



Shire of
Collie

AGENDA

for the

ORDINARY MEETING OF COUNCIL

to be held on

Tuesday, 20 August 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

A connected community that is as rich
and diverse as its heritage and landscape.

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, 20 August 2019

in Council Chambers at 87 Throssell Street, Collie WA,



David Blurton
Chief Executive Officer

16 August 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

August 2019 – September 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 20 August 2019	Ordinary Meeting of Council 7.00pm in Council Chambers
Thursday 29 August 2019	Weeds & Waterways Advisory Committee 9:00am in Council Chambers
Monday 26 August 2019	Townscape Advisory Committee 9.00am in Library Undercroft Room
Thursday 5 September 2019	Access and Inclusion Committee 12.15pm in Elected Members Room
Thursday 12 September 2019	Community Safety and Crime Prevention Committee 2.00pm in Library Undercroft Room
Thursday 12 September 2019	Economic Development Advisory Committee 4.00pm in Council Chambers

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, 20 August 2019

Agenda for the Ordinary Meeting of the Collie Shire Council to be held in Council Chambers, 87 Throssell Street Collie, on Tuesday, 20 August 2019 commencing at 7:00pm.

1. OPENING/ATTENDANCE/APOLOGIES & LEAVE OF ABSENCE

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

Cr Stanley has been granted Leave of Absence from this meeting at the Council meeting held on 9 July 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.

Cr Faries has requested Leave of Absence from 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

Questions Taken on Notice

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

Response:

This is a strong degreaser that is used in the workshop and also at our landfill site.

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

Response:

The invoice not only covered the cost of the battery it also comprised of Freight, Labour plus GST.

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

Response:

Eft 26111 (\$5,654) covered the application of nutrients to Roche Park Soccer grounds

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Application 1 – 16/3/19 Application of 1.6T agricultural gypsum (\$924)

Application 2 – 16/3/19 Application of Fine screen organic carbon soil conditioner (\$4730)

Eft 26320 (\$1,397) covered detailed soil testing to determine nutrient requirements for Central Park and Rec ground turf

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

Response:

Trophies West was used on this occasion due to the size and type of the plaque and the requirement for machine engraving rather than hand engraving.

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.

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

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8. CONFIRMATION OF THE PREVIOUS MEETINGS OF COUNCIL MINUTES

Recommendation:

That Council confirms the Minutes of the Ordinary Meeting of Council held on 30 July 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 1 August 2019.

10.2 Adopt the Recommendations of the Minutes of the Community Safety and Crime Prevention Committee

Recommendation:

That Council adopts en bloc the recommendations contained within the minutes of the Community Safety and Crime Prevention Committee held on 1 August 2019.

That Council authorise staff to commence community and stake holder consultation in order to prepare an updated CSCP plan in simple user-friendly format.

10.3 Receipt of the Minutes of the Economic Development Advisory Committee

Recommendation:

That Council receives the minutes of the Economic Development Advisory Committee held on 15 August 2019.

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10.4 Adopt the Recommendations 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 15 August 2019.

That Council;

10.4.1 defer the Collie Futures Fund Grant Application – Trails and Trail Town so that staff can provide more details.

10.4.2 1. Purchase a 12-month basic subscription for Spendmapp for the Economic Development Fund up to \$10,000;

2. Seek a contribution towards the subscription from other organisations if possible;

3. Review the effectiveness of the software at the end of the 12-month period.

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11. **CEO REPORTS**
Nil

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12. CORPORATE SERVICES REPORTS

12.1 Accounts Paid – June 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 June 2019.

Officer's Recommendation:

That Council accepts the Accounts as presented in Appendix 1 being vouchers 41636-41647 & 3200-3201 totalling \$17,535.16 and direct payments totalling \$885,826.86 authorised and paid in June 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	\$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

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May	\$6,765.23	\$1,326,759.63	\$1,333,524.86
June	\$17,535.16	\$885,826.86	\$903,362.02

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 – June 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 June 2019.

Officers Recommendation:

That Council accept the Financial Report for June 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 2 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).

Do note that the amount reported is not the final outcome for 2018/19

Operating Revenue by Program

1. **Governance is \$19,183 under budget mainly due to the sundry revenue account being under budget.**
2. **General purpose funding is \$1,230,707 over budget mainly due to the prepayment of the financial assistance grants for 2019/20.**
3. **Law, Order and Public Safety is \$537,190 under budget as the grant funding for the Worsley & Cardiff bushfire brigade buildings has not been received, The construction for the brigade building will be done in 2019/20 and the corresponding revenue will be received then.**
4. Welfare is \$16,486 under budget by due to Margaretta Wilson Centre electricity consumption by the centre has reduced.
5. Community Amenities is under budget by \$202,142 due to cemetery fees (\$13,663), additional rubbish bins (\$19,241), development application fees (\$24,315) and Collie River Revitalisation Grant (\$125,000) are under budget.
6. **Recreation and Culture is \$247,268 under budget mainly due to the timing of the Collie River Trail & Trail Corridor BBRF grant payment.**
7. **Transport is \$642,096 under budget mainly due to the timing of the Motorplex Grants.**
8. **Economic Services is \$198,130 under budget mainly due to the timing of the Minnipup Pool River Area Feasibility Grant.**
9. **Other property and services is under budget by \$71,495 due to the sale of Council property that did not occur.**

Operating Expenditure by Program

10. **Law, Order and Public Safety is \$200,163 over budget due to overspend in expenditure related to the LGGS Bushfire Brigade and State Emergency grants. The reimbursement for the expenditures is expected to occur in 2019/20.**
11. **Welfare is \$12,732 over budget due to the emergency management recovery from the bushfire in Allanson (\$26,155) which was not budgeted for. This is reduced by the under budget in senior citizen luncheon expenditure and the senior citizen building maintenance.**
12. Economic Services is \$167,077 under budget mostly due to the expenditure for the Economic Development (\$102,629) and sand and gravel pits (\$33,807).

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13. Other Property and Services is \$104,608 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

14. Operating grants, subsidies and contributions are over budget by \$1,430,860 mainly due to the prepayment of the financial assistance grants for 2019/20.

Operating Expenditure by Nature and Type

15. **Other Expenditure is \$85,085 under budget this is due to an incorrect code being used for an income account. This will be rectified prior to the finalisation of the 2018/19 financial report.**

Non-Operating Income by Nature and Type

16. Non-operating grants is \$1,808,674 under budget mostly due to the timing of the Motorplex Upgrade Grant, Collie River Revitalisation grant and the Minninup Pool River Area feasibility grant.
17. **Profit on asset disposal is \$83,403 under budget due to the sale of a Council property that did not occur.**

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12.3 2019 CSRFF Small Grant Applications

Reporting Department:	Corporate Services
Reporting Officer:	Allison Fergie – Director Corporate Services
Accountable Manager:	Allison Fergie – Director Corporate Services
Legislation	N/A
File Number:	GAS/005
Appendices:	Yes – Appendix 3
Voting Requirement	Simple Majority

Report Purpose:

For Council to consider endorsement of the applications to the Community Sport and Recreational Facilities Fund Small Grants program of the Department of Local Government, Sport and Cultural Industries.

Officer's Recommendation:

That Council endorse the Department of Sport and Recreation Community Sport and Recreational Facilities Fund Small Grants applications received as attached at Appendix 3 and rank the applications as follows:

- 1. Open Space Strategy – Shire of Collie*
- 2. Lighting Upgrade – Collie Racing Drivers Association Inc*

Background:

The Department of Local Government, Sport and Cultural Industries (DLGSC) has an established Community Sport and Recreational Facilities Fund (CSRFF) to assist sporting associations to improve their facilities. The Department encourages shared use of facilities and seeks to fund priority projects that can demonstrate completion will lead to increased participation in physical activity by new participants.

Under the terms of the CSRFF, projects must receive endorsement by their local government authority as a part of the application process. There is no requirement through this process that the local authority provide any financial or in-kind contribution to projects that it endorses. Where more than one application is received for any funding round the Department requires the local government authority to prioritise the projects.

The small grants timeline requires Council to consider all applications at a meeting in August, with applications receiving Council endorsement to be submitted to the South West Office of the DLGSC by the last working day in August.

Council is in receipt of two applications seeking endorsement. The application from the Shire of Collie is for an Open Space Strategy, and the application from the Collie Racing Drivers Association (CRDA) is for a Lighting Upgrade to the speedway track.

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Statutory and Policy Implications:

Nil

Budget Implications:

Council has allocated \$20,000 towards the Open Space Strategy in the 2019/20 budget, \$10,000 towards asset management; plus an estimated \$300 from the advertising account for community consultation.

There are no budget implications for the upgrade to the lighting at the speedway track as no contribution is required from Council, and the CRDA pay all of their own costs including maintenance.

Communications Requirements: (Policy No. CS 1.7)

Endorsed applications to be forwarded to the DLGSC by the last working day in August.

Strategic Community Plan/Corporate Business Plan Implications:

Goal 1 Our Community A thriving, supportive and safe community.

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

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

Relevant Precedents:

Council has previously endorsed applications for the CSRFF, most recently on 21 August 2018:

7908 – That Council endorse the application from the Collie Soccer Association Inc for Department of Sport and Recreation Community Sport and Recreational Facilities Fund Small Grants Funding as attached at Appendix 4.

Comment:

Staff consider that both applications are worthy of endorsement.

The Guidelines for priority consideration state that the CSRFF can fund new or upgraded facilities which will maintain or increase physical activity or result in a more rational use of facilities. Priority will be given to projects that lead to facility sharing and rationalisation, as multi-purpose facilities reduce infrastructure required to meet similar needs and increase sustainability.

Assessments are based on the following criteria:

- Project justification
- Planned approach
- Community consultation
- Management planning
- Access and opportunity
- Design
- Financial viability
- Coordination
- Potential to increase physical activity
- Sustainability.

Joint provision and shared use of facilities is a priority consideration for CSRFF support.

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Projects must also demonstrate that they can be delivered within the funding period. Applicants must liaise with their local government regarding planning and building approvals pertinent to their project.

Applicants must liaise with their State Sporting Association to discuss the project, and State Sporting Associations are involved in the assessment of applications.

The application from the CRDA is well planned with development and building applications submitted. The lighting upgrade is necessary for the speedway to continue to operate successfully and safely, and the project has the endorsement of the State body. However, the project is not fully funded at this point in time.

Council has allocated funding towards the Open Space Strategy in the adopted 2019/20 budget, and the recommendations that will arise from the study will inform Council's future decision-making processes for the Shire's recreational areas and open spaces.

The Shire assessment of the projects can be found within the respective applications at Appendix 3. The prioritisation of the Open Space Strategy ahead of the lighting upgrade for the speedway track is due to the potential for the Open Space Strategy to result in increased physical activity for a greater number of participants, the Council contribution is confirmed in the annual budget and the project will lead to recommendations for facility sharing and sustainability.

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12.4 Lease Renewal for Collie Horse & Pony 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:	L34343A
Appendices:	No
Voting Requirement	Simple Majority

Report Purpose:

To seek Council authorisation to renew the lease agreement with the Collie Horse & Pony Club Inc. for the lease of Part Reserve 34343 – the Horse & Pony Club grounds on Mungalup Road.

Officer's Recommendation:

That Council lease the Horse & Pony Club grounds located on Part Reserve 34343 to the Collie Collie Horse & Pony 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*

Background:

The Collie Horse & Pony Club grounds are located on part of Reserve 34343 on Mungalup Road, vested in the Shire of Collie for the purpose of Park Lands and Recreation. The Management Order allows for leasing for any term not exceeding 21 years, subject to the consent of the Minister for Lands

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;

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Budget Implications:

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

As per policy DS 1.5, this will have the following implications for Council moving forward in relation to the responsibility of each party.

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

Communications Requirements: (Policy No. CS 1.7)

Correspondence to proponent.

Strategic Community Plan/Corporate Business Plan Implications:

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

1.3 An active and supportive community

1.3.1 Support community initiated and owned projects

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

1.5 Council buildings and service related assets that support community needs

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

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Relevant Precedents:

Council regularly renews leases with community groups.

Comment:

The Collie Horse & Pony Club Inc has leased the current grounds continuously since 1977 and in that time has operated successfully and made many improvements to the grounds.

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12.5 Undertaking to amend the Shire of Collie Cemeteries Local Law 2019

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:	LAW/001
Appendices:	Yes – Appendix 4
Voting Requirement	Absolute Majority

Report Purpose:

To present a request from the Joint Standing Committee on Delegated Legislation that the Shire of Collie undertake to make amendments, as outlined in the body of this report, to the *Shire of Collie Cemeteries Local Law 2017*.

Officer's Recommendation:

That Council by ABSOLUTE MAJORITY:

- 1. Undertake to amend the Shire of Collie Cemeteries Local Law 2019 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.*

Background:

The Council resolved at its meeting on 12 February 2019 the following in relation to the above Local Law.

*8058 – That Council by ABSOLUTE MAJORITY:
Advertises its intention to make a new local law to be known as the Shire of Collie Cemeteries Local Law 2019 as per Appendix 4 and forwards a copy of the proposed local law to the Department of Local Government for the Minister's consideration;*

- 2. Notes the purpose of the proposed Shire of Cemeteries Local Law 2019 is to provide for the orderly management of the Shire of Collie's public cemetery; and*
- 3. Notes the effect of the proposed Shire of Collie Cemeteries Local Law 2019 is to establish a management regime for the public cemetery, establish what is appropriate behaviour within the cemetery and create offences for inappropriate behaviour within the cemetery.*

Prior to adoption, comment was received from the Department of Local Government, Sport and Cultural Industries, following which a number of changes and edits were made prior to adoption of the local law. On 7 May 2019 Council resolved:

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8128 – That Council by ABSOLUTE MAJORITY adopts the Shire of Collie Cemeteries Local Law 2019 as presented in Appendix 2.

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:

Budget Implications:

Advertising required to amend the local law.

Communications Requirements: (Policy No. CS 1.7)

Statutory advertising as required for amendment of a local law.

Strategic Community 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:

Council has previously amended local laws. At its meeting held 27 March 2018 Council resolved:

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.*

Comment:

The Joint Standing Committee on Delegated Legislation (the Committee) has now requested in correspondence that can be found at Appendix 4 that Council provide a letter signed by the Shire President undertaking to make the following amendment to the Shire of Collie Cemeteries Local Law 2019:

The Committee requests that Council provide (by letter signed by the Shire President) the following undertakings:

1. Within six months the Council will undertake to the Joint Standing Committee on Delegated Legislation that the Shire will amend the Shire of Collie Cemeteries Local Law 2019 to:
 - (a) Amend clause 5.4(1) to read ‘A person shall only drive on a constructed roadway or vehicular access way or other areas designated for the use of vehicles within a cemetery, unless otherwise authorised by the Board.’
 - (b) Amend clause 5.4(2) to:
 - Insert the word ‘shall’ after the word ‘and’.
 - Insert the words ‘in a cemetery’ after the work ‘signs’.

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- (c) Amend clause 7.1(1) by deleting the words 'in accordance'.
 - (d) Delete the heading of 'Guide Dogs' in clause 8.1 and replace with 'Assistance Animals'.
 - (e) Amend clause 8.1 to read 'Clause 8.1 does not apply to a person accompanied by an 'assistance animal' as defined in section 9(2) of the Disability Discrimination Act 1992(Cth).'
 - (f) Amend clause 7.12(2) by deleting the words 'or memorials that do not comply with the provisions of this local law' after the word 'unsafe'.
 - (g) Delete clause 7.20(1)(b).
 - (h) Delete clause 7.20(1)(c).
 - (i) Delete clause 7.20(3).
 - (j) Make any necessary consequential amendments.
- 2 Until the Local Law is amended in accordance with undertaking 1:
- (a) Not enforce the Local Law in a manner contrary to undertaking 1.
 - (b) Where the Local Law is made publicly available, whether in hard copy or electronic form (including on the Shire's website), ensure that it is accompanied by a copy of these undertakings.

13. **DEVELOPMENT SERVICES REPORTS**

Late Item to be a slip-in.

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14. TECHNICAL SERVICES REPORTS

Nil

15. MOTIONS FOR WHICH PRIOR NOTICE HAS BEEN GIVEN

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

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

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

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

18. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS

19. STATUS REPORT ON COUNCIL RESOLUTIONS

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

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

20. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

20.1 Tender 04/2019 – Cleaning Services for Public Toilets, Barbeques and Council Facilities within the Shire of Collie

21. CLOSE