



Shire of
Collie

AGENDA

for the

SPECIAL MEETING OF COUNCIL

to be held on

Tuesday, 22 October 2019

commencing at 5.30pm.

**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.

NOTICE OF MEETING

Please be advised that meeting of the


Special Meeting of Council

commencing at **5.30pm**

will be held on

Tuesday, 22 October 2019

in Council Chambers at 87 Throssell Street, Collie WA,



David Blurton
Chief Executive Officer

18 October 2019

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 2019

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 October 2019

Ordinary Meeting of Council
7.00pm in Council Chambers

SHIRE OF COLLIE
DISCLOSURE OF FINANCIAL INTEREST AND INTERESTS AFFECTING IMPARTIALITY

To: Chief Executive Officer

As required by section 5.65(1)(a) or 5.70 of the Local Government Act 1995 and Council's Code of Conduct, I hereby declare my interest in the following matter/s included on the Agenda paper for the Special Council meeting to be held on 22 October 2019.

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)	Signature	Date
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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/Committee 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 OCTOBER 2019

Agenda for the Special Meeting of the Collie Shire Council to be held in Council Chambers, 87 Throssell Street Collie, on Tuesday October 22, 2019 commencing at 5.30pm.

**** PRIOR TO THE OFFICIAL OPENING NEWLY ELECTED MEMBERS MAKE DECLARATIONS TO OFFICE AS REQUIRED BY THE LOCAL GOVERNMENT ACT 1995 (s2.29).**

Mr David Henderson JP will be present to witness the declaration by each newly elected Councillor. The declaration (attached at Appendix 1) must be completed and signed by each newly elected Councillor.

1. OPENING – CHIEF EXECUTIVE OFFICER

2. ELECTION OF SHIRE PRESIDENT

The Local Government Act 1995 (Sections 2.11 and 2.15 and Schedules 2.3 and 4.1) outlines procedures for the election process for the Shire President and Deputy Shire President. In each case, the following procedures have to be adhered to: -

1. The election for the Shire President is conducted by the Chief Executive Officer
The election for the Deputy Shire President is conducted by the (newly elected) Shire President,
2. Nominations for Shire President and Deputy Shire President must be given **IN WRITING** –
 - i) nomination for Shire President must be given in writing to the Chief Executive Officer. Nomination forms can be found at Appendix 2.
 - ii) nominations for Deputy Shire President must be given in writing to the Shire President. Nominations forms can be found at Appendix 2.
3. If a Councillor is nominated by another Councillor the Chief Executive Officer or Shire President (as the case may be) is NOT to accept the nomination unless the nominee has advised the Chief Executive Officer or Shire President orally or in writing that he or she is willing to be nominated for the office,
4. Councillors are to vote on the nominations by secret ballot just as they would at any Council election (formal ballot papers will be provided at the meeting). Councillors who have accepted nomination are entitled to cast a vote just the same as those Councillors not nominated,
5. Votes are counted by the Chief Executive Officer on a “first-past-the-post” basis and the candidate with the highest number of votes is declared elected.
6. If there is an equality of votes, the meeting is adjourned for a period of not more than 7 days,
7. During the 7-day period up until the adjourned meeting resumes, existing candidates may withdraw their nominations or new nominations can be made

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(provisions still apply in relation to written nominations and willingness to accept nomination where the nominee is not the nominating person),

8. Upon resumption of the adjourned meeting, Councillors all vote for a second time and if there is a clear winner, that person is declared elected,
9. If upon the second count there is still an equality of votes, the Chief Executive Officer is to draw lots to ascertain a winner.

NOMINATIONS FOR THE POSITION OF SHIRE PRESIDENT ARE TAKEN BY THE CEO.

Please note that nomination forms are attached to the agenda at Appendix 2. Councillors are asked to complete them and pass them on to the CEO.

COUNCIL POLICY RELATING TO NOMINATIONS FOR THE POSITIONS OF SHIRE PRESIDENT AND DEPUTY SHIRE PRESIDENT:

The following Council Policy (No 1.7) relates to the election of Shire President and Deputy Shire President -

That when the elections of the Shire President and Deputy Shire President are undertaken, speeches of nomination and acceptance may be made and that the Chief Executive Officer or whoever acts as Returning Officer draws to the attention of the Councillor nominating and the Councillor accepting nomination the opportunity for each to state their reasons of nomination or acceptance.

At the completion of the election process for the Shire President, the newly elected Shire President takes the Chair.

3. ELECTION OF DEPUTY SHIRE PRESIDENT

The same Council Policy applies for the position of Deputy Shire President, as does the method of nomination and counting of votes except that the newly elected Shire President will take the Chair for the process.

Councillors are again asked to use the nomination forms - attached to the agenda at Appendix 2.

4. DRAW FOR COUNCILLORS POSITIONS AT THE COUNCIL TABLE

The CEO will conduct a draw for Councillors positions at the Council table commencing from the seat closest to the Chief Executive Officer and working clockwise around the Council table. Names will be drawn randomly, and Councillors will take their places according to each successive name drawn.

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5. ATTENDANCE/APOLOGIES & LEAVE OF ABSENCE

- 5.1 Councillors granted leave of absence at previous meeting/s.
- 5.2 Councillors requesting Leave of Absence for future Ordinary Meetings of Council.
- 5.3 Councillors who are applying for Leave of the Absence for this Special Meeting of Council.

6. 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).

7. 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.

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8. **CEO REPORTS**

8.1 **Appointment of Council Committees, Panels & Delegates**

Reporting Department:	Chief Executive Office
Reporting Officer:	David Blurton –Chief Executive Officer
Accountable Manager:	N/A
Legislation	Local Government Act 1995
File Number:	
Appendices:	Yes
Voting Requirement	Simple Majority

Report Purpose:

For the Council to appoint members to its Committees and Panels, and as delegates to various groups & associations.

Officer's Recommendation:

Contained within the body of this report.

Background:

All Committees are established under provisions of Sections 5.8 to 5.18 of the Local Government Act 1995.

Council is able to establish Committees of 3 or more by **ABSOLUTE MAJORITY** vote of the Council (all Committees whether new or re-established ones must be "created" by absolute majority) and Committees may comprise: -

- a) Councillors only,
- b) Councillors and employees,
- c) Councillors, employees and other persons,
- d) Councillors and other persons,
- e) Employees and other persons,
- f) Other persons only

When creating Committees of (a) and/or (b) type above, the Committees are to have as its members -

- i) persons appointed by **ABSOLUTE MAJORITY** of the Council,
- ii) the Shire President if he/she advises the Council at the time of appointment of the Committee his/her wish to be a member of the Committee,
- iii) the Chief Executive Officer or his representative if at the time of appointing the Committee the Council decides that it wants to have employees as members of the Committee, and it is the Chief Executive Officer's wish to be a member of the Committee.

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At any given time each Councillor is entitled to be a member of at least one Committee of the (a) and (b) type mentioned above and if a Councillor nominates him/herself to be a member of such a committee or committees, the Council is to appoint that Councillor to at least one of the Committees as the Council decides.

At its meeting held 1 October 2019 Council resolved the following in relation to the formation of its Committees and panels.

8265

Council Decision:

Moved: Cr Stanley

Seconded: Cr Woods

That Council in accordance with provisions of Section 5.8 and 7.1A of the Local Government Act 1995 establishes the following committees by Absolute Majority effective from the formation of the new Council:

- **Audit Committee**
- **Bushfires Advisory Committee**
- **CEO Review Committee**
- **Local Emergency Management Advisory Committee**
- **Policy Review Committee**

That Council establish the following panels and network effective from the formation of the new Council:

- **Access and Inclusion Network**
- **Communications Panel**
- **Economic Development Panel**
- **House Panel (includes Australia Day, but not limited to)**
- **Plant Panel**
- **Sports Panel (includes SPOTY, but not limited to)**
- **Trails Panel**

That broad community engagement sessions (open to any interested members of the community) are conducted on an as needs basis, but at a minimum of once per year for the following:

- **Community safety and well being**
- **Education**
- **Youth**
- **Town and streetscape**
- **Environment, Weeds and waterways**

That Council staff investigate the formation of a Biosecurity group in the Collie Catchment for the management of invasive weed species.

CARRIED 9/0

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Statutory and Policy Implications:

WA Local Government Act (1995)

Budget Implications:

N/A

Communications Requirements: (Policy No. CS 1.7)

N/A

Strategic Plan Implications:

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

Relevant Precedents:

The Council's Committees were most recently established in 2017 following the local government elections.

Comment:

Terms of References for Council Committees are attached at Appendix 3 and each committee / panel is itemised below for the consideration of the Council.

8.1.1. Audit Committee

Committee has terms of reference: Yes

Meeting Frequency: Currently meeting on an as required basis (usually 4-5 times per year)

Staff Comment: This committee is required by legislation (section 7.1A) and the Act specifically excludes the CEO and other staff from being a voting member. A minimum of three 3 members are required on the committee, the majority are to be Council members.

Recommendation:

That Council In accordance with provisions of Section 5.10(1)(a) of the Local Government Act 1995 appoints by name three (3) Councillors who are to comprise the Audit Committee (names to be stated).

8.1.2. Access & Inclusion Network

Network has terms of reference: Access and Inclusion network terms of reference to be adopted, however the previous committee terms of reference included for the benefit of new Councillors.

Meeting Frequency: Currently meeting every six weeks.

Recommendation:

That Council appoint the following persons to the Access and Inclusion Network:-

- ***Two (2) Councillors (names to be stated);***

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- *Director of Corporate Services (or their nominated representative);*
- *Director of Development Services (or their nominated representative);*
- *Director of Technical Services (or their nominated representative);*
- *Representatives and/or advocates for different disability groups and organisations;*
- *Local community members.*

8.1.3. Bush Fires Advisory Committee

Committee has terms of reference: Yes

Meeting Frequency: Currently meeting on an as required basis, no less than 3 times per year.

Recommendation:

That Council in accordance with provisions of Section 5.10(1)(a) of the Local Government Act 1995 resolves that the Bush Fire Advisory Committee shall have as its Members;

- *at least one (1) Councillor (name to be stated);*
- *the Chief Bush Fire Control Officer;*
- *representative of each volunteer bush fire brigade;*
- *a representative of Collie Volunteer Fire and Rescue;*
- *Director of Development Services (or nominee);*
- *Community Emergency Services Manager;*
- *Senior Ranger (or nominee);*

Other representatives from state government agencies whose responsibility include bushfire and emergency management and should include as a minimum a representative of the Department of Fire and Emergency Services, Department of Biodiversity, Conservation and Attractions.

8.1.4. CEO Review Committee

Committee has terms of reference: Yes

Meeting Frequency: Currently meeting at least once annually

Recommendation:

That Council, in accordance with provisions of Section 5.10(1)(a) of the Local Government Act 1995 resolves that the CEO Review Committee shall have as its Members at least three (3) Councillors (names to be stated).

8.1.5. Communications Panel

Committee has terms of reference: No

Meeting Frequency: Currently meeting on an as required basis.

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Staff Comment: The Communications panel was formed following the 2017 elections to consider how the Council could engage more effectively with the Collie community. This included a review of engagement techniques including traditional mediums as well as social medial and online surveys. It also met on an ad hoc basis to consider how best to communicate potentially controversial decisions.

Recommendation:

That Council appoint the following persons to the Communications Panel:-

- ***the Shire President***
- ***the Chief Executive Officer***
- ***Councillors (names to be stated)***
- ***Staff as required.***

8.1.6. Economic Development Panel

Panel has terms of reference: Yes

Meeting Frequency: Currently meeting every six weeks.

Recommendation:

That Council appoint the follow persons to the Economic Development Panel;

- ***the Shire President***
- ***the Chief Executive Officer***
- ***up to two (2) other Councillors (names to be stated)***
- ***one (1) member from Collie Chamber of Commerce and Industry***
- ***one (1) member from South West Development Commission***
- ***Other persons considered appropriate***

8.1.7. House Panel (includes Australia Day, but not limited to)

Panel has terms of reference: No

Meeting Frequency: Currently meeting on an as required basis

Staff Comment: The house panel typically focuses on Council functions and celebrations including civic receptions and the Australia Day function.

Recommendation:

That Council appoint the following persons to the House Panel:-

- ***Three Councillors (names to be stated)***
- ***the Chief Executive Officer's Personal Assistant as required***
- ***the Community Development Officer as required***
- ***a representative from the Lions Club of Collie as required***
- ***past winners of the Collie Citizen of the Year as required***

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8.1.8. Local Emergency Management Committee

Committee has terms of reference: Yes - As specified by State Emergency Management Committee Policy.

Meeting Frequency: Meetings are recommended to be held four times per year. Additional meetings can be called at short notice and during times of emergencies or when threat is imminent.

Staff Comment: This committee is required to be established under section 38 of Emergency Management Act 2005.

Recommendation:

That Council In accordance with State Emergency Management Policy 2.5 resolves that the Local Emergency Management Committee is to consist of Council members, employees and other persons;

1. In accordance with Section 38 (3) of the Emergency Management Act 2005 appoints Councillor _____ as Chairman of the Local Emergency Management Committee;

2. Resolves that the Committee shall have as its members:

- the Community Emergency Services Manager;*
- the Chief Bush Fire Control Officer for the Shire of Collie;*
- State Emergency Services Local Manager;*
- The Chief Executive Officer of the Shire of Collie (or nominee)*
- Director of Development Services, Shire of Collie*
- The Recovery Coordinator, Shire of Collie*
- representatives from state government agencies whose responsibility include bushfire and emergency management and should include as a minimum a representative of the Department of Fire and Emergency Services, the Officer in Charge of Collie Police, the Department of Biodiversity, Conservation and Attractions.*
- Representatives from local industry, lifeline organisations and health services.*

8.1.9. Plant Panel

Panel has terms of reference: Plant Committee terms of reference to be adapted.

Meeting Frequency: Currently meeting on an as required basis, approximately 3-4 times per year.

Recommendation:

That Council appoint the following persons to the Plant Panel;

- Three (3) Councillors (names to be stated);*
- Director of Technical Services;*
- Other staff considered appropriate by the CEO.*

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8.1.10. Policy Review Committee

Committee has terms of reference: Yes

Meeting Frequency: Currently meeting on an as required basis, approximately 3-4 times per year.

Recommendation:

That Council by In accordance with provisions of Section 5.10(1)(a) of the Local Government Act 1995 resolves that the Policy Committee shall have as its Members four (4) Councillors (names to be stated).

8.1.11. Sports Panel (includes SPOTY, but not limited to)

Panel has terms of reference: No

Meeting Frequency: Currently meeting on an as required basis, approximately 3-4 times per year.

Recommendation:

That Council appoints the following persons to the Sports Panel:-

- *Two (2) Councillors (names to be stated)*
- *the Community Development Officer as required*
- *SPOTY panel members previously appointed by Council as required*

8.1.12. Trails Panel

Panel has terms of reference: Trails Advisory Committee terms of reference to be adopted.

Meeting Frequency: Currently meeting on an as required basis

Recommendation:

That Council appoint the following persons to the Trails Panel;

- *two (2) Councillors (names to be stated),*
- *Director of Development Services (or nominee)*
- *Representative of the local indigenous community;*
- *Representative of the Department of Sport and Recreation;*
- *Representative of the Department of Biodiversity, Conservation, and Attractions;*
- *Representative of the Collie Visitor Centre;*
- *Representative of local stakeholder organisations/groups;*

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9. COUNCIL REPRESENTATIVES / DELEGATES

In addition to Council Committee's the Council holds positions on a variety of committee's & groups which emanate from other organisations. There are a number of Committees listed which have a recommendation not to appoint a representative. This recommendation is being made as the staff is of the belief that the Committee is either in recess or has been disbanded.

9.1 Bunbury Geographe Economic Alliance

Purpose: To facilitate the economic development and promotion of the Bunbury-Geographe Region.

Meeting frequency: Meetings held monthly

Recommendation:

That Council appoints the Shire President as Council's Delegate and another Councillor (name to be stated) as the Shire President's Deputy to the Bunbury Geographe Economic Alliance.

9.2 Collie Chamber of Commerce & Industry

Purpose: The Chamber's prime function is to advance the business, commercial and industrial interests of the area, and support the local community. It is a lobby group to present and defend the views of the business community to Government; Local, State and Federal, as well as other authorities and organisations.

Meeting frequency: When determined necessary in accordance with constitution.

Recommendation:

That Council appoints 1 Councillor (name to be stated) as Council's Delegate on the Collie Chamber of Commerce and Industry board of management

9.3 Collie River Valley Marketing Inc.

Purpose: To Strengthen the image and attraction of the Collie River Valley for long term growth.

Meeting frequency: Meetings held on the last Thursday of each month at 9.00am.

Recommendation:

That Council appoints 1 Councillor (name to be stated) as Council's Delegate and the Director of Corporate Services to Collie River Valley Marketing Inc.

9.4 Collie Visitor Centre

Purpose: To assist visitors in making the most of their time in Collie.

Meeting frequency: 2nd Monday of each Month.

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Recommendation:

That Council appoints 1 Councillor (name to be stated) as Council's Delegate to the Collie Visitor Centre and a further Councillor (name to be stated) as the Delegate's Deputy.

9.5 Motoring Southwest

Purpose: Assist in the Management of the Collie Motorplex

Meeting frequency: Monthly

Recommendation:

That Council appoints 1 Councillor (to be named) as the Shire's Delegate and 1 Councillor/Staff member (to be named) as the Delegate's Deputy to Motoring South West board of management.

9.6 South West Zone of WA Local Government Association

Purpose: Provides advice to, and identifies issues for consideration of, the WA Local Government Association

Meeting frequency: Meetings held quarterly.

Recommendation:

That Council appoints the Shire President as Council's Delegate, and the Deputy Shire President as the Shire President's Deputy, to the South West Zone of the Local Government Association.

9.7 Regional Road Group

Purpose: RRGs are important in providing Local Government with a voice in how the State Government's contribution to local roads is spent. Regional Road Group members serve a vital and valuable role in ensuring that road funding decisions maximise community benefits and preserve and improve the road system across Western Australia.

Meeting frequency: Meetings held quarterly.

Recommendation:

That Council appoints 1 Councillor Shire (to be named) as Council's Delegate, to the South West Regional Road Group Committee.

9.8 Development Assessment Panel Representatives

Purpose: Council is required to appoint two representatives and two alternative representatives to a Development Assessment Panel which considers Development applications in Collie with a value greater than \$10 million in value. Each Joint

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Development Assessment Panel has a total of five members, comprising three specialist members (from the WA Planning Commission), one being the presiding member, and two local government members.

Meeting frequency: as needs basis.

Recommendation:

That Council appoints two (2) Councillors (to be named) and two (2) alternative Councillors as Council's representatives on the Joint Development Assessment Panel.

9.9 Bunbury Wellington Sub Regional Strategy Steering Group

Purpose: The Bunbury-Wellington Sub-Regional Strategy group is overseen by the WA Department of Planning and its role is to oversee the development of the regional planning strategy for the Bunbury Wellington Region. Meetings are anticipated to take place twice per year and are normally held in Bunbury.

Recommendation:

That Council appoints one Councillor (to be named) and one Councillor as a proxy to represent the Shire of Collie on the Bunbury-Wellington Sub-Regional Strategy Steering Group.

10. CLOSE