



Shire of  
**Collie**

# AGENDA

for the

# ORDINARY MEETING OF COUNCIL

to be held on

**Tuesday, 23 June 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, 23 June 2020**

in Council Chambers at 87 Throssell Street, Collie WA,



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David Blurton  
Chief Executive Officer

19 June 2020

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### **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.

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# **MEETING SCHEDULE**

## **June 2020 – July 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 23 June 2020**

**Ordinary Meeting of Council**

7.00pm in Council Chambers

**Thursday 25 June 2020**

**Community Safety and Wellbeing**

2.00pm in Council Chambers

**Tuesday 14 July 2020**

**Ordinary Meeting of Council**

6.00pm in Council Chambers



## Local Government Act 1995 - SECT 5.23

### Meetings generally open to the public

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



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SHIRE OF COLLIE  
**AGENDA - ORDINARY MEETING OF COUNCIL**  
Tuesday, 23 June 2020

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Agenda for the Ordinary Meeting of the Collie Shire Council to be held in Council Chambers, 87 Throssell Street Collie, on Tuesday, 23 June 2020 commencing at 7:00pm.

**1. OPENING/ATTENDANCE/APOLOGIES & LEAVE OF ABSENCE**

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

**4. DISCLOSURE OF FINANCIAL INTEREST**

Councillors in attendance at meetings must disclose to the meeting any Agenda items upon which they have a Financial Interest. Section 5.65 of the Local Government Act 1995 requires Councillors to: a) give written notification of a financial Interest before the meeting; or b) at the meeting immediately before the particular matter is discussed (notification can be given verbally).

A Disclosure of Financial Interest Form is attached to this Agenda (immediately behind the Index) and can be used by Councillors for disclosure purposes - simply tear out and hand to the Chief Executive Officer. Additional forms will always be available at Council/Committee meetings.

Should Councillors be unsure on Disclosure of Financial Interest matters, further clarification can be obtained by reading Sections 5.53 to 5.59 inclusive of the Act.

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

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

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**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 discussion one is a Staff related matter and the other is a Commercial matter.

**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 2 June 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**

Nil

**11. CEO REPORTS**

Nil

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**AGENDA - ORDINARY MEETING OF COUNCIL**  
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**12. CORPORATE SERVICES REPORTS**

**12.1 Accounts Paid – April 2020**

<b>Reporting Department:</b>	Corporate Services
<b>Reporting Officer:</b>	Hasreen Mandry – Finance Manager
<b>Accountable Manager:</b>	Allison Fergie – Director of Corporate Services
<b>Legislation:</b>	Local Government Act 1995 & Financial Management Regulations 1996
<b>File Number:</b>	FIN/024
<b>Appendices:</b>	Yes – Appendix 1
<b>Voting Requirement</b>	Simple Majority

**Report Purpose:**

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

**Officer's Recommendation:**

*That Council accepts the Accounts as presented in Appendix 1 being vouchers 41729-41731 totalling \$192.20 and direct payments totalling \$679,831.90 authorised and paid in April 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	<b>\$832,843.59</b>
August	\$1,629.84	\$1,189,189.01	<b>\$1,190,818.85</b>
September	\$1,863.90	\$985,349.82	<b>\$987,213.72</b>
October	\$10,619.81	\$1,175,526.79	<b>\$1,186,146.60</b>
November	\$5,887.05	\$658,803.39	<b>\$664,690.44</b>
December	\$2,600.59	\$900,669.19	<b>\$903,269.78</b>
January	\$2,043.90	\$712,950.33	<b>\$714,994.23</b>
February	\$18,378.04	\$531,573.67	<b>\$549,951.71</b>
March	\$125.19	\$577,626.28	<b>\$577,751.47</b>

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<b>April</b>	\$192.20	\$679,831.90	<b>\$680,024.10</b>
<b>May</b>			
<b>June</b>			

**Statutory and Policy Implications:**

WA Local Government Act 1995

Financial Management Regulations 1996

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

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

**Budget Implications:**

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

**Communications Requirements: (Policy No. CS1.7)**

Nil

**Strategic Community Plan/Corporate Business Plan Implications:**

Nil

**Relevant Precedents:**

**Comment:**

For a detailed listing of payments see Appendix 1.

Any questions relating to the accounts please forward prior to the meeting for clarification.

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**12.2 Financial Report – April 2020**

<b>Reporting Department:</b>	Corporate Services
<b>Reporting Officer:</b>	Hasreen Mandry – Finance Manager
<b>Accountable Manager:</b>	Allison Fergie – Director of Corporate Services
<b>Legislation:</b>	Local Government Act 1995 & Financial Management Regulations 1996
<b>File Number:</b>	FIN/024
<b>Appendices:</b>	Yes – Appendix 2
<b>Voting Requirement</b>	Simple Majority

**Report Purpose:**

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

**Officers Recommendation:**

*That Council accept the Financial Report for April 2020 as presented in Appendix 2.*

**Background:**

In accordance with Council policy and the provisions of the Local Government Act 1995, the Financial Report for the end of the period is presented to Council for information. Refer to Appendix 2.

**Statutory and Policy Implications:**

WA Local Government Act 1995  
Financial Management Regulations 1996

**Budget Implications:**

Nil

**Communications Requirements: (Policy No. CS1.7)**

Nil

**Strategic Community Plan/Corporate Business Plan Implications:**

Nil

**Relevant Precedents:**

N/A

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**Comment:**

The report provided to Council as Appendix 2 is inclusive of the information required by the Local Government Act 1995 and includes information as set out in Council Policy.

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

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

**Operating Income by Program**

1. **Governance is \$27,757 under budget mainly due to the timing for insurance reimbursements.**
2. Recreation and culture is \$188,716 under budget due to the timing of the Collie River Trail and Trail Corridor (BBRF) grant.
3. Transport is \$166,905 under budget mainly due to the timing of the Regional Road Group Grant.
4. **Economic Services is \$203,729 over budget as Council received the final payment for Minninup Pool grant which was unbudgeted.**
5. **Other Property and Services is \$13,782 over budget due to the timing of workers compensation payments.**

**Operating Expenditure by Program**

6. Law, Order and Safety are \$94,176 over budget mainly due to the overspent in the Bushfire Brigade and SES expenditure (\$40,287) which is claimable from DFES, and unbudgeted grant expenditure for the Bushfire Mitigation (\$36,591).
7. **Education and welfare is \$34,720 over budget due to the unbudgeted emergency management response and recovery to the Yourdamung Fire.**
8. Transport is \$310,194 under budget due to verge maintenance being under budget.
9. Other Property and Services are \$91,728 due this is due to the plant direct cost allocation which is currently being reviewed and amended in June 2020.

**Operating Income by Nature and Type**

10. **Interest earnings is \$18,062 under budget due to low interest rates.**

**Operating Expenditure by Nature and Type**

11. **Labour Overheads is \$52,568 under budget due to the timing of expenditures.**
12. **Plant Direct cost is \$25,755 over budget due to timing of expenditures.**

**Non-Operating Expenditure by Nature and Type**

13. **Non-operating grant is \$221,113 over budget due to the unbudgeted final payment for the Minninup Pool grant (item 4).**

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**12.3 Accounts Paid – May 2020**

<b>Reporting Department:</b>	Corporate Services
<b>Reporting Officer:</b>	Hasreen Mandry – Finance Manager
<b>Accountable Manager:</b>	Allison Fergie – Director of Corporate Services
<b>Legislation:</b>	Local Government Act 1995 & Financial Management Regulations 1996
<b>File Number:</b>	FIN/024
<b>Appendices:</b>	Yes – Appendix 3
<b>Voting Requirement</b>	Simple Majority

**Report Purpose:**

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

**Officer’s Recommendation:**

*That Council accepts the Accounts as presented in Appendix 3 being vouchers 41732-41735 totalling \$835.95 and direct payments totalling \$697,087.87 authorised and paid in May 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	<b>\$832,843.59</b>
August	\$1,629.84	\$1,189,189.01	<b>\$1,190,818.85</b>
September	\$1,863.90	\$985,349.82	<b>\$987,213.72</b>
October	\$10,619.81	\$1,175,526.79	<b>\$1,186,146.60</b>
November	\$5,887.05	\$658,803.39	<b>\$664,690.44</b>
December	\$2,600.59	\$900,669.19	<b>\$903,269.78</b>
January	\$2,043.90	\$712,950.33	<b>\$714,994.23</b>
February	\$18,378.04	\$531,573.67	<b>\$549,951.71</b>
March	\$125.19	\$577,626.28	<b>\$577,751.47</b>
April	\$192.20	\$679,831.90	<b>\$680,024.10</b>

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<b>May</b>	\$835.95	\$697,087.87	<b>\$697,932.82</b>
<b>June</b>			

**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 3.

Any questions relating to the accounts please forward prior to the meeting for clarification.



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**AGENDA - ORDINARY MEETING OF COUNCIL**  
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**12.4 Financial Report – May 2020**

<b>Reporting Department:</b>	Corporate Services
<b>Reporting Officer:</b>	Hasreen Mandry – Finance Manager
<b>Accountable Manager:</b>	Allison Fergie – Director of Corporate Services
<b>Legislation:</b>	Local Government Act 1995 & Financial Management Regulations 1996
<b>File Number:</b>	FIN/024
<b>Appendices:</b>	Yes – Appendix 4
<b>Voting Requirement</b>	Simple Majority

**Report Purpose:**

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

**Officers Recommendation:**

*That Council accept the Financial Report for May 2020 as presented in Appendix 4.*

**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 4.

**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 4 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 \$21,187 under budget mainly due to the timing for insurance reimbursements.
2. **General Purpose Funding is \$813,896 over budget as Council received a prepayment for quarter 1 of the 2020/21 Financial Assistance Grant (FAGs).**
3. **Education and welfare is \$10,230 under budget as the lessee of the Margarretta Wilson Centre is now responsible for utility payments, this corresponds in a reduction of utility expenditure.**
4. Recreation and culture is \$142,473 under budget mainly due to the timing of the Collie River Trail and Trail Corridor (BBRF) grant. The remaining payment of this grant is expected to be paid in 2020/21.
5. **Transport is \$297,936 under budget mainly due to the timing of the Regional Road Group grant; the invoice has been raised in June 2020.**
6. Economic Services is \$203,943 over budget as Council received the final payment for the Royalties for Region Minninup Pool grant which was unbudgeted.

**Operating Expenditure by Program**

7. **Health is \$24,642 over budget mainly due to the response to the COVID-19 pandemic.**
8. Education and welfare is \$92,097 over budget due to the unbudgeted emergency management response and recovery to the Yourdamung Fire and storm in May 2020.
9. Other Property and Services are \$91,728 due to the plant direct cost allocation which is currently being reviewed and amended in June 2020.

**Operating Income by Nature and Type**

10. **Operating grants is \$975,555 mainly due to the prepayment for the quarter 1 of the 2020/21 FAGs.**
11. Interest earnings is \$34,504 under budget due to low interest rates and Council freezing interest rates due to COVID-19.

**Operating Expenditure by Nature and Type**

12. Labour Overheads is \$54,930 under budget due to the timing of expenditures.
13. Plant Direct cost is \$27,619 over budget due to timing of expenditures.

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14. Interest expense is \$26,133 over budget due to the timing of loan repayments.

**Non-Operating Expenditure by Nature and Type**

15. Non-operating grant is \$397,711 over budget due to the timing of several grant payment. Mainly attributed to the unbudgeted final payment for the Minnipup Pool grant.

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**12.5 Debtor Balance Write offs**

<b>Reporting Department:</b>	Corporate Services
<b>Reporting Officer:</b>	Hasreen Mandry– Finance Manager
<b>Accountable Manager:</b>	Allison Fergie – Director of Corporate Services
<b>Legislation:</b>	Local Government Act 1995 & Financial Management Regulations 1996
<b>File Number:</b>	FIN/027
<b>Appendices:</b>	No
<b>Voting Requirement</b>	Absolute Majority

**Report Purpose:**

This report seeks the authority of Council to write off debtor a total of \$2,701.80 (inclusive of GST) in outstanding debts.

**Officers Recommendation:**

*That Council resolves by ABSOLUTE MAJORITY to write off the following amounts:*

- 1) *Mathew Joseph Blythe (MJB16): \$296*
- 2) *Paul Della (PD): \$628*
- 3) *Brian Iacus (BI16): \$316.80*
- 4) *Amaroo Deli (previous owner- AD): \$1,164*
- 5) *Rebecca Anne Kennerly (RAK): \$297*

**Background:**

- 1) Mathew Joseph Blythe (MJB16)- fire hazard reduction was done on 79 Wittenoom Street in 2016 multiple attempts were made to collect the payment, but it was unsuccessful. There has been a change of ownership and the debt is unclaimable. A new process has been put in place to capture this.
- 2) Paul Della (PD) - fire hazard reduction was done on 88 Coombes Street in 2017 and 2018, multiple attempts were made to collect the payment, but it was unsuccessful. There has been a change of ownership and the debt is unclaimable. A new process has been put in place to capture this.
- 3) Brian Iacus (BI16)- fire hazard reduction was done on 7 Johnston Street in 2016 multiple attempts were made to collect the payment, but it was unsuccessful. There has been a change of ownership and the debt is unclaimable. A new process has been put in place to capture this.
- 4) Amaroo Deli (previous owner- AD)- unpaid waste collection for 2018/19 for the previous owner.
- 5) Rebecca Anne Kennerly (RAK)- fire hazard reduction was done on 60 Swanstone Street in 2018 multiple attempts were made to collect the

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payment, but it was unsuccessful. There has been a change of ownership and the debt is unclaimable. A new process has been put in place to capture this.

**Statutory and Policy Implications:**

Section 6.12(1)(c) of the Local Government Act states: -

- (1) Subject to subsection (2) and any other written law, a local government may -
    - (c) Write off any amount of money, which is owed to the local government.
- (An absolute majority is required)

**Budget Implications:**

A total of \$2,701.80 will be written off the general ledger account.

**Communications Requirements:** (Policy No. CS1.7)

Nil

**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:**

*Motion 7929 (11 September 2018)*

*That Council resolves by ABSOLUTE MAJORITY to write off a total of \$4,891.83 in total debtor debt.*

**Comment:**

Nil

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**12.6 Adoption of Shire of Collie Dogs Local Law 2020**

<b>Reporting Department:</b>	Corporate Services
<b>Reporting Officer:</b>	Allison Fergie – Director Corporate Services
<b>Accountable Manager:</b>	Allison Fergie – Director Corporate Services
<b>Legislation</b>	Local Government Act 1995, Dog Act 1976
<b>File Number:</b>	LAW/001
<b>Appendices:</b>	Yes – Appendices 5 and 6
<b>Voting Requirement</b>	Absolute Majority

**Report Purpose:**

For Council to consider adoption of the local law relating to dogs to be known as the Shire of Collie Dogs Local Law 2020.

**Officer's Recommendation**

*That Council by ABSOLUTE MAJORITY adopts the Shire of Collie Dogs Local Law 2020 as presented in Appendix 5.*

**Background:**

The Council resolved at its meeting on 31 March 2020 the following in relation to the above Local Law:

*Officer's Recommendation/Council Decision:*

*8409 – That Council by ABSOLUTE MAJORITY:*

*Advertises its intention to make a new local law to be known as the Shire of Collie Dogs Local Law 2020 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 Dogs Local Law 2020 is to control and regulate dogs and dog ownership within the Shire; and*

*3. Notes the effect of the proposed Shire of Collie Dogs Local Law 2020 is to make provision for the impounding of dogs, control the number of dogs that can be kept on premises and control the manner of keeping dogs.*

The Local Law was advertised for comment, and forwarded to the Department of Local Government, Sport and Cultural Industries (DLGSC) for review.

The Shire of Collie Dogs Local Law 2020 (Appendix 5) is now presented to Council for adoption.

**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 and is extracted below:

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**3.12. Procedure for making local laws**

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to —*
  - (a) *give State wide public notice stating that —*
    - (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice;*
    - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
    - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
  - (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
  - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3a) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.*

*\* Absolute majority required.*

- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice —*
  - (a) *stating the title of the local law;*
  - (b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
  - (c) *advising that copies of the local law may be inspected or obtained from the local government's office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section —*

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*“making” in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

*[Section 3.12 amended by No. 1 of 1998 s. 8; No. 64 of 1998 s. 6; No. 49 of 2004 s. 16(4) and 23.]*

In addition, Regulation 3 of the Local Government (Functions and General) Regulations 1996 stipulates that for the purposes of section 3.12 of the Act, the purpose and effect of any proposed local law is to be included in the agenda and minutes of a meeting.

**Budget Implications:**

Costs for advertising of the new local law and for publication in the Government Gazette.

**Communications Requirements:** (Policy No. CS 1.7)

Statutory advertising as required for amendment of a local law and publication in the Government Gazette.

**Minister’s Directions – pursuant to s. 3.12(7) of the LG Act 1995**

Once the Shire has published a local law in the *Government Gazette*, the Shire must comply with the requirements of the Minister’s *Local Laws Explanatory Memoranda Directions 2010*. The Shire must, within ten working days of the Gazetted publication date, forward the signed Explanatory Memoranda material to the Committee at the current address –

Committee Clerk  
Joint Standing Committee on Delegated Legislation  
Legislative Council Committee Office  
GPO Box A11  
PERTH WA 6837

**Strategic Community/Corporate Business Plan Implications:**

*Goal 5 Our Business – Good governance and 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.*

*Action 5.1.5.4: Review local laws for the Shire to ensure relevance and compliance with the Local Government Act.*

**Relevant Precedents:**

Council regularly reviews and adopts updated local laws. Most recently, at its meeting held 10 December 2019 Council resolved:

*8340 – That Council by ABSOLUTE MAJORITY adopts the Shire of Collie Cemeteries Amendment Local Law 2019 as presented in Appendix 4.*

**Comment:**

The proposed Shire of Collie Dogs Local Law 2020 was advertised for public comment and forwarded to the Department of Local Government, Sport and Cultural



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Industries for comment. Comment received can be found at Appendix 6 and is summarised in the table below.

<b>Comment from Department of Local Government, Sport and Cultural Industries</b>	<b>Response</b>
<p><b>Clause 3.1 – Confinement of dangerous dogs</b>            Clause 3.1 deals with the confinement of dogs generally.            Currently, the confinement of dangerous dogs is directly addressed under the Dog Act. Failure to comply with those sections can result in penalties of up to \$10,000, which is far higher than the maximum penalty a local law can impose. It is suggested that the penalty for dangerous dogs be removed from clause 3.1 and the Schedule. The following subclause should also be added:</p> <p>(3) Notwithstanding subclause (1) and (2), the confinement of dangerous dogs is dealt with in the Act and Regulations.</p>	<p>Changes made to draft local law as suggested.</p>
<p><b>Clause 4.9 – Breach of licence conditions</b>            Clause 4.9 establishes penalties for breach of kennel licence.            Section 27(2) of the Dog Act sets a penalty of \$5000 for breach of kennel licences. This penalty applies irrespective of whether dangerous dogs are involved.            It is suggested that the penalties for clause 4.9 be updated to ensure consistency.</p>	<p>Penalty updated as suggested.</p>
<p><b>Minor Edits</b>            A number of minor edits were also suggested – refer Appendix 6.</p>	<p>Changes made to draft local law as suggested.</p>
<b>Comment from local resident</b>	
<p>Concern with dogs entering other people’s property and causing damage and mess by tipping over bins or roaming streets and going through bins.            Suggested fine for littering or owner fined for damage caused.</p>	<p>No changes made to the local law as a result of the comment.            Clause relating to containing dogs on owner’s property addresses roaming dogs.</p>

The local law now presented for adoption incorporates the changes above.

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**12.7 National Redress Scheme**

<b>Reporting Department:</b>	Corporate Services
<b>Reporting Officer:</b>	Allison Fergie – Director Corporate Services
<b>Accountable Manager:</b>	Allison Fergie – Director Corporate Services
<b>Legislation</b>	WA Local Government Act 1995
<b>File Number:</b>	N/A
<b>Appendices:</b>	Yes – Available upon request.
<b>Voting Requirement</b>	Simple Majority

**Report Purpose:**

To provide Council with information relating to the National Redress Scheme and for Council to endorse the Shire of Collie's participation in the National Redress Scheme as part of the State Government's declaration.

**Officer's Recommendation:**

*That Council:*

- a) Note the background information and the WA Government's decision in relation to the National Redress Scheme;*
- b) Note the key considerations and administrative arrangements for the Shire of Collie to participate in the National Redress Scheme;*
- c) Formally endorse the Shire of Collie's participation as part of the WA Government's declaration in the National Redress Scheme; and*
- d) Grant authority to the Chief Executive Officer to execute a service agreement with the State, if a Redress application is received.*

**Background**

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in 2013 to investigate failures of public and private institutions to protect children from sexual abuse. The Royal Commission released three reports throughout the inquiry:

- Working with Children Checks (August 2015);
- Redress and Civil Litigation (September 2015); and
- Criminal Justice (August 2017).

The Royal Commission's Final Report (15 December 2017) incorporated findings and recommendations of the three previous reports and contained a total of 409 recommendations, of which 310 are applicable to the Western Australian Government and the broader WA community.

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The implications of the Royal Commission's recommendations are twofold: the first is accountability for historical breaches in the duty of care that occurred before 1 July 2018 within any institution; the second is future-facing, ensuring better child safe approaches are implemented holistically moving forward.

The scope of this report addresses only the historical element of institutional child sexual abuse through the National Redress Scheme. All levels of Australian society (including the WA local government sector and the Shire of Collie) will be required to consider leading practice approaches to child safeguarding separately in the future.

### National Redress Scheme

The Royal Commission's *Redress and Civil Litigation (September 2015)* Report recommended the establishment of a single National Redress Scheme (the Scheme) to recognise the harm suffered by survivors of institutional child sexual abuse.

The Scheme acknowledges that children were sexually abused, recognises the suffering endured, holds institutions accountable and helps those who have been abused access counselling, psychological services, an apology and a redress payment.

The Scheme commenced on 1 July 2018, will run for 10 years and offers eligible applicants three elements of Redress:

- A direct personal response (apology) from the responsible institution, if requested;
- Funds to access counselling and psychological care; and
- A monetary payment of up to \$150,000.

All State and Territory Governments and many major non-government organisations and church groups have joined the Scheme. The WA Parliament has passed the legislation for the Government and WA based non-government organisations to participate in the National Redress Scheme.

The Western Australian Government (the State) started participating in the Scheme from 1 January 2019. Under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth)*, local governments may be considered a State Government institution. (Section 111(1)(b))

A decision was made at the time of joining the Scheme to exclude WA local governments from the State Government's participation declaration. This was to allow consultation to occur with the sector about the Scheme, and for fuller consideration of how the WA local government sector could best participate.

### **DETAILS**

Following extensive consultation, the State Government (December 2019):

- Noted the consultations undertaken to date with the WA local government sector about the National Redress Scheme;
- Noted the options for WA local government participation in the Scheme;

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- Agreed to local governments participating in the Scheme as State Government institutions, with the State Government covering payments to the survivor; and
- Agrees to the Department of Local Government, Sport and Cultural Industries (DLGSC) leading further negotiations with the WA local government sector regarding local government funding costs, other than payments to the survivor including counselling, legal and administrative costs.

The following will be covered for local governments participating in the Scheme as a State Government institution and part of the State's declaration:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination of requests for information and record keeping in accordance with the *State Records Act 2000*); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below for further explanation).

State Government financial support for local government participation in the Scheme, as set out, will ensure that Redress is available to as many WA survivors of institutional child sexual abuse as possible.

Individual local governments participating in the Scheme as a State Government institution, with the State will be responsible for:

- Providing the State with the necessary (facilities and services) information to participate in the Scheme;
- Resources and costs associated with gathering their own (internal) information and providing that information (Request for Information) to the State (if they receive a Redress application); and
- Costs associated with the delivery of a DPR (apology), if requested (based on a standard service fee, plus travel and accommodation depending on the survivor's circumstance). The State's decision includes that all requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice, on every occasion.

The WALGA State Council meeting of 4 March 2020:

1. Acknowledged the State Government's decision to include the participation of Local Governments in the National Redress Scheme as part of the State's declaration;
2. Endorsed the negotiation of a Memorandum of Understanding and Template Service Agreement with the State Government, and
3. Endorsed by Flying Minute the Memorandum of Understanding prior to execution, in order to uphold requirements to respond within legislative timeframes.

The State and WALGA will sign a Memorandum of Understanding to reflect the principles of WA local governments participating in the Scheme as State Government institutions and being part of the State's declaration.

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State agencies (led by DLGSC), WALGA and Local Government Professionals WA will support all local governments to prepare to participate in the Scheme from 1 July 2020 (or earlier, subject to completing the necessary arrangements).

The State's decision allows for the WA Government's Scheme participation declaration to be amended to include local governments and this report seeks endorsement of the Shire of Collie's participation in the Scheme.

As an independent entity and for absolute clarity, it is essential that Shire of Collie formally indicates via a decision of Council, the intention to be considered a State Government institution (for the purposes on the National Redress Scheme) and be included in the WA Government's amended participation declaration.

The Shire of Collie will not be included in the State's amended declaration, unless it formally decides to be included. The financial and administrative coverage offered by the State will only be afforded to WA local governments that join the Scheme as a State Government institution, as part of the State's amended declaration.

The option also exists for the Shire of Collie to formally decide not to participate in the Scheme (either individually or as part of the State's declaration).

Should the Shire of Collie formally decide (via a resolution of Council) not to participate with the State or in the Scheme altogether, considerations for the Shire of Collie include:

- Divergence from the Commonwealth, State, WALGA and the broader local government sector's position on the Scheme (noting the Commonwealth's preparedness to name-and-shame non-participating organisations).
- Potential reputational damage at a State, sector and community level.
- Complete removal of the State's coverage of costs and administrative support, with the Shire of Collie having full responsibility and liability for any potential claim.
- Acknowledgement that the only remaining method of redress for a victim and survivor would be through civil litigation, with no upper limit, posing a significant financial risk to the Shire of Collie.

#### Considerations for the Shire of Collie

Detailed below is a list of considerations for the Shire of Collie to participate in the Scheme:

1. Executing a Service Agreement

All Royal Commission information is confidential, and it is not known if the Shire of Collie will receive a Redress application. A Service Agreement will only be executed if the Shire of Collie receives a Redress application.

Shire of Collie Timeframes for responding to a Request for Information are 3 weeks for priority applications and 7 weeks for non-priority applications. A priority application timeframe (3 weeks) will be outside most Council meeting cycles and therefore it is necessary to provide the authorisation to execute an agreement in advance.

2. Reporting to Council if / when an application is received

Council will receive a confidential report, notifying when a Redress application has been received. All information in the report will be de-identified but will make Council aware that an application has been received.

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3. Application Processing / Staffing and Confidentiality

Administratively the Shire of Collie will determine:

- Which position(s) will be responsible for receiving applications and responding to Requests for Information;
- Support mechanisms for staff members processing Requests for Information.

The appointed person(s) will have a level of seniority in order to understand the magnitude of the undertaking and to manage the potential conflicts of interest and confidentiality requirements.

4. Record Keeping

The State Records Office advised (April 2019) all relevant agencies, including Local Governments, of a 'disposal freeze' initiated under the *State Records Act 2000* (the Act) to protect past and current records that may be relevant to actual and alleged incidents of child sexual abuse. The Shire of Collie's record keeping practices as a result, have been modified to ensure the secure protection and retention of relevant records. These records (or part thereof) may be required to be provided to the State's Redress Coordination Unit in relation to a Redress application.

The Redress Coordination Unit (Department of Justice) is the state record holder for Redress and will keep copies of all documentation and RFI responses. Local Governments will be required to keep their own records regarding a Redress application in a confidential and secure manner, and in line with all requirements in *The Act*.

5. Redress Decisions

The Shire of Collie should note that decisions regarding Redress applicant eligibility and the responsible institution(s), are made by Independent Decision Makers, based on the information received by the applicant and any RFI responses. The State Government and the Shire of Collie do not have any influence on the decision made and there is no right of appeal.

## **CONSULTATION**

The State, through the Department of Local Government, Sport and Cultural Industries (DLGSC), consulted with the WA local government sector and other key stakeholders on the Royal Commission into Institutional Responses to Child Sexual Abuse (in 2018) and the National Redress Scheme (in 2019).

It was apparent from the consultations local governments were most commonly concerned about the:

- potential cost of Redress payments;
- availability of historical information;
- capacity of local governments to provide a Direct Personal Response (apology) if requested by Redress recipients;
- process and obligations relating to maintaining confidentiality if Redress applications are received, particularly in small local governments;

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- lack of insurance coverage of Redress payments by LGIS, meaning local governments would need to self-fund participation and Redress payments.

The State's decision, in particular to cover the costs / payments to the survivor, has taken into account the feedback provided by local governments during the consultation period.

The final DLGSC Local Government Information Paper *National Redress Scheme for Institutional Child Sexual Abuse (December 2019)* can be found at Appendix 7.

**Communications Requirements: (Policy No. CS 1.7)**

Correspondence to the Department advising of Council's Decision.

**Strategic Community Plan/Corporate Business Plan Implications**

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

Outcome 5.1: Good governance and leadership

Outcome 5.2: Effective and efficient people and corporate services

Strategy 5.2.2 Manage corporate risks, supported by appropriate policies and procedures.

**Statutory and Policy Implications**

The Shire of Collie in agreeing to join the Scheme, is required to adhere to legislative requirements set out in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth)*.

Authorisation of an appropriately appointed person to execute a service agreement with the State, if a Redress application is received, will be in accordance with s.9.49A(4) of the *Local Government Act 1995*.

**Budget Implications**

The State's decision will cover the following financial costs for local governments:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination or requests for information and record keeping); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below).

The only financial cost the local government may incur will be the payment of the DPR's, which is on an 'as requested' basis by the survivor. This will be based on the standard service fee of \$3,000 plus travel and accommodation depending on the survivor's circumstances. All requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice.

The State's decision also mitigates a significant financial risk to the local government in terms of waiving rights to future claims. Accepting an offer of redress has the effect of releasing the responsible participating organisation and their officials (other than the

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abuser/s) from civil liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme. This means that the person who receives redress through the Scheme, agrees to not bring or continue any civil claims against the responsible participating organisation in relation to any abuse within the scope of the Scheme.

**Relevant Precedents**

At its meeting held 11 September 2018 Council considered a report that informed Council of the recommendations arising from the Royal Commission into Institutional Responses to Child Sexual Abuse that have implications for Local Government, and to provided responses to the key discussion points for consultation.

*7927 – That Council:*

- 1. Receive the Royal Commission into Institutional Responses to Child Sexual Abuse Information and Discussion Paper; and*
- 2. Provide responses to the key discussion points as outlined in the body of this report to the Department of Local Government, Sport and Cultural Industries during the consultation process.*

**Comment**

There has been extensive consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments.

The Shire of Collie will not be included in the WA Government's amended participation declaration (and afforded the associated financial and administrative coverage), unless the Shire of Collie makes a specific and formal decision to the be included.

For these reasons, it is recommended that Council endorse the participation of the Shire of Collie in the National Redress Scheme as a State Government institution and be included as part of the State Government's declaration.



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**12.8 Renewal of Lease for Collie Gallery Group Inc.**

<b>Reporting Department:</b>	Corporate Services
<b>Reporting Officer:</b>	Allison Fergie – Director Corporate Services
<b>Accountable Manager:</b>	Allison Fergie – Director Corporate Services
<b>Legislation</b>	WA Local Government Act 1995
<b>File Number:</b>	L47289
<b>Appendices:</b>	No
<b>Voting Requirement</b>	Simple Majority

**Report Purpose:**

To seek Council approval for the renewal of the long-term lease agreement with the Collie Gallery Group Inc for the lease of the Art Gallery located on Reserve 47289.

**Officer's Recommendation:**

*That Council lease the Art Gallery building on Reserve 47289 to the Collie Gallery Group Inc. with 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) Water charges, twice weekly toilet cleaning and building insurance excess to be met by the Shire;*
- d) Security system response costs to be shared 50% Shire – 50% Lessee;*
- e) Other conditions to be in accordance with Council Policy DS 1.3.*

**Background:**

The Shire of Collie has developed an Art Gallery on Reserve 47289 which is vested in the Council for the purposes of "Municipal, Tourist and Community Purposes".

The Art Gallery has been leased to the Collie Gallery Group Inc for five years and the group has expressed the wish to renew the lease. The proposed lease agreement is a Long-term lease for five years with a five year option.

Following a request from the group, Council resolved at its meeting held 29 March 2016:

7013 – *That Council:*

- a) Include the Collie Art Gallery toilets twice weekly in the schedule for the cleaning of public toilets in Collie;*
- b) Decline the request to seal the tiles on the floor of the toilet areas to retain the anti-slip specification;*
- c) Note the change to the cleaning arrangement as a variation to the lease agreement; and*
- d) Include the Collie Art Gallery on the register of public toilets.*

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Following this decision of Council a twice weekly clean of the toilets was included as part of the Shire's public toilet cleaning contract.

**Statutory and Policy Implications:**

WA Local Government Act (1995)

Section 3.58 of the Local Government Act refers to the disposal of property and includes lease arrangements. Under this section, local public notice and a submission period is normally required to be undertaken by Council's when entering lease arrangements, however there is a specific exemption for the requirement to advertise under section 30 of the associated Functions and General Regulations where the intended lease is with certain organisations;

- 30 (2) (b) (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
- (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;

**Budget Implications:**

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

As per policy DS1.3 Buildings on Council Land, the lease will have the following implications for Council moving forward in relation to the responsibility of each party.

The Shire has the building insured on its Property Schedule.

<b>Issue</b>	<b>Long Term Lease – Responsible party</b>
Building insurance	Shire
Vandalism damage to building (assuming no negligence on lessees part)	Building insurance excess shared equally between Lessee and Shire (\$500 each as at November 2010).
Contents insurance	Lessee
Public liability insurance of \$10m	Lessee
Compliance with Health (Public Building) Regulations 1992	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	Shire
Minor maintenance and cleaning	Lessee
Security system and response	Lessee
Payment of utility charges (power, water etc)	Lessee
Payment of Emergency Services Levy	Shire

The Collie Gallery Group received an operating grant from Council of \$70,000 in 2019/20.

**Communications Requirements:** Policy No. CS 1.7

Request for consent to Minister for Lands; Correspondence to proponent.

**Strategic Community Plan/Corporate Business Plan Implications:**

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

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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 renews leases of Council properties to community groups.

**Comment:**

The renewal of the lease is under the same terms as the previous lease and decision of Council.

The water meter is a shared meter with the Finlay Gardens which require a significant amount of water over the summer months and the toilets are accessed by the public, hence it is recommended that the Shire be responsible for the water costs and a twice weekly clean of the toilets. Collie Gallery Group members clean the toilets on other occasions as required.

The Art Gallery houses the Shire's art collection valued at \$105,550 and therefore the Shire meets 50% of the security response costs.

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**12.9 Renewal of Lease for Coalfields Hockey Council Inc.**

<b>Reporting Department:</b>	Corporate Services
<b>Reporting Officer:</b>	Allison Fergie – Director Corporate Services
<b>Accountable Manager:</b>	Allison Fergie – Director Corporate Services
<b>Legislation</b>	WA Local Government Act 1995
<b>File Number:</b>	L22407A
<b>Appendices:</b>	No
<b>Voting Requirement</b>	Simple Majority

**Report Purpose:**

To seek Council approval for the renewal of the community built and operated lease agreement with the Coalfields Hockey Council Inc for the lease of the hockey grounds and club buildings located on part of Reserve 22407.

**Officer's Recommendation:**

*That Council lease the hockey grounds and club buildings on part Reserve 22407 to the Coalfields Hockey Council Inc. with the following conditions:*

- a) Lease to be deemed a Community Built and Operated lease with a term of 10 years with a 10 year option;*
- b) Annual lease amount payable be \$1 per annum incl GST;*
- c) Other conditions to be in accordance with Council Policy DS1.3.*

**Background:**

Reserve 22407 located on Preston Road is vested in the Council for the purposes of "Recreation".

The previous lease of the hockey grounds and buildings to the Coalfields Hockey Council Inc was for 21 years and the group has expressed the wish to renew the lease. Since the previous lease was executed, Council has adopted a template for lease agreements so that clubs do not incur the expense of developing individual lease documentation. The proposed renewed lease agreement is for a Community Built and Operated lease for five years with a five year option with terms in accordance with Council Policy DS1.3.

**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:**

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

As per policy DS1.3 Buildings on Council Land, the lease will have the following implications for Council moving forward in relation to the responsibility of each party.

The Shire has the building insured on its Property Schedule.

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

Request for consent to Minister for Lands; Correspondence to proponent.

**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.

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**Relevant Precedents:**

Council regularly renews leases of Council properties to community groups.

**Comment:**

The Coalfields Hockey Council is self-sufficient and has operated successfully from the grounds for many years. The term is recommended to be 10 years with a 10 year option as the group has invested in significant infrastructure at the grounds.

An outline of the area to be leased to the group is shown on the diagram below.



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**13. DEVELOPMENT SERVICES REPORTS**

**13.1 Scheme Amendment No. 7 – Shotts Industrial Area**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	Katya Tripp – Shire Planner
<b>Accountable Manager:</b>	Andrew Dover – Director Development Services
<b>Legislation</b>	Planning and Development Act 2005 WA Local Government Act 1995 Planning & Development (Local Planning Schemes) Regulations 2015
<b>File Number:</b>	LUP/054
<b>Appendices:</b>	Yes – Appendices 7 - Scheme amendment document and 8 - Required modifications to Scheme amendment
<b>Voting Requirement</b>	Simple Majority

**Report Purpose:**

For Council to adopt amendment No. 7 to Local Planning Scheme No. 5 subject to modifications enabling referral to EPA and subsequent advertising and, dependent on EPA advice, approve to advertise the accompanying Structure Plan, subject to modifications.

**Officer's Recommendation:**

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

- 1. Require the following modifications to amendment No. 7 (Appendix 7):
  - a) Modify the zoning table to include the new land uses being introduced and their permissibility for the zones in accordance with Appendix 8;
  - b) Update the definitions to define the land use definitions being introduced or modified in accordance with Appendix 8;
  - c) Amend Table 3 Local Planning Framework in proposed scheme amendment) to reflect the recently endorsed Local Planning Strategy and:
  - d) Ensure formatting is correct.*
- 2. Subject to recommendation (1) above, in accordance with Section 75 of the Planning and Development Act 2005 ('Act'), resolves to ADOPT (initiate) amendment No.7 to the Shire of Collie Local Planning Scheme No. 5 ('Scheme') as shown in Appendix 7;*
- 3. In accordance with Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 ('Regulations'), determines that the amendment referred to in resolution 1. above is a standard amendment for the following reasons:
  - a) It is consistent with the intent of the Local Planning Strategy;
  - b) It is considered to have minimal impact on land in the Scheme area that is not the subject of the amendment; and*

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- c) It is not considered a complex or basic amendment;*
- 4. Authorise that the amendment documentation, once modified, be signed and sealed by the Shire President and the Chief Executive Officer;*
  - 5. Refer the amendment to the Environmental Protection Authority for assessment in accordance with the requirements of section 81 of the Planning and Development Act 2005;*
  - 6. Subject to the EPA determining that an environmental review is not required, resolve, to proceed to advertise the amendment in accordance with Regulation 47 of the Regulations. In the event that the EPA determines that the Amendment requires formal environmental assessment, this assessment is to be prepared by the proponent prior to advertising of the Amendment;*
  - 7. Require the following modification to the proposed Structure Plan ;*
    - a) Amend Table 5 Local Planning Framework in proposed Structure Plan document to reflect the recently endorsed Local Planning Strategy; and*
    - b) Ensure the proposed Structure Plan document aligns with the proposed Scheme amendment document;*
  - 8. Subject to recommendation (7) above, in accordance with Regulation 16(1) of the Planning and Development (Local Planning Schemes) Regulations 2015 determine that the proposed Structure Plan is suitable for advertising; and*
  - 9. Advertise the Structure Plan in conjunction with the amendment referred to in resolution 1 and in accordance with Regulation 18 of the Regulations.*

**Background:**

In February 2018, the Shire wrote to the Department of Jobs, Tourism, Science and Innovation requesting they review the Structure Plan for the Shotts Strategic Industrial Area (Shotts SIA) which placed a restriction on the use of the land limiting it “coal related industries and associated uses”.

An application for Scheme amendment and Structure Plan was received by the Shire of Collie on 13/02/2020 seeking to diversify the land uses to allow for a range of strategic industry/noxious uses within the Shotts SIA.

After discussion and meetings between the Shire, the applicant, the applicant's consultant (UDLA) and the Department of Planning it was requested that changes be made to the Scheme amendment to ensure that the amendment was consistent with the Planning and Development (Local Planning Schemes) Regulations 2015 ('Regulations') and also with the direction provided in the draft Scheme.

Relevant extracts from the draft Scheme were sent to Urbis (e.g. zoning table) so they were fully aware of how the draft Scheme is intending to deal with the Shotts Industrial Estate.

The amendment to the Scheme will:

1. Amend the objectives under Special Use Zone 11 (Schedule 4) to allow for more expansive objectives relating to the type of industry sought within Shotts SIA;
2. Remove the requirement for industry to be linked to coal;
3. Amend the permitted land uses to ensure flexibility for potential proponents;
4. Include reference to development standards within Schedule 4;
5. Amend the provisions within Structure Plan Area 1 (Schedule 14) to remove guidance on land uses; and



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6. Include additional definitions to Schedule 1 to guide the land uses included within Schedule 4.

The amendment to the Structure Plan will:

1. Amend the terminology to allow for a range of strategic industry land uses;
2. Amend the objective to remove the reference to coal related industries; and
3. Reformat the report to meet updated WAPC requirements, namely the addition of Part 1 – Implementation of a Structure Plan.

In summary, the amendments will still require strategic industry to be located within the Shotts SIA however these industries will not be limited to coal related industries.

Officers request the Council adopt (initiate) Scheme Amendment No. 7 subject to some further modifications, enabling referral to the EPA and subsequent advertising. Officers also request approval for the accompanying Structure Plan, subject to modifications, to be advertised in conjunction with the Scheme amendment.

**Statutory and Policy Implications:**

*Planning and Development Act 2005*

The Planning and Development Act 2005 outlines the relevant considerations when preparing and amending local planning Schemes. The relevant provisions of the Act have been taken into account in preparing and processing this amendment including the need to refer the amendment to the EPA prior to advertising.

*Planning and Development (Local Planning Schemes) Regulations 2015*

The Regulations identify three different levels of Scheme amendment – basic, standard and complex. Regulation 35(2) requires the resolution of the local government to specify the level of the amendment and provide an explanation justifying this choice.

This amendment is considered to be a ‘standard’ amendment for the following reasons:

- a. It is consistent with the intent of the Local Planning Strategy;
- b. It is considered to have minimal impact on land in the Scheme area that is not the subject of the amendment; and
- c. It is not considered a complex or basic amendment.

Regulations 16(1) outlines the information required to be included and addressed in a Structure Plan. Officers consider that the material provided complies with this clause however request modifications to the proposed amendment.

The regulations also specify the manner and form in which the amendment and the Structure Plan must be advertised.

**Budget Implications:**

There are no budget implications for this proposal. Prescribed fees were paid for the amendment to be processed.

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**Communications Requirements:** (Policy No. CS 1.7)

The proposal will undergo 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.*

Following satisfactory modification and a decision from the EPA, the amendment and the Structure Plan will be advertised concurrently in the local newspaper to seek comment for a minimum of 42 days. Letters will be sent to service authorities, relevant government agencies and adjacent land holders seeking comment with a minimum 42 day submission period.

**Strategic Community Plan/Corporate Business Plan Implications:**

Goal 4: Our Built Environment

*Outcome 4.1 Appropriate Land Use, Development and Heritage Conservation;*

*Strategy 4.1.1: Support and promote the conservation and maintenance of heritage buildings, sites and places of interest.*

**Relevant Precedents:**

This proposed amendment is the seventh amendment to Local Planning Scheme No. 5.

**Comment:**

The purpose of the scheme amendment is to allow for the diversification of strategic industrial land uses within the Shotts SIA. Specifically, the amendment seeks to do this by:

- (1) Amending Schedule 4 – Special Use Zone No. 11 to:
  - (a) Update and expand the land uses permissibility in line with the draft Scheme No. 6;
  - (b) Amend the objectives to remove reference to coal related industries; and
  - (c) Expand objectives to assist in providing flexibility of strategic land uses.
  - (d) Include development standards in line with the draft Scheme No. 6
- (2) Amending Schedule 14 – Structure Plan Area No. 1 to remove the guidance on land uses. This is in line with updated WAPC requirements.
- (3) Amending Schedule 1 definitions to include the land uses now included in Schedule 4.

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The amended Structure Plan proposes to align with the Scheme amendment through amending the terminology used to allow for the diversification of land uses; specifically removal of the reference to coal related industries in the objectives. The amended Structure Plan also responds to requirements of the WAPC through the inclusion of Part 1 – Implementation of a Structure Plan.

An industrial ecology study was undertaken that supports the potential for diversification of land uses within the Shotts SIA and, due to its large size, is available on request.

The new draft Scheme (No. 6) rezones the Shotts SIA to Strategic Industry with provisions for subdivision and development within the estate. However, as this amendment relates to the current Scheme there is a need to keep the Shotts SIA as a Special Use Zone as a Strategic Industry Zone does not exist in the current Scheme (No. 5). Therefore, the provisions proposed in the Scheme amendment have been aligned to the draft provisions contained in the new Scheme. This will ensure progress of the new Scheme (No. 6) is not encumbered by this amendment and that this amendment is efficiently transferred into the new Scheme (LPS No. 6).

Please note that the proposal seeks to introduce a number of land use definitions into the Scheme, but does not include these within the zoning table, or outline land use permissibility within other zones. This has implications as those land uses could be considered against the objectives of other zones, which may lead to undesirable planning outcomes.

As a result, officers request further modifications are made prior to advertising of the Scheme amendment and associated Structure Plan. These are:

1. Modify the zoning table to include the new land use definitions being introduced and the permissibility for the zones.
2. Update the definitions to define the land use definitions being introduced.

Officers also request that the proponent amends the Scheme Amendment and Structure Plan reports to reflect the recently endorsed Local Planning Strategy and ensure that these two documents align.

The recommended modifications are to ensure that the proposed Scheme amendment does not introduce land uses that are not defined and that their permissibility is included in the zoning table. Following this, officers are confident that the Scheme amendment and accompanying amended Structure Plan would both be consistent with the Regulations and the draft Collie Local Planning Scheme No.6 and therefore seek referral to the EPA and subsequent advertising.

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**13.2 Proposed Disc Golf Course Facility**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	Scott Geere – Building Services Manager
<b>Accountable Manager:</b>	Andrew Dover – Director Development Services
<b>Legislation</b>	WA Local Government Act 1995
<b>File Number:</b>	CPR/XXX - Lions Park
<b>Appendices:</b>	Appendices 9 & 10
<b>Voting Requirement</b>	Simple Majority

**Report Purpose:**

This report seeks Council approval for:

- a) Use of Lions Park & and the adjoining site located on the corner of Crampton and Mungalup Roads (Old Caravan Park site) for a Disc Golf Course Facility;
- b) A funding application to be submitted to relevant grant funding providers for contribution towards the cost of the design, supply and installation of Disc Golf Course Infrastructure; and
- c) Allocation of \$20,000 in the 2020/21 Financial Year Budget for the 2/3 Local Government contribution toward the cost of the design, supply and installation of Disc Golf Course Facility Infrastructure;

**Officer's Recommendation:**

*That Council:*

- a) *Identify Lions Park and the adjoining site located on the corner of Crampton and Mungalup Roads (Old Caravan Park site) as the preferred location for a Disc Golf Course Facility;*
- b) *Consents to a funding application submission to relevant grant funding providers for the design, supply and installation of Disc Golf Facility Infrastructure; and*
- c) *Refer an amount of \$20,000 to the 20/21 draft budget considerations for the design, supply and installation of disc golf infrastructure comprising \$10,000 plant and labour costs, \$10,000 material costs.*
- d) *Under consultation with adjacent residents and representatives on the disc golf concept.*

**Background:**

The Reporting Officer has consulted with, and obtained a proposal from, RAD

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Creations Pty Ltd for the installation of a Disc Golf Course facility within the Shire. This proposal has been identified as having an excellent cost benefit to the Shire of Collie based on the following factors:

- Increasing opportunities for Collie residents to get outdoors and improve their fitness and wellbeing in a relaxing and social way with friends and family;
- Providing another activity drawcard for visitors to the Shire of Collie who will also get to experience some of the fantastic natural settings Collie has to offer whilst at the course;
- It will be the only free to use disc golf park in the South-West / Great Southern region. The City of Mandurah has a course at Hall Park, and otherwise there are only two other courses south of this, being at Boranup and Albany (both pay to play on private property). It will be designed at a beginner / intermediate skill level to introduce new users to the sport;
- The course will be an attraction for disc golf enthusiasts to the town, with potential for holding competition events with state disc golf associations;
- It will be publicised as a Disc Golf course location via the Australian Disc Golf Association website, Perth Disc Golf Club, and also via the UDisc Disc Golf App, which is an application used worldwide by Disc Golfers for scoring data and locating courses;
- The discs are intended to be sourced in volume initially and stocked locally for sale or hire, being an additional source of revenue;
- Design, supply and installation of the course facility is anticipated to be no greater than \$30,000 in total. Once installed the course infrastructure will effectively be maintenance free.

Disc Golf is a growing sport with over 8000 courses now found in more than 50 countries, with over 7,500 in the US alone due to its popularity. Popularity of the sport has skyrocketed in the last 5 years, where the number of courses has grown from 20 since the early 1980's to now over 70 courses, and a steady increase of participation of 30% each year.



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There are currently sixteen Disc Golf courses in Western Australia, with ten (10) of these being 'free to use' courses installed by various councils, and two (2) at tertiary education sites. All of these courses have been installed in recent years due to the growth of the sports popularity

RAD Creations have provided similar courses for a number of Local Government Authorities including the City of Rockingham, City of Joondalup (2x courses) and Shire of Ashburton.

The course is currently proposed to be set out as follows:

**Figure 1 – Concept layout**



Councillors are encouraged to read the Promotional Information contained in Appendix 9, and overall site concept layout in Appendix 10.

**Statutory and Policy Implications:**

Nil

**Budget Implications:**

Allocation of \$20,000 in the 2020/21 Financial Year budget, being a 2/3 contribution to the proposed grant funding application.

**Communications Requirements:** (Policy No. CS 1.7)

Nil

**Strategic Community Plan/Corporate Business Plan Implications:**

1.0 - OUR COMMUNITY

1.2 – Health, education and family support services that are accessible and meet the needs of the community.

1.1.2 – Support and promote opportunities for youth development, employment and activities.

1.2 – Participation in sport, recreation and leisure opportunities.

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1.2.1 – Provide and promote sport, recreation and leisure facilities and programs;

**Relevant Precedents:**

Nil

**Comment:**

Discussion regarding the grant funding application for the new Disc Golf Course Facility proposal has already been carried out with various grant providers. Therefore the potential grant funding sources are well aware of Council's intention to submit the grant applications for the proposal.

The old Caravan site on the corner of Crampton and Mungalup Roads includes Jack Mears Spring which is a sacred Ngalang Boodja site.

*Figure 2 – Location of Jack Mears Spring.*



The proposed course will not be located near, or have any impact to, the Jack Mears Spring area.

The subject site is seen to be as most suitable due to the following factors:

- The site is already substantially cleared enough to allow for the installation of the course;
- The site is zoned 'Parks and Recreation';
- It is adjacent to the existing Golf Course, and therefore would form an appealing recreation precinct within the townsite;
- The location of the 2x baskets in Lions Park are in a highly visible location for traffic passing over the bridge and would also serve to create interest in the course;
- There is a large empty wooden noticeboard on the old caravan site that would be ideal to install a course layout map and rule chart for the course;

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**14. TECHNICAL SERVICES REPORTS**

Nil

**15. MOTIONS FOR WHICH PRIOR NOTICE HAS BEEN GIVEN**

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

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

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

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

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

**19. STATUS REPORT ON COUNCIL RESOLUTIONS**

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

- 'Closed Since Last Meeting' at Appendix 11
- 'All Open' at Appendix 12

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

20.1 Staff Matter

20.2 Contractual Matter

**21. CLOSE**