



Shire of
Collie

AGENDA

for the

ORDINARY MEETING OF COUNCIL

to be held on

Tuesday, 13 July 2021

**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, 13 July 2021

in Council Chambers at 87 Throssell Street, Collie WA,

Stuart Devenish
Chief Executive Officer

9 July 2021

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

July 2021

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 13 July 2021

Ordinary Meeting of Council

7.00pm in Council Chambers

Thursday 5 August 2021

Community Safety and Wellbeing 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)
Signature
Date

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, 13 July 2021

Agenda for the Ordinary Meeting of the Collie Shire Council to be held in Council Chambers, 87 Throssell Street Collie, on Tuesday, 13 July 2021 commencing at 7:00pm.

1. OPENING/ATTENDANCE/APOLOGIES & LEAVE OF ABSENCE

- 1.1 Councillors granted Leave of Absence at previous meeting/s.
- 1.2 Councillors requesting Leave of Absence for future Ordinary Meetings of Council.
- 1.3 Councillors who are applying for Leave of the Absence for this Ordinary Meeting of Council.

2. PUBLIC QUESTION TIME

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

Council Consideration towards the Public:

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

3. RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. DISCLOSURE OF FINANCIAL INTEREST

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

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

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

5. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

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

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6. NOTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

Councillors may disclose at this point any matters which they wish to have discussed 'behind closed doors' ie the meeting is closed to members of the public. Section 5.23 of the *Local Government Act 1995* applies and the meeting may only go behind closed doors for matters expressly prescribed in the Act - see section of the Act appended immediately after the Disclosure of Financial Interest form.

Any decision (of the meeting) to close the meeting or part of the meeting and the reasons for the decision are to be recorded in the Minutes of the meeting.

- There is one item for which the meeting may be closed to the public.

7. ITEMS BROUGHT FORWARD DUE TO INTEREST BY ATTENDING PERSONS

8. CONFIRMATION OF THE PREVIOUS MEETINGS OF COUNCIL MINUTES

Recommendation:

That Council confirms the Minutes of the Special Meeting of Council held on 29 June 2021.

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

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11. CEO REPORTS

11.1 Just Transition Working Group – Memorandum of Understanding

Reporting Department:	Chief Executive Office
Reporting Officer:	Stuart Devenish – Chief Executive Officer
Accountable Manager:	Stuart Devenish – Chief Executive Officer
Legislation	<i>Local Government Act 1995</i>
File Number:	EDV/078
Appendices:	Appendix 1 - Just Transition Plan Overview and Appendix 2 - Memorandum of Understanding
Voting Requirement	Simple Majority

Report Purpose:

To note the achievement of a Memorandum of Understanding between local industry, community, unions and government stakeholders to achieve a sustainable and positive future for Collie, its workforce and community.

Officer's Recommendation:

That Council note the establishment of a Memorandum of Understanding for the achievement of Just Transition Plan objectives for Collie.

Background:

On 15 December 2020, Council resolved to support the State Government's collaborative approach to the economic transformation and diversification of Collie, and supporting workers impacted by a shift away from dependence on coal and coal-fired energy production.

For reference, a copy of the Just Transition Plan overview is attached.

Statutory and Policy Implications:

N/A

Budget Implications:

Nil

Communications Requirements: (Policy No. CS 1.7)

N/A

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Strategic Community Plan/Corporate Business Plan Implications:

Goal 1: Our Community – A vibrant, supportive and safe community

Outcome 1.4: A growing community

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

Outcome 2.1 – Local industrial development and diversification

Outcome 2.2 – A strong business and services sector

Outcome 2.3 – A growing tourism industry

Relevant Precedents:

N/A

Comment:

Since inception of the Plan last year, the Just Transition Working Group, along with four sub-groups (each addressing a focus area) has been regularly meeting to progress the initiatives aimed at:

1. Maximising opportunities for affected workers;
2. Diversifying the local economy;
3. Celebrating Collie's history and promoting its future; and
4. Committing to a 'Just Transition'.

The Shire is represented on Working Groups by the Shire President, with the Chief Executive Officer attending in an observing capacity.

The success of the Plan relies on collaboration between local industry, community, unions and government stakeholders. To this end, the Working Group has formalised its understanding and commitment to responsibilities through a memorandum. Although non-binding, the memorandum sets out the guiding principles necessary to deliver the long-term outcomes of the Just Transition Plan.

On 22 June 2021, the Working Group members reached agreement on the terms of the Memorandum of Understanding as attached with signatories listed.

The document is an important milestone in the progress toward a sustainable and positive future for Collie, its workforce and community.

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12. CORPORATE SERVICES REPORTS

12.1 Accounts Paid –May 2021

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

Report Purpose:

To present the accounts paid during the months of May 2021.

Officer's Recommendation:

That Council accepts the Accounts as presented in Appendix 3 being vouchers 41790-41794 totalling \$853.60 and direct payments totalling \$543,991.37 authorised and paid in May 2021.

Background:

In accordance with clause 12 of the *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 *Financial Management Regulations 1996* to be adhered to with a list of accounts for approval to be presented to the Council each month.

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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	\$2,731.65	\$1,427,307.11	\$1,430,038.76
October	\$518.40	\$793,924.60	\$794,443.00
November	\$3,916.20	\$584,125.81	\$588,042.01
December	\$1,358.10	\$949,468.96	\$950,827.06
January	\$32.25	\$818,804.38	\$818,836.63
February	\$134.98	\$755,597.58	\$755,732.66
March	\$16,728.00	\$989,064.97	\$1,005,792.97
April	\$862.60	\$772,971.99	\$773,834.59
May	\$853.60	\$543,991.37	\$544,844.97
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 shall be presented to Council within two months. 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 – May 2021

Reporting Department:	Corporate Services
Reporting Officer:	Hasreen Mandry – Finance Manager
Accountable Manager:	Allison Fergie – Director of Corporate Services
Legislation:	<i>Local Government Act 1995 & Financial Management Regulations 1996</i>
File Number:	FIN/024
Appendices:	Appendix 4 – Financial Report, May 2021
Voting Requirement	Simple Majority

Report Purpose:

This report provides a summary of the Financial Position for the Shire of Collie for the month ending May 2021.

Officers Recommendation:

That Council accept the Financial Report for May 2021 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:

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. The budget comparison figures used in this report is the estimated year to date (YTD) budget.

If Councillors wish to discuss the report contents or any other matters relating to this, please contact Council Finance staff prior to the meeting.

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12.3 Alexander Collie letters and sketch

Reporting Department:	Corporate Services
Reporting Officer:	Allison Fergie – Director Corporate Services
Accountable Manager:	Allison Fergie – Director Corporate Services
Legislation	<i>WA Local Government Act 1995</i>
File Number:	INF/040
Appendices:	Appendix 5 – Correspondence from RWAHS
Voting Requirement	Simple Majority

Report Purpose:

For Council to consider a request from the Royal Western Australian Historical Society regarding letters and a sketch by Alexander Collie.

Officer's Recommendation:

That Council authorise the Royal Western Australian Historical Society to accession the two letters and sketch by Alexander Collie into their collection subject to the Society;

- 1. Providing the Shire of Collie with high quality digital images of the items;*
- 2. Advising the Shire of Collie when the items will be on public display and invite a representative to attend on those occasions; and*
- 3. Loaning them back to the Shire of Collie upon request for significant occasions.*

Background:

The Curator at the Royal Western Australian Historical Society (RWAHS) has written to the Shire of Collie to advise that two letters written by Alexander Collie and a sketch by Alexander Collie of an Aboriginal man dated 1830 are currently in the possession of the RWAHS (see Appendix 5). Staff at the RWAHS have pieced together the story behind the items. Following Alexander Collie's death, his possessions were sent to his brothers in Scotland. Around 1929, one of Collie's descendants sent some of Collie's items to the Chancellor of the University of Western Australia for a centenary exhibition. The collection was then dispersed, and it appears that the letters and sketch were given to the Shire of Collie. During the 1930s, they were loaned to the RWAHS which has letters on file from the Shire requesting the return of these items and stating that someone would collect them, however it is not known why this did not occur. There is also a newspaper article from the 1950s reporting that the Shire had discovered that the two letters were at RWAHS, but the article did not imply that the Shire wanted the items returned.

In the meantime, the RWAHS has sent the items for conservation and have plans to display them in the next few months and would like to clear up the question of their ownership prior to display to the public.

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The Curator of the RWAHS has written to the Shire saying:

'We would be thrilled to accession in them into our collection if you would be willing to transfer them to us on a permanent basis. We feel that we are in the position to provide good storage conditions for these items to ensure their long-term preservation. We would be willing of course to loan them back to the Shire should you wish to borrow them for any occasion. Alternatively, if the Shire should wish to reclaim the items, we would like to request for them to be loaned to us for exhibition purposes.'

Statutory and Policy Implications:

N/A

Budget Implications:

Nil

Communications Requirements: (Policy No. CS 1.7)

N/A

Strategic Community Plan/Corporate Business Plan Implications:

Nil

Relevant Precedents:

Nil

Comment:

The items in question are approaching 200 years old and fragile, and the RWAHS has invested in the items by having them sent for conservation. The RWAHS is able to offer specialist storage and handling in an appropriate environment that has kept the items safe for approximately 90 years.

Given the importance of the items to Collie, particularly with the 125-year celebration of Collie approaching, it would be desirable to have the capacity to have the items on loan for display in Collie on significant occasions.

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12.4 Change of purpose and agreement to lease portion of R19242

Reporting Department:	Corporate Services
Reporting Officer:	Allison Fergie – Director Corporate Services
Accountable Manager:	Allison Fergie – Director Corporate Services
Legislation	<i>WA Local Government Act 1995</i>
File Number:	R19242
Appendices:	Appendix 6 - Correspondence from proponent
Voting Requirement	Simple Majority

Report Purpose:

For Council to consider authorising staff to apply for a change of purpose for R19242 and a request to lease a portion of R19242 for tourism purposes.

Officer's Recommendation:

That Council resolve to:

- 1. Authorise staff to apply to the Minister for Lands, for a change of purpose of R19242 from 'Recreation' to 'Recreation and Tourism' purposes; and*
- 2. Lease portion of R19242 to Ferguson Gate Pty Ltd subject to the following conditions:*
 - a) Approval from the Minister for Lands as referred to in 1 above;*
 - b) No objections being received to the lease of the land arising from the public notice requirements of the Local Government Act 1995; and*
 - c) All necessary statutory approvals being obtained from the Shire of Collie in relation to use and improvements on the land.*

Background:

Correspondence has been received from Mrs Dale Hill-Power trading as Ferguson Gate Pty Ltd requesting Council consideration of a lease of a portion of Reserve 19242 (Appendix 6). The area is directly behind the former Collie Veterinary Clinic premises on Lot 1189 Lefroy Street and outlined in yellow on the diagram on the following page.

The former Veterinary Clinic on Lot 1189 Lefroy Street has been purchased by Ferguson Gate Pty Ltd for the purpose of short-stay accommodation catering for tourists. The proposal is to use the area outlined on Reserve 19242 as an open space area in which refreshments can be served to guests staying at the accommodation as well as people enjoying the River Walk.

The land in question is a portion of R19242 vested in the Shire of Collie for the purpose of Recreation and with power to lease for any term not exceeding 21 years, subject to the consent of the Minister for Lands. For the proposed purpose it would be necessary to change the use of the Reserve to Recreation and Tourism. In addition, prior to

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requesting consent for the lease from the Minister for Lands a lease agreement would need to be prepared by the proponent for approval by the Minister.

The area was previously utilised by the Collie Veterinary Clinic and requires work to improve its amenity.



Statutory and Policy Implications:

The applicant is not eligible for a community lease under Policy DS 1.3 as they are not an incorporated body under the Associations Incorporation Act 2015.

Local Government Act (1995)

Section 3.58 of the *Local Government Act* refers to the disposal of property, which includes leasing of land.

The Act requires public notice to be given of intent to lease land, and for submissions to be received and considered.

Budget Implications:

The proponent would be responsible for any costs incurred in developing the lease document. Any lease payments received would represent additional revenue for Council as they are currently not included in the 2021/22 budget and would be based on the market value of the disposition in accordance with s3.58 of the *Local Government Act 1995*.

The rehabilitation and maintenance of the area by the proponent would represent a saving to Council.

Communications Requirements: (Policy No. CS 1.7)

Correspondence to the proponent.

Local public notice of the proposed disposition of land inviting submissions.

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Advertising, if required, for the planning application.
Request for consent to the Minister for Lands.

Strategic Community Plan/Corporate Business Plan Implications:

GOAL 2: OUR ECONOMY A strong and diversified economic base driven by a range of business and employment opportunities.

2.3 A growing tourism industry.

2.3.2 Support local and regional tourism destination management and marketing initiatives that provide local tourism growth.

Relevant Precedents:

Nil

Comment:

The proposal for a venue that adds to the enjoyment of the river close to the Central Business District aligns with the recent Collie Tourism Marketing Strategy recommendations. During the consultation undertaken for the Strategy, the consultants noted the following:

Developing compelling visitor experiences in Collie starts with understanding the core themes of experience identified in the place brand strategy, assessing the needs of target audiences and identifying gaps.

Through consultation, activating the CBD has been raised multiple times. Concern has been expressed that the majority of current projects are located outside of the Collie CBD precinct. Although Collie is currently in market positioned as the Collie River Valley, the ability to engage with a river experience in the CBD is currently underwhelming. (p.68)

The development of the area would enhance the experience of visitors staying at the accommodation venue as well as providing for residents who use the area for recreation.

The recommendation provides for the statutory processes to be undertaken. In the event that public objection is made to the proposed lease, the matter will be referred again to Council for further consideration.

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12.5 Indoor Warm Water Program Pool Facility

Reporting Department:	Corporate Services
Reporting Officer:	Allison Fergie – Director Corporate Services
Accountable Manager:	Allison Fergie – Director Corporate Services
Legislation	<i>Local Government Act 1995</i>
File Number:	CMG/268
Appendices:	No
Voting Requirement	Simple Majority

Report Purpose:

For Council to consider deferring the construction of an indoor warm water program pool.

Officer's Recommendation:

That Council resolve to:

- 1. Not proceed with the construction of an indoor warm water program pool at this point in time;*
- 2. Request approval from the Department of Local Government, Sport and Cultural Industries for the funding to be allocated to an alternative community sporting facility; and*
- 3. Identify the preferred option to be an upgrade of facilities at the Collie Recreation Ground.*

Background

In 2018 Council received an amount of \$150,000 from the State election commitment of \$2 million for an indoor heated pool for the undertaking of an Indoor Heated Swimming Pool Needs Assessment & Feasibility Study (Feasibility Study) for an indoor, heated swimming facility in Collie. The purpose of the study was for the Shire of Collie to understand the cost of developing an indoor heated swimming pool at the current site, and establish likely demand and ongoing costs in order to make an informed decision on whether or not to proceed with the project.

At its meeting held 21 April 2020 Council resolved:

8421 – That Council request the election commitment be allocated as follows;
a) the construction of an indoor warm water program pool as described at Option 2 or similar of the feasibility study,
b) the addition of an office and storage space for the Collie Swimming Club on the eastern side (adjacent to the service yard) provided that the cost is fully covered by the available funds from the balance of the election commitment.

Considerable work has been undertaken on the design of the facility and tender issue documentation. There have been issues relating to the power supply to the site. While a design and costing to solve the power issues has not been finalised capital

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expenditure is required to meet Western Power requirements. Costs in this regard are expected to be in the order of \$130,000.

Statutory and Policy Implications:

Nil

Budget Implications:

There is a balance of \$984,116 remaining from the funding of \$1.15 million received to date after all expenses associated with the pool design have been met. A further \$850,000 remains from the election commitment, giving a potential total available funds of \$1,834,116.

Communications Requirements: (Policy No. CS 1.7)

Media release.

Strategic Community Plan/Corporate Business Plan Implications:

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

Outcome 5.3 Financial sustainability and accountability

Strategy 5.3.5 Provide corporate financial services that support the Shire's operations and meet planning, reporting and accountability requirements.

Relevant Precedents:

Nil

Comment:

The Officer Recommendation to not proceed with the construction of an indoor warm water program pool at this time is based on financial considerations.

To address Council's financial position the best way forward is to focus capital expenditure on renewal and maintenance, rather than on new assets which come with associated operational and maintenance costs. The capital cost estimate of \$2,459,000 exceeds the grant funding available, with the Shire having to meet the remaining capital cost of \$624,884 for the construction of the pool. The estimated cost of \$130,000 involved in resolving power supply issues would increase the contribution required from Council to \$754,884. In addition, the impost on ratepayers for the ongoing operational and maintenance costs for the indoor pool are estimated to be approximately \$336,000pa in the ten-year lifecycle costing after taking into account forecast revenue.

In line with the principles outlined in Council's adopted budget for 2021/22 to prioritise 'renewal' works over new capital projects and minimise new liabilities, the Officer's Recommendation is to approach the Department of Local Government, Sport and Cultural Industries for approval for the funding to be allocated to an upgrade of facilities at the Collie Recreation Ground.

The upgrade would include new seating, internal fencing, scoreboard, upgraded toilet and changeroom facilities, and complement the new lighting and external fencing already included in the adopted budget. The Collie Recreation Ground upgrade is the recommended project as it would cater for the multiple community sporting groups using the facility and provide a facility that has the potential to attract new events to Collie.

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Alternatively, Council could identify alternative projects such as rehabilitation of the old depot site, upgrades to the Roche Park Recreation Centre, lighting at the soccer and BMX grounds or the day use area at Minningup Pool. Works at the Recreation Ground are recommended however as they closely align to the 'Recreation' purpose of the initial grant, will benefit multiple local users and help increase visitation numbers to Collie.

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12.6 Variation to Lease Areas for Woodturners Association and CCBA

Reporting Department:	Corporate Services
Reporting Officer:	Allison Fergie – Director Corporate Services
Accountable Manager:	Allison Fergie – Director Corporate Services
Legislation	<i>Local Government Act 1995</i>
File Number:	L31879, L31879B
Appendices:	Appendix 7 - Correspondence from CCBA Appendix 8 - Correspondence from Woodturners
Voting Requirement	Simple Majority

Report Purpose:

To seek Council authorisation to vary the lease areas for the Woodturners Association of WA – Collie Branch and the Collie Community Broadcasting Association on Reserve 31879 to provide for the building of a new radio station building.

Officer's Recommendation:

That Council resolve, subject to the approval of the Minister for Lands, to approve a variation of the lease areas for both the Woodturners Association of WA – Collie branch and the Collie Community Broadcasting Association on Reserve 31879 as shown on the diagram in the body of this report.

Background:

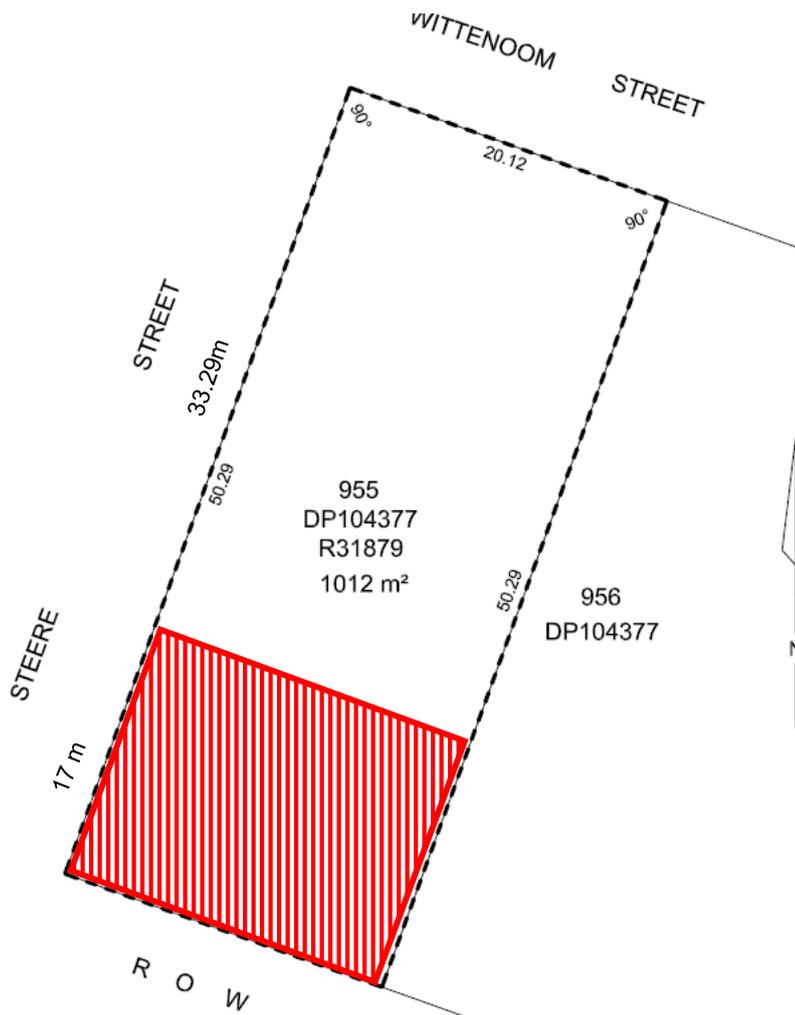
Reserve 31879 on Wittenoom Street (the former Band Hall) is vested in the Shire of Collie for the purpose of Community Centre with power to lease. The Woodturners Association of WA – Collie Branch and the Collie Community Broadcasting Association (CCBA) currently each lease a portion of the property known as the Band Hall and the land on Reserve 31879.

The area leased to the Woodturners Association was varied in 2017 to allow for a portion of the land to be leased to the CCBA for the construction of a new community radio station building.

The CCBA has now approached the Shire and the Woodturners Association seeking an increase to the area of the lease. This has come about following consultation with the builder who has identified cost savings and practical considerations for the request. (Appendix 7). The Woodturners association have been consulted and their comment can be found at Appendix 8.

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The variation requested is that the portion of R31879 leased to the CCBA is increased from 14 metres in width to 17 metres in width and correspondingly the area leased to the Woodturners Association is decreased from 36.29 metres to 33.29 metres. The Woodturners Association is planning to erect a shed on their portion of the lease and the variation will still allow for this to occur, including the required separation distance between buildings.



Statutory and Policy Implications:
Local Government Act 1995

Section 3.58 of the Local Government Act refers to the disposal of property and includes lease arrangements. Under this section, local public notice and a submission period is normally required to be undertaken by Council's when entering lease arrangements, however there is a specific exemption for the requirement to advertise

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under section 30 of the associated Functions and General Regulations where the intended lease is with certain organisations;

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

Budget Implications:

Nil

Communications Requirements: (Policy No. CS 1.7)

Correspondence to the Minister for Lands and the proponents.

Strategic Community Plan/Corporate Business Plan Implications:

GOAL 1 OUR COMMUNITY – A thriving, supportive and safe community.

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

Strategy 1.2.3: Provide support to local sport and recreation clubs and groups to increase participation.

GOAL 4 OUR BUILT ENVIRONMENT – Infrastructure, amenities and development that supports the needs and aspirations of the community

Outcome 4.5: Council buildings and service related assets that support community needs

4.5.1 Manage and maintain public buildings, facilities and public amenities

Relevant Precedents:

At its meeting held 7 March 2017 Council resolved:

7349 – That Council:-

- 1. Authorise staff to apply for a change of the existing Vesting Order for Reserve 31879 to a Management Order for the purpose of Community Centre;*
- 2. Subject to the approval of the Minister for Lands, approve a variation of the lease area for the Woodturners Association of WA – Collie branch on Reserve 31879 as shown on the diagram at Appendix 5; and*
- 3. Subject to the approval of the Minister for Lands, approve a lease of portion of Reserve 31879 to the Collie Community Broadcasting Association Inc, the category of the lease to be a community built and operated lease and other conditions to be in accordance with Council Policy DS1.5.*

Comment:

The relocation of the CCBA to the area south of the Band Hall on Reserve 31879 was supported by Council in 2017 as a suitable location for a new radio station building. The CCBA is keen to progress the construction of a new radio station building as this has been a long awaited project that will enable them to continue to provide a valuable service to the community.

The Woodturners Association have indicated that the proposal is acceptable provided that it will not interfere with their proposal for a new storage shed on the site.

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12.7 Adventurous Minds

Reporting Department:	Corporate Services
Reporting Officer:	Tamsin Emmett – Community Development Officer
Accountable Manager:	Allison Fergie – Director Corporate Services
Legislation	N/A
File Number:	CRL/016
Appendices:	No
Voting Requirement	Simple Majority

Report Purpose:

To provide Council with information relating to the Adventurous Minds Program.

Officer's Recommendation:

That Council note the Adventurous Minds program and recognise the program as having beneficial wellbeing outcomes for local youth and the broader community.

Background:

Adventurous Minds is an empowering, inspiring and motivational Youth Adventure Therapy Wellness program, which addresses the physical, mental, social and emotional wellbeing of High School students aged 12-17.

The innovative program is about prevention and early intervention, addressing the social determinants of health, through the provision of recreation activities to increase physical activity, and wellness activities to develop health protection tools and strategies.

Participants will be enrolled in six-to-eight-week term programs. Each weekly session provides a holistic approach to health and wellbeing by incorporating three core components;

- Strong Body (Movement and physical activity);
- Strong Mind (Positive and engaged mindset); and
- Strong Heart (Social and emotional health and wellbeing).

This holistic approach aims to develop life skills that will instil the confidence and personal interest required for the participants to continue engaging in physical activity in the longer term while also developing tools and strategies that build resilience and contribute to improved health outcomes.

Weekly programs include a variety of recreational activities each aligning with a specific theme that subtly weaves life skills and health protection strategies into activities such as:

- Hiking;
- Canoeing/Kayaking
- Mountain Biking; and

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- Stand Up Paddle boarding.

Themes may include;

- Dealing with stress, worry and anxiety
- Friendship Challenges
- Comfort Zones
- Boundaries
- Self Care

Through a collaborative approach, Adventure Connections will deliver these activities in a safe and productive environment via service provider agreements with experts and local providers who will act as mentors for the participants during delivery of the program. This collaborative approach also ensures a broader community involvement in the programs, fostering new relationships and opportunities for participants to continue engaging in recreation activities outside of the Program. The activities have been identified with a view to sustainability and accessibility as they are naturally available in Collie.

Statutory and Policy Implications:

Nil

Budget Implications:

The Adventurous Minds program is grant funded by Healthway.

Communications Requirements: (Policy No. CS 1.7)

The Shire's website and FaceBook channels will be used to promote the program in collaboration with local youth service providers.

Strategic Plan/Corporate Business Plan Implications:

Goal 1 Our Community A thriving, supportive and safe community

Outcome 1.1 Health, education and family support services that are accessible and meet the needs of the community

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

Relevant Precedents:

Nil

Comment:

Adventurous Minds is a pilot program designed to appeal to local youth through relevant activities. It will be delivered in liaison with youth service providers, and undergo an evaluation process.

In addition to providing innovative physical activity opportunities for inactive young people (12-17 years) in the Collie region, *Adventurous Minds* aims to have a profound impact and benefit on the local community through the creation of strong, resilient and engaged young community members.

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12.8 Buckingham Hall Training Project Proposal

Reporting Department:	Corporate Services
Reporting Officer:	Allison Fergie – Director Corporate Services
Accountable Manager:	Allison Fergie – Director Corporate Services
Legislation	<i>Local Government Act 1995</i>
File Number:	R17723
Appendices:	Appendix 9 - Feasibility Study: HSAWA Training Project Proposal
Voting Requirement	Simple Majority

Report Purpose:

To seek Council authorisation for the Heritage Skills Association of Western Australia to proceed with the proposal for a Training Project at Buckingham Hall.

Officer's Recommendation:

That Council resolve to:

- 1. Execute of the Heritage Skills Association WA Training Project Proposal document as presented at Appendix 9 authorising the Heritage Skills Association of WA to proceed with the Buckingham Hall project; and*
- 2. Collaborate with the Heritage Skills Association WA to call for Expressions of Interest for the future use of the site.*

Background:

The Shire of Collie has worked with the Heritage Skills Association WA (HSAWA) for some time to develop a proposal for the future of Buckingham Hall and School located on Reserve 17723 vested in the Shire for the purpose of Recreation with power to lease.

The HSAWA has undertaken a study to assess the condition of the building and investigate options for possible future use of the building and site. Extensive research and community consultation has occurred and the findings and the Buckingham Hall Options Appraisal: Feasibility Report presented to Council at a forum held on Tuesday 6 July 2021.

The report states:

This report has given an analysis of the significance of the building, which shows quite clearly that Buckingham Hall is a building of high significance which represents an important part of the historic timeline of local importance. It is easy to underestimate the importance of this building given its architecturally simple aesthetic, but the risk is that if it was removed, we will have lost an intrinsic part in the recognised significant heritage as recognised by the Shire of Collie Heritage List 2017.

The conclusion is that the building should be saved, and that there could be viable future uses for the building.

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Statutory and Policy Implications:

Local Government Act (1995)

Section 3.58 of the Local Government Act refers to the disposal of property. These requirements will be observed as relevant to a future land management arrangement.

Budget Implications:

The initiative of the Heritage Skills Association is a means to address the restoration and ongoing financial arrangements for Buckingham Hall. The actual budget implications will be determined in association with decisions around future use and management arrangements.

Communications Requirements: (Policy No. CS 1.7)

Correspondence to HSAWA.

Advertising for expressions of interest.

Strategic Community/Corporate Business Plan Implications:

Goal 4 Our Built Environment: Infrastructure, amenities and development that supports the needs and aspirations of the community

Outcome 4.1 Appropriate land use, development and heritage conservation

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

Relevant Precedents:

The HSAWA is currently working on a project at the Goods Shed in Forrest Street, Collie. Council has previously called for Expressions of Interest for the use of Buckingham Hall.

Comment:

The HSAWA Feasibility Study considers that a viable future use of the building appears to be a realistic outcome for the site. While only an overview of the options for the end use of the Hall and school room is provided in the study, capital investment would be encouraged by identification of a long-term viable use that would ensure its ongoing maintenance and development. Calling for Expressions of Interest for the site and identifying a sustainable end use would provide confidence to potential funding entities to invest in the project.

The Buckingham Hall is registered in the Bushfire Risk Management System as a Cultural Local Heritage asset with a risk rating of 'Very High'. The risk rating was previously 'Extreme' however this rating was amended following the performance of mitigation works around the reserve. The works comprised the mechanical removal of Black Wattle trees in near proximity to the building and the completion of two prescribed burns directly to the north and west of the building. The timber construction of the building means the risk rating is unlikely to be lowered below 'Very High' and planning of any future use will need to give due consideration to the bushfire risk.

Local residents and groups involved in the consultation process have expressed support for the project and it has the potential to become a valuable tourism asset.

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12.9 Demolition of Railway Institute

Reporting Department:	Corporate Services
Reporting Officer:	Allison Fergie – Director Corporate Services
Accountable Manager:	Allison Fergie – Director Corporate Services
Legislation	N/A
File Number:	A4000
Appendices:	No
Voting Requirement	Simple Majority

Report Purpose:

For Council to consider a request from the purchaser of Lot 2872 Throssell Street for costs in removal and disposal of asbestos from the Railway Institute building.

Officer's Recommendation:

That Council resolve to meet the cost of \$1,950 + GST for asbestos removal from the Railway Institute building.

Background:

Council recently disposed of Lots 27 and 2872 Throssell Street, Collie to H & L Family Restaurants. The Railway Institute building is located on Lot 2872, and at the time of sale the presence of asbestos in the eaves was disclosed as it was known.

However, with the commencement of demolition works further asbestos has been found. The additional asbestos was in the form of tiles concealed between the floorboards and carpet in approx. 60m² of flooring. This asbestos was not recorded in the Shire's asbestos register and therefore not disclosed to the purchaser.

The contractor engaged to demolish the Railway Institute building has presented a quote of \$1,950 + GST to the purchaser for the removal and disposal of the asbestos tiles.

Statutory and Policy Implications:

N/A

Budget Implications:

The cost of \$1,950 + GST is an unbudgeted cost. The revenue from the sale of Lot 2872 was placed into Reserve and if the request is approved by Council, the cost could come from the Building Reserve.

Communications Requirements: (Policy No. CS 1.7)

Advice to H & L Family Restaurants of Council decision.

Strategic Community/Corporate Business Plan Implications:

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

Outcome 2.2 A strong business and services sector.

Strategy 2.2.3 Maintain communication with local businesses to understand their opportunities and barriers, and how Council can best support them.

Relevant Precedents:

Nil

Comment:

Under Australian Consumer Law, the vendor is legally obligated to disclose the known presence of asbestos. While in this instance the presence of the asbestos tiles was not known, it would be a gesture of good will to cover the cost of removal.



On their part, the purchaser has demonstrated good will towards the community by allowing a local community group to repurpose timber for projects.

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13. DEVELOPMENT SERVICES REPORTS

13.1 Collie Heritage Trail

Reporting Department:	Development Services
Reporting Officer:	Katya Tripp
Accountable Manager:	Matt Young – Director Development Services
Legislation	N/A
File Number:	EDV/081
Appendices:	Appendix 10 - Collie Heritage Trail – Preferred Option
Voting Requirement	Simple Majority

Report Purpose:

For Council to consider the proposed *Rail to River Heritage Trail* and approve for implementation

Officer's Recommendation:

That Council:

- 1. Receive and endorse the preferred option for the Collie Heritage Trail; and*
- 2. Authorise officers to coordinate the implementation of the Rail to River Heritage Trail including the final trail map, waypoint plaques and inclusion of the trail on the Wambenger Trails App.*

Background:

To and Fro Studios (the consultants) were engaged by the Shire to research, undertake consultation and design a heritage and art trail for the town of Collie. Community consultation, research and mapping of heritage sites informed the recommended route and waypoints.

However, following the development of the Collie Mural Trail by the State Government, the consultants were asked to review their recommendation to reduce double up and visitor confusion.

The final recommended trail now highlights heritage sites only. This leaves a clear delineation between the Collie Heritage Trail and the Collie Mural Trail, with different experiences for the user along each trail.

The recommended waypoints along the trail include sites of local heritage, state heritage, conservation council heritage, and other sites of interest including those from John Bird's book.

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The recommended trail has been titled the *Rail to River Heritage Trail* with the route provided to Council in May for consideration and a 'practice' walk to provide feedback.

A final Collie Heritage Trail with sites and waypoints is now presented to Council for consideration and authorisation to implement.

The recommended *Rail to River Heritage Trail* is approximately 2.8km long and provides the following:

- A clear and direct link between Collie's river and rail heritage;
- Draws visitors through Forrest and Steere Street commercial precincts;
- Links to the newly upgraded Throssell Street heritage buildings;
- Focuses on the commercial and heritage centre of Collie as a starting point (maps to be placed in Forrest and Steere St shops, Goods Shed, etc);
- Includes the State Heritage listed footbridge;
- Includes the State Heritage listed courthouse;
- Includes the All Saint's Church, the Roads Board building, Palmers building and the Collie Co-Operative Society bridge as points of interest;
- Includes the River and Wallsend Mine; and
- Is relatively short in length and accessible (footpath), so suitable for a wider range of users.

This preferred trail, its route and its waypoints can be found in Appendix 10.

Statutory and Policy Implications:

Nil

Budget Implications:

Nil - This project is fully funded through a Lotterywest grant.

Communications Requirements: (Policy No. CS 1.7)

No advertising has been undertaken as part of this project. Targeted community consultation was undertaken during the research and story gathering phase of the project including with the museum, visitors centre, heritage group, library and key individuals.

Strategic Community Plan/Corporate Business Plan Implications:

Goal 2: Our Economy

Outcome 2.3 A Growing Tourism Industry.

Strategy 2.3.2: Support local and regional tourism destination management and marketing initiatives and provide local tourism growth.

Goal 4: Our Built Environment

Outcome 4.1 Appropriate Land Use, Development and Heritage Conservation.

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

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Relevant Precedents:

Nil

Comment:

The next stage in this project is to implement the recommended *Rail to River Heritage Trail* including:

- Develop and print a trail map
- Manufacture and install waypoint plaques, and
- Integrate the map, way points and information into the Wambenger Trails App.

See Appendix 10 for the proposed map and waypoint plaque designs which mirror the mural trail map and plaques.

The back of the map provides a small image and text for each heritage site. By focussing only on heritage (and not the inclusion of art), more information on each site can be included on the map.

The waypoint plaques will include:

- Collie Heritage Trail branding
- Site name
- Brief site description and other information
- QR code (link to Wambenger Trails App with further information, images etc)
- Shire of Collie / other logos as required.

Officers seek Council's approval to proceed with the implementation of the *Rail to River Heritage Trail* as presented including the production of a final Trail Map, waypoint plaques, and content uploaded to the Wambenger Trails App.

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13.2 Determine Tender – 01/2021 Blackberry Mapping - Collaborative Blackberry Project

Reporting Department:	Development Services
Reporting Officer:	Katya Tripp
Accountable Manager:	Matt Young – Director Development Services
Legislation	<i>Local Government Act 1995 – Section 3.57 Local Government (Functions and General) Regulations 1996</i>
File Number:	CMG/277
Appendices:	Appendix 11 – Tender Evaluation
Voting Requirement	Simple Majority

Report Purpose:

Award tender 01/2021 Blackberry Mapping - Collaborative Blackberry Project as advertised and recorded in the tender register.

Officer's Recommendation:

That Council resolve to:

- 1. Receive the tenders submitted by Tranen Revegetation Southwest and Focussed Vision Consulting;*
- 2. Award the contract to Focussed Vision Consulting for the mapping of blackberry across the three Shires of Collie, Dardanup and Donnybrook Balingup for the amount of \$97,373.00 Excl GST; and*
- 3. Authorise the CEO to execute the contract for awarding tender 01/2021 Blackberry Mapping – Collaborative Blackberry Project as advertised and recorded in the Tenders Register in accordance with s.9.49A of the Local Government Act 1995.*

Background:

Funding was received in October 2020 for the mapping and control of blackberry across the three Shires of Collie, Dardanup and Donnybrook-Balingup.

A significant component of this project is the mapping of the blackberry across the three Shires. Therefore, tenders were invited to undertake this mapping. Tenders closed on 8 June 2021 and two tenders were received, being from:

- 1) Tranen Revegetation Southwest, and
- 2) Focussed Vision Consulting

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The tender submissions were evaluated by a panel consisting of an officer from Donnybrook Balingup Shire, an officer from the Dardanup Shire and the Manager of the Leschenault Catchment Council (the appointed project manager).

These officers undertook independent assessment of the two tenders and a full steering group meeting for the project considered their assessments and agreement was reached that the preferred tender was Focussed Vision Consulting.

Statutory and Policy Implications:

Local Government (Functions and General) Regulations 1996 – Part 4 Tenders for Providing Goods and Services provides the requirements for tenders. This includes when and how to call for public tenders including advertising, registering, receiving and choosing of a tender. Tenders are required where the value of the tender is expected to exceed \$250,000.

The Shire's *Corporate Services Policy CS 2.7 - Tenders, Quotations and Price Preference* sets a lower threshold for public tenders, where the value of the tender is expected to exceed \$100,000.

This tender was undertaken in line with both the local government regulations and our local policy.

Budget Implications:

This project is fully funded by Federal Government grant.

Communications Requirements: (Policy No. CS 1.7)

The public advertising period ran from 13 May to 8 June 2021. Advertisements were placed in the: Collie River Valley Bulletin; SW Times; and West Australian newspapers. The tenderers will be notified of the outcome of the tender process as per the recommendation adopted by Council.

Strategic Community Plan/Corporate Business Plan Implications:

Goal 4: Our Natural Environment

Outcome 3.1 A protected natural environment.

Goal 5: Our Business

Outcome 5.1 Good governance and leadership;

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

Relevant Precedents:

Council regularly accepts tenders for provision of goods and services exceeding \$100,000. The last tender awarded was in July 2020 for the provision of CCTV network for the Collie CBD.

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Comment:

The non-weighted criteria method was used to assess submissions. The evaluation panel assessed and ranked the tenders using the criteria listed in the tender document which are:

- Relevant experience
- Key personnel skills and experience
- Tenderers resources
- Demonstrated understanding and methodology.

The panel then considered cost affordability (price) to recommended Focussed Vision Consulting as the most beneficial tender.

Summaries of the two tenders received, and their evaluations are provided in Appendix 11.

Both tenderers are capable of completing the project and there was little no difference in the scoring between the two. However, there was a large difference on the tendered prices with Tranen being nearly twice the price of Focussed Vision. There was also concern over Tranen needing longer timeframes to complete the project, a higher reliance on the steering group and the Leschenault Catchment Council for administrative tasks and the inclusion of mapping post control to assess the effectiveness which was not a requirement of the tender.

Focussed Vision Consulting was considered the most advantageous tender and is recommended accordingly.

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13.3 Wagyl Biddi Mountain Bike Trails – Extension and Adoption Agreement

Reporting Department:	Development Services
Reporting Officer:	Katya Tripp
Accountable Manager:	Matt Young – Director Development Services
Legislation	Land Administration Act 1997
File Number:	LUP/053
Appendices:	Appendix 12 - Drop zone concept and site plan Appendix 13 - Draft Trails Adoption Agreement Appendix 14 – Application to Waive fees
Voting Requirement	Simple Majority

Report Purpose:

For Council to consider a development application to extend the Wagyl Biddi Mountain Bike Trail network and a draft Trails Adoption Agreement.

Officer's Recommendation:

That Council resolve to:

1. *Approve the development application for a mountain bike 'drop zone' on Reserve 27304, as presented in Appendix 12, as an extension to the Wagyl Biddi Trails network subject to the following conditions:*
 - a) *All development shall be in accordance with the approved development plans (attached) which form part of this development approval.*
 - b) *A Trails Adoption Agreement is to be established between the Shire of Collie and the Collie Cycle Club (Collie MTB Club Sub Committee) and complied with in perpetuity.*
2. *Authorise the CEO to finalise the Trails Adoption Agreement between the Shire of Collie and Collie Cycle Club (Collie MTB Club Sub Committee); and*
3. *Waive the Development Application fees for the public trails network. (Appendix 14)*

Background:

The Wagyl Biddi Mountain Bike Trails, located along the Collie River between Venn Street and David Hay Street, were built and opened in January 2018. A total of 5 trails make up the network with the trail head located at Soldiers Park.

The Collie Mountain Bike Club approached the Trails Panel with a concept plan to extend this network through the addition of a 'drop zone'.

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At the 13 April 2021 Council decided:

Motion #8706

Officer's Recommendation/Council Decision:

That Council;

1. Authorise the CEO to liaise with the Collie Cycle Club Inc. to develop a Trails Adoption Agreement (TAA) for the Wagyl Biddi trails which outlines respective roles and responsibilities including but not limited to inspection and maintenance arrangements; and
2. Provide in-principle support to the expansion of the Wagyl Biddi Trails to include a "Drop Zone" as outlined in the attached concept drawing, subject to execution of the Trails Adoption Agreement (TAA).

The Collie Cycle Club (Collie Mountain Bike Club Sub Committee) has now submitted a development application to build the 'drop zone' on Reserve 27304 which is under management order to the Shire of Collie for the purpose of Parks and Recreation. Appendix 12 shows the layout and location of the current trails and the proposed new extension.

The Collie Cycle Club have also requested that the fees be waived for this application. The CEO has delegated authority to waive fees to the value of \$200. The fees for this development are \$480.00 therefore a waiver requires a Council decision.

A Trails Adoption Agreement (TAA) has been drafted by Shire officers and reviewed by the Collie Mountain Bike Club (see Appendix 13). This agreement covers the entire Wagyl Biddi Trails Network and outlines roles and responsibilities.

Statutory and Policy Implications:

Reserve 27304 is under management order to the Shire of Collie for the purpose of Parks and Recreation. The extension fits within this purpose.

Technical Services Policy 1.6 – Use of Council Resources for Community Works may be required for the Shire to contribute to ongoing annual maintenance of the trails. This policy allows for Shire contribution of works and labour up to the value of \$1,500.00 per annum.

Budget Implications:

The Collie Mountain Bike Club is sourcing external funding for the design and development of this trail. Ongoing maintenance will be undertaken by the Collie Mountain Bike Club as per the TAA (see Appendix 13).

The fee waiver requested is to the value of \$480.00.

Some work may be required by the Shire and annual budget allocation of \$1,500.00 in line with our Community Request Policy (plant and labour only) is recommended.

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Communications Requirements: (Policy No. CS 1.7)

Nil – The new trails will retain the same distance from residential properties as the original trails.

The extension to the trails network will be added to all existing communication and information sources for the Collie trails including websites such as Trails WA, Collie River Valley, Westcycle and the Wambenger Trails App.

Strategic Community Plan/Corporate Business Plan Implications:

Outcome 2.3 - A growing tourism industry

Strategy 2.3.2: Support local and regional tourism destination management including marketing initiatives that provide local tourism growth.

Outcome 3.5 – A sustainable asset and infrastructure base.

Strategy 3.5.4: Develop and implement long-term asset management plans for all Council assets.

Relevant Precedents:

The Shire of Collie has not previously entered into a Trails Adoption Agreement however the Department of Biodiversity Conservation and Attractions have entered into Trail Adoption Agreements with Mountain Bike Clubs in other parts of the State and found this to be an effective way of maintaining trails.

Comment:

The proposed trails will add value and attraction to Collie and complement the various trail initiatives within and around the town. Its location close to town will make it assessable without interfering with other activity.

Planning approval, execution of the maintenance agreement and waiving of fees for the community group is recommended.

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13.4 Application of Common Seal- Section 70A Notification on Title- Lot 19 Concession Street, Mungalup

Reporting Department:	Development Services
Reporting Officer:	Isabel Fry
Accountable Manager:	Matt Young – Director Development Services
Legislation	<i>Transfer of Land Act 1893</i>
File Number:	A3779
Appendices:	Appendix 15 – Application for Development Approval & Appendix 16 – Section 70A Notification Form
Voting Requirement	Simple Majority

Report Purpose:

For Council to authorise the application of the Common Seal to facilitate a Section 70A Notification on a land title as required by a condition of planning approval.

Officer's Recommendation:

That Council resolve to authorise the Chief Executive Officer and Shire President to act on behalf of the Shire as the authorising party and apply the Common Seal to facilitate a Section 70A Notification on Title Vol. 1635 and Folio 18- Lot 19 on Plan 222871 (Lot 19 Concession Street, Mungalup) stating the following:

“The land is located within an area designated by the Fire and Emergency Services Commissioner as a Bushfire Prone Area. Bushfire management measures are required in accordance with the approved Bushfire Management Plan/ Statement (dated 18 June 2021) and the Shire of Collie’s Annual Firebreak Notice.”

Background:

An application for development approval for a dwelling was lodged with the Shire on 13 April 2021. Development approval was subsequently granted on 17 June 2021 (Appendix 15). Condition 8 of the approval requires a Section 70A Notification, pursuant to the *Transfer of Land Act 1893* to be placed on the property’s title. The landowner has provided a completed Section 70A Notification Form (Appendix 16) which now requires the Common Seal to be applied prior to being lodged with Landgate.

This notification is intended to notify landowners of the existence of the approved Bushfire Management Plan (BMP) and advise landowners of their obligations in respect to the use and ongoing management of the land. State Planning Policy 3.7 Planning in Bushfire Prone Areas states that development applications with a Bushfire Management Plan may be conditionally approved, subject to the placement of a notification on the title of the property.

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Council's authorisation is required as the application of the common seal is outside delegations.

Budget Implications:

Nil

Strategic Community Plan/Corporate Business Plan Implications:

Goal 4: Our Built Environment

Outcome 4.1 Appropriate Land Use, Development and Heritage Conservation;

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

Comment:

The requirement for a notification to be put on a title under 70A of the *Transfer of Land Act 1893* is a standard condition applied to development approvals where Bushfire Management Plans apply. The purpose of the notification is to ensure prospective land purchasers/owners are aware that bush fire management obligations apply to the land.

The landowner is responsible for all costs associated with the execution of the Section 70A Notification on their title.

14. **TECHNICAL SERVICES REPORTS**
Nil

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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 17
 - 'All Open' at Appendix 18
20. **CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC**
- 20.1 Staff Matter
21. **CLOSE**