



Shire of
Collie

AGENDA

for the

ORDINARY MEETING OF COUNCIL

to be held on

Tuesday, 10 March 2020

**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, 10 March 2020

in Council Chambers at 87 Throssell Street, Collie WA,



David Blurton
Chief Executive Officer

6 March 2020

DISCLAIMER

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

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

MEETING SCHEDULE

March 2020

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 10 March 2020

Ordinary Meeting of Council

7.00pm in Council Chambers

SHIRE OF COLLIE
DISCLOSURE OF FINANCIAL INTEREST AND INTERESTS AFFECTING IMPARTIALITY

To: Chief Executive Officer

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

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

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

Name (Please Print)SignatureDate

NB

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

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

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

Local Government Act 1995 - SECT 5.23

Meetings generally open to the public

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

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SHIRE OF COLLIE
AGENDA - ORDINARY MEETING OF COUNCIL
Tuesday, 10 March 2020

Agenda for the Ordinary Meeting of the Collie Shire Council to be held in Council Chambers, 87 Throssell Street Collie, on Tuesday, 10 March 2020 commencing at 7:00pm.

1. OPENING/ATTENDANCE/APOLOGIES & LEAVE OF ABSENCE

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

Cr Italiano has been granted Leave of Absence at a previous meeting for this meeting of Council.

1.2 Councillors requesting Leave of Absence for future Ordinary Meetings of Council.

1.3 Councillors who are applying for Leave of the Absence for this Ordinary Meeting of Council.

2. PUBLIC QUESTION TIME

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

Council Consideration towards the Public:

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

3. RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Questions taken on notice from the previous meeting.

Page 8 – EFT27776 – \$698.00 - Comfortstyle Collie – From what budget did the Library chairs get purchased from?

Response: Mrs Fergie

That this purchase was from Account No. 109820.23 – Library Postage & Office Equipment to provide two chairs for patrons at the Library.

Page 5 – EFT27758 – \$3,680.86 - AFGRI Equipment Australia Pty Ltd – Was this just for travel to check fan noise on equipment?

Response: Mr Lowcock

This order/payment covered initial travel to site plus replacement of fan hub assembly.

Page 15 – EFT27799 - \$697.90 - Ian Guppy & Co Smash Repairs – Why are there two claims on the same vehicle?

Response: Mr Lowcock

Two claims were made for the same machine as there were two incidents on the same day, both had a \$300 excess.

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Page 19 – EFT27826 – \$755.00 - Southern Lock & Security – Are we supplying locks for the Cricket Club?

Response: Mr Lowcock

This order is for 10 Shire locks (X Key) that are used on various parks and used by Shire staff only.

Page 52 – EFT27986 – \$2,750.83 - P & S Griggs Plumbing – Water meter at Margaretta Wilson Centre spinning when no one in attendance locate water leak. If the meter is faulty can we get reimbursed for water usage?

Mr Dover advised that the water meter is faulty and that the Building Manager is following up that water usage can be claimed back.

Response: Mr Dover

A faulty meter investigation has been lodged with the Water Corporation at the recommendation of the plumber, who have agreed to conduct analysis after obtaining 7 consecutive days of readings vs usages by the Building Dept. There was no activity on the meter over the weekend of the 15th and 16th of February - which would indicate no leak - however when the building is in use the consumption readings grossly exceed the water usage that would typically be attributed with activities carried out at the centre. Currently pending findings by the Water Corp.

Page 43 – EFT27939 – \$1,002.54 - Marketforce – Do we need to advertise the Annual Electors meeting in the West Australian when the cost is so high?

Response: Mr Blurton

It was published statewide as many ratepayers are non residence of Collie, however this is not a requirement and will be considered when advertising the next Annual Electors meeting.

Cr Scoffern – Motion #8312 – Asked what outcome has been received from the University of Western Australia?

Response: Mr Blurton

Advice has been received that an announcement on successful projects was expected by the end of December 2019 but has been delayed.

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.

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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.

- There will be a presentation from Peter Terlick from the Department of Premier and Cabinet.

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.

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

7. ITEMS BROUGHT FORWARD DUE TO INTEREST BY ATTENDING PERSONS

8. CONFIRMATION OF THE PREVIOUS MEETINGS OF COUNCIL MINUTES

Recommendation:

That Council confirms the Minutes of the Ordinary Meeting of Council held on 18 February 2020.

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 Audit Committee

Recommendation:

That Council receives the minutes of the Audit Committee held on 19 February 2020.

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10.2 Adopt the Recommendations of the Minutes of the Audit Committee

Recommendation:

That Council adopts en bloc the recommendations contained within the minutes of the Audit Committee held on 19 February 2020.

That Council:

10.2.1 receives the 2019 Annual Compliance Audit Return with amendments for presentation to Council and authorize the return to be lodged to the Department of Local Government, Sport and Cultural Industries.

10.2.2 receives the Risk Report as presented at Appendix 2.

10.3 Receipt of the Minutes of the Community Safety and Wellbeing Committee

Recommendation:

That Council receives the minutes of the Community Safety and Wellbeing Committee held on 19 February 2020.

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10.4 Adopt the Recommendations of the Minutes of the Community Safety and Wellbeing Committee

Recommendation:

That Council adopts en bloc the recommendations contained within the minutes of the Community Safety and Wellbeing Committee held on 19 February 2020.

That Council:

10.4.1 endorse the Terms of Reference for the Community Safety and Wellbeing Committee.

10.4.2 write to Minister Roberts requesting that the ability to call and speak to local police officers after hours be reinstated in Collie rather than calls being redirected out of town.

10.5 Receipt of the Minutes of the Local Emergency Management Committee

Recommendation:

That Council receives the minutes of the Local Emergency Management Committee held on 19 February 2020.

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11. CEO REPORTS

11.1 Corporate Business Plan Progress Report

Reporting Department:	Chief Executives Office
Reporting Officer:	David Blurton – Chief Executive Officer
Accountable Manager:	N/A
Legislation	N/A
File Number:	
Appendices:	Yes – Appendix 1
Voting Requirement	Simple Majority

Report Purpose:

To update Council on the progress of various major projects identified in the Corporate Business Plan 2017/18 – 2021/22 document.

Officer's Recommendation:

That Council receives the report as provided at Appendix 1.

Background:

Council has established a range of initiatives under its Corporate Business Plan 2017/18-2021/22 document which will be progressed over the current financial year. Forming part of the accountability commitment and in order to keep the Council informed on the progress of various works a project update report is provided.

Statutory and Policy Implications:

N/A

Budget Implications:

N/A

Communications Requirements: (Policy No. CS 1.7)

Provided to all staff members (revised version)

Strategic Plan Implications:

Key Objective 5.0 - Our Business

Our Goal:

To make decisions and manage the resources of the organisation in a sustainable manner, with a focus on;

- Effective medium – long term planning
- Effective Communication
- Development of our staff
- Achieving high standards in the management of Council's financial resources.
- Managing risk at an acceptable level.
- Fulfil the Council's strategic Goals and Objectives.

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Relevant Precedents:

Major Project Update reports are presented to Council quarterly.

Comment:

Given the number and wide range of projects questions pertaining to individual items would be appreciated prior to the meeting.

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11.2 WALGA - Request for Variation to the Trust Deed to the Local Government Trust Board of Management

Reporting Department:	CEO Office
Reporting Officer:	David Blurton - CEO
Accountable Manager:	David Blurton - CEO
Legislation	WA Local Government Act 1995
File Number:	
Appendices:	Yes – Appendices 2, 3, 4 and 5
Voting Requirement	Simple Majority

Report Purpose:

To give consent for the Deed of Variation to the Local Government Trust Board of Management.

Officer's Recommendation:

That Council advise the Local Government House Trust Board of Management that the Shire of Collie as a holder of five (5) Local Government House Trust units consent to the Deed of Variation as detailed at Appendix 4.

Background:

The Local Government House Trust (the Trust) is a unit trust that was created in 1980 for the purpose of housing the Western Australian Local Government Association (WALGA). Under the current Trust deed 132 Local Governments contributed to create a Trust comprising 620 units. The Shire of Collie holds five (5) units in the Trust. More information about the Trust can be found in the attachment. Appendix 2

On 19 February 2020, the Chief Executive Officer of WALGA corresponded with every Local Government holding Trust units. The purpose of the correspondence was to advise that the Trust's Board of Management are seeking to vary the Trust Deed in order to assist the Trust's income tax exempt status. To execute the variation to the Trust Deed it requires consent from at least 75% of Trust unit holders. More details regarding this matter can be found in the attached WALGA correspondence, Deed of Variation and excerpt of Clause 12 from the Trust Deed. See Appendix 3, 4 and 5.

The purpose of this report is to seek Council's formal resolution to support the Deed of Variation.

Statutory and Policy Implications:

The Local Government Act 1995 enables the Shire of Collie to exist as an entity. WALGA is the peak representative body for Western Australian Local Government and is essentially owned by Western Australian Local Government.

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Budget Implications:

Nil

Communications Requirements: (Policy No. CS 1.7)

Nil

Strategic Community Plan/Corporate Business Plan Implications:

Nil

Relevant Precedents:

Nil

Comment:

The Trust Deed amendments as proposed are based on legal opinion and are designed to fortify the Trust's position of income tax exempt status by removing any questionable matters from the Trust Deed. The Chief Executive Officer has reviewed the applicable information relating to this matter and has no objection to Council resolving to provide consent to the Deed of Variation as proposed in Appendix 4.

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12. CORPORATE SERVICES REPORTS

12.1 Accounts Paid – January 2020

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 6
Voting Requirement	Simple Majority

Report Purpose:

To present the accounts paid during the month of January 2020.

Officer’s Recommendation:

That Council accepts the Accounts as presented in Appendix 6 being vouchers 41709-41714 totalling \$2,043.90 and direct payments totalling \$712,950.33 authorised and paid in January 2020.

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	2019/20		
	Cheques	Electronic Transfer	Total Payment
July	\$458.65	\$832,384.94	\$832,843.59
August	\$1,629.84	\$1,189,189.01	\$1,190,818.85
September	\$1,863.90	\$985,349.82	\$987,213.72
October	\$10,619.81	\$1,175,526.79	\$1,186,146.60
November	\$5,887.05	\$658,803.39	\$664,690.44
December	\$2,600.59	\$900,669.19	\$903,269.78
January	\$2,043.90	\$712,950.33	\$714,994.23
February			
March			
April			

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May			
June			

Statutory and Policy Implications:

WA Local Government Act 1995

Financial Management Regulations 1996

Council has Policy number CS3.7 which relates to the payment of Creditors, and in particular item 5.0 which relates to the presentation of accounts paid.

A list of all accounts paid in the month prior shall be presented to the Council. The list shall comprise of details as prescribed in the Local Government Financial Management Regulations (1996).

Budget Implications:

All liabilities settled have been in accordance with the Annual Budget provisions.

Communications Requirements: (Policy No. CS1.7)

Nil

Strategic Community Plan/Corporate Business Plan Implications:

Nil

Relevant Precedents:

Comment:

For a detailed listing of payments see Appendix 6.

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12.2 Financial Report – January 2020

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 7
Voting Requirement	Simple Majority

Report Purpose:

This report provides a summary of the Financial Position for the Shire of Collie for the month ending January 2020.

Officers Recommendation:

That Council accept the Financial Report for January 2020 as presented in Appendix 7.

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 7.

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 7 is inclusive of the information required by the Local Government Act 1995 and includes information as set out in Council Policy.

The report includes a summary of the financial position along with comments relating to the statements. If Councillors wish to discuss the report contents or any other matters relating to this, please contact Council Finance staff prior to the meeting.

Notes to the Financial Statements (items in bold represent new notes).

Operating Income by Program

1. Governance is \$14,406 over budget due to the Local Government Insurance Scheme (LGIS) 2019 surplus distribution.
2. **Law, Order & Public Safety is \$95,881 under budget due to the prepayment of the Quarter 1 of the Local Government Grant Scheme (LGSS) from DFES in June 2019.**
3. **Recreation and Culture is over budget by \$50,606 mainly due to the CCTV grants received which was unbudgeted (\$38,051) and swimming pool revenue being higher than expected.**

Operating Expenditure by Program

4. Law, Order and Safety are \$158,527 over budget mainly due to the overspent in the Bushfire Brigade and SES expenditure (\$71,751) which is claimable from DFES, the Yourdamung Fire (\$44,124) and an unbudgeted grant expenditure for the Bushfire Mitigation (\$36,591).
5. Other Property and Services are \$96,599 this is due to the plant direct cost allocation which is currently being reviewed.

Operating Income by Nature and Type

6. Operating grants and subsidies are under budget by \$533,093 due to the prepayment of the Quarter 1 Financial Assistance Grants made in June 2019. This will require a significant adjustment to the end of year 18/19 surplus figure during Budget review.
7. Contribution and reimbursements are \$102,899 over budget due to the heritage upgrade scheme revenue from the verandah improvement of 115 Throssell Street has been received (which was unbudgeted for), workers compensation reimbursement received earlier than expected and the June 2019 Community Emergency Services Contribution from DFES.

Operating Expenditure by Nature and Type

8. **Labour Overheads are \$81,991 mainly due to overheads applied to road maintenance is under budget.**
9. Utility charges is \$99,692 under budget due to timing of the payments.
10. **Other expenditure is \$35,206 over budget due to the timing of the payment request for the elected member sitting fees was posted.**

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12.3 Leases to Collie Mens Shed and Collie Rail Heritage Group

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:	L47297
Appendices:	No
Voting Requirement	Simple Majority

Report Purpose:

For Council to consider leasing of the Men's Shed building to the Collie Men's Shed and the Goods Shed and Bill Weir Rolling Stock Shed to the Collie Rail Heritage Group Inc.

Officer's Recommendation:

That Council:

1. *Lease the Men's Shed building to the Collie Men's Shed Inc, subject to the approval of the Minister for Lands, under 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 to be \$1 per annum incl. GST; and*
 - c. *Other conditions to be in accordance with Council Policy DS1.3.*

2. *Lease the Bill Weir Rolling Stock Shed to the Collie Rail Heritage Group Inc, subject to the approval of the Minister for Lands, under 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 to be \$1 per annum incl. GST; and*
 - c. *Other conditions to be in accordance with Council Policy DS1.3.*

3. *Approve a short term lease of the Goods Shed to the Collie Rail Heritage Group Inc, subject to the approval of the Minister for Lands, under the following conditions:*
 - a. *Lease to be for a term of 12 months;*
 - b. *The Heritage Skills proposal for the Goods Shed building be accommodated by the Collie Rail Heritage Group Inc with a formal MOU if funding applications are successful;*
 - c. *Casual hire to be permitted; and*
 - d. *Other conditions to be in accordance with Council Policy DS1.3.*

4. *Investigate and advertise for expressions of interest for alternative and/or additional uses for the Goods Shed building during the 12 months licence term in order to optimise activation of the CBD for the benefit of the community of Collie.*

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Background:

The three buildings located on Reserve 47297 – the Men’s Shed building, the Bill Weir Rolling Stock Shed and the Goods Shed, have been leased to the Collie Heritage and Menshed Group Inc for many years. The leases were renewed following a decision of Council at its meeting held 1 August 2017:

7509 - Officer’s Recommendation/Council Decision:
Moved: Cr Stanley **Seconded: Cr Green**
That Council:

1. **Lease the Goods Shed to the Collie Heritage and Menshed Group Inc, subject to the approval of the Minister for Lands, under the following conditions:**
 - a) **lease to be deemed a Long Term 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; and**
2. **Lease the Bill Weir Rolling Stock Shed, the Men’s Shed, and rolling stock area to the Collie Heritage and Menshed Group Inc, subject to the approval of the Minister for Lands, under 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 to be \$1 per annum incl. GST; and**
 - c) **Other conditions to be in accordance with Council Policy.**

CARRIED 7/0

Since the leases were approved the Collie Heritage and Menshed Group Inc have resolved to formally split into two separate groups – the Collie Men’s Shed Inc and the Collie Rail Heritage Group Inc.

The Men’s Shed concept has been adopted by a number of communities in Australia and is co-ordinated by Men’s Sheds Australia, an Australia wide organization established in 2000. Men’s Sheds provide men both young and old with a place to gather, talk, build a social network, access health information and share the skills they have developed throughout their working lives with others. The Collie Men’s Shed group now wish to lease only the Men’s Shed building, together with the footprint for an extension for which they have planning approval as shown on the diagram below.

The Collie Rail Heritage Group Inc wish to lease both the Bill Weir Rolling Stock Shed and the Goods Shed buildings. To accommodate the two groups within the one area, a common area (outlined in yellow) is proposed for the land surrounding the buildings so that both groups have free access to their leased buildings (outlined in red).

In addition, Council has received a presentation regarding a potential Heritage Skills project that would see the restoration and preservation of the Goods Shed. A lease of this building would require that this project be accommodated should the funding application be successful. The Collie Rail Heritage Group attended the presentation to Council and is supportive of the project.

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Statutory and Policy Implications:

The Council has Policy DS 1.3 – Buildings on Council Land in place which sets a framework for the renewal of leases on Council land. The policy outlines the responsibility of each party for issues such as repairs, insurance, outgoings, etc.

Issue	Community built and operated – Responsible Party	Short Term Lease – Responsible party
Building insurance	Lessee	Shire
Vandalism damage to building (assuming no negligence on lessee's part)	Building insurance excess Lessee	Building insurance excess shared equally between Lessee and Shire.
Contents insurance	Lessee	Lessee
Public liability insurance of \$10m	Lessee	Lessee
Compliance with <i>Health (Public Building) Regulations 1992</i>	Lessee	Shire
Upgrades required by legislative changes	Lessee	Shire
Building additions and alterations	Lessee must obtain Shire approval and comply with Building Code of Australia.	Lessee must obtain Shire approval and comply with Building Code of Australia.
Major maintenance	Lessee	Shire
Minor maintenance and cleaning	Lessee	Lessee

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Issue	Community built and operated – Responsible Party	Short Term Lease – Responsible party
Security system and response	Lessee	Lessee or Shire
Payment of utility charges (power, water etc)	Lessee	Lessee
Payment of Emergency Services Levy	Shire	Shire
Painting upgrade (internal and external)	By Lessee every 5 years to satisfaction of Shire	Shire
Asbestos removal (if required)	Lessee	Shire
Sub letting	With Shire approval	Not permitted
Use by others	Casual hire with Shire approval	Not permitted

Budget Implications:

As per the previous lease agreement, annual fees payable under the leases are \$1.

Communications Requirements: (Policy No. CS 1.7)

Request for consent to the Minister for Lands.

Correspondence to proponents

Strategic Community Plan/Corporate Business Plan Implications:

GOAL 1 Our Community – A vibrant, supportive and safe community.

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

Strategy 1.2.2: Provide support to local sport and recreation clubs and groups to increase participation

Relevant Precedents:

Council regularly approves leases to community groups.

Comment:

The lease to the Collie Men’s Shed Inc is considered straight forward as the building is purpose built by a community group to be used as a Men’s Shed. Similarly, the Bill Weir Rolling Stock Shed has also been built by a community group for the purpose of housing and displaying rolling stock and preserving Collie’s rail heritage.

The Officer’s Recommendation regarding the Goods Shed is made in consideration of the Heritage Skills project proposed for this Council building, and Council’s current focus on activation of the CBD. At present this building is under-utilized and occupies a prominent street front location.

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13. DEVELOPMENT SERVICES REPORTS

13.1 Road Closure and Dedication – Collie Preston Road

Reporting Department:	Development Services
Reporting Officer:	Robert Quinn
Accountable Manager:	Andrew Dover – Director Development Services
Legislation	Land Administration Act 1997
File Number:	
Appendices:	Yes – Appendix 8, 9 & 10
Voting Requirement	Simple Majority

Report Purpose: To seek Council support for road closures and dedications for portions of the Collie-Preston Road.

Officer's Recommendation:

That Council requests the Department of Planning, Lands and Heritage (on behalf of the Minister for Lands) to:

- 1. Dedicate the roads and road widening's shown on Main Roads drawings 201802-0068-1, 201802-0069-1, and 201802-0070-2 pursuant to section 56 of the Land Administration Act 1997.*
- 2. Close 6992m² portion of Collie-Preston Road depicted on Main Roads drawing 201802-0072-1 in accordance with Section 58 of the Land Administration Act 1997.*
- 3. Further, that Council indemnify the Minister for Lands against any costs or claims that may arise as a result of the dedication and closures in accordance with section 54(4) of the Land Administration Act 1997.*

Background:

A request has been made by Main Roads Western Australia (MRWA) for Council to support road closures and dedication for the widening of the Collie-Preston Road. Appendix 8

Statutory and Policy Implications:

Road closures and dedications can only be actioned by Local Government via the Land Administration Act 1997.

Budget Implications:

No budget implications, MRWA provides an indemnity for all costs to the Shire and Minister for Lands.

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Communications Requirements: (Policy No. CS 1.7)

1. Providing regular and consistent communication on Council's projects and activities to all stakeholders.
2. Creating a positive and professional image for the Shire of Collie through open, transparent communication and increased awareness of Council's projects and activities.
3. Fostering meaningful community consultation processes in Council's activities.

Strategic Community Plan/Corporate Business Plan Implications:

Goal 3: Our Built Environment

Outcome 3.1 Appropriate Land Use, Development and Conservation of Heritage;

Strategy 3.1.1: Ensure appropriate Planning Controls for land use and development through the administration of the local planning scheme and strategies.

As part of the road closure/dedication process a public advertisement was placed in the local newspaper advising of the road closures/dedications seeking public comment. Appendix 9

Details of the road closures and dedications were also sent to the service bodies seeking comment.

The following service bodies were notified:

1. Telstra
2. Water Corporation
3. Main Roads WA
4. Department of Biodiversity Conservation and Attractions
5. Alinta Energy
6. Western Power
7. Department of Mines, Industry Regulation and Safety
8. Western Australian Planning Commission

Comments were received back from:

1. Department of Biodiversity Conservation and Attractions
2. Water Corporation
3. ATCO on behalf of Alinta Energy
4. Western Power
5. Western Australian Planning Commission

There were no objections received for the proposed road closures/dedications. Appendix 10

In regard to private land which was resumed by the MRWA on lots 11 and 10 Collie-Preston Road of 160m² and 141m² respectively, the consultation was undertaken by MRWA as part of the road resumption process. MRWA deal directly with the land owners and arrive at a mutually acceptable value of the land and carry out all Certificate of Title changes.

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MRWA deal directly with the Department of Biodiversity Conservation and Attractions in regard to State Forest land excisions/land swaps and compensation.

Relevant Precedents:

None known

Comment:

The road closure and dedication procedure is a formality required for the creation and deletion of road reserves. It has been undertaken in accordance with the Land Administration Act 1997 and now requires a formal Council resolution to complete the process.

There are no material reasons for Council not to support the resolution as road widening of Collie-Preston Road will result in a wider road with the potential for less motor vehicle accidents.

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13.2 Road Closure and Dedication – Yourdamung Road Area

Reporting Department:	Development Services
Reporting Officer:	Robert Quinn
Accountable Manager:	Andrew Dover – Director Development Services
Legislation	Land Administration Act 1997
File Number:	RDS-012 Road Closure
Appendices:	Yes – Appendices 11, 12 & 13
Voting Requirement	Simple Majority

Report Purpose: To seek Council support for un-named road closures and dedications to provide road access to lot 3067 and lot 2570 Yourdamung Road Collie.

Officer’s Recommendation:

That Council requests the Department of Planning, Lands and Heritage (on behalf of the Minister for Lands) to:

- 1. Dedicate the un-named roads shown on Survey South drawings Plan 20190804 shown in green totally approximately 2.66 hectares subject to final survey pursuant to section 56 of the Land Administration Act 1997.*
- 2. Close the un-named roads shown on Survey South drawings Plan 20190804 shown in red totally approximately 5.35 hectares subject to final survey pursuant to section 56 of the Land Administration Act 1997.*
- 3. Further, that Council indemnify the Minister for Lands against any costs or claims that may arise as a result of the dedication and closures in accordance with section 54(4) of the Land Administration Act 1997.*

Background:

A request has been made by Neil Martin to close and dedicate un-named roads in the Yourdamung Road area to primarily provide access to Lot 3067. As can be seen on Appendix 11 the request is a mixture of closing existing roads and creation of new road reserves. Presently there is no road access to lot 3067. Portions of the existing road network are not constructed and are covered in vegetation.

Shire officers have inspected the proposed road alignment and driven the proposed alignment. See Appendix 12 for final road alignment.

Neil Martin has provided a written indemnity to Council for any costs involved with the road closure dedication. Appendix 13

Neil Martin has been in contact with the Department of Biodiversity, Conservation and Attractions regarding the proposal and has been advised that the proposal is sensible and that there are no significant restraints from a Parks and Wildlife perspective. This rationalisation of roads will allow for the surplus of approximately 2.66 hectares of road reserve becoming State Forest.

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Statutory and Policy Implications:

Road closures and dedications can only be actioned by Local Government via the Land Administration Act 1997.

Budget Implications:

No budget implications, Neil Martin provided an indemnity for all costs to the Shire and Minister for Lands.

Communications Requirements: (Policy No. CS 1.7)

1. Providing regular and consistent communication on Council's projects and activities to all stakeholders.
2. Creating a positive and professional image for the Shire of Collie through open, transparent communication and increased awareness of Council's projects and activities.
3. Fostering meaningful community consultation processes in Council's activities.

As part of the road closure/dedication process a public advertisement will be placed in the local newspaper advising of the road closures/dedications seeking public comment.

Details of the road closures and dedications will be sent to the following service bodies seeking comment.

The following service bodies will be advised:

1. Telstra
2. Water Corporation
3. Main Roads WA
4. Department of Biodiversity Conservation and Attractions
5. Alinta Energy
6. Western Power
7. Department of Mines, Industry Regulation and Safety
8. Western Australian Planning Commission

Given the remote location the properties it is unlikely that many of these agencies will respond.

Strategic Community Plan/Corporate Business Plan Implications:

Goal 3: Our Built Environment

Outcome 3.1 Appropriate Land Use, Development and Conservation of Heritage.

Strategy 3.1.1: Ensure appropriate Planning Controls for land use and development through the administration of the local planning scheme and strategies.

Relevant Precedents:

None known

Comment:

Shire officers have no opposition to the proposal. It needs to be recognised that the creation of a road reserve does not compel the Shire to construct a road within the reserve.

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There are no material reasons for Council not to support the resolution for road closures and dedications of the unnamed roads and proposed roads. The proposal is seen as a sensible rationalisation of unbuilt and un-named road reserves. The final alignment is the use of the existing road network. This proposal will provide road access to lot 3067 which currently does not have road access and lot 2570 which does not have constructed road access.

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13.3 Retrospective Approval for Oversized Shed with Carport, Below Ground Swimming Pool and Retaining Walls

Reporting Department:	Development Services
Reporting Officer:	Robert Quinn - Shire Planner
Accountable Manager:	Andrew Dover – Director Development Services
Legislation	Planning and Development Act 2005,
File Number:	A3804
Appendices:	Yes – Appendix 14
Voting Requirement	Simple Majority

Report Purpose: To seek retrospective Council approval for an Outbuilding with Carport, Below Ground Swimming Pool and Retaining Walls built with the rear setback area.

Officer's Recommendation:

That Council, pursuant to the provisions of the Planning and Development Act 2005, hereby resolves to:

1. *Grant approval to T Barreto and T Burgess for the development of an Outbuilding with carport, below ground swimming pool and retaining walls at 74 Skipworth Road Collie subject to the following conditions:*
 - a) *At all times, the development the subject of this planning approval must comply with the definition of 'outbuilding' as contained in State Planning Policy 3.1 Residential Design Codes.*
 - b) *All development shall be in accordance with the approved development plans (attached) which form part of this planning approval.*
 - c) *This planning approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue of the approval, or, within any extended period of time for which the Shire of Collie has granted prior written consent.*

Background:

A retrospective application for development has been received from T Barreto and T Burgess for an Outbuilding with a carport, below ground swimming pool and two retaining walls. The retaining walls are to retain both the pool and outbuilding foundations. Appendix 14 Additionally, the shed and carport and pool do not comply with the 30 metre rear setback requirements for the Rural 2 zone.

The shed is setback between 3.2 metres at the nearest point and 4.2 metres at the furthest point from the rear boundary. The retaining wall for the pool is situated along the rear boundary. The property is adjacent to State Forest.

Number 74 Skipworth Road is approximately 4 hectares in area and is generally flat in regard to topography.

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A decision of Council is required for this application as the proposal seeks to vary the 30 metre minimum setback requirement for the Rural 2 zone. The lot has numerous sheds existing on the lot as it was previously used as a tree nursery and for plant propagation. There is no maximum collective outbuilding area for Rural zoned lots.

Site plan Number 74 Skipworth Road



Statutory and Policy Implications:

Local Planning Scheme No. 5

The subject lot is zoned Rural 2. The proposal has been assessed in accordance with the following clause(s) of the Scheme:

Schedule No. 11 Development Standards (Minimum Rear Setback):

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Development Standards

ZONE	MINIMUM SETBACK			MAXIMUM SITE COVERAGE (percent)	MINIMUM LOT SIZE	LAND- SCAPING (%)
	FRONT	SIDE	REAR			
RESIDENTIAL	As per the Residential Design Codes except for non-residential development in which case the standards shall be as required by the local government in each particular case.					
RESIDENTIAL DEVELOPMENT	As per the Residential Design Codes except for non-residential development in which case the standards shall be as required by the local government in each particular case.				(A)	
TOWN CENTRE	Nil (D)	Nil (D)	6 (D)	90% (D)	500m ² (D)	10 (D)
MIXED USE	Nil (D)	Nil (D)	6 (D)	75% (D)	500m ² (D)	10 (D)
GENERAL INDUSTRY	9	5	7.5	50	2,000m ²	5
LIGHT AND SERVICE INDUSTRY	7.5	3	7.5	60	2,000m ²	5
RURAL RESIDENTIAL	As per clause 5.9.5					(C)
RURAL 1	30	15	30	(B)	(B)	
RURAL 2	30	15	30	(B)	(B)	

Budget Implications:

Nil

Communications Requirements: (Policy No. CS 1.7)

The proposal has undergone public advertising in accordance with the following policy objectives:

1. *Providing regular and consistent communication on Council's projects and activities to all stakeholders*
2. *Creating a positive and professional image for the Shire of Collie through open, transparent communication and increased awareness of Council's projects and activities*
3. *Fostering meaningful community consultation processes in Council's activities.*

In the Rural 2 zone all habitable buildings are required to be referred to the Department of Mines for comment in regard to underground mine subsidence. Therefore, this application does not need to be referred to the Department of Mines as it not a habitable building.

Advertising is not required for the development application.

Local Planning Scheme No. 5

10.2 Matters to be Considered

(f) any Local Planning Policy adopted by local government under clause 2.4;

(i) the compatibility of a use or development with its setting;

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

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(y) any relevant submissions received on the application;

The proposal does not materially contravene the Aims or Objectives of the LPS contained in Clauses 1.6 and 4.2.

Residential Design Codes do not apply to this site as it is zoned Rural 2.

Budget Implications:

No budget implications.

Strategic Community Plan/Corporate Business Plan Implications:

Outcome 3.1 Appropriate Land Use, Development and Conservation of Heritage.

Strategy 3.1.1: Ensure appropriate Planning Controls for land use and development through the administration of the local planning scheme and strategies.

Relevant Precedents:

Several precedents existing for outbuildings exceeding the total floor area on Rural Residential lots. The most recent approval of Council was at the Ordinary Council meeting, 18 February 2020, Decision No. 837 for 47 Booth Street, Collie.

Comment:

All other structures on the property have Shire approval. The structures subject to this application have been in place for a significant period of time and have not created any issues with the adjacent landowners. It is contended that the setbacks for Rural 2 rear setbacks are intended for larger broadacre farming lots. Although the existing structures do not meet the setback requirements there are no compelling reasons for Council not to support the officer recommendation.

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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

Nil

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 15
- 'All Open' at Appendix 16

20. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

20.1 Common Seal Use

21. CLOSE