effective for a trader or organization to only apply once, to stop paying \$25 application fee plus the time-based Permit fee.

It is also a reduction in red tape as each time an application is made Food Business Registration and Third-Party Public liability is required to be provided.

The current and proposed delegation iv) has the following section which allows officers discretion to send the application to Council for consideration.

"and in the opinion of the Chief Executive Officer the issue of the permit will not impact adversely on nearby landholder or shire operations."

The above section allows officers and the CEO to control and monitor applications if required. This modification is seen as reducing red tape and a cost reduction to traders while still having the ability of applications being considered by Council.

Staff have also included a new delegation relating to the approval of events on Council reserves which include the consumption of alcohol. At present it is not clear if the CEO has this authority, so that addition of this delegation will provide clarity. Staff are currently developing a policy on this issue which will provide some parameters around the approval process moving forward.

It is considered that these delegations will contribute to the effective operation of the Shire of Collie during the 19/20 financial year.

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12. CORPORATE SERVICES REPORTS

12.1 Accounts Paid – May 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:

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

8210

Officer's Recommendation/Council Decision:

Moved: Cr Faries

Seconded: Cr Scoffern

That Council accepts the Accounts as presented in Appendix 2 being vouchers 41614-41635 & 3199 totalling \$6,765.23 and direct payments totalling \$1,326,759.63 authorised and paid in May 2019.

CARRIED 8/0

8211

Council Decision:

Moved: Cr Piavanini

Seconded: Cr Faries

That Council does not commence on the verandah at 115 Throssell Street until the invoice is paid in full.

CARRIED 8/0

Questions Taken on Notice

Eft26196 – Consult Direct - Big Red Boss for workshop – What is this?

Eft26197 – Station Motors – Battery 104CO – Why was this so expensive?

Eft26111 and Eft26320 Adam Davey Consulting - Soil Analysis and Site visit report why so expensive and what did this include?

EFT26180 – Trophies West – Engraving for “Jan Wallace” room. Why couldn't this work be done locally?

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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	\$80,502.23	\$491,221.74	\$571,723.97
March	\$56,390.25	\$638,596.27	\$694,986.52
April	\$9,627.62	\$786,561.51	\$796,189.13
May	\$6,765.23	\$1,326,759.63	\$1,333,524.86
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 2

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12.2 Financial Report – May 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 3
Voting Requirement	Simple Majority

Report Purpose:

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

8212

Officers Recommendation/Council Decision:

Moved: Cr Harverson

Seconded: Cr Woods

That Council accept the Financial Report for May 2019 as presented in Appendix 3.

CARRIED 8/0

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 3.

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 3 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 \$99,788 over budget mainly due to the DFES contribution for Local Government Grant Scheme (LGGS) for the Bush Fire Brigades being over budget by \$74,740.70. Council also received a Bushfire Mitigation Grant that was not budgeted for of \$42,445 and the fire and parking fines are over budget by \$11,695. This is reduced by the repayment of the Digital Radio System grant (\$28,938).
2. Welfare is \$14,618 under budget by due to Margaretta Wilson Centre electricity consumption by the centre has reduced as well as the delay in billing for electricity consumption by Synergy.
3. Community Amenities is under budget by \$179,441 due to cemetery fees (\$10,899), additional rubbish bins (\$18,704), development application fees (\$22,643) and Collie River Revitalisation Grant (\$125,000) are under budget.
4. Recreation and Culture is \$41,927 under budget mainly due to sporting bodies ground maintenance fees (\$13,881) and swimming pool revenue (\$17,532). The invoices for the sporting ground maintenance fees will be raised in June 2019.
5. Transport is \$870,833 over budget mainly due to the Motorplex Grants were received earlier than expected.
6. **Other property and services is under budget by \$158,142 as the workers compensation reimbursement was received in June 2019 and the sale of Council property did not occur.**

Operating Expenditure by Program

7. Governance is \$79,463 over budget due to an error in the admin allocation which will be rectified in June 2019.
8. Law, Order and Public Safety is \$157,716 over budget due to the Community Emergency Services (\$30,018) which is 50% reimbursed by DFES. The over budget is also contributed by the purchase of plant and equipment (\$19,699), maintenance of vehicles (\$63,475), clothing and accessories (\$32,120), and building maintenance (\$13,583) 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.
9. **Transport is \$353,934 under budget as verge maintenance, depot maintenance and depreciation for infrastructure assets are under budget by \$342,307, \$54,598 and \$108,373. This is reduced by road maintenance being over budget by \$163,276. These represent internal plant and labour costs.**
10. Economic Services is \$178,015 under budget mostly due to the expenditure for the Economic Development (\$110,330), sand and gravel pits (\$30,965) and visitor centre

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maintenance (\$19,620).

11. Other Property and Services is \$169,797 over budget as the plant direct cost and public works overhead is greater than expected. A review of these allocation is currently being undertaken.

Operating Revenue by Nature and Type

12. Operating grants, subsidies and contributions are over budget by \$607,452 due to timing of several grants such as the Financial Assistance Grants, LGGS from DFES and Main Roads Grant.
13. **Interest earnings is \$26,384 mostly due to non-penalty payment being over budget,**

Operating Expenditure by Nature and Type

14. Utility charges are \$126,714 under budget; most of the utility payments are yet to be made, this is due to delays in invoices being issued by Synergy.
15. **Interest expense is \$26,936 over budget due to the timing of repayment of Loan 117.**

Non-Operating Income by Nature and Type

16. **Non-operating grants is \$688,855 mostly due to the timing of the Motorplex Upgrade Grant and the Collie River Revitalisation grant.**

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12.3 2019/20 Annual Budget Adoption

Reporting Department:	Corporate Services
Reporting Officer:	Hasreen Mandry – Finance Manager
Accountable Manager:	Allison Fergie – Director Corporate Services
Legislation:	Local Government Act 1995
File Number:	FIN/005
Appendices:	Yes – Annual Budget 2019/20 (Separate document)
Voting Requirement	Absolute Majority

Report Purpose:

To adopt the 2019/20 Annual Budget document.

8213

Officers Recommendation/Council Decision:

Moved: Cr Miffing

Seconded: Cr Faries

That Council resolves by ABSOLUTE MAJORITY:

- 1. To Adopt 0.5656 cents in the dollar to be applied to all properties attributed to unimproved values for the 2019/20 financial year,**
- 2. To Adopt 9.4667 cents in the dollar to be applied to all properties attributed to gross rental values for the 2019/20 financial year,**
- 3. To Adopt \$817 minimum rate for properties having unimproved values applied for the 2019/20 financial year,**
- 4. To Adopt \$970 minimum rate for developed land having general gross rental values applied for the 2019/20 financial year,**
- 5. To Adopt \$817 minimum rate for vacant land having gross rental values applied for the 2019/20 financial year,**
- 6. To adopt a material variance of 10% in excess of \$10,000 from budget for reporting on the Monthly Statement of Financial Activity for the 2019/20 financial year.**
- 7. To Adopt the 2019/20 Fees and Charges as attached.**

CARRIED 8/0

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8214

Officers Recommendation/Council Decision:			
Moved: Cr Miffing		Seconded: Cr Faries	
That Council apply rating concessions for the following organisations for 2019/20:			
Assessment	Organisation	Concession	Value
A3977	<i>RSL Collie</i>	100%	\$970
A3990	<i>Country Women's Association</i>	100%	\$970
A4337 & A5321	<i>Riverview Residences (Steere Street & Pendelton Street)</i>	100%	\$42,630
A4779	<i>North Collie Hall Management Group</i>	100%	\$970
A150	<i>Collie Pioneer Day Lodge</i>	100%	\$970
A5043	<i>Collie Italian Club</i>	100%	\$8,638
A995	<i>Energy West Hall</i>	100%	\$2,166
A4813	<i>Red Cross Shop</i>	100%	\$1,674
			CARRIED 8/0

Background:

The budget adoption process has included a series of workshops designed to give Councillors the opportunity to peruse the document in a draft format. The draft budget meeting was held on 9 July 2019 which enabled Councillors to provide direction as to the contents of the final budget.

A copy of the budget document has been provided with this Agenda as a separate document.

The following organisations have been granted charitable rating status under the Local Government Act or through the State Administrative Tribunal;

Assessment	Organisation	Concession	Value
A987	<i>Ngalang Boodja Aboriginal Corporation</i>	100%	\$2,806
A4295, A5219, A5833 & A5838	<i>Alliance Housing</i>	100%	\$4,207

Statutory and Policy Implications:

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Section 6.2 (1) of the Western Australian Local Government Act (1995) states that by no later than 31 August each year, each Local Government is to prepare and adopt (by absolute majority), in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.

As part of the budget adoption process, section 6.2 (4) (b) requires detailed information relating to the rates and service charges which will apply to land within the district.

Budget Implications:

The Council's 2019/20 Annual Budget totals approximately \$12 million in expenditure which is to be funded from a variety of sources including operating and non-operating revenue, rates and other sources including the Council's own reserves and carried forward funds.

Detailed analysis of the budget was presented to the previous meeting of full Council on 9 July 2019.

Strategic Community Plan/Corporate Business Plan Implications:

Goal 5: Our Business - Good governance and an effective, efficient and sustainable organisation

Outcome 5.3: Financial Sustainability and Accountability

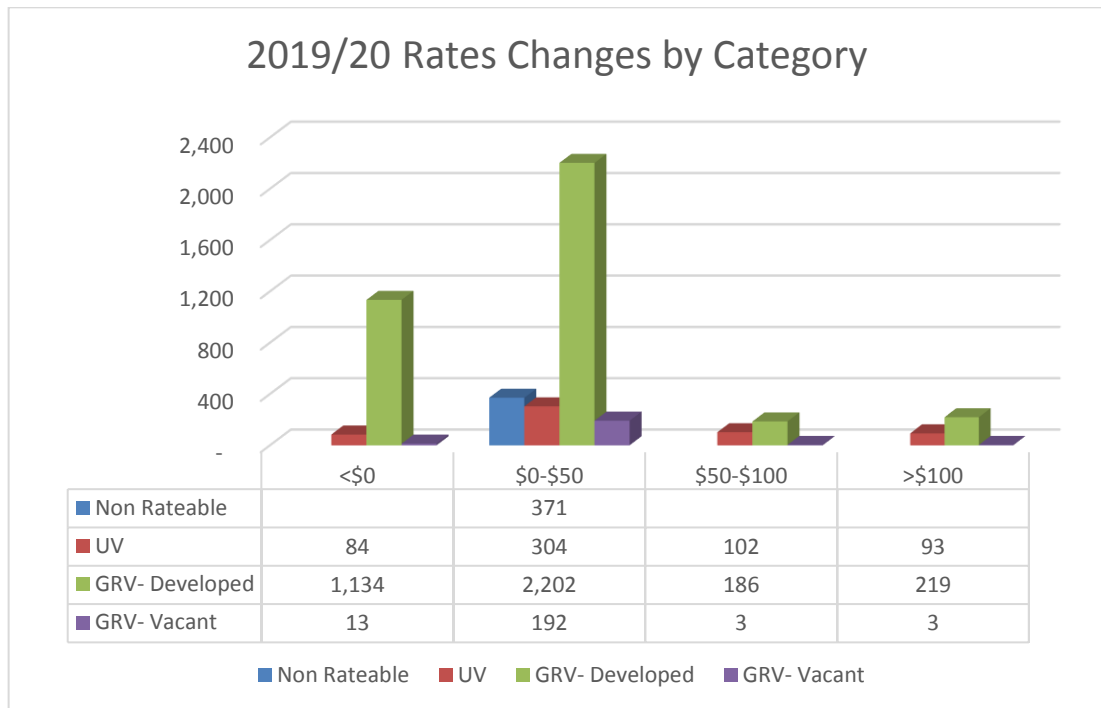
- Strategy 5.3.4: Ensure a rating system is in place which is transparent and promotes equity, timeliness, affordability and comparability.
- Strategy 5.3.5: Provide corporate financial services that support the Shire's operations and meet planning, reporting and accountability requirements.

Comment:

The 2019/20 Annual Budget shows a 1.55% increase in rate revenue which is the figure endorsed at the Council's draft budget meeting on 9 July 2019. The only change from the amendments made at the draft budget meeting is that the plant replacement reserve transfer of \$150,000 is reduced to \$68,000 as the removal of the light vehicle replacement of 104CO, 111CO and 106CO did not have an impact on rates as the replacement was funded out of reserve.

After extensive modelling, staff conclude that the rates model as recommended in this report is the most equitable that is possible. The following graph shows the percentage increase in dollars of each rating category. The model as presented has majority of ratepayers receiving increases not greater than \$50, GRV Developed 97%, GRV Vacant 89% and UV Properties 56%.

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The 2019/20 rate increase of 1.55% is in line with the Corporate Business Plan to keep rate increases within 2% of inflation. The increase is also below the south west average.

Revaluation of Gross Rental Value (GRV) properties occurred in April 2019, taking effect in the 2019/20 financial year. The changes to the GRV is as per below:

	Number of Properties	Overall Changes (%)	Total GRV Value
Vacant	267	-21.66%	\$1,169,965
Residential	3,691	-11.92%	\$48,055,872
Farming	1	0.00%	\$7,700
Miscellaneous	80	-5.27%	\$1,238,896
Commercial	187	-3.41%	\$6,305,800
Industrial	96	-10.99%	\$7,052,160
	4,322	-11.02%	\$63,830,393

Those properties rated based on Unimproved Valuation (UV) are re-valued annually by the Valuer General. The current year's revaluation resulted in an average decrease of 2.42%.

The draft 2019/20 fees and charges were adopted by Council on 18 June 2019.

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12.4 Adoption of Waste Collection Fees for 2019/20

Reporting Department:	Corporate Services
Reporting Officer:	Hasreen Mandry – Finance Manager
Accountable Manager:	Allison Fergie – Director Corporate Services
Legislation:	Local Government Act 1995 & Health Act 1911
File Number:	WAT/003
Appendices:	No
Voting Requirement	Absolute Majority

Report Purpose:

To adopt waste charges for the 2019/20 financial year.

8215

Officer's Recommendation/Council Decision:

Moved: Cr Scoffern

Seconded: Cr Faries

That Council by ABSOLUTE MAJORITY adopt the following waste charges for 2019/20

- **3 Bin Collection service \$320**
- **3 Bin Collection-Pensioner \$289**
- **Rural Waste Levy at \$140**

CARRIED 8/0

Background:

Rubbish Charges are levied in accordance with the Health Act 1911 & Local Government Act 1995 with the aim of covering the running costs Council incurs in relation to the provision of waste management services.

The current charges which have been levied in 2018/19 are \$312 for 3 bin collection service, \$282 for 3 bin collection service for pensioners and \$136 for rural waste levy.

Statutory and Policy Implications:

Local Government Act 1995 & Health Act 1911

Budget Implications:

The following table represents a summary of the expenses and revenue in relation to waste management operations including kerbside collection services which the Council has factored into the 2019/20 budget.

Total Revenue	\$ 1,241,414
Total Expenditure	\$ 1,241,414

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Communications Requirements: (Policy No. CS 1.7)

Press release will be completed after adoption on 31 July 2019.

Strategic Plan Implications:

Goal 2 OUR NATURAL ENVIRONMENT – A protected and sustainable natural environment

Outcome 2.3: Effective waste diversion and recovery

- Strategy 2.3.1 Provide waste collection, recycling and disposal services.
- Strategy 2.3.2 Promote recycling, reuse and minimisation of waste in the community.
- Strategy 2.3.3 Support development of appropriate regional waste management strategies.

Comment:

The recommendation as presented will result in an increase of 3% or \$8 per annum for the 3-bin service which equates to the increase in contractor costs for the 2019/20 year.

Council has traditionally granted a concession to eligible pensioners for kerbside recycling costs since the introduction of the kerbside recycling service in 2008. With the introduction of the third bin (organics collection), the Council resolved to levy a single collection charge for all three bins rather than a separate charge for each bin.

It is suggested that a \$31 concession for eligible pensioners continue in 2019/20. This currently applies to 1,013 properties, representing a value of \$31,406 in 2019/20.

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12.5 Tenancy of 43 Elouera Road

Reporting Department:	Corporate Services
Reporting Officer:	Allison Fergie – Director Corporate Services
Accountable Manager:	Allison Fergie – Director Corporate Services
Legislation	Local Government Act 1995
File Number:	CPR/014
Appendices:	Yes – Appendix 4
Voting Requirement	Simple Majority

Report Purpose:

To seek Council's determination in respect to the tenancy of the Shire owned property at 43 Elouera Road, Collie.

8216

Officer's Recommendation/Council Decision:

Moved: Cr Stanley

Seconded: Cr Faries

That Council;

- 1. Lease the property at 43 Elouera Road for a rental of \$290 - \$310 per week; and**
- 2. Continue to engage the services of a professional property manager with a local real estate agency for the ongoing management of the property:**

CARRIED 8/0

Background:

The Council has previously moved to dispose of the property at 43 Elouera Street Collie through the tender process in accordance with section 3.58 of the WA Local Government Act (1995). At its meeting held 30 May 2017 Council resolved:

Motion#7440

- 1. Receive the valuation report for 43 Elouera Rd Collie at confidential Appendix 1.*
- 2. Carry out the works recommended in the valuation report.*
- 3. Undertake a public tender process for the disposal of 43 Elouera Rd Collie in accordance with section 3.58 of the WA Local Govt Act.*

The recommended works were carried out in 2017 and the property was advertised for sale by tender. However, the tender received in 2018 was declined, and the property was then listed for sale with a professional real estate agent.

During the time of listing, no offers were received. Under the requirements of the WA Local Government Act 1995 an updated valuation was obtained and the tender process was repeated.

At its meeting held 18 June 2019 Council resolved:

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8171 – That Council;

- 1. decline the tender submitted by Bradley Scott Hewett of 23 Culldorah Street, Newman for the purchase of 43 Elouera Road Collie; and*
- 2. staff to consult with a real estate agent to obtain advice on bringing the property up to a standard which would make it attractive as a rental.*

Staff have consulted with a real estate agent and the advice of the Senior Property Manager can be found at Appendix 4.

Statutory and Policy Implications:

Disposal of property including leasing is covered under section 3.58 of the WA Local Government Act 1995 and section 30 of the Local Government (Functions and General) Regulations 1996.

While Council is required to undertake a public tender process when it leases a property under section 30 (g) of the regulations, a specific exemption applies where the lease is for residential purposes. This means that a public tender process is not required in this case.

Budget Implications:

Staff have requested a rental valuation from Elders Southern Districts Estate Agency who have advised the property would obtain a rent of around \$290-\$310 per week, and that there is currently a demand for properties in this range.

The revenue received would cover the costs incurred for maintaining the property and the payment of the Property Management Services & Fees.

Communications Requirements: (Policy No. CS 1.7)

Nil.

Strategic Plan Implications:

GOAL 5: OUR BUSINESS *Good governance through an effective, efficient and sustainable organization.*

Relevant Precedents:

In 2016, the Council resolved to lease the caretaker's residence at the Collie Recreation Ground;

7093 – That Council

- 1. In accordance with policy DS1.5 invites expressions of interest from the general community for the tenancy of the Caretaker's residence at the Collie Recreation Ground with minor caretaking duties required of the tenant.*
- 2. Authorise the CEO to assess, negotiate and assign the lease to the most suitable applicant based on normal residential tenancy practices for a term not exceeding three years.*
- 3. Engage the services of a professional property management agency for the ongoing management of its residential properties.*

Comment:

The work required prior to the property being leased is outlined at Appendix 4 and is not extensive. Parks and Gardens staff have been requested to attend to the lawns and weeds, and other work is in progress.

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13. DEVELOPMENT SERVICES REPORTS

13.1 Oversize Shed– 44 Palmer Road Collie

Reporting Department:	Development Services
Reporting Officer:	Robert Quinn – Shire Planner
Accountable Manager:	Andrew Dover – Director Development Services
Legislation	Planning and Development Act 2005
File Number:	A5171
Appendices:	Yes – Appendix 5
Voting Requirement	Simple Majority

Report Purpose:

To seek Council Approval for an

1. Outbuilding (Shed) pursuant to clause 5.7.1 of the Local Planning Scheme in the Rural Residential zone for an oversize floor area under Local Planning Policy: Outbuilding Control.

8217

Officer's Recommendation/Council Decision:

Moved: Cr Faries

Seconded: Cr Woods

That Council, pursuant to the provisions of the Planning and Development Act 2005, hereby resolves to grant approval to Ross Roney for the development of an Outbuilding (Shed) and retaining walls at 44 Palmer Road Collie subject to the following conditions:

- a) At all times, the development the subject of this planning approval must comply with the definition of 'outbuilding' as contained in State Planning Policy 3.1 Residential Design Codes.
- b) All development shall be in accordance with the approved development plans (attached) which form part of this planning approval.
- c) This planning approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue of the approval, or, within any extended period of time for which the Shire of Collie has granted prior written consent.
- d) Before the development is used, all external surfaces of steel cladding must be painted and/or finished to the satisfaction of the Shire of Collie.

CARRIED 8/0

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Background:

The application is to construct a 250m² shed on 44 Palmer Road. 44 Palmer Road is zoned Rural Residential and slightly undulating, rising from Palmer Road and 2.564 hectares in area. There is approximately 175m² of collective shed floor area currently on the site spread over five sheds along with a dwelling. The proposed outbuilding is setback approximately 150 metres from Palmer Road.

A decision of Council is required for this application as the proposal seeks to vary the collective Outbuilding floor area requirements for a lot zoned Rural Residential as this proposal is not consistent with the Local Planning Policy 2.1 clause 6.1 which has a limit of 250m² on collective shed floor area. (See Appendix 5 - Plans)



Statutory and Policy Implications:

Local Planning Scheme No. 5

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;

(o) the relationship of the proposed development on adjoining land or on other land in the locality, including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;

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(y) any relevant submissions received on the application;

State Planning Policy 3.1 - Residential Design Codes

5.4.3 Outbuildings (Design Principles)

Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.

Based on the location of the shed and setbacks from the boundaries, it envisaged that the shed will have minimal, if any impact on neighbouring properties.

Local Planning Policy: Outbuilding Control

6.1 Maximum Floor Area

Rural Residential zoned land has a maximum total collective outbuilding floor area of 250m².

6.6

No maximum wall height as the lot is greater than 2020m² in area

Budget Implications:

Nil

Communications Requirements: (Policy No. CS 1.7)

The proposal meets the following policy objectives:

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

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:

A similar oversize outbuilding application was approved by Council at its meeting in December 2018 at 60 Ogden Street.

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Comment:

The proposed additional outbuilding is 250m² in floor area with wall heights of 4.2 metres. The 4.2 metre wall heights of the proposed shed are within policy guidelines. The policy has no maximum wall heights where the site area is greater than 2,020m².

The proposal does not materially detract from the streetscape or the visual amenity of residents or neighbouring properties due to its location and approximately 150 metres setback from Palmer Road. It is considered there are no nearby neighbours to the north of the proposal which will be affected by the Outbuilding.

The maximum floor area for outbuildings in the Rural Residential zone with lots of this area is 250m² with a discretionary allowance for 10% above that. If approved the total collective floor area on this lot will be approximately 60% greater than permitted under policy. The proposal is approximately 60% larger, than the policy permits, however, is not considered to detract from the function or amenity of the block.

It is recommended that Council support the officer's recommendation and conditionally approve the Outbuilding.

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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 Woods

- 14 August – Job Fair to be held at Roche Park with Albemarle and 6 other contractors to discuss employment opportunities which is in conjunction with the Collie Chamber of Commerce Collie Hub.

Cr Scoffern

- 11 July – Attended Adventure Trails project reference group

Cr Stanley

- 15 July - Met with Trevor Blinco on site to see the progress of the Collie Futures-funded marron demonstration farm.
- 19 July - Attended Synergy's Electric Vehicle Car Charger unveiling, which attracted a number of electric vehicle private enthusiasts to the event.
- 19 July - Attended the opening of How Did I Get Here, the latest exhibition at the Collie Art Gallery.
- 24 July - Attended the Bunbury Geographe Consultant Planners Breakfast at the Bunbury Geographe Chamber of Commerce.
- 25 July - Attended the Minnipup Pool Project Management Group presentation of draft report.
- 25 July - Attended the Bunbury Geographe Economic Alliance board meeting in Donnybrook.
- 29 July - Met with Meshpoints to discuss next steps in fostering innovation and entrepreneurialism in Collie.
- 29 July - Met with Bunbury Geographe Tourism Partnership staff to discuss Collie-based issues and possible future collaborations.

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- 30 July - Attended the Road Safety Council's community stakeholder forum, with a follow-up with stakeholders being held 31 July.

Upcoming events:

- 31 July - Operation Next Gen is a finalist in the Resilient Australia awards
- August - Collie Futures Economic Advisory Group meeting
- 6-9 August - Local Government Week
- 15 August - Bunbury-Geographe Sub-regional Strategy Steering Group meeting
- 19-23 August - Collie Futures Economic Advisory Group trip to the Latrobe Valley

Mr Blurton

- 11th July – Attended Collie Adventure trails project group meeting
- 25th July – Attended Minninup Pool project group meeting
- 29th July – Attended Draft Local Planning Scheme presentation
- 30th July – attended DFES emergency facility planning meeting

19. STATUS REPORT ON COUNCIL RESOLUTIONS

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

- 'Closed Since Last Meeting' at Appendix 6
- 'All Open' at Appendix 7

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 8.44pm.

I certify that these Minutes were confirmed at the Ordinary Meeting of Council held on Tuesday, 20 August 2019.

.....
Presiding Member

.....
Date