



Shire of  
**Collie**

# AGENDA

for the

## SPECIAL MEETING OF COUNCIL

to be held on

**Tuesday, 22 December 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

## **Special Meeting of Council**

commencing at **5:00pm**

will be held on

**Tuesday, 22 December 2020**

in Council Chambers at 87 Throssell Street, Collie WA,

  
\_\_\_\_\_  
Allison Fergie  
Acting Chief Executive Officer

18 December 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**

## **December 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 22 December 2020**

**Special Meeting of Council**  
5.00pm in Council Chambers

**SHIRE OF COLLIE**  
**DISCLOSURE OF FINANCIAL INTEREST AND INTERESTS AFFECTING IMPARTIALITY**

**To: Chief Executive Officer**

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

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

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

\_\_\_\_\_

Name (Please Print)SignatureDate

**NB**

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

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

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

## Local Government Act 1995 - SECT 5.23

### Meetings generally open to the public

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



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SHIRE OF COLLIE  
**AGENDA - SPECIAL MEETING OF COUNCIL**  
Tuesday, 22 December 2020

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Agenda for the Special Meeting of the Collie Shire Council to be held in Council Chambers, 87 Throssell Street Collie, on Tuesday, 22 December 2020 commencing at 5:00pm.

**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**

Nil

**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.

**7. ITEMS BROUGHT FORWARD DUE TO INTEREST BY ATTENDING PERSONS**

**8. CONFIRMATION OF THE PREVIOUS MEETINGS OF COUNCIL MINUTES**

**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

**12. CORPORATE SERVICES REPORTS**

Nil

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**13. DEVELOPMENT SERVICES REPORTS**

**13.1 Tender 06/2020 – Construction of Heritage Verandahs and Balconies from 91 – 117 Throssell Street, Collie**

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

**Report Purpose:**

For Council to consider Tender 06/2020 for the construction of heritage verandahs and balconies from 91 – 117 Throssell Street, Collie

**Officer's Recommendation:**

*That Council award the tender construction of heritage verandahs and balconies from 91 – 117 Throssell Street, Collie to Challis Builders for \$780,824.*

**Background:**

The Shire of Collie has been awarded \$1,100,000 by the State Government for the upgrade of 91 – 143 Throssell Street. This funding, combined with a 10% owner's contribution will provide a welcoming and impressive entrance to our town. This project has been inspired by the Shire's award winning renewal of the 117-115 Throssell Street facades.

The purpose of the project is to:

- Re-activate Throssell Street by upgrading building facades and reconstructing verandahs;
- Improve the aesthetic presentation of the street and buildings, particularly at the entry to town;
- Create business opportunities and encourage further private investment in Throssell Street; and
- Improve amenity for the public.

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At the Council Meeting of 14 July 2020, Council resolved the following:

Motion # 8491

*That Council:*

- 1) *welcomes the Throssell Street Facade Upgrade funding from the State;*
- 2) *notes that the project comprises funding towards the upgrade of facades on 89-123, 135 and 143 Throssell Street, Collie on a 90/10 basis, with 10% contribution by the owner(s);*
- 3) *waives all Council fees associated with this project;*
- 4) *provides traffic management for the project from internal resources;*
- 5) *authorises the Chief Executive Officer to enter into heritage agreements and payment arrangements with respective owners. If there is a default or an amount is unpaid, this will become a charge against the land;*
- 6) *increases the Purchase Value Threshold for the requirement of tenders from \$100,000 to \$250,000 for this project only; and*
- 7) *requires any expenditure over \$100,000 to be reported to Council at the first opportunity.*

The concept, detailed design, engineering specifications, quantity surveying have been largely completed. A contract for the project management has been awarded. Contracts for the upgrades of the heritage verandahs and balconies from 119 – 141 Throssell Street have been awarded to a local builder with the quotation process for 143 Throssell Street pending on the final budget available following the award of this tender.

**Statutory and Policy Implications:**

The Shire originally requested quotations for the construction of these verandahs and balconies, however successful quotations would have been above the \$250,000 statutory limit. As such, a tender process was initiated.

**Budget Implications:**

The total budget is \$1,200,000. The tender received from Challis Builders is for \$780,824. This combined with the other awarded tenders is within budget.

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

Engagement has been carried out with the landowners and tenants by the Project Manager. Communication with the community has included an initial press release as well as presentation at the Townscape Forum. A further press release will be issued in the new year.

**Strategic Plan Implications:**

Goal 2: Our Economy

*Outcome 2.2 A strong business and services sector*

*Strategy 2.2.2 Work with the Collie Chamber of Commerce and Industry to promote improved retail facilities and encourage local shopping*

Goal 4: Our Built Environment

*Outcome 4.1 Appropriate land use, development and heritage conservation*

*Strategy 4.1.3 Identify urban renewal opportunities*

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*Strategy 4.1.4 Support and promote the conservation and maintenance of heritage buildings, sites and places of interest*

*Outcome 4.2 Attractive townscales and streetscapes*

*Strategy 4.2.1 Manage and maintain infrastructure in the Central Business District and support vibrant services and retail shopping*

*Strategy 4.2.3 Upgrade and maintain the approaches to Collie*

**Relevant Precedents:**

The Council regularly considers responses to Requests for Tenders.

**Comment:**

An assessment panel made up of the Project Manager, Architect and officers from the Shire of Collie, South West Development Commission and Department of Primary Industries and Regional Development have assessed the tenders and have provided the above recommendation.

The Request for Tender 06/2020 was advertised in the West Australian and a number of companies were directly contacted to inform them directly that they could request the tender documents. This includes all local builders and all those that enquired regarding the project at the request for quotation stage. Tender documents were requested by thirteen (13) companies. At the close of tenders on 16 December 2020, three (3) tenders were received. These were from Challis Builders, Smith Constructions and BGC.

A review of all tender submissions confirmed that they are all compliant, although Smith Constructions have included a number of written clarifications with their submission. Smith Constructions have indicated that they do not want to be awarded piece-meal from the RFT package, and their tender submission is made on the basis that they were awarded a minimum of three (3) consecutive facades.

Each tender submission has submitted information relating to relevant experience and demonstrated understanding. Challis Builders submitted multiple projects demonstrating similar style work (including previous verandah reconstruction on Throssell Street) and projects of similar construction methodology and contract value. Smith Constructions have submitted examples of a number of relevant projects including heritage verandah projects in Bunbury and Albany which demonstrate their ability to undertake similar work. BGC have submitted examples of large new build projects up to \$21M in value demonstrating their experience in large and complex projects, but only make general reference to smaller heritage and building upgrade projects they have undertaken throughout the regions. It is considered by the panel that all tenders can satisfactorily complete this work.

Both Smith Constructions and Challis Builders provided a program of works which gave completion dates of the end of July and April respectively. A completion date of the end of April is confirmed to be acceptable by the Department of Primary Industries and Regional Development as a variation to the grant agreement on the basis that progressive milestones for the completion of construction as per Challis' program of works is achieved.

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The lowest conforming tender price submitted for the project was by Challis Builders who have submitted a total price of \$780,824 with the other tender prices being \$1,163,600 and \$1,937,378. A review of the Tender Breakdown indicates that the tender by Challis Builders bears a close correlation with the earlier pre-tender estimates and budget figures.

Challis Builders are based in Bunbury while the other builders are based in Perth, have the lowest tender price, have the relevant experience and demonstrated understanding of the project. In addition, the Shire of Collie has worked closely and successfully with Challis Builders in the past in the construction of the Golden Eagle balcony at 117 Throssell Street. As a result, it is recommended that Challis Builders are awarded this tender.

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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**

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

21. **CLOSE**