



Shire of
Collie

MINUTES

of the

ORDINARY MEETING OF COUNCIL

held on

Tuesday, 22 October 2019

INDEX

1.	OPENING/ATTENDANCE/APOLOGIES & LEAVE OF ABSENCE	1
2.	PUBLIC QUESTION TIME	1
3.	RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	2
4.	DISCLOSURE OF FINANCIAL INTEREST	2
5.	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS.....	3
6.	NOTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC.....	3
7.	ITEMS BROUGHT FORWARD DUE TO INTEREST BY ATTENDING PERSONS	3
8.	CONFIRMATION OF THE PREVIOUS MEETINGS OF COUNCIL MINUTES	3
9.	BUSINESS ARISING FROM THE PREVIOUS MINUTES.....	3
10.	RECEIPT OF MINUTES OF COMMITTEE MEETINGS HELD SINCE THE PREVIOUS MEETING OF COUNCIL.....	3
10.1	Receipt of the Minutes of the Bush Fire Advisory Committee.....	3
10.2	Adopt the Recommendations of the Minutes of the Bush Fire Advisory Committee	3
10.3	Receipt of the Minutes of the Weeds and Waterways Advisory Committee	4
10.4	Adopt the Recommendations of the Minutes of the Weeds and Waterways Advisory Committee.....	4
11.	CEO REPORTS.....	6
12.	CORPORATE SERVICES REPORTS	7
12.1	Amendment to South West Football League Fees & Charges	7
13.	DEVELOPMENT SERVICES REPORTS	12
14.	TECHNICAL SERVICES REPORTS.....	12
15.	MOTIONS FOR WHICH PRIOR NOTICE HAS BEEN GIVEN.....	12
16.	QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN	13
17.	URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION	13
18.	ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS.....	13
19.	STATUS REPORT ON COUNCIL RESOLUTIONS.....	13
20.	CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC	13
21.	CLOSE.....	14

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 22 October 2019

Minutes of the Ordinary Meeting of the Collie Shire Council held in Council Chambers, 87 Throssell Street Collie, on Tuesday, 22 October 2019 commencing at 7:01pm.

1. OPENING/ATTENDANCE/APOLOGIES & LEAVE OF ABSENCE

PRESENT: Sarah Stanley Councillor (Presiding Member)
Ian Miffing JP Councillor (Deputy Member)
Gary Faries Councillor
Rebecca Woods Councillor
Elysia Harverson Councillor
Leonie Scoffern Councillor
Joe Italiano Councillor
Michelle Smith Councillor
Brent White Councillor
Brett Hansen Councillor
John Kearney Councillor

David Blurton CEO
Allison Fergie Director Corporate Services
Brett Lowcock Director Technical Services
Andrew Dover Director Development Services
Hasreen Mandry Finance Manager
Pam Ahlin CEO PA (Acting)

APOLOGIES:
Nil

GALLERY:
None

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

2. PUBLIC QUESTION TIME
Nil

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 22 October 2019

3. RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

Questions taken on Notice:

1. Cr Piavanini – Page 31 – EFT26994 - \$369.01 Station Motors cost of a Battery and call out. Why was our Mechanic not called out?

Response: Mr. Dover

This was initially thought to be a Holden specific issue with the key requiring a call out from the Holden dealer, however it eventuated that it was a battery issue.

2. Cr Harverson – Page 12 EFT26881 - \$511.50 Collie Roof Plumbing cleaning of gutters at Margareta Wilson Centre and Library. Why was it needed to outsource the cleaning of the gutters?

Response: Mr. Dover

These buildings required an external contractor due to the height of these buildings.

Further Question on Notice for 12 November Meeting

Staff were requested to give more details regarding the height/ticket requirements for operating equipment.

3. Cr Woods – Page 12 – EFT26878 - \$422.40 Coates Hire Why did we require gas detector kits at Ogden St?

Response: Mr. Lowcock

This is part of our Safe Operating Procedure (SOP) when working in confined spaces greater than 1.2m deep. In this case there was no gas detected. On average we only hire this equipment once per year and it's not economical to purchase due to the ongoing calibration/certification costs involved.

4. Cr Miffling – Page 20 – EFT26933 \$1,574.63 Water Corporation Why is the water charge at the cemetery so high?

Response: Mrs. Mandry

There was a significant water leak from the toilet water supply, and this was fixed on Tuesday 8/10/2019. The building maintenance officer was able to locate it due to the presence of efflorescence to the external paving.

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
Italiano	Item 17	Impartial - member
Smith	Item 17	Impartial - member

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 22 October 2019

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

Nil.

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

There is one Item for which the meeting will 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**

8294

Recommendation/Council Decision

Moved: Cr Harverson

Seconded: Cr Woods

That Council confirms the Minutes of the Ordinary Meeting of Council held on 1 October 2019.

CARRIED 11/0

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 Bush Fire Advisory Committee

8295

Recommendation/Council Decision:

Moved: Cr Woods

Seconded: Cr Faries

That Council receives the minutes of the Bush Fire Advisory Committee held on 19 September 2019.

CARRIED 11/0

10.2 Adopt the Recommendations of the Minutes of the Bush Fire Advisory Committee

8296

Recommendation/Council Decision:

Moved: Cr Faries

Seconded: Cr Harverson

That Council adopts en bloc the recommendations contained within the minutes of the Bush Fires Advisory Committee held on 19 September 2019.

That Council;

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 22 October 2019

10.2.1 appoint the following volunteers and staff to the position of Fire Control Officer in accordance with the Bush Fire Act 1957.

Julian Martin, Shane Hickson, Terry Hunter, Graeme Genev, Kohdy Flynn, Michael Hart, Graeme Pilatti, Neil Waywood, Phillip Bartolo, Leigh O'Connor, Tristan Gulvin and Peter Lubcke.

10.2.2 endorse the Officers elected to the Shire of Collie Bushfire Brigades as documented in the attached Annual General Meeting minutes in accordance with the Bush Fires Act 1957.

**Appendix 1: Allanson BFB AGM Minutes
Appendix 2: Collie Preston BFB AGM Minutes
Appendix 3: Collieburn Cardiff BFB AGM Minutes
Appendix 4: Harris River BFB AGM Minutes
Appendix 5: Williams Road BFB AGM Minutes
Appendix 6: Worsley BFB AGM Minutes**

10.2.3 appoint the following volunteers from the Shire of Boddington to the position of Fire Control Officer in accordance with the Bush Fires Act 1957:

- Wayne Littleton and Brad Morgan.

CARRIED: 11/0

10.3 Receipt of the Minutes of the Weeds and Waterways Advisory Committee
8297

Recommendation/Council Decision:

Moved: Cr Scoffern Seconded: Cr Woods

That Council receives the minutes of the Weeds and Waterways Advisory Committee held on 10 October 2019.

CARRIED: 11/0

10.4 Adopt the Recommendations of the Minutes of the Weeds and Waterways Advisory Committee
8298

Recommendation/Council Decision:

Moved: Cr Faries Seconded: Cr Italiano

That Council adopts en bloc the recommendations contained within the minutes of the Weeds and Waterways Advisory Committee held on 10 October 2019.

That Council;

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 22 October 2019

10.4.1 1. supports the formation of a Recognised Biosecurity Group in accordance with the requirements of the Biosecurity and Agriculture Management Act 2007;

2. enquire if all surrounding Shires are interested in the establishment of the recognized Biosecurity Group with the Shire of Collie and if they have similar priorities with regards to declared pests;

3. advertise for the establishment members of the Recognised Biosecurity Group.

4. in conjunction with the Department of Primary Industries and Regional Development, assist the Recognised Biosecurity Group to become incorporated and to form an Objective;

5. investigate opportunities for cooperation and an MOU between the Recognised Biosecurity Group and the Shire of Collie; and

6. request the Department of Primary Industries and Regional Development provide establishment funding for the Recognised Biosecurity Group.

10.4.2 write to the Weeds and Waterways Advisory Committee members and guests thanking them for attending meetings and their input over the many years.

CARRIED: 11/0

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 22 October 2019

11. **CEO REPORTS**
Nil

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 22 October 2019

12. CORPORATE SERVICES REPORTS

12.1 Amendment to South West Football League Fees & Charges

Reporting Department:	Corporate Services
Reporting Officer:	Hasreen Mandry – Finance Manager
Accountable Manager:	Allison Fergie – Director Corporate Services
Legislation:	WA Local Government Act (1995)
File Number:	FIN/005
Appendices:	No
Voting Requirements:	Absolute Majority

Report Purpose:

For the Council to consider amending its fees structure for the South West Football League on game days.

8299

Officer's Recommendation/Council Decision:

Moved: Cr Harverson

Seconded: Cr Smith

That Council by ABSOLUTE MAJORITY amends its fees structure for the South West Football League from \$155 per game to \$161 per day for the use of the Collie Recreation Ground on football game days.

CARRIED: 11/0

Background:

Historically the South West Football League (SWFL) were charged every game played at the Collie Recreation Ground and with the introduction of the women's league this has increased the ground fees charges. There were 34 games played on the Recreation ground in 2018 and 30 games in 2019. The League has expressed its concern that due to the increased in ground fees they would have to consider how they can afford to continue to play football games at the Collie Recreation ground.

Statutory and Policy Implications:

Section 6.16 to 6.19 of the WA Local Government Act (1995) governs the imposition of fees and charges.

Budget Implications:

A reduction in revenue of \$3,151.

As required by section 6.17 of the Act, the following was taken into account in determining the amount of a fee or charge for a service;

- (a) the cost to the local government of providing the service or goods;
- (b) the importance of the service or goods to the community; and

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 22 October 2019

- (c) the price at which the service or goods could be provided by an alternative provider.

Communications Requirements: (Policy No. CS 1.7)

Correspondence will be sent to the South West Football League of Council's decision.

Strategic Community Plan/Corporate Business Plan Implications:

KEY OBJECTIVE 5.0

Our Business

Good governance and an effective, efficient and sustainable organisation.

Outcome 5.3:

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

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

Relevant Precedents:

Nil

Comment:

With the current fees & charges structure, the SWFL will be charged \$4,650 (inc GST) for the 2019 season but with the proposed amendment the total charge for 2019 season will be \$1,499 which aligns with charges from Shire of Donnybrook/Balingup of \$1,390 (inc GST) and Shire of Dardanup of \$1,230 (inc GST) for gamedays.

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 22 October 2019

12.2 Southern Aboriginal Corporation Rating Exemption

Reporting Department:	Corporate Services
Reporting Officer:	Hasreen Mandry– Finance Manager
Accountable Manager:	Allison Fergie – Director Corporate Services
Legislation:	Local Government Act 1995 & Financial Management Regulations
File Numbers:	A1761, A1877, A1181, A2769 & A1600
Appendices:	Yes – Appendix One
Voting Requirement	Absolute Majority

Report Purpose:

For Council to consider a request from Southern Aboriginal Corporation for charitable status rating exemption for 2019/20 for the following properties;

- A1761
- A1877
- A1181
- A2769
- A1600

8300

Officer's Recommendation/Council Decision:

Moved: Cr Faries

Seconded: Cr Italiano

That Council, by ABSOLUTE MAJORITY approve the request to grant charitable status rating exemption to the properties A1761, A1877, A1181, A2769 and A1600 owned by Southern Aboriginal Corporation for the 2019/20 financial year.

CARRIED: 11/0

Background:

On 13 September 2019, Council received an application for Rates Exemption from Southern Aboriginal Corporation requesting rating exemption. Southern Aboriginal Corporation is an incorporated not-for-profit community housing organisation with Charitable Organisation Status. Under section 6.26(2)(g) of the Local Government Act 1995, land that is used exclusively for charitable purposes and owned by a not for profit entity can be granted non-rateable (charitable) status.

Statutory and Policy Implications:

Under section 6.26(2)(g) of the *Local Government Act 1995* land that is used exclusively for charitable purposes and owned by a not for profit entity can be granted non-rateable (charitable) status.

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL

Tuesday, 22 October 2019

If the land use is not charitable, the following sections of the *Local Government Act 1995* may apply:

- Section 6.26(2) (k) states that the Local Government can apply to the Minister for the land to be exempt from rates;
- Section 6.47 Concessions states that the local government may waive or grant a concession to any rate or charge (absolute majority required).

Where an application is refused, the applicant may object under section 6.76 of the Local Government Act 1995 to the rate record, on the basis that the land or part of the land was not rateable land. The applicant has the right to appeal a decision made under Section 6.76 to the State Administrative Tribunal [SAT].

Budget Implications:

The applicant has requested a charitable status rating concession on rates for the period 1 July 2019 to 30 June 2020, broken down as follows:

Assessment	2019/20 Rates
A1761	\$1,206.06
A1877	\$1,082.99
A1181	\$1,132.22
A2769	\$984.54
A1600	\$1,156.83
	\$5,562.64

If rating exemptions were to apply, these properties would remain liable for ESL and service charges.

Communications Requirements: (Policy No. CS 1.7)

Letter sent to the Southern Aboriginal Corporation advising Council's decision

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.

Relevant Precedent:

At the meeting of Council held 13 February 2018, Council resolved:

7717 - That Council, by ABSOLUTE MAJORITY approve the request to grant charitable status rating exemption to the properties A5833 and A5833 owned by Alliance Housing for the 2016/17 and 2017/18 financial years.

Comment:

Southern Aboriginal Corporation are registered with the Australian Charities and Not-for-profits Commission as a charitable organisation. All five properties are currently housing Aboriginal people who need affordable housing. The Local Government Act is

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 22 October 2019

currently under review and section 6.76 of the Act is one of the items recommended by WALGA to be amended.

This issue has been well tested in various courts and SAT jurisdictions and it is highly that, if challenged, either a court or SAT would overturn a Council decision to refuse granting charitable rating status based on precedent. For this reason, it is recommended that Council grant charitable rating status to the application and continue to lobby for the relevant section of the Local Government act to be changed.

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 22 October 2019

13. DEVELOPMENT SERVICES REPORTS

Nil

14. TECHNICAL SERVICES REPORTS

Nil

15. MOTIONS FOR WHICH PRIOR NOTICE HAS BEEN GIVEN

8301

Moved: Cr Miffling

Seconded: Cr Faries

- 1. That Council's engineering department be requested to investigate and report to Council on a redevelopment plan for the portion of Johnston Street between Harvey to Lefroy Streets inclusive of the roadway, adjacent footpaths and entry/exit points to the various parking areas.**
- 2. Council to consider allocating an amount of \$10,000 in the mid-year budget review for design and street scape plans.**

CARRIED: 11/0

COMMENT

I have been approached by a local gentleman who enquired if the Council had any plans for remedying the current unsatisfactory state of Johnston Street with particular emphasis on the footpath connecting the Red Dot store (Cnr Johnston & Harvey Streets) with the 'Old Co-op Building (Cnr Johnston & Steere Streets). The gentleman had a wheelchair bound wife and he found it very difficult negotiating the 'ups and downs' of the footpath as well as crossing the various entry ways into the parking areas. Parked vehicle in the Johnston Street parking bays also make it very difficult to observe traffic whilst negotiating the footpath. The gentleman himself now has a vision impairment and finds the footpath a difficult course to follow when it has so many different levels in such a short distance.

The group I participated in for the CBD walk-through a few months ago had a particular emphasis on this section of Johnston Street and feed-back from the group identified the street/footpaths/car park entries as a bit of a hodge-podge – the groups' feed-back was reported to the other assembled groups in the Goods Shed at the conclusion of the exercise. It was the view of my group at the time that this section of Johnston Street should be slated for attention at some future time.

The request from the gentleman on his personal difficulties negotiating the footpath section can be viewed as a catalyst for remedial action.

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 22 October 2019

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

17. **URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION**
8302

Moved: Cr Italiano

Seconded: Cr Faries

That Council advise the Collie Heritage and Men's Shed Group, in writing, that;

1. The lease of the buildings is with the Collie Heritage and Men's Shed Group.
2. The lease is not transferable to any new entity which might be formed following the November 2 meeting.
3. Only authorized members of the Collie Heritage and Men's Shed Group should have keys to the buildings and any unauthorized use of the building is in contravention of the lease.

CARRIED 11/0

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

Cr Italiano – provided an update on the Collie Museum AGM.

Cr Scoffern – provided an update on Collie Visitor Centre operations and the Collie Trails project developments.

Brett Lowcock updated Council on discussions relating to a reverse vending machine for container deposit scheme which will be introduced 1 July 2020.

Cr. Stanley

Provided an update on a number of matters.

Allison Fergie advised Council that the Suicide Intervention program will be at the library tomorrow afternoon commencing @ 4pm.

Cr Woods advised Council that she met with Peter Terlick from Department of Premier and Cabinet, the new Program Director and the Collie Delivery Unit to participate in a stakeholders Design Thinking workshop. Cr Woods reminded Councillors that this Saturday is the local business day, traders will be trading onto the thoroughfare to bring attention to supporting local business.

19. **STATUS REPORT ON COUNCIL RESOLUTIONS**

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

- 'Closed Since Last Meeting' at Appendix Two
- 'All Open' at Appendix Three

20. **CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC**

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 22 October 2019

8303

Moved: Cr Faries	Seconded: Cr Woods
That the meeting move into Committee.	
CARRIED 11/0	

8304

Officer's Recommendation/Council Decision:
Moved: Cr Stanley Seconded: Cr Harverson
That Council without prejudice endorse the conditions as amended and advice notes at Confidential Appendix 1 to be imposed by the State Administrative Tribunal in the matter of DR 21/2019 for a Transport Depot and Use not Listed (Parking of Commercial Vehicles) at Lot 51 Patstone Road, Collie.
CARRIED 11/0

8305

Moved: Cr Faries	Seconded: Cr Woods
That Council move to be out of committee.	
CARRIED 11/0	

21. CLOSE

The Shire President thanked Council and Staff for their attendance. The Presiding Member declared the meeting closed 9.23pm.

I certify that these Minutes were confirmed at the Ordinary Meeting of Council held on Tuesday, 22 October 2019.

.....
Presiding Member

.....
Date