



Shire of
Collie

MINUTES

of the

ORDINARY MEETING OF COUNCIL

held on

Tuesday, 20 August 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, 20 August 2019 commencing at 7:02pm.

1. OPENING/ATTENDANCE/APOLOGIES & LEAVE OF ABSENCE

PRESENT:

Ian Miffling	Councillor (Deputy Member)
John Piavanini	Councillor
Brett King	Councillor
Joe Italiano	Councillor
Jodie Hanns	Councillor
Michelle Smith	Councillor
Rebecca Woods	Councillor
Leonie Scoffern	Councillor
David Blurton	CEO
Allison Fergie	Director Corporate Services
Brett Lowcock	Director Technical Services
Andrew Dover	Director Development Services
Belinda Dent	CEO PA

APOLOGIES:

Sarah Stanley	Councillor
Gary Faries	Councillor
Elysia Harverson	Councillor

GALLERY:

- Taylor Amonini - Collie Mail (left chambers at 8.35pm)
- Jenni Vanselow (left chambers at 8.35pm)
- Joe Hetherington (left chambers at 8.35pm)

- 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.

8218

Moved: Cr Piavanini

Seconded: Cr King

That Council grant Cr Faries and Cr Harverson Leave of Absence from this Ordinary Meeting of Council.

CARRIED 8/0

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2. PUBLIC QUESTION TIME

Mr Hetherington addressed the Council regarding Lake Kepawari and the flow of the Collie River south branch and asked if Council would support writing to relevant authorities on the issue.

8219

Moved: Cr Italiano

Seconded: Cr Scoffern

The Council request staff to write letters to the Premier, the Local Member, the Department of Water & Environment demanding an environmental flow of water downstream off Lake Kepawari, to fill pools in the Collie River South branch, should a full flow not occur during the winter.

CARRIED 8/0

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

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.

A further question was asked from Cr Piavanini and taken on notice. Why can't this fertiliser be spread with our own spreader?

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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

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

Councillor/Staff	Agenda Item	Disclosure
Cr Piavanini	Item 13.1 – Lot 51 Patstone Rd	Impartial – Brother owns adjacent property.

5. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

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

There are two items for which the meeting may be closed to the public.

7. ITEMS BROUGHT FORWARD DUE TO INTEREST BY ATTENDING PERSONS

Nil

8. CONFIRMATION OF THE PREVIOUS MEETINGS OF COUNCIL MINUTES

8220

Recommendation/Council Decision:

Moved: Cr King

Seconded: Cr Scoffern

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

CARRIED 8/0

9. BUSINESS ARISING FROM THE PREVIOUS MINUTES

Nil

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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

8221

Recommendation/Council Decision:

Moved: Cr Woods

Seconded: Cr King

That Council receives the minutes of the Community Safety and Crime Prevention Committee held on 1 August 2019.

CARRIED 8/0

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

8222

Recommendation/Council Decision:

Moved: Cr Italiano

Seconded: Cr Smith

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.

CARRIED 8/0

10.3 Receipt of the Minutes of the Economic Development Advisory Committee

8223

Recommendation/Council Decision:

Moved: Cr Scoffern

Seconded: Cr Woods

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

CARRIED 8/0

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10.4 Adopt the Recommendations of the Minutes of the Economic Development Advisory Committee

8224

Recommendation/Council Decision:

Moved: Cr Italiano

Seconded: Cr Piavanini

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.

CARRIED 8/0

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.

8225

Officer's Recommendation/Council Decision:

Moved: Cr Scoffern

Seconded: Cr Woods

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.

CARRIED 8/0

The following questions were asked by elected members.

Cr Piavanini – Page 12, MCG Architects \$3,564 – Why are we still paying this when we now have a Building Manager? What projects were included in the project management?

Mr Dover provided a response that this payment relates to the period prior to the commencement of the current Building Manager and was necessary to progress project including Worsley and Cardiff Bush Fire Brigade buildings, Disabled toilets at the caravan park and rear entrance of the Collie Visitor Centre.

Cr Italiano – Page 40, Heatly Sales work boots \$202.20 – Why are these boots being purchased from outside of Collie? These boots are obviously available in Collie as same boots were purchased locally ref EFT26453.

Mr Lowcock responded that these relate to the purchase of a special type of chemical and puncture resistance Argyle boot used at the Collie Transfer Station which is not stocked locally.

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Cr Piavanini – Page 8, Adam Davey Consulting, nutrient application – This payment appeared last month. Why can't we use our own spreader to apply fertilizer?

Staff took the question on notice.

Cr Miffling – Page 15, Collie River Valley Medical Centre \$240 – why was the assessment done through Guardian Exercise?

Mrs Fergie responded that this is most likely a worker's compensation assessment. This was confirmed as correct after the meeting.

Cr Miffling – Page 36, BBP Group Pty Ltd, BAL assessment for 708 Yourdamung Road, Collie \$572 – who is paying for this? And which general ledger account is this coming from?

Mr Blurton advised that the cost can be forwarded to the landowner, however this was a second opinion requested by staff on a compliance matter and staff reserve the right to seek a second opinion on matters where there is concern which may expose the general public to a significant risk. Staff took on notice which general ledger the payment was made from.

Cr Miffling – Page 44, City of Busselton, IPR Program contribution \$700 – what is IPR?

Mrs Fergie advised that IPR is Integrated Planning and Reporting and the program is a joint effort supported with matching funding from the Department of Local Government to strengthen Councils capacity to meet new IPR regulations.

Cr Italiano – Page 29, Spyker Technologies, CCTV Upgrade \$4,356 – what is this and why was it necessary?

Mrs Fergie advised that this was a resolution of Council in last year's mid-year budget review to undertake an independent assessment of our CCTV network and make recommendations of the upgrade of system.

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Cr Woods – Page 12, Pak It Computers, Phone cover for employee \$74.95 – I thought that Council wasn't supplying phones for employees anymore?

Mrs Fergie advised that most staff that require a phone are provided an allowance and bring their own phone, however there are some operational level staff that are provided phones.

Page 12, Ozarb Tree Service, Removal of 290 trees Patstone Road \$13,800 – why was this necessary?

Mr Lowcock advised that it was necessary as part of road widening works on Patstone Road and was funded under the Regional Roads Program.

Cr Woods – Page 9, Boyanup Botanical, Replacement Plants for swimming pool slope \$519.20 – What does this refer to?

Mr Lowcock advised that it relates to the replacement of plants on the northern slope of the Swimming Pool boundary, facing Throssell St.

Cr Italiano – Page 16, Westside Windscreens, Replacement of damaged windscreen Mitsubishi Fuso – why was a business from out of Collie used?

Staff took the questions on notice.

Cr Woods – Page 22, Collie Florist, Floral arrangements for employees – Do we need a policy on this matter?

Mr Blurton advised that it is an operational matter with flowers for employees and does not consider a policy is required. Note – Council already has a policy in place CS1.6 Well wishes from Council.

Page 46, Jordan Beau Russell, refund of overpayment of infringement \$15 – What is this about?

Staff took the question on notice.

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Page 24, JVA & Co, Removal of basketball backboard and hoop 55 Ogden St \$159.50 – Why couldn't shire staff undertake this work? Do we recoup the money?

Mr Dover indicated that it is beyond the scope of the building maintenance handymans job description. We do not recoup this money. For this money to be recouped, the work would have had to be done under a notice which would be appealable to SAT which would cost significantly more than this cost and would have taken at least an additional 28 days.

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	\$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.

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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.

8226

Officers Recommendation/Council Decision:

Moved: Cr Piavanini

Seconded: Cr Woods

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

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 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:

Moved: Cr King

Seconded: Cr Hanns

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.

An amendment to the motion was put by Cr Italiano.

8227

Council Decision:

Moved: Cr Italiano

Seconded: Cr Smith

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

CARRIED7/1

Cr King against the motion

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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.

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.

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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.

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.

8228

Officer's Recommendation/Council Decision:

Moved: Cr King

Seconded: Cr Scoffern

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

CARRIED 8/0

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;

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- 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:

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

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

1.5 Council buildings and service related assets that support community needs

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

Relevant Precedents:

Council regularly renews 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 2019*.

8229

Officer's Recommendation/Council Decision:

Moved: Cr King

Seconded: Cr Italiano

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.**

CARRIED 8/0

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.

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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:

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.’

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- (b) Amend clause 5.4(2) to:
 - Insert the word 'shall' after the word 'and'.
 - Insert the words 'in a cemetery' after the word 'signs'.
 - (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.

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13. DEVELOPMENT SERVICES REPORTS

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

Mr Dover left the room at 8.24pm and returned at 8.26pm.

Cr Miffling

- 3 August - Attended the inaugural Collie Parkrun event.
- Thanked the Community Development Officer, Tamsin Emmett for getting Parkrun up and going.
- 6-9 August – Attended Local Government Week along with the Shire President Cr Stanley and Cr Woods.
- Attended the Friends of the River and Collie Shire tree planting program.

Mr Blurton

- 5th August – Presented to 3rd Year Marketing students from Murdoch University. The students will be doing a marketing assignment on Collie.
- 13th August – Welcomed year 8 and 9 Collie Senior High School students as part of “Work inspiration” program. Congratulations and thanks to Mrs Allison Fergie for Co-ordinating.
- 16th August – Attended Minninup Pool Project group meeting.
- 19th August – met with Bunbury Geographe Group of Councils in regards to Tourism Partnership project.

Cr Woods

- Attended the Job fair - 93 people attended
- Attended the Resilient Australia awards and Collie won.
- The Chamber is running Customer service awards.

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- Attended Minister Johnston and Minister Mick Murray's round table around the recent announcements relating to Synergy.
- Attended Local Government week along with Cr Stanley and Cr Miffling.

Upcoming –

- South West Angels pitch fest 19th September 2019.

Cr Hanns

- Thanked the staff for the work-inspirations workshop attended by students from the Collie Senior High School.

Mrs Fergie

- 27 August - 5.30pm – 7pm Local Government Council Election Briefing

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

Ms Vanselow, Mr Hetherington and Taylar Amonini left chambers at 8.35pm.

20. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

8230

Moved: Cr King	Seconded: Cr Woods
That Council moves Into Committee.	
CARRIED 8/0	

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

8231

Officer's Recommendation/Council Decision:	
Moved: Cr Hanns	Seconded: Cr Italiano
That Council award the 3-year contract advertised in Tender 04/2019, being for the Cleaning of Public Toilets, Barbeques, and Council Facilities within the Shire of Collie to Dave's Cleaning Service being the preferred tenderer.	
CARRIED 8/0	

Cr Piavanini has declared an Impartial Interest in Item 13.1.

