



Shire of
Collie

AGENDA

for the

ORDINARY MEETING OF COUNCIL

to be held on

Tuesday, 6 October 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, 6 October 2020

in Council Chambers at 87 Throssell Street, Collie WA,



Allison Fergie
Acting Chief Executive Officer

2 October 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

October 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 6 October 2020

Ordinary Meeting of Council

7.00pm in Council Chambers

Monday 12 October 2020

Tourism and Marketing Advisory Committee

9.30am 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, 6 October 2020

Agenda for the Ordinary Meeting of the Collie Shire Council to be held in Council Chambers, 87 Throssell Street Collie, on Tuesday, 6 October 2020 commencing at 7:00pm.

1. OPENING/ATTENDANCE/APOLOGIES & LEAVE OF ABSENCE

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

Cr Woods has been granted Leave of Absence for this Ordinary Meeting of Council at its meeting held on 25 August 2020 and Cr Scoffern has been granted Leave of Absence for this Ordinary Meeting of Council at its meeting held on 15 September 2020.

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.

Cr Faries - Page 18 – EFT29325 & EFT29402 – Tyrepower - \$960.00 – Why are there two separate payments for the same vehicle?

Response: Mr Lowcock as below

EFT29325 for \$960.00 was made up of the following orders:

23/06	48240	\$665.00	Tyres for #16 sweeper
24/06	48254	\$235.00	Tyre x 1 for 112CO Ranger ute
28/05	48076	\$60.00	Puncture repair #32 truck

EFT29402 for \$690.00

30/06 48297 \$690.00 Tyres x 3 for 112CO Ranger ute

On replacement of the worn/punctured tyre (PO48254 above) during rotation and balancing, it came to light that the remaining 3 x tyres would also require replacing in the near future.

The mechanic decided that another 3 were to be ordered a week later so that all tyres were of the same quality and the best tyre already on the vehicle was to be used as a spare.

Cr Hansen – Page 6 – EFT29251 – The Plant Supply Co. - \$1,548.25 – Were the plants obtained for the CBD able to be sources through our local nursery?

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Response: Mr Lowcock as below

Historically, large orders of plants have been made direct to wholesalers due to their ability to supply the quality, quantity, size of plants when required and at a lower cost. Moving forward, quotes will also be requested from both local nurseries.

Cr Hansen – Page 14 – EFT29299 – Veolia Environmental Services - \$3,099.80 –
Can the clearing of drains be done by a local company?

Response: Mr Lowcock as below

There is a local company that has some ability to clean open ended drains. However, the work via Veolia required suction drain cleaning (closed system) at 3 locations and this required specialised equipment that is not available in Collie

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.

- Mark Worthington from South32 to provide Council with an update on the State and Commonwealth environmental approvals process for the Worsley Mine Development, our next phase of bauxite mining.
- Phil Cox, Principal Regional Development Officer, South West Development Commission to present plans for development at the Collie Visitor Centre and underground tourist mine.

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.

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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 15 September 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 Policy Review Committee

Recommendation:

That Council receives the minutes of the Policy Review Committee held on 10 September 2020.

10.2 Adopt the Recommendations of the Minutes of the Policy Review Committee

Recommendation:

That Council adopts en bloc the recommendations contained within the minutes of the Policy Review Committee held on 10 September 2020.

That Council;

10.2.1:

1. Defer the review of policy:

CS2.1 Acting Chief Executive Officer

2. Discuss the appointment of one of the Director positions as Deputy Chief Executive Officer.

10.2.2:

1. Adopt the following new policy as presented at Appendix 2:

CS4.7 Electronic Message Board; and

2. Set a review date for the policy as September 2023.

10.2.3:

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1. *Adopt the following revised policies as presented at Appendix 1 with modifications identified by deleting text with ~~strikethrough~~ and including underlined text:-*

CS1.1 Photograph of Shire President and Councillors

CS1.2 Use of Council Chambers

CS1.3 Election of Shire President & Deputy Shire President

CS1.4 Delegates Moving Motions at Association Conference

CS1.5 Special Meeting for Swearing in Councillors

CS1.6 Well wishes from Council

CS1.8 Councillors – Recognition of Long Service

CS1.9 Councillors – Civic Receptions/Functions

CS2.2 Severance Pay

CS4.1 Recognition of Returned Service People and ANZAC Day ceremonies

2. *Set a review date for the above policies as September 2023.*

10.2.4:

1. *Delete the following policies as presented at Appendix 3 from the Corporate Services Policy Manual:*

CS7.1 Museum Collection Policy

CS7.2 Coalfields Museum Conservation & Restoration Policy

2. *Endorse the Museum Policies as presented at Appendix 4 by the Coalfields Museum and Historical Research Centre; and*

3. *Require the Coalfields Museum and Historical Research Centre Inc to present future revisions of the policies to Council for endorsement.*

10.3 Receipt of the Minutes of the Tourism and Marketing Advisory Committee

Recommendation:

That Council receives the minutes of the Tourism and Marketing Advisory Committee held on 22 September 2020.

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11. CEO REPORTS

11.1 Designated Area Migration Agreement

Reporting Department:	Chief Executive Office
Reporting Officer:	Allison Fergie – Acting Chief Executive Officer
Accountable Manager:	N/A
Legislation	N/A
File Number:	EDV/048
Appendices:	Yes – Appendices 1 and 2
Voting Requirement	Simple Majority

Report Purpose:

For Council to consider a Memorandum of Understanding between the Shire of Dardanup and the South West Region Group of Councils for the implementation of the South West Regional Councils Designated Area Migration Agreement (DAMA).

Officer's Recommendation:

That Council:

- 1. Decline to contribute funding towards the Implementation of the South West Regional Councils Designated Area Migration Agreement; and*
- 2. Provide support to the appointed consultant such as identifying relevant stakeholders, employers and labour agencies within the Shire of Collie.*

Background:

The South West Region Group of Councils is considering the development of a Designated Area Migration Agreement (DAMA) for the region covered by the twelve member Councils. The Shire of Dardanup has agreed to manage the preparation of a Feasibility Study and an Implementation Plan to establish a DAMA on behalf of the group.

The purpose of the Feasibility Study is to identify the regional workforce needs in each location and over-all as a region. The Feasibility Study will focus on the South West region's high growth industries including agribusiness, forestry, health and social services, tourism and hospitality, construction and mining.

The study would identify specific occupations and conditions that will assist the region to address the most acute labour shortages by enabling employers to sponsor overseas workers in a broader range of occupations than the existing skilled migration visa pathways, and will reflect the unique labour requirements of the region.

DAMAs are designed to provide solutions to Australian business where there are skills gaps and shortages that cannot be met by the Australian market by allowing 'endorsed' employers to sponsor a broader range of overseas workers than is available under the standard temporary and permanent visa programs.

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Statutory and Policy Implications:

N/A

Budget Implications:

The 2020/21 budget had an allocation of \$6,000 for Economic Development, with a current balance of \$5,500 in the account. If the MOU were supported, the \$5,000 cash contribution from the Shire of Collie would come from the Economic Development account leaving only \$500 for the remainder of the 2020/21 financial year for local economic development activities.

Communications Requirements: (Policy No. CS 1.7)

Correspondence to the South West Region Group of Councils advising of Council's decision.

Strategic Community/Corporate Business Plan Implications:

Goal 2 Our Economy: A strong and diversified economic base driven by a range of business and employment opportunities

Strategy 2.1.2: Promote and support local industry development and diversification.

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

Strategy 5.1.4 Promote collaboration with other Councils on a local and regional level.

Relevant Precedents:

N/A

Comment:

While the identification of work force needs for the region through the Feasibility Study, particularly for high growth industries, would be useful information towards addressing any labour shortages that might arise in the region and impact economic development it should be noted that the Collie-Bunbury Economic Development Plan will provide a workforce assessment for the area.

The DAMA Submission Reference document is provided at Appendix 2 for further information.

The Economic Development budget allocation is limited, and for this reason it is also proposed that the Spendmapp subscription not be renewed at a cost of \$6,300 as this is in excess of available funding. The Shire paid a subscription of \$11,000 in 2019/20 and data was not available from November 2019 until recently. Additionally, the data categories have collapsed to only three categories – Consumer Staples, Discretionary Spend, Services and Other – meaning that the data is less useful than when first proposed.

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12. CORPORATE SERVICES REPORTS

12.1 Accounts Paid – August 2020

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

Report Purpose:

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

Officer’s Recommendation:

That Council accepts the Accounts as presented in Appendix 3 being vouchers 41746-41749 totalling \$818.20 and direct payments totalling \$557,587.21 authorised and paid in August 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	2020/21		
	Cheques	Electronic Transfer	Total Payment
July	\$592.30	\$1,064,546.86	\$1,065,139.16
August	\$818.20	\$557,587.21	\$558,405.41
September			
October			
November			
December			
January			
February			
March			

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April			
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 3.

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

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12.2 Financial Report – August 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 4
Voting Requirement	Simple Majority

Report Purpose:

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

Officers Recommendation:

That Council accept the Financial Report for August 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 \$22,610 over budget mainly due to sundry revenue being over budget (timing of invoice raised for the legal fees reimbursement for the Renergi lease agreement and insurance contribution by the Collie Eagles Football Club).

Operating Expenditure by Program

2. All the programs are under budget as admin allocation, plant allocation and depreciation have not been processed for July 2020 and August 2020. These will remain outstanding until the 2019/20 Annual Report has been finalised.

Operating Income by Nature and Type

3. **Contributions and reimbursements are \$17,503 over budget mainly due to sundry governance being over budget (refer item 1).**

Operating Expenditure by Nature and Type

4. Employee cost is \$59,928 under budget as admin allocation is yet to be processed for July 2020 and August 2020.
5. **Labour Overheads is \$29,881 under budget as plant allocation, depreciation and admin allocation have not been processed for July 2020 and August 2020.**
6. Materials and contracts is \$81,501 under budget as plant allocation is yet to be processed for July 2020 and August 2020.
7. **Plant Direct cost is \$40,735 under budget as plant allocation, depreciation and admin allocation have not been processed for July 2020 and August 2020.**
8. **Utility charges are \$25,535 under budget due to the timing of payments.**
9. Depreciation is under budget as it is yet to be processed for July 2020 and August 2020.

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13. DEVELOPMENT SERVICES REPORTS

13.1 Request for Council Comment on South West Native Title Settlement – Lots 2804 & 2803 Elouera Road Collie

Reporting Department:	Development Services
Reporting Officer:	Robert Quinn – Shire Planner
Accountable Manager:	Andrew Dover – Director Development Services
Legislation	Native Title Act 1993
File Number:	CPR/018
Appendices:	Yes – Appendix 5
Voting Requirement	Simple Majority

Report Purpose: To provide response on range of questions regarding lots 2804 and 2803 Elouera Street Collie for transfer of land to Native Title from the Department of Planning, Lands and Heritage.

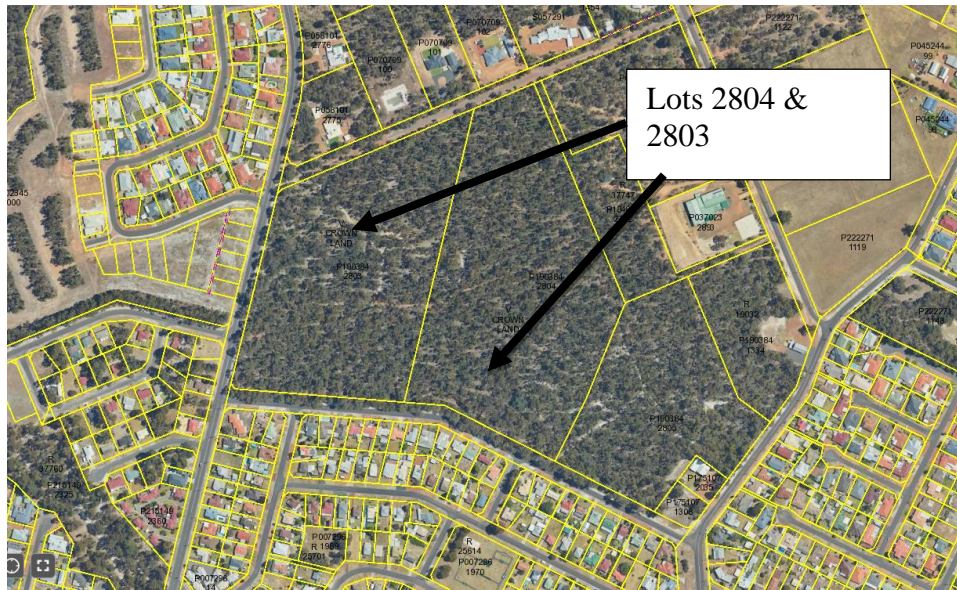
Officer's Recommendation:

That Council advise the Department of Planning Lands and Heritage the following in regard to lots 2804 and 2803 Elouera Street Collie as shown in the comments section below.

Background:

A request was made by the Department of Planning, Lands and Heritage (DPLH) for comments to a range of questions regarding lots 2804 and 2803 Elouera Street Collie. Lots 2804 and 2803 Elouera Street Collie land tenure is Unallocated Crown Land and is intended to be transferred during the Southwest Native Title Settlement to the Noongar Land Estate. See Appendix 5 These questions are shown below in the comment section with recommended answers.

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Site Plan: Lots 2804 and 2803 Elouera Street Collie

On the 2 June 2020 Council resolved (8458) the following regarding this request:

Motion #8458

That the Department of Planning Lands and Heritage be informed that Council is not in favour of transfer of the land as Council considers it a valuable and important piece of land for the future residential development of the Collie townsite.

That further information on that parcel of land on its future use and time frames provided. That staff work with Department of Lands to identify alternative parcels of land as appropriate.

Officers from the DPLH provided Council with a presentation the land transfer process on the 15 September 2020. The request is now presented to Council for their consideration and decision after being presented with further information on the land transfer process.

Statutory and Policy Implications:

None

Budget Implications:

None

Communications Requirements: (Policy No. CS 1.7)

No local consultation has occurred, State Government will undertake any consultation required.

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.

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Relevant Precedents:

None

Comment:

The following answers to the DPLH queries are provided below:

Question	Answer
Is the Shire of Collie (Shire) supportive of the transfer of this land to the Noongar People under the Settlement?	Yes
Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.	No
Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?	No
Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?	This land has been designated as Reserve in the draft Shire of Collie Local Planning Scheme No.6
Please provide any additional comments on the proposed transfer of this land as part of the Settlement.	None
Does the Shire have any interest in the land?	No
Is the land parcel subject to any mandatory connection to services?	Unknown
Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?	No
Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).	This land is subject to illegal rubbish dumping and use by unlicensed off- road vehicles.

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13.2 Authorisation to Sign and Affix the Common Seal on a Deed of Agreement between the Shire of Collie and ARC Infrastructure Pty Ltd – Indemnification for Flood Liability and Flood Loss and Creation of a Reserve for Drainage – Reserve 10519, Lot 2882

Reporting Department:	Development Services
Reporting Officer:	Robert Quinn – Shire Planner
Accountable Manager:	Andrew Dover – Director Development Services
Legislation	Local Government Act 1995
File Number:	
Appendices:	Yes – Appendix 6
Voting Requirement	Simple Majority

Report Purpose: For Council to authorise the signing and affixing the common seal on a Deed of Agreement between the Shire of Collie and ARC Infrastructure Pty Ltd which indemnifies ARC Infrastructure Pty Ltd for any Flood Loss or Flood Liability caused by the drainage basin constructed on Reserve 10519, Lot 2882 and the creation of a parcel of land for an existing drainage basin.

Officer's Recommendation:

That Council authorises the signing and affixing the common seal on a Deed of Agreement between the Shire of Collie and ARC Infrastructure Pty Ltd which indemnifies ARC Infrastructure Pty Ltd for any Flood Loss or Flood Liability caused by the drainage basin constructed on Reserve 10519, Lot 2882 and the creation of a parcel of land for an existing drainage basin.

Background:

Council at its meeting on the 8 March 2016 resolved (6990) the following:

Motion #6990

That Council adopts en bloc the recommendations contained within the minutes of the Weeds and Waterways Advisory Committee meeting held on 11 February 2016:

11.2.1 That Council endorses the Committee's Recommendation to:

1. Request that the Public Transport Authority agrees to revoke management orders for Reserve 9012 and portion of Reserve 10519

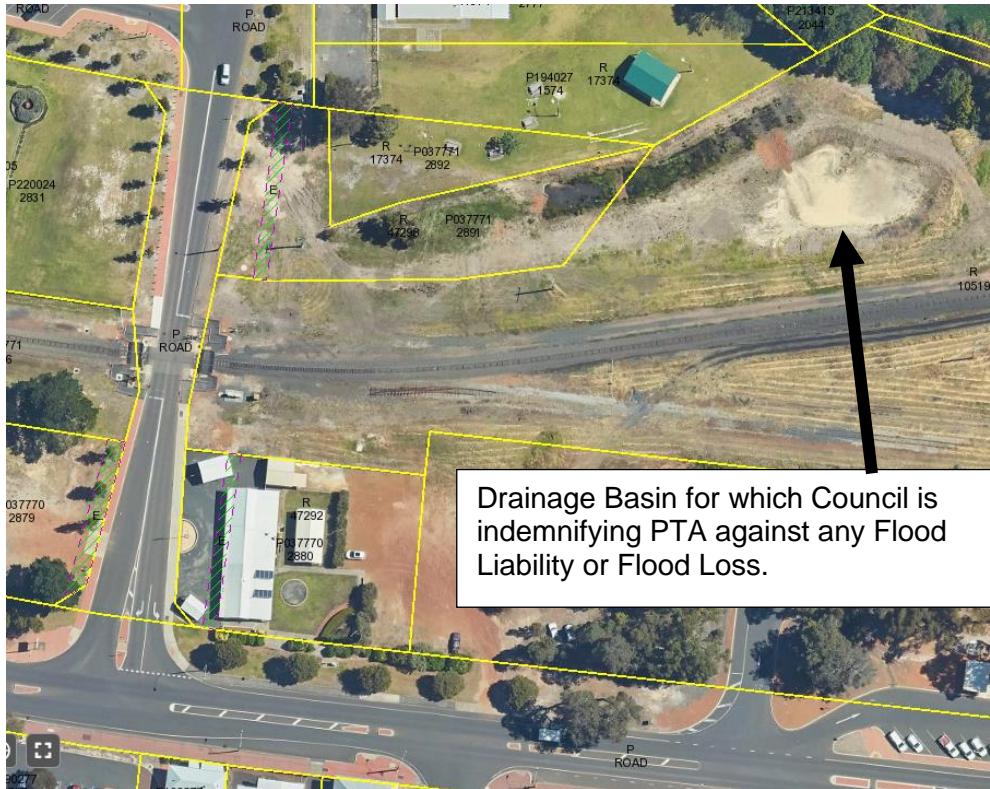
2. Once the Public Transport Authority agrees to revoke its management order in Reserve 9012 and excise portion of Reserve 10519, requests that the Department of Lands:

1. Vest or designate Reserve 9012 as 'Water' given that it forms part of the Collie River waterway, or modify the Management Order of Reserve 9012 to vest the land with the Shire of Collie

2. Excise portion of Reserve 10519 as identified on the attached plan and amalgamate this with Reserve 47298, or create a separate Reserve for Drainage vested in the Shire of Collie

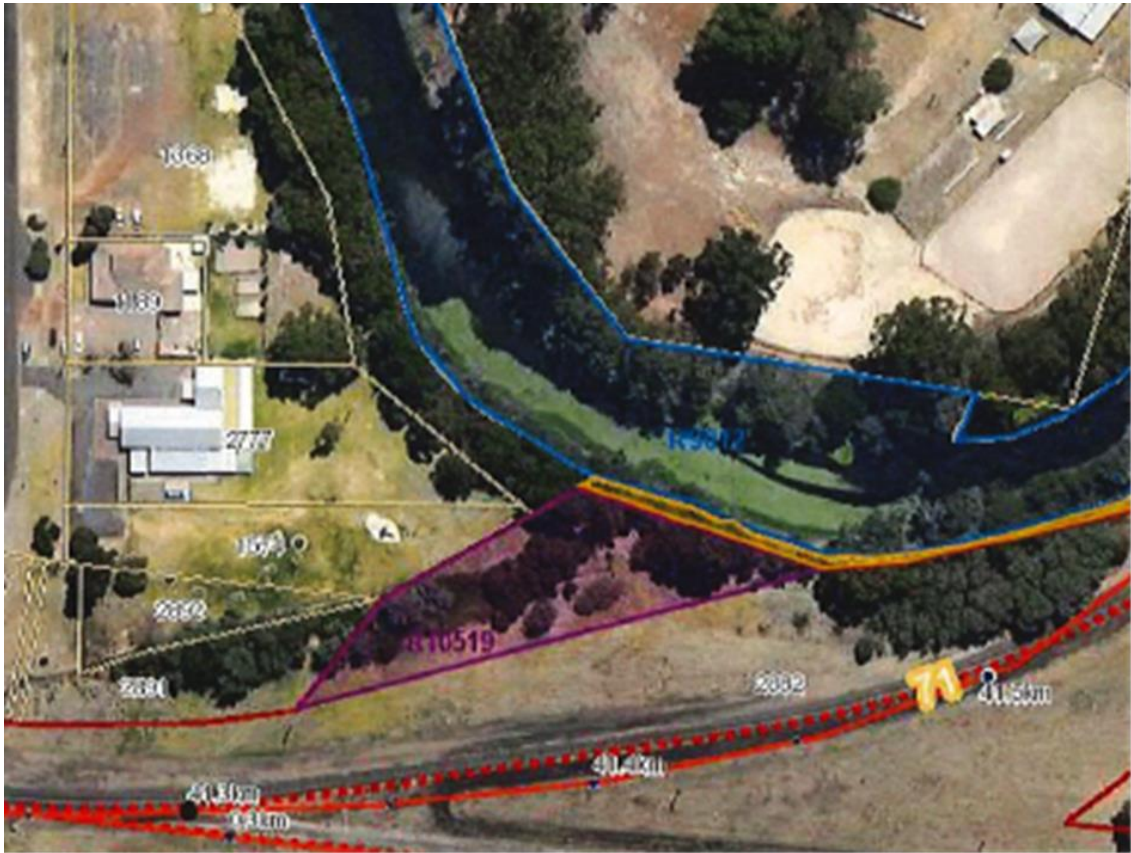
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11.2.2 That Council endorse the Committee's Recommendation to collect Long Term Plans and Allocation Plan information for the river from various organisations and present to the Committee.



Site Plan: Drainage Basin

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Site Plan: Proposed drainage reserve shaded in purple.

Statutory and Policy Implications:
None

Budget Implications:
None

Communications Requirements: (Policy No. CS 1.7)
No local consultation has occurred.

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

Comment:
This process is an administrative procedure to secure the correct land tenure for an existing drainage basin built on a rail reserve. The correct land tenure allows for Shire staff to access and maintain the existing the drainage basin. (See Appendix 6)

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The signing and affixing of the common seal will allow the creation of a Reserve for the purpose of "Drainage". The issue regarding indemnification for loss created by flooding of the drainage basin is not considered an issue as the drainage basin is down slope of the rail line and significantly lower than the rail line. The drainage basin is designed to strip nutrients and manage peak storm event rain falls.

It is recommended that Council authorise the signing and the affixing of the common sealing of the Deed of Agreement between the Shire of Collie and ARC Infrastructure Pty Ltd to progress the creation of a Reserve for Drainage for the existing drainage basin.

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13.3 Tender 05/2020 – Blackberry Control Project Management and Mapping

Reporting Department:	Development Services Department
Reporting Officer:	Andrew Dover - Director of Development Services
Accountable Manager:	Andrew Dover - Director of Development Services
Legislation	Local Government Act 1995 – Section 3.57 Local Government Function (Function & General) Regulations 1996
File Number:	
Appendices:	No
Voting Requirement	Simple Majority

Report Purpose:

For Council to consider Tender 05/2020 for the Project Management of contractors and Mapping of blackberry across the Shires of Collie, Dardanup and Donnybrook-Balingup

Officer's Recommendation:

That Council not award the tender for project management, mapping of blackberry, engagement and education of landowners/community and assistance with procurement.

Background:

The Shires of Collie, Dardanup and Donnybrook Balingup (the Shires) jointly applied for and were successful for a grant under the 'Communities Combating Pests and Weed Impacts During Drought Program - Biosecurity Management of Pests and Weeds'. The Shire of Collie is the lead Shire out of the consortium.

The grant is to 'Manage declared weeds, particularly blackberry across 3 rural Shires in WA within drought affected catchments and waterways in the South West, to assist landowners with the management of weeds and to stimulate agricultural growth'. The grant targets blackberry as the declared weed which is common between the Shires. The project has the following broad stages:

1. Agreement of the Memorandum of Understanding (MOU) between the 3 Shires;
2. Establishment of a Steering Group with staff representatives from each Shire to drive the project;
3. Engage a business (tender to be advertised and selected by the Shire of Collie):
 - o to manage the project including engagement & education of landowners/community and assist the Steering Group with procurement,
 - o map the blackberry (at initial and final stages); and

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4. Engage business(es) to mechanically remove and spray weeds.

At the Ordinary Meeting of Council on 14 July 2020, the Shire of Collie made the following resolution.

Motion # 8505 - That Council authorises the Chief Executive Officer to enter into a Memorandum of Understanding for the Provision of The Collaborative Declared Weed Management Scheme between the Shires of Collie, Dardanup and Donnybrook Balingup until 31 December 2021.

An MOU has now been agreed and signed by all parties and a Steering Group established (Stages 1 and 2 completed). A tender has been advertised for the actions in Stage 3 project management, mapping of blackberry, engagement and education of landowners/community and assistance with procurement.

Statutory and Policy Implications:

Nil

Budget Implications:

The total budget is \$945,798.25. The tender received from Leschenault Catchment Council is for \$399,948. This is higher than budgeted for these items and is recommended to be refused.

Communications Requirements: (Policy No. CS 1.7)

Officers have worked with Shires of Dardanup and Donnybrook Balingup officers to prepare the request for tender and assess the response. Engagement and consultation will occur at relevant stages of project.

Strategic Plan Implications:

GOAL 3: OUR NATURAL ENVIRONMENT

Outcome 3.1 A protected natural environment

Strategy 3.1.1 Sustainably manage bushland

Strategy 3.1.2 Support community based environmental protection initiatives

Relevant Precedents:

The Council regularly considers responses to Requests for Tenders.

Comment:

The Steering Committee made up of officers from the Shires of Collie, Dardanup and Donnybrook Balingup prepared and assessed the tenders and have provided the above recommendation.

The Request for Tender 05/2020 was advertised in both the South West Times and The West Australian and a number of companies were directly contacted to inform them of this opportunity. Tender documents were requested by seventeen (17) companies.

At the close of tenders at 2pm 17th September 2020, only one tender was received. This was from the Leschenault Catchment Council (LCC). The LCC have proposed that Tranen is the sub-consultant which will perform the mapping component of the project.

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It was considered that there would be synergies and cost saving arising from grouping the project management (including education and procurement) and mapping components of this project together. However, the feedback from the companies which did not submit tenders was that they could either manage the project or complete the mapping component but did not have the capacity to do both. The tender submitted reflects this with LCC as the lead tenderer to do the project management supported by Tranen for the mapping component.

Both LCC and Tranen are deemed suitable and qualified for the project. The tender is not ranked according to the qualitative criteria in the tender document as it is the only tender provided. The breakdown of cost as follows:

Project Management	\$180,728
Mapping (sub-consultant)	\$166,820
Operating expenses (relating to mapping)	<u>\$52,400</u>
Total	<u>\$399,948</u>

The tender price is higher than anticipated. The following issues have been identified in the assessment of the tender:

- Project management is calculated for 5 days a week for 58 weeks. This is considered to be an over allocation of hours. 2.5 days a week for this period is considered to be sufficient.
- The mapping sub-consultant allocated sufficient hours but charged an hourly rate which was considered not to represent value for money.

Therefore, the Steering Committee recommends that Council not award this tender. If this action is taken, staff will put out a Request for Quotation for the project management of the project as this is anticipated to be less than \$100,000 (as per the Purchasing Policy) and a Request for Tender for the mapping component, as this is anticipated to be greater than \$100,000 but less than the quoted price. This is anticipated to result in more tenders/quotations being submitted and consequentially greater cost savings. This action will add time to the process but is likely to save funding which can be better directed to controlling weeds within the region which represents better value for money.

Alternatively, Council may accept the tender to expedite the project and allow for more time to conduct treatment. If this approach is taken, the hours allocated for project management and therefore total project management costs could be reduced by half to \$90,364. There is no facility to negotiate an alternative hourly rate within the tender process.

Alternative Recommendation:

That Council award the tender to Leschenault Catchment Council for \$309,584 for project management, mapping of blackberry, engagement and education of landowners/community and assistance with procurement.

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14. TECHNICAL SERVICES REPORTS

14.1 Tender 3/2020 – Supply, Delivery and Placement of Bituminous Surfacing Products

Reporting Department:	Technical Services Department
Reporting Officer:	Richard Summerfield- Operations Manager
Accountable Manager:	Brett Lowcock- Executive Manager Technical Services
Legislation	Local Government Act 1995 – Section 3.57 Local Government Function (Function & General) Regulations 1996
File Number:	
Appendices:	No
Voting Requirement	Simple Majority

Report Purpose:

For Council to award Tender 3/2020 – Supply, Delivery and Placement- Bituminous Surfacing/ Asphalt for a two (2) year period.

Officer's Recommendation:

That Council accept the tender submitted by Fulton Hogan Pty Ltd, for the Supply, Delivery and Placement- Bituminous Surfacing/ Asphalt within the Shire of Collie for a period of 24 months from the date of award.

Background:

In accordance with the Tender Regulations of the Local Government Act, Council is required to call tenders for the supply of goods where the value exceeds \$100,000.00.

Tender 3/2020– Supply, Delivery and Placement- Bituminous Surfacing/ Asphalt was advertised in the West Australian and the South Western Times newspapers, and the Shire Website, and the Collie Hub on Thursday 13 August 2020. The tender covers a range of bituminous surfacing products and these include:

- 1) Hot Bitumen – Supply and Spray
- 2) Cut Back Bitumen – Supply and Spray
- 3) Emulsion – Supply and Spray
- 4) Pre-coating of Aggregate
- 5) Application of Aggregate
- 6) Supply and Lay Asphalt
- 7) Supply on Council Trucks Ex Plant

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When the tender closed on 10 September 2020, submissions were received from two (2) organisations:

- | | |
|--------------------------------------|------------------------------------------------|
| 1) Malatesta Road Paving and Hot Mix | Lot 2 South Western Highway
Bunbury WA 6230 |
| 2) Fulton Hogan Industries Pty Ltd | Lot 6 Harris Road
Bunbury WA 6230 |

Statutory and Policy Implications:

Council is obliged to call tenders in accordance with the requirements of the Tender Regulations of the Local Government Act 1995 and Local Government (Function & General) Regulations 1996 where the value of the tender exceeds \$100,000 unless the WALGA preferred option is selected.

Budget Implications:

The financial commitment for the Supply, Delivery and Placement- Bituminous Surfacing/ Asphalt is included in the relevant construction and operational budgets for the Technical Services Section.

Communications Requirements: (Policy No. CS 1.7)

Staff will notify the tenderers, as per the recommendation which is adopted by Council in accordance with Policy CS 1.7; Section 3.0.
Ratepayers are advised when roadwork's are to be carried out in their street.

Strategic Plan Implications:

The item has the following links with the Strategic Community Plan 2017-2027.

OUTCOME 4.3 – A safe and reliable transport system

Strategy 4.3.1: Maintain and further develop local roads and footpath networks.

OUTCOME 4.6 – A sustainable asset and infrastructure base.

Strategy 4.6.1: Develop and implement long-term asset management plans for all Council assets.

Relevant Precedents:

Nil

Comment:

All companies that submitted tenders have the capability, expertise and experience to carry out the requirements of the contract to the complete satisfaction of Council. Malatesta Road Paving and Hotmix is currently the contractor Council is using to supply and place bituminous surfacing products within the Shire of Collie.

There is a prerequisite under the tender document that the contract will be awarded to organisations whose tenders are assessed as offering the best value for money outcome for the Shire of Collie. Tenders are evaluated using a point scoring system with scores being awarded for each selection criteria. Each criterion is weighted to reflect its relative importance. Weighted scores are then summed to yield the total score, the higher the score indicates a more favourable pricing structure for Council.

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The criteria and results on which the tender was assessed are as follows:

Description of Qualitative Criteria	Maximum Score	Malatesta	Fulton Hogan
Demonstrated experience in completing similar projects/supply of similar goods	10%	10%	10%
Skills and experience of key personnel	10%	9%	9%
Tenderers resources	10%	8%	9%
Tendered Price	70%	64%	70%
Total Score	100%	91%	98%

Using the current works program estimate of quantities combined with the tendered rates, the following estimate of the total cost has been calculated:

Item	Malatesta	Fulton Hogan
Bitumen Spray	\$59,222	\$52,347
Aggregate	\$42,987	\$45,331
Asphalt	\$144,573	\$127,773
Total	\$238,562	\$218,431

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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 7
 - 'All Open' at Appendix 8
20. **CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC**
21. **CLOSE**