



Shire of  
**Collie**

# MINUTES

of the

# ORDINARY MEETING OF COUNCIL

held on

**Tuesday, 14 September 2021**

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Minutes of the Ordinary Meeting of the Collie Shire Council in Council Chambers, 87 Throssell Street Collie, on Tuesday, 14 September 2021 commencing at 7:02pm.

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

**PRESENT:**

Sarah Stanley	Councillor (Presiding Member)
Ian Miffing OAM JP	Councillor (Deputy Member)
Brett Hansen	Councillor
Elysia Harverson	Councillor
Joe Italiano	Councillor
Rebecca Woods	Councillor
Leonie Scoffern	Councillor
Michelle Smith	Councillor
Brent White	Councillor
Stuart Devenish	Chief Executive Officer
Allison Fergie	Director Corporate Services
Peter Keane	Acting Director Development Services
Matthew Young	Director Development Services
Hasreen Mandry	Finance Manager
Belinda Dent	CEO PA

**APOLOGIES:** Cr John Kearney  
Cr Gary Faries

**GALLERY:** Gael Varian (Left Chambers at 8.08pm)  
Kalon Gibson (Left Chambers at 8.08pm)  
Mark Saunders (Left Chambers at 8.08pm)  
Ben Coman (Left Chambers at 8.08pm)  
Nola Green – Press (Arrived at 7.11pm) (Left Chambers at 8.08pm)

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

Cr Kearney has been granted Leave of Absence for this Ordinary Council Meeting at the previous meeting held 10 August 2021.

1.2 Councillors requesting Leave of Absence for future Ordinary Meetings of Council.

**8807**

**Moved: Cr Hansen**

**Seconded: Cr Scoffern**

**That Council grant Leave of Absence to Cr Harverson for the next Ordinary Meeting of Council to be held on 12 October 2021.**

**CARRIED 9/0**

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- 1.3 Councillors who are applying for Leave of the Absence for this Ordinary Meeting of Council.

**8808**

**Moved: Cr Scoffern**

**Seconded: Cr Woods**

**That Council grant Leave of Absence for Cr Faries from this Ordinary meeting of Council.**

**CARRIED 9/0**

**2. PUBLIC QUESTION TIME**

Nil

**3. RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Questions taken on Notice from the previous meeting of Council.

Mr Keane – Acting Director Technical Services took the following questions on notice.

Cr Woods asked about the following payments:

EFT31540 – Ausmic Pest Control – Why was this business used instead of a local business?

**Response:** Termite treatment on bridges – 2 quotes received – no local suppliers due to either not having capacity or not being suitably qualified to issue the necessary documentation to MRWA.

EFT31720 – Golden West Pest Control - Why was this business used instead of a local business?

**Response:** Building Termite protection – 2 quotes received, local supplier not lowest quote even after received local supplier preference in assessment process.

Mr Young – Director Development Services took the following question on notice.

Cr Italiano asked What is the use of the land for the Aboriginal people in relation to previous land acquisition? E.g. Elouera Road blocks.

**Response:** On 25 February 2021, the South West Native Title Settlement officially commenced. The State Government is now working to progress the delivery of key negotiated commitments in accordance with the six Indigenous Land Use Agreements making up the Settlement. The Settlement resolves native title in exchange for benefits such as the creation of the Noongar Land Estate, which includes up to 300,000 hectares transferred as reserve/leasehold and up to 20,000 hectares transferred in freehold. Land eligible for inclusion in the Noongar Land Estate includes:

- unallocated Crown land;
- unmanaged reserves;
- land owned or held by the Aboriginal Lands Trust / Aboriginal Affairs Planning Authority; and
- land owner or held by State agencies or Local Government.

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The Noongar Land Estate will be held by the Noongar Boodja Land Sub Pty Ltd and will provide the Noongar people with a significant asset to be developed in line with Noongar cultural, social and economic aspirations for the benefit of generations to come.

The Department of Planning, Lands and Heritage have commenced consultation with local government and the community over individual land parcels and this will progressively occur over the next 12 months. The Shire will shortly receive land information, shape files of each land parcel and a request to complete a questionnaire for each land parcel.

Mr Keane – Acting Director Technical Services took the following question on notice.

Cr Smith asked about motion #8671 – cleaning of footpath on Forrest St and the access step into the bakery?

**Response:** Footpath sweeper and Steam Cleaning has been trialed and both have been found to have limited success with improving cleanliness of the paving in this area. The issue is that the paving was not sealed properly when it was installed, therefore paving now stained. There is a need to investigate alternate options including looking into the addition of shopfront steps in any alternate cleaning options.

**4. DISCLOSURE OF FINANCIAL INTEREST**

The Chief Executive Officer advised that Disclosures of Financial Interests had been received from Councillors/staff as listed below:

<b>Councillor/Staff</b>	<b>Agenda Item</b>	<b>Disclosure</b>
Cr Italiano	Item 13.5 – Inclusion of Portion of Unallocated Crown Land into Lot 6, No. 180 Siding Street, Mungalup	Financial – Related to land owner.
Cr Woods	Item 13.3 – Application for Development and Extractive Industry Licence – Proposed Gravel Extraction – Lot 2519 Lyall's Mill Road – Lyall's Mill	Financial - Employer
Cr Scoffern	Item 13.5 - Inclusion of Portion of Unallocated Crown Land into Lot 6, No. 180 Siding Street, Mungalup	Impartial – neighbour in Allanson.

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

Nil

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

- There are two matters for which the meeting will be closed to the public.

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

Item 13.4 brought forward due to interest by attending persons.

**13.4 Rotary Fire Tower Relocation Project- Preliminary Site Analysis**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	Isabel Fry- Shire Planner
<b>Accountable Manager:</b>	Matt Young – Director Development Services
<b>Legislation</b>	<i>Planning and Development Act 2005</i>
<b>File Number:</b>	R47127, R4724, R19242, R45424, R47293, A4808
<b>Appendices:</b>	Appendix 9 - Fire Tower
<b>Voting Requirement</b>	Simple Majority

**Report Purpose:**

For Council to provide in principle support for a project to relocate a fire tower to a site in the Shire of Collie, for the purpose of heritage and tourism.

**8809**

**Officer's Recommendation/Council Decision:**

**Moved: Cr Italiano**

**Seconded: Cr Woods9/0**

**That Council resolve to:**

- 1. provide in-principle support for the Rotary Fire Tower Relocation Project, for the Munro Fire Tower to be relocated to Collie;**
- 2. authorise Officers to continue working with the Collie Rotary Club to identify and analyse site selections for the fire tower; and**
- 3. require the final preferred location(s) for the fire tower to be referred to Council for determination.**

**CARRIED 9/0**

**Background:**

At the Council Forum session held 3 August 2021 the Rotary Club of Collie made a presentation to the Shire's Elected Members introducing a project to relocate the Munro fire tower (Appendix 9) to the Shire of Collie, for the purpose of heritage and tourism.

The Munro fire tower was built in 1962, located 3km southeast of Grimwade. The tower is not currently in use, however, is still standing and in good condition. The hut associated with the tower has been destroyed by the elements. There is currently a similar hut from the Collie tower, which was previously located on Mungalup Hill, stored at the Department of Biodiversity, Conservation and Attractions (DBCA) Parks and

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Wildlife Depot in Collie.

The Collie Rotary Club is proposing to undertake planning of the project, membership on steering committees, initial funding for engineering assessment, some restoration work and brokering the grants towards the project.

Officers can work with the Collie Rotary Club to further analyse possible sites within Collie townsite for the relocation of the tower. The analysis of site options should consider:

- land tenure (including ownership)
- land use permissibility
- space availability
- proximity to like tourism/historical uses/possibilities for co-location
- ability to be secured (for access to the tower)
- attractive viewsheds around Collie
- proximity to sensitive land uses and potential for overlooking and
- historical context.

**Statutory and Policy Implications:**

- Shire of Collie Local Planning Scheme No.5
- National Construction Code/ Building Code of Australia

**Budget Implications:**

The land and/or tower may eventually be under the Shire's management.

**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 proposal has the potential to support Collie in its transition to a more diversified economy, offering an opportunity for historical tourism in the town centre. The timber industry forms a significant part of Collie's history and the tower is an important icon in recognising this history. The proposal would form an interesting and unique tourist attraction for Collie and should be supported in principle based on the opportunities associated with it.

Following the identification and assessment of suitable site, the preferred sites identified by Officers are those that should provide an opportunity for co-location with other tourism uses, are located close to the town centre and have a lesser impact on surrounding sensitive land uses. The site analysis process will then need to progress with relevant stakeholders for the preferred site(s). This engagement would be essential for the project to progress further once the preferred site(s) have been selected.

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At present, there are several actions that need to occur to allow for the progression of the project. This includes:

- Formal written approval from DBCA for the disposal, removal and relocation of the tower to Collie.
- A comprehensive engineering report will need to be prepared to ensure that the tower is fit for the intended purpose, including public access.
- Confirm ownership, ongoing management and acceptance of liability arrangements.
- Funds raised for the removal and transport of the tower (estimated to be around \$110,000).
- Safe and secure interim storage arranged for the tower until it is erected.

The project will require Development Approval and a Building Permit to be granted through the Shire of Collie.



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

**8810**

Recommendation/Council Decision:

Moved: Cr White Seconded: Cr Smith

That Council confirms the Minutes of the Ordinary Meeting of Council held on 10 August 2021.

**CARRIED 9/0**

9. **BUSINESS ARISING FROM THE PREVIOUS MINUTES**

Nil

10. **RECEIPT OF MINUTES OF COMMITTEE MEETINGS HELD SINCE THE PREVIOUS MEETING OF COUNCIL**

10.1 Receipt of the Minutes of the Local Emergency Management Committee

**8811**

Recommendation/Council Decision:

Moved: Cr Woods Seconded: Cr Scoffern

That Council receives the minutes of the Local Emergency Management Committee held on 18 August 2021.

**CARRIED 9/0**

10.2 Adopt the Recommendations of the Local Emergency Management Advisory Committee

**8812**

Recommendation/Council Decision:

Moved: Cr Hansen Seconded: Cr Woods

That Council adopts en bloc the recommendations contained within the minutes of the Local Emergency Management Advisory Committee held on 18 August 2021;

10.2.1 That the Local Emergency management Committee send a thank you letter to outgoing Shire of Collie Community Emergency Services Manager Tristan Gulvin for his valued experience and years of service to the Shire of Collie and DFES.

10.2.2 That the Committee note the progress on the review of the Shire of Collie Local Recovery Plan.

**CARRIED 9/0**

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**10.3 Receipt of the Minutes of the Audit Committee**

**8813**

**Recommendation/Council Decision:**

**Moved: Cr Miffing**

**Seconded: Cr Woods**

**That Council receives the minutes of the Audit Committee held on 26 August 2021.**

**CARRIED 9/0**

**10.4 Adopt the Recommendations of the Audit Advisory Committee**

**8814**

**Recommendation/Council Decision:**

**Moved: Cr Miffing**

**Seconded: Cr Woods**

**That Council adopts en bloc the recommendations contained within the minutes of the Audit Committee held on 26 August 2021;**

**That Council;**

**8.1 1. endorse the financial management processes and reporting programme as outlined in the body of the report; and**

**2. receive the Financial Management Report for July 2021.**

**8.2 1. receive the Interim Audit Report for the 2021 financial year; and**

**2. note that the final Management Response will be brought to the next meeting of the Audit Committee.**

**8.3 1. receive the Occupational Safety and Health Assessment Report; and**

**2. request staff to develop an Occupational Safety and Health Action Plan and report back to the Audit Committee.**

**8.4 receive the June 2021 Risk report.**

**CARRIED 9/0**

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**11. CEO REPORTS**

Mrs Green arrived in Chambers at 7.11pm.

**11.1 Renergi Operational Agreement**

<b>Reporting Department:</b>	Chief Executive Office
<b>Reporting Officer:</b>	Stuart Devenish – Chief Executive Officer
<b>Accountable Manager:</b>	Stuart Devenish – Chief Executive Officer
<b>Legislation</b>	<i>Local Government Act 1995</i>
<b>File Number:</b>	A4792
<b>Appendices:</b>	No
<b>Voting Requirement</b>	Simple Majority

**Report Purpose:**

To consider support for an Operational Agreement between the Shire and Renergi Pty Ltd for the operation of a waste processing facility, along with submission of a landfill operating licence amendment application.

**8815**

**Officer's Recommendation/Council Decision:**

**Moved: Cr Smith**

**Seconded: Cr Italiano**

**That Council resolve to authorise the Chief Executive Officer to:**

- 1. negotiate and enter into an Operational Agreement with Renergi Pty Ltd for the operation of a waste processing facility at the Shire's landfill site, subject to the agreement providing for separate consideration of commercial and other terms as appropriate; and**
- 2. subject to the provision of suitable information by Renergi Pty Ltd, prepare and lodge an application for operational licence amendment to provide for the processing operation proposed by Renergi Pty Ltd.**

**CARRIED 9/0**

**Background:**

Renergi has developed a proposal to convert combustible municipal solid waste into value-added products. The plant would occupy a portion of the Shire landfill site and operate in conjunction with the Shire's waste management services.

The Shire first expressed support for a waste processing facility developed by Renergi in March 2019. Since this time, various steps have been taken by the Shire and Renergi to progress the initiative. This has included:

- Council resolution, 4 August 2020 to support the proposal in principle;
- Council resolution 25 August 2020 to approve Waste Development Agreement, Agreement for Lease and Deed of Lease documents on 25 August 2020;
- Land tenure arrangements resolved on 28 October 2020 enabling the Shire to enter into a lease with Renergi;

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- A Waste Development Agreement and Agreement for Lease executed by the Shire on 30 October 2020.
- Council resolution on 9 March 2021 to endorse a Terms of Reference for a Working Group to facilitate the Renergi project.
- Various Project Working Group meetings to address issues relating to project implementation.

For the project to proceed, a range of agreements and approvals are required. These include:

- An Operational Agreement to be entered into with the Shire
- Waste Management works licence
- Operational licence(s)
- Amended landfill operation licence
- Executed lease
- Planning approval
- Building permit

The executed agreement between the Shire and Renergi refers to the need for the Operational Agreement to be established. The purpose of this agreement is to address the commercial and other terms necessary between the Shire and Renergi.

The success of the operation is dependent on a high level of coordination with the Shire of Collie. The coordination arrangements are to be overseen by the Operational Agreement. This agreement forms part of a milestone for Renergi to satisfy Government funding obligations. As such, Renergi is keen to establish this agreement as soon as practicable.

### **Operational Agreement**

It is suggested that an Operational Agreement be negotiated that sets out the further matters to be finalised prior to the commencement of works on site. These matters should include:

#### *Commercial Agreements*

Agreement to the interrelated charges for the provision of waste services to the Shire.

#### *Site Design Plan*

Detailing physical plant layout, material locations, road and drainage infrastructure, traffic management and movement, demonstrating compliance with relevant Australian Standards and regulatory requirements. The plan should also identify detail designs and arrangements for all required utility services.

#### *Site Management Plan*

Detailing site control and supervision arrangements, traffic management plans, material movements and stockpiling. Safe work method statements, procedures and associated processes are to be identified. Plant commissioning detail should also set out how waste feed material will be provided to transition to full production.

#### *Statutory Approvals*

All necessary statutory approvals achieved, including Shire planning approval and building permit along with State Government related works and operational

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approvals. These approvals necessarily address environmental requirements relating to noise, air and dust emissions.

It is recommended that an Operational Agreement be negotiated that ensures the above matters are satisfied ahead of works on site.

**Operational Licence**

The Shires landfill facility operates under a licence issued by the Department of Water, Environment and Regulation (DWER) under the provisions of the *Environmental Protection Act 1986*. The licence, which enables current practices, prescribes a wide range of requirements to be met.

For the Renergi facility to operate at the Shire landfill site, changes are required to the existing licence. An application is required to be to DWER to achieve this.

**Statutory and Policy Implications:**

N/A

**Budget Implications:**

The Operational Agreement will establish financial arrangements between Renergi and the Shire and may require budget amendment to account for transactions.

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

N/A

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

The Strategic Community Plan and Corporate Business Plan seek to achieve the effective waste diversion and recovery.

**Relevant Precedents:**

N/A

**Comment:**

The recommendation will enable ongoing negotiations to establish an Operational Agreement, with important requisites to be satisfied ahead of the commencement of works on site. It will also allow the timely submission of an application to amend the Shire's operational licence. Authority to allow further negotiations are recommended accordingly.

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**12. CORPORATE SERVICES REPORTS**

**12.1 Accounts Paid –July 2021**

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

**Report Purpose:**

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

**8816**

**Officer's Recommendation/Council Decision:**

**Moved: Cr Scoffern**

**Seconded: Cr Woods**

**That Council accepts the Accounts as presented in Appendix 1 being vouchers 41803- 41805 totalling \$892.50 and direct payments totalling \$1,223,621.35 authorised and paid in July 2021.**

**CARRIED 9/0**

**Questions taken on Notice:**

Cr Miffing

EFT31933 - Southern Metropolitan Regional Council – Waste website and app-what is this about?

Mr Keane took this question on notice.

Cr Italiano

EFT31760 - White Building – Do we still have 60% of invoice still to come for refurbishment of toilets?

Mr Young took this question on notice.

Cr Hansen

EFT31778 – Workforce Road Services Pty Ltd – How many crossings where painted?

Mr Keane took this question on notice.

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EFT31831 – Armac Stump Grinding – Why was a non-local business used for tree removal?

Mr Keane took this question on notice.

**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.

Month	2021/22		
	Cheques	Electronic Transfer	Total Payment
July	\$892.50	\$1,223,621.35	<b>\$1,224,513.85</b>
August			
September			
October			
November			
December			
January			
February			
March			
April			
May			
June			

**Statutory and Policy Implications:**

*WA Local Government Act 1995*

*Financial Management Regulations 1996*

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

A list of all accounts paid 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

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

**Relevant Precedents:**

**Comment:**

For a detailed listing of payments see Appendix 1.

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



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**12.2 Financial Report – July 2021**

<b>Reporting Department:</b>	Corporate Services
<b>Reporting Officer:</b>	Hasreen Mandry – Finance Manager
<b>Accountable Manager:</b>	Allison Fergie – Director of Corporate Services
<b>Legislation:</b>	<i>Local Government Act 1995 &amp; Financial Management Regulations 1996</i>
<b>File Number:</b>	FIN/024
<b>Appendices:</b>	Appendix 2 – Financial Report, July 2021 Appendix 3 – Letter from JILA Riley Building Contractor
<b>Voting Requirement</b>	Absolute Majority

**Report Purpose:**

This report provides a summary of the Financial Position for the Shire of Collie for the month ending July 2021, and to consider budget amendments to enable priority works.

**8817**

**Officers Recommendation/Council Decision:**

**Moved: Cr Harverson**

**Seconded: Cr Miffling**

**That Council resolve by Absolute Majority to:**

1. accept the Financial Management Report for July 2021 as presented in Appendix 2.
2. adopt the amended budget allocation for the Local Roads and Infrastructure Phase 2 projects to:
  - a. From Swinging Bridge refurbishment (\$200,000) to McAlinden Road Upgrade (\$250,000); and
  - b. From Jack Mears Springs boardwalk refurbishment (\$194,429) to re-sheeting of Court 3 Roof at Roche Park (\$144,429).

**CARRIED 9/0**

**Background:**

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

**Statutory and Policy Implications:**

*Local Government Act 1995*  
*Financial Management Regulations 1996*

**Budget Implications:**

Nil

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

Nil

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

Nil

**Relevant Precedents:**

N/A

**Comment:**

In accordance with the *Local Government (Financial Management) Regulations 1996* (Regulation), a monthly financial report must be compiled on variances greater than the percentage agreed by Council, which for the 2021/22 financial year is plus or minus 10% or \$10,000.

The financial statements provided in Appendix 2 reports on the following information for the reporting period:

- Snapshot of the overall financial performance
- Financial Activity by Nature and Type
- Statement of Comprehensive Income by Program
- Statement of Financial Position
- Material Variances
- Budget Amendments
- Cash and Investments
- Reserve and Trust balances
- Plant replacement and building asset renewal funded by Reserve Transfers
- Asset disposals
- Receivables and payables
- Borrowings
- Leases
- Capital grant and acquisition (summary and detailed)
- Operating grant (summary and detailed)

For reporting period July 2021, it is to be noted that total cumulative revenue is 10% under the year-to-date budget and total cumulative expenditure is 34% under the year-to-date budget.

	Full Year Budget	YTD Budget	YTD Actual	YTD Comparison
Operating Revenue	12,630,046	8,805,453	7,926,320	under
Capital Revenue	8,254,981	115,094	128,490	over
Financing Revenue	630,249	0	0	

	Full Year Budget	YTD Budget	YTD Actual	YTD Comparison
Operating Expenditure	1,4274,494	1,502,509	960,826	under
Capital Expenditure	8,362,138	57,498	75,065	over

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Financing Expenditure	1,407,987	10,764	6,921	under
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Commentary for the material variances is provided at account level which are identified on pages 8-10 of Appendix 2.

*Budget amendment request for the reporting period*

Council at its meeting on 11 May 2021, resolution 8729 and upon adoption of the 2021/22 budget endorsed the following projects to be funded from the LRCI phase 2 grant allocation of \$454,129. As the prioritisation of projects have been re-assessed, the proposed changes are suggested for Council's endorsement

Adopted Budget		Suggested Changes	
Project	Amount (\$)	Project	Amount (\$)
Swinging Bridge	200,000	McAlinden Road	250,000
Jack Mears Springs Boardwalk	194,429	Roche Park Roof Replacement	144,429
Recreation Area Fencing	59,700	Recreation Area Fencing	59,700

The basis for each of the proposed changes is explained below.

*Background on Roche Park Roof Replacement*

Since the budget was adopted by Council on 29 June 2021, the Building Department has identified the need for an adjustment. This is due to a change of circumstance with the performance of existing roof sheeting to the minor sports court (Court 3) at Roche Park Recreation Centre, as leaks have significantly worsened over the 2021 winter period.

Previously the roof was known to have some minor drips to several locations, which were seen to be mostly a result of worn neoprene washers to the sheeting tek screws. The Shire Building Department therefore budgeted in the 2020/2021 year for remedial capital works, based on methodology provided by Collie Roof Plumbing (now defunct), who had a strong working knowledge of the subject roof over many years of maintenance.

A local building contractor (JILA Riley) was engaged on 24 February 2021 to carry out said works. The works were subsequently commenced on 9 June 2021. The contractor noted significant corrosion to the 'underlapped' portions of the sheeting after commencement, which was not evident until the sheets were removed, in conjunction with other concerns – please refer to Appendix 3 for the letter provided by the builder based on their 23 May 2021 pre-start inspection.

The contractor ceased any further works to the roof in late June 2021 citing safety concerns due to the perceived lack of loadbearing capacity. In addition to the poor state of roof, the leaks have significantly worsened this winter with leaks now running down the inside face of walls and pooling on the recently replaced sports floor. The Building

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Department are working to mitigate damage to the new floor via various leak catchment installations, however new leaks are frequently opening up.

JILA Riley provided an indicative quotation for the replacement of the roof sheeting at approximately \$105,156, however it is seen that \$150,000 would be an appropriate budget figure to allow for contingency given the high-risk environment of the work for fall protection, and the current construction industry market. The work will need to be carried out over the 2021/22 dry summer period.

*Background on the other projects*

At the time of budget adoption it was anticipated that the guidelines for LRCI Phase 3 will be available by August 2021. The guidelines are yet to be made available.

The suggestion is to defer the Swinging bridge and Jack Mears Springs boardwalk refurbishment to the LRCI Phase 3 program of works, though this will need to be confirmed through the project nomination process once the guidelines are released. The identification of these two projects for deferment is based on meeting the timeframe for project delivery as timing will be impacted by heritage, environmental and Aboriginal consultation requirements. The LRCI Phase 2 projects are required to be completed by December 2021 and it would be problematic to deliver these projects within the nominated timeframe.

The proposal now presented is that the grant funding be allocated towards the McAlinden Road upgrade. This project is included in the adopted budget with funding from the LRCI Phase 3 program, is scheduled to commence in October 2021 and can be delivered within the timeframe for Phase 2 projects. Exchanging the McAlinden Road upgrade for the Swinging bridge and Jack Mears Springs boardwalk projects will allow project completion within the required timelines.

The scope of the replacement of fencing to recreation areas remains the same which was to replace the fencing around western end of the Collie Recreation Ground and the southern boundary of the Roche Park playing fields.

**Question taken on Notice:**

Cr Harverson

When scheduling works at Roche Park, were the various clubs/groups consulted about interruptions to sport events?

Mrs Fergie took this question on notice.

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**12.3 Variation of Lease Area for Collie River Valley Little Athletics Club**

<b>Reporting Department:</b>	Corporate Services
<b>Reporting Officer:</b>	Allison Fergie – Director Corporate Services
<b>Accountable Manager:</b>	Stuart Devenish – Chief Executive Officer
<b>Legislation</b>	<i>WA Local Government Act 1995</i>
<b>File Number:</b>	L6684C
<b>Appendices:</b>	No
<b>Voting Requirement</b>	Simple Majority

**Report Purpose:**

To seek Council authorisation to vary the area leased to the Collie River Valley Little Athletics Club Inc. for the purpose of building an extension to the storage shed building at the Collie Recreation Ground.

**8818**

**Officer's Recommendation/Council Decision:**

**Moved: Cr Harverson**

**Seconded: Cr Italiano**

**That Council, subject to the approval of the Minister for Lands, resolve to approve a variation of the lease areas for the Collie River Valley Little Athletics Club Inc for the purpose of building an extension to the storage shed building at the Collie Recreation Ground.**

**CARRIED 9/0**

**Background:**

The Collie River Valley Little Athletics Club storage building is located on Reserve 6684, which is vested in the Council for the purposes of Recreation and allows for leasing for any term not exceeding 21 years, subject to the consent of the Minister for Lands.

Since 2013 the Collie River Valley Little Athletics has leased the area on which they have built a storage shed for the equipment used for training of their members.

The storage shed is community built and operated, and therefore maintained by the Collie River Valley Little Athletics Club Inc at no cost to Council.

**Statutory and Policy Implications:**

*Local Government Act 1995*

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

- 30 (2) (b) (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and

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(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 proponent

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

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

1.3 An active and supportive community

1.3.1 Support community initiated and owned projects

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

1.5 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 the time of renewing the lease to the Collie River Valley Little Athletics Club at the Council meeting held 23 October 2018 the lease area was extended by 3m for the purpose of extending the storage shed. This proposal represents a second extension to the area.

**Comment:**

The building extension will be entirely funded by the club, and plans have been submitted for relevant planning and building approvals. However, prior to granting approvals the lease area needs to be varied to allow for the footprint of the proposed extension to be included within the lease area.

The proposed extension will not impact on other user groups. It will benefit not only the Collie River Valley Little Athletics Club but also the Collie Cycle Club. The storage space is shared with the Collie Cycle Club, which in turn shares its facilities with the Collie River Valley Little Athletics Club.

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**12.4 2021 Christmas and New Year Closing Dates**

<b>Reporting Department:</b>	Corporate Services
<b>Reporting Officer:</b>	Allison Fergie - Director Corporate Services
<b>Accountable Manager:</b>	Allison Fergie - Director Corporate Services
<b>Legislation</b>	<i>Local Government Act 1995</i>
<b>Appendices</b>	No
<b>File Number:</b>	CSV/041
<b>Voting Requirement</b>	Simple Majority

**Report Purpose:**

For Council to consider the closing dates and times for Shire facilities over the 2021 Christmas and New Year period.

**8819**

**Officer's Recommendation/Council Decision:**

**Moved: Cr Woods**

**Seconded: Cr Smith**

**That Council resolve to note the timetable for closing dates and times of Shire venues for the 2021 Christmas and New Year Period as presented in the body of this report.**

**CARRIED 9/0**

**Background:**

The dates and times of Christmas/New Year closing dates and times varies dependent on the day of the week on which Christmas Day and the associated public holidays fall. In 2021, Christmas Day falls on a Saturday, with public holidays on the following Monday and Tuesday.

The proposed hours for the various Shire facilities is shown in the table below:

Venue	Closing Date/Time	Re-opening Date/Time
Administration Building	12 noon Friday (Christmas Eve) 24 December 2021	8.00am Tuesday 4 January 2022
Collie Public Library	12 noon Friday (Christmas Eve) 24 December 2021	8.30am Tuesday 4 January 2022
Roche Park Recreation Centre	3.00pm Wednesday 22 December 2021	9.00am Tuesday 4 January 2022
Mineworkers Memorial Swimming Pool	<i>Closed on the following days:</i> Saturday 25 December 2021 Sunday 26 December 2021	Open on all other days.
Shire Depot	12 noon Friday (Christmas Eve) 24 December 2021	6.30am Tuesday 4 January 2022



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Waste Transfer Station	Closed on the following days: Saturday 25 December 2021 Sunday 26 December 2021	Open on all other days.
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**Statutory and Policy Implications:**

Nil

**Budget Implications:**

Nil - Staff taking leave will be utilising leave entitlements for the times they are not at work.

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

Public notice to be given advising of the open/closed hours for the various facilities.

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

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

Outcome 5.2: Effective and efficient people and corporate services.

Strategy 5.2.2 Provide and promote responsive customer services.

5.2.6 Promote continuous improvement of services, corporate systems and processes.

**Relevant Precedents:**

The Shire venues have closed at times over the Christmas and New Year period in previous years.

**Comment:**

Essential services to the community will continue during the period of closure.

- Ranger Services will be available throughout by calling the advertised ranger mobile number or by leaving a message with the after-hours call service.
- Works and Parks and Gardens staff will be rostered on-call throughout.
- Funeral directors will be advised of on-call staff to respond to cemetery services.
- Information services will be available if required to post essential messages.
- Emergency response staff will be available throughout in the event of an emergency.
- The Transfer Station and the swimming pool are only closed for the minimum reasonable time to allow staff to spend Christmas with their families.

With public holidays falling on the Monday 27 December, Tuesday 28 December and Monday 3 January, and staff receiving a local government holiday over the Christmas period, there are essentially only two additional days of closure between Christmas Eve and the 4 January 2022.

Experience has shown that very few customers have attended Shire venues in the days between Christmas Day and New Year, therefore minimal inconvenience to ratepayers is anticipated.

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**13. DEVELOPMENT SERVICES REPORTS**

**13.1 South West Joint Design Review Panel**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	Katya Tripp – Project Officer
<b>Accountable Manager:</b>	Matt Young – Director Development Services <i>Planning and Development Act 2005</i>
<b>Legislation</b>	<i>Planning &amp; Development (Local Planning Schemes) Regulations 2015</i>
<b>File Number:</b>	GVR/050
<b>Appendices:</b>	Appendix 4 - Draft Memorandum of Understanding Appendix 5 - Draft Terms of Reference
<b>Voting Requirement</b>	Simple Majority

**Report Purpose:**

To seek Council support for membership to the South West Joint Design Review Panel.

**8820**

**Officer's Recommendation/Council Decision:**

**Moved: Cr Smith**

**Seconded: Cr Woods**

**That Council resolve to:**

- 1. endorse the Shire of Collie's membership to the (to be established) South West Joint Design Review Panel;**
- 2. authorise the Chief Executive Officer to enter a memorandum of understanding with other participating south west local governments for the establishment, operation and management of a South West Joint Design Review Panel;**
- 3. authorise the Chief Executive Officer to finalise and approve the Terms of Reference with other participating south west local governments for the operation and management of a South West Joint Design Review Panel;**
- 4. note a budget allocation request of \$2600 for the 21/22 financial year to fund the use of a South West Joint Design Review Panel on an as needed basis; and**
- 5. include South West Joint Design Review Panel sitting fees in the 21/22 Schedule of Fees and Charges at \$2100 per meeting or proportionate cost incurred where an agenda is shared.**

**CARRIED 9/0**

**Background:**

What is design review?

Design review is an independent and impartial evaluation process through which a panel of experts on the built environment assess the design of a development application, major public works, structure plans etc.

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Design review should be independent, expert, multi-disciplinary, accountable, transparent, proportionate, timely, advisory, objective and accessible.

Design review benefits development proposals by providing informed opinions and guidance on the interpretation and application of design elements and principles, which can be particularly helpful for unique or complex development proposals.

Design review can also often achieve efficient assessment and reduce approval times.

Design Review Panels (DRP) are groups of independent impartial experts who advise on the design quality of a project or development proposal.

DRP's have been operating in Australia for over 20 years, and as far back as 2012 in the Perth Metropolitan Area. 80% of metropolitan local governments have established DRP's, reinforced through the State government's Design WA initiative.

It is considered best practice that design review takes place early in the planning process to maximise the opportunity for feedback to be incorporated into the designs.

Why is this being pursued?

Implementing design review into the planning system is a key component of State Planning Policy 7.0 – Design on the Built Environment (SPP7.0). SPP7.0 applies to all development across the State and outlines ten design principles to assess the design quality of a proposal or project. SPP7.0 states that planning authorities should establish or provide access to design review processes for complex planning proposals.

The south west local government have been working to establish a joint design review panel to assist local government decision making, and to provide access to a pool of expert specialists that it ordinarily would not be available.

The Shire of Collie does not have a sufficiently high need or the funding to establish and operate its own design review panel. However, having the option to access a design review panel would be an excellent resource to draw upon for those large and/or complex proposals that would benefit from good design and independent expert review. The advantage of this joint approach is that costs are lower for individual Shire's and there is a larger pool of experts to draw from with lower risks of conflict of interest. For the Shire of Collie in particular it allows access to a design review panel on a user pays basis.

South West Joint Design Review Panel (SWDRP)

A joint design review panel pools resources across local authorities to reduce costs of establishing and operating a DRP. In particular the SWDRP relies on the larger local governments of Bunbury, Busselton and August-Margaret River to manage the operation of the SWDRP (see budget implications).

In order for the SWDRP to function, a draft Memorandum of Understanding (MOU) has been prepared between the participating local governments (Appendix 4). The MOU is a non-legally binding agreement between the parties and outlines each parties roles and responsibilities and the governance and working arrangements to establish and maintain a DRP. The draft MOU currently states that participating local governments will contribute equally to the expressions of interest process and ongoing member

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recruitment costs, after which the DRP will operate on a 'user pays' basis, where meeting costs will be borne across the local governments' presenting an item.

Local governments currently listed on the draft MOU are the Cities' of Bunbury and Busselton and the Shires' of August-Margaret River, Collie, and Harvey. It is expected that other south west local government will join once the DRP is established and operational and the draft MOU allows for this to occur.

A Terms of Reference (TOR) (Appendix 5) will be attached as an appendix to the MOU and sets out the operational aspects of the DRP, including the role and statue of the DRP, governance, member appointment and responsibilities, remuneration, and meeting procedures.

Importantly the terms of reference refer to a Local Planning Policy (LPP) to establish the types of applications that we, at the Shire of Collie, will require design review for, as well as the amendment and process around fees and charges. This LPP will be presented to a policy review committee in the near future and will:

1. Establish a 'head of power', in creating a relationship between the development assessment and design review process (through the local planning scheme);
2. Outline the types of proposals that will can be referred for design review; and
3. Outline the process for fees and charges.

**Statutory and Policy Implications:**

State Planning Policy 7.0 – Design of the Built Environment

This State policy sets out the objectives, measures, principles and processes which apply to the design and assessment of built environment proposals through the planning system. One of the measures this policy covers to ensure good design outcomes in the built environment is to require design review for significant developments.

Local Planning Scheme No. 5

Provision has been included in draft Local Planning Scheme No. 6 enabling development applications to be referred to the joint design review panel.

Local Planning Policy:

A draft local planning policy will need to be prepared and presented to a policy review committee and Council at a later date.

**Budget Implications:**

Establishment and Maintenance Costs

Establishment costs are expected to be \$5000 maximum, covering advertising and circulating an Expression of Interest Campaign (EOI) for panel members plus potential recruitment costs. Given that this is a shared initiative across the south west, a grant of \$3000 has been provided by the South West Development Commission to cover these costs. Any remaining establishment costs are proposed to be shared across the participating local governments, however the City of Busselton has agreed to cover

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initial administration costs for the first year. It is likely that the eventual costs for this establishment process will be met by the \$3000 grant however it is recommended that the Shire of Collie budget \$500 towards the establishment of the Joint Design Review Panel as a precaution.

Estimates for administration staff to support the SWDRP are at around \$7000 per year however this is an in-kind figure for existing staff time. Administration of the DRP includes hosting the DRP meetings and undertaking the administrative tasks that come with this, including preparing and circulating agendas, invites, taking minutes and formulating recommendations with the Panel Chair. The option that is currently being explored is 'rotating' the hosting and administration of the DRP meetings between the City's of Bunbury, Busselton and the Shire of Augusta Margaret River. Under such an arrangement, and assuming monthly meetings, the workload for each of these local governments would be reduced to once a quarter. This is expected to be manageable within the existing staffing arrangements of these local governments negating additional staffing costs.

As a result, there is no budget need for the operation of the DRP.

Meeting Costs

The draft TOR sets the remuneration of the Panel Member at \$500 per meeting for the chair and \$400 per meeting for other members, inclusive of preparation time, travel and other expenses incurred. Costings have been based on 5 panel members, but this may be adjusted down depending on the outcomes of the EOI process. Based on this approach one meeting would cost \$2100.

It is expected that the Shire will refer up to two applications per year that would qualify for referral to the DRP and that these applications may be referred to 2-3 meetings. It is proposed that one or two of these meetings are covered by the Shire with a third meeting, if required, paid for by the proponent.

It is highly likely that meeting agendas will be shared with other local governments, which means the meeting costs will be split proportionately, lowering the cost to each local government. If the agenda of a meeting was shared with one other local government the cost would reduce to \$1050 per local government per meeting and further if the agenda shared between more than two local governments.

It is therefore recommended that the Shire budget \$2100 allowing for at least one DA per year to go through 2 design review meetings. If a third DRP meeting is required it is proposed that this costs be met by the proponent. The actual cost to Council will be established through the local planning policy and an amendment to the Shire's fees and charges.

As this is being established as a user pays system, if the allocated budget is not spent throughout the financial year, it would be rolled over into the next financial year.

These budget allocations can also be reviewed once the panel is operational and there is a better understanding of the frequency of the Shire presenting items and the sharing of agendas.

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Based on the above, a budget allocation of \$2600 for the 21/22 financial year will be requested through the budgeting process.

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

It is recommended that the membership of the Shire of Collie into the SWDRP be communicated through the Shire information page in the Collie Bulletin once it is established.

It is also recommended that as establishment and operations of the SWDRP progresses additional information and marketing material will be prepared to help explain how the SWDRP will work, when it will be in operation and the types of matters which will be considered by the DRP

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

Goal 4: Our Built Environment

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

Strategies:

- 4.1.1 - Ensure appropriate planning controls for land use and development;*
- 4.1.2 - Promote the development of high quality residential development;*
- 4.1.3 - Support and promote the conservation and maintenance of heritage buildings, sites and places of interest; and*
- 4.1.5 - Ensure buildings and structures (residential and non-residential) are safe and built to required standards.*

**Relevant Precedents:**

It is estimated 80% of metropolitan Councils in WA have established DRP. However, this is the first time a joint regional design review panel has been proposed in WA and indeed Australia.

**Comment:**

Fees and charges

Normally a proposal is reviewed up to 3 times by a DRP, but this is not mandatory. It is recommended that the Shire allows for two design reviews at no cost to the proponent. If a third review is required, the cost of this will be charged to the proponent. This will provide an incentive for the applicant to engage early with the panel and to take on board the DRP's early feedback to avoid costs associated with a third review. Early engagement and incorporation of feedback is shown to reduce the number of times a DRP is required.

The fees and charges for 2021/22 FY will need to be amended to include this fee/charge.

Summary

Design review panels provide independent, impartial expert advice to local government on the design on a building/development. Whilst this advice is non-binding, it provides additional technical expertise to the local government to assist it in decision-making and to help interpret State Planning Policy 7.0 – Design of the Built Environment.

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80% of metropolitan Council's in Perth have established and operate a design review panel. This is the first time a joint design review panel is proposed to be established and operate across multiple local governments.

Sharing the costs of establishment and operation of a design review panel across multiple local governments offers substantial cost saving to the Shire of Collie enabling us to access a quality service we could otherwise not afford.

As we transition into new industries and economies, we are experiencing increased development and investment within the Shire. The option to access a design review panel for significant development proposals, via a user pays system is strongly recommended.

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**13.2 Amend Purpose of Reserve 48390 Collins Street, Collie to the 'Use and Benefit of Aboriginal People'**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	Isabel Fry- Shire Planner
<b>Accountable Manager:</b>	Matt Young – Director Development Services
<b>Legislation</b>	<i>Land Administration Act 1997</i> <i>Local Government Act 1995</i>
<b>File Number:</b>	R48390
<b>Appendices:</b>	Appendix 6 - Request for Comment
<b>Voting Requirement</b>	Simple Majority

**Report Purpose:**

For Council to provide comment to the Department of Planning, Lands and Heritage on a proposal to amend the purpose of Reserve 48390 Collins Street, Collie to 'Use and Benefit of Aboriginal People', with grant of a Management Order to Native Title Party's Trustee.

**8821**

**Officer's Recommendation/Council Decision:**

**Moved: Cr Scoffern**

**Seconded: Cr Smith**

**That Council resolve to;**

- 1. advise the Department of Planning, Lands and Heritage that:**
  - a) It has no objection to the change of purpose of Reserve 48390 Collins Street, Collie to 'Use and Benefit of Aboriginal People', including granting a Management Order to the Native Title Party's Trustee; and**
  - b) No approvals have been granted for the structure/s on the Reserve. If approval for the structures is not intended to be sought, then they are to be removed.**
- 2. authorise the Chief Executive Officer to complete the Statutory Declaration relating to non-contamination of the site, as requested by the Department of Planning, Lands and Heritage.**

**CARRIED 9/0**

**Background:**

The Department of Planning, Lands and Heritage (DPLH) has requested (Appendix 6) the Shire provide comment and advice on a proposal to amend the purpose of Reserve 48390 (Lot 2835 on DP 195024 Collins Street, Collie) to 'Use and Benefit of Aboriginal People', with grant of a Management Order to Native Title Party's Trustee.

The Shire has previously resolved to and provided advice for the relinquishment of this Reserve. To facilitate this action, the DPLH has requested that the Shire provide the following information.

- Statutory Declaration regarding non-contamination of the site. (Template provided in Appendix 6)



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- Further detail regarding the structure/items on the Reserve ie. What is this structure? Who does it belong to? Have approvals been granted?

The subject site is located to the north of the Collie Light Industrial Area on Collins Street, Collie. There is an unauthorised structure on the site. The subject site has a total area of just over 2ha and is heavily vegetated. Adjoining the subject site is a portion of freehold Light Industrial zoned land, Unallocated Crown Land and Reserve. The land is currently vested with the Shire of Collie through a Management Order and the purpose of the Reserve is Public Purpose- Local Government.



The land is not registered as being contaminated on the Department of Water and Environmental Regulation's contaminated sites database.

For a number of years this site was intended to be used for the relocation of the Shire Works Depot. To prepare for the relocation, the Shire was involved in extensive negotiations with the local Aboriginal community, as the area has local significance to its people. In the early 1990's Council agreed to split Reserve 48390, on request from the Aboriginal community. This split was intended to resolve the issues with the area relating to aboriginal heritage. No action was taken by Council to progress development of the site and upon revisiting the project in 2009, the local aboriginal community were no longer agreeable to this arrangement. Following a refused application under Section 18 of the Aboriginal Heritage Act, the Council reassessed their position on developing the site.

In correspondence from the then Shire Chief Executive Officer to the Minister for Regional Development and Lands in 2010, it was advised that the Council had resolved to relinquish Reserve 48390, due to its significance to the local aboriginal community.

The proposal forms part of the establishment of the Noongar Land Estate and the South West Native Title Settlement (Settlement). The Noongar Land Estate is a key commitment for the Settlement, comprising of up to 300,000 hectares of Crown land allocated as reserve or leasehold and up to 20,000 hectares allocated as freehold. The land will be used and developed for cultural and economic purposes, depending on the

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needs and aspirations of the Noongar People. Land identified as eligible for inclusion in the Estate is primarily unmanaged reserves and Unallocated Crown land.

The size, location and cultural value of each parcel of land will determine the future land use once included in the Land Estate. Large areas of bushland will likely be managed for conservation of Aboriginal heritage and environmental values, caring for country, cultural tourism and cultural activities. Smaller areas of land and those located in townsites may be utilised for economic development, housing, enterprise, wellbeing programs, aged care or similar. A small portion of the Noongar Land Estate will be purely for development purposes and will generate an income.

A professional trustee has been appointed to manage the Noongar Boodja Trust for the first 12 years. The Trustee and associated Noongar Boodja Land Sub will become a significant land holder and land manager in the southwest.

**Statutory and Policy Implications:**

All statutory requirements for the land continue to apply.

**Budget Implications:**

Management of the Reserve by the Shire will be relinquished.

**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:**

At present, the Shire does not have any intention to develop this land and acknowledges the significance of the Reserve to the local aboriginal community.

The utilisation of the reserve as part of the Noongar Land Estate has the potential to benefit the environmental and heritage values of the area. It is therefore recommended that the Shire provide advice to the DPLH, indicating no objection to the proposal to include the subject site in the Noongar Land Estate, for the Use and Benefit of Aboriginal People, with a Management Order granted to the Native Title Party's Trustee.

The Shire's response to DPLH will also be required to address the questions raised in the request for comment. Officers can advise that no approvals have been granted for the structures on the Reserve, which appear to be outbuildings. The party responsible for the unauthorised construction of the structures has not been confirmed. If approval for the structures is not intended to be sought, then they should be removed. It is also recommended that the Council authorise the Chief Executive Officer to complete the Statutory Declaration requested by DPLH, relating to the Reserve and potential contamination.

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Cr Woods declared a Financial Interest at Item 13.3.

Cr Woods left the room at 7.34pm.

**13.3 Application for Development Approval and Extractive Industry Licence- Proposed Gravel Extraction- Lot 2519 Lyall's Mill Road Road- Lyall's Mill**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	Isabel Fry (Town Planner)
<b>Accountable Manager:</b>	Matt Young – Director Development Services
<b>Legislation</b>	<i>Planning and Development Act 2005</i>
<b>File Number:</b>	A3822
<b>Appendices</b>	Appendix 7 - Application Appendix 8 - Schedule of Agency Responses
<b>Voting Requirement</b>	Absolute Majority

**Report Purpose:**

For Council to determine an application for development approval for a proposed Industry-Extractive (Gravel Extraction) at Lot 2519 Lyall's Mill Road, Lyall's Mill.

**8822**

**Officer's Recommendation/Council Decision:**

**Moved: Cr Hansen**

**Seconded: Cr White**

**That Council resolve by absolute majority to:**

1. **grant Development Approval for an Industry-Extractive (Gravel Extraction) Development Application at Lot 2519 Lyall's Mill Road, Lyall's Mill, subject to the following conditions.**
  - i. **No extraction works association with this Development Approval shall occur on the property until Conditions (iv) to (vii) of this Development Approval have been satisfactorily achieved and an Extractive Industry Licence has been issued by the Shire.**
  - ii. **This approval is valid for a period of 5 years from the date of the issue of the Extractive Industry Licence. If development is not completed within this period, a new approval must be obtained before commencing or continuing development.**

**Prior to the issuance of Extractive Industry Licence**

- iii. **Prior to the issuance of an Extractive Industry Licence, a reinstatement bond of \$30,000 (6ha @ \$5000.00 per hectare) shall be provided to the Shire in the form of a bond or an irrevocable and unconditional Bank Guarantee.**
- iv. **Prior to the issuance of Extractive Industry Licence, the Applicant shall have the approved pit boundaries surveyed and fenced by a suitably qualified surveyor, with the location of the pegs being to the satisfaction of the Shire.**

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- v. Prior to the issuance of an Extractive Industry Licence, detailed design for upgrades/works to Lyall's Mill Road shall be submitted and approved to the satisfaction of the Shire.
- vi. Prior to the issuance of an Extractive Industry Licence, a Dust Management Plan is to be submitted and approved to the satisfaction of the Shire. The Dust Management Plan is to include:
  - a) Detailed planning for areas requiring watering;
  - b) Frequency of watering;
  - c) Volumes of water required for watering;
  - d) A description of measures to be taken to minimise dust.

**Prior to Commencement**

- vii. Prior to commencement of development on the site, the approved works/upgrades to Lyall's Mill Road are to be completed to the satisfaction of the Shire.

**Ongoing**

- viii. The approved development shall at all times, comply with the approved Management Plans and Works and Excavation Plan ('Extractive Industries Licence Application'- Prepared by Cardinal Contractors Pty Ltd. and 'Water Management Plan'- Prepared by Lundstrom Environmental Consultants Pty Ltd. and the approved Dust Management Plan)
- ix. Stockpiles are to be kept to a maximum height of 5m to avoid visual impact and/or material wind drift.
- x. Operating hours are restricted to Monday to Friday 7:00am to 5:00pm. Saturday 7:00am to 12:00pm (if required). No activities are to occur on Sunday or Public Holidays.
- xi. The pit survey pegs shall remain in place for the duration of the operation to the satisfaction of the Shire.
- xii. Any refuelling activities shall be undertaken in accordance with the Department of Water and Environmental Regulation's Water Quality Protection Note- Toxic and Hazardous Substance Storage and Use. There is to be no storage of hydrocarbons on-site and no major vehicle or machinery repairs or maintenance is to take place on site.
- xiii. Excavation shall be undertaken to the maximum depth of 3m AHD, unless otherwise approved by the Shire, in consultation with the Department of Water and Environmental Regulation, following groundwater monitoring.
- xiv. A 0.5m separation distance to the groundwater shall be maintained for the life of the development.
- xv. Groundwater shall not be extracted or dewatered during the life of the development.

**Advice Notes:**

- a. With respect to the reinstatement bond required by condition iii, the Shire:
  - i. May call on the Bank Guarantee or Bond for the purpose of carrying out or maintaining rehabilitation work required by the

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- Rehabilitation Management and Monitoring Plan (Extractive Industries Licence Application Report), where that work has not been carried out by the Applicant, to the satisfaction of the Shire.
- ii. May, with one weeks written notice to the Applicant, enter Lot 2519 for the purpose of carrying out or maintaining the rehabilitation work.
  - iii. May retain the Bank Guarantee or Bond and/or enter Lot 2519 in accordance with the proceeding paragraph for three years after the expiration of this approval or until the works prescribed by the Rehabilitation Management and Monitoring Plan (Extractive Industries Licence Application Report) have been satisfactorily completed (whichever is later).
  - iv. Must return the Bank Guarantee or Bond (or balance thereof) to the Applicant at the expiration of that period.
- b. No crushing or screening activities should occur unless a Works Approval has been obtained from the Department of Water and Environmental Regulation as required by Part V of the Environmental Protection Act 1986.
  - c. The Applicant is advised that an application for minor works in the road reserve is to be submitted to Main Roads prior to any works being undertaken.
  - d. The Applicant is advised of their obligations under the Environmental Protection and Biodiversity Conservation Act 1999.
  - e. All extraction is to remain compliant with the Shire of Collie Extractive Industry Local Law 2015.
  - f. The Applicant is advised that any proposed clearing of native vegetation is prohibited unless done under a clearing permit issued in accordance with the Environmental Protection Act 1986, or the clearing is exempt from the need for a clearing permit.
2. Authorise officers to issue a Extractive Industry (Local Law) Licence for the extraction of gravel at Lot 2519 Lyall's Mill Road, Lyall's Mill, once conditions iv to vii of the development approval have been satisfied.
- CARRIED 8/0**

**Background:**

An application for development approval (Appendix 7) was lodged by Cardinal Contractors Pty Ltd on 17 November 2020, to undertake an Industry-Extractive (Gravel Extraction) at Lot 2519 Lyall's Mill Road, Lyall's Mill. The application was placed on hold for a significant length of time to allow for additional information to be provided in the form of a Water Management Plan.

The subject site is approximately 90 hectares in size and is zoned Rural 1 under the Shire of Collie Local Planning Scheme No. 5 (Scheme). The proposed gravel extraction site is located in the northeast portion of the lot and is approximately 6 hectares in size. The existing use of the subject site is a blue gum plantation, which has been and will continue to be harvested prior to gravel extraction. Further site detail is provided in the development application report (Appendix 7).

The subject site adjoins State Forest on all boundaries, as well as Crown Land to the west. The property is accessed by Lyall's Mill Road, which is unsealed and does not

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provide access to any other privately owned properties. At present, the Shire manages Lyall's Mill Road which is approximately 1.2km in length. Lyall's Mill Road directly joins Collie-Preston Road, which is managed by Main Roads. Traffic leaving the site is proposed to be directed either north or south onto Collie- Preston Road, on a 50/50 split. Entrances to the site will be appropriately sign posted with warnings and relevant contact details.

The site is proposed to be extracted over a period of 5 years, to a depth of approximately 3 metres. Gravel extraction is estimated to be around 30,000 tonnes per annum, dependent on demand. Topsoil will be placed in windrows around the edges of the working area, any additional overburden will be used separately for stormwater management.

Within the site, a bulldozer will rip and blade material to a crusher, with crushed materials being stockpiled. Stockpiles will be loaded onto trucks using a front-end loader. Other equipment proposed to be used on the site includes:

- Komatsu D355 Dozer
- Komatsu WA500 Loader
- Komatsu WA380 Loader
- Mobile Crusher and Screener

The site is proposed to operate Monday to Friday 7am to 5pm. Weekend operation is a possibility if it is required.

#### Noise

The proposed development will generate some operational noise. The offsite impacts of this would be negligible as the closest noise sensitive receptor is a dwelling at Lot 2 Collie Preston Road, located 2km from the site.

#### Dust

There is the possibility of dust to be generated on the site when conditions are dry and there are strong winds, especially during the initial stages of the operation. The Applicant anticipates that the impacts of this will be negligible due to the closest dwelling being located 2km away from the site. The tree buffer surrounding the extraction site will also assist in ensuring dust doesn't drift from the site onto Collie-Preston Road.

#### Dieback Management

The following management measures are proposed to minimise the potential spread of dieback:

- Fencing of the site.
- Access via a single entrance gate.
- All machinery, trucks and other vehicles will arrive in a clean condition free of soil and organic matter that may contain dieback fungus.
- No soil materials will be brought into the site from elsewhere.
- Employees and contractors working on the site will be informed of the purpose of

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the above measures and their responsibilities in relation to dieback prevention.

- The site will not be worked during wet periods.

### Rehabilitation

Following extraction, the land is proposed to be reinstated for pasture, with 100mm per square of topsoil to be spread over the 6 hectares. Topsoil will be spread using a D85 dozer, over 3 days and a grader to be utilized for a day to complete the levelling process. No significant cut/ fill will be required.

Rehabilitation of the site will be undertaken on a progressive basis, taking approximately 1 year to complete. Rehabilitation of the site will begin once all stockpiles of gravel have been removed, over an estimated period of 5 years. Appendix 7 provides additional detail on the measures to be implemented for rehabilitation, monitoring and maintenance of the site.

### Water Management

The management measures proposed in the Water Management Plan are summarised below.

- Containment of runoff from operations up to the 2 hours 1% AEP in the toe of the pit.
- Diversion of runoff from areas outside the operations using cut-off bunds.
- Installation of rock baffles along the southern cut-off bund to prevent erosion and minimise disturbance to a nearby spring.
- Construction of contour bunds to a grade between 0.1 and 0.4%.
- As part of the rehabilitation process, the pit floor will be ripped along the contour, to relieve compaction, improve infiltration, attenuate stormwater runoff and facilitate rapid root penetration. Cut-off bunds will be retained until vegetation ground cover is sufficient to stabilise the ground surface and prevent erosion.
- Regular monitoring of the erosion control measures will be undertaken, and repairs implemented where necessary throughout the licence period or longer if necessary.

### Referrals

The application has been referred to the Department of Biodiversity, Conservation and Attractions (DBCA), Department of Water and Environmental Regulation (DWER) and Main Roads Western Australia (MRWA).

As a result of the referral advice received from DWER, a Water Management Plan was prepared and submitted by Lundstrom Environmental Consultants Pty Ltd to support the application. The Water Management Plan also provides more detailed site plans and cross section of the proposed pit.

The agencies support the proposal subject to the imposition of the conditions (as recommended), and to implement the Water Management Plan.

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**Statutory and Policy Implications:**

Shire of Collie Local Planning Scheme No. 5

Industry-Extractive is defined in the Scheme as-

*“An industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on or adjacent to, the land from which the materials are extracted, but does not include Industry-Mining.”*

Industry-Extractive is considered an ‘A’ use pursuant to the Scheme and can be considered in the Rural 1 zone following advertising.

Draft Shire of Collie Local Planning Scheme No.6

Industry-Extractive is considered an ‘A’ use pursuant to the Scheme and can be considered in the Rural zone following advertising.

Shire of Collie Extractive Industries Local Law 2015

An Industry-Extractive is required to obtain a Extractive Industries Licence (EIL) under the Shire of Collie’s Extractive Industries Local Law (Local Law) prior to commencing operation. An application for an EIL forms part of this proposal.

The Shire’s Local Law provides guidance on information to be provided with an application for an EIL, matters to be considered when determining an application and conditions that may imposed on a licence. The Local Law also allows for the Local Government to hold a bond, bank guarantee or other security to ensure the site is properly restored or reinstated.

The Local Law allows for the Local Government to issue a licence for a determined period, not exceeding 21 years from the date of issue.

State Planning Policy 2.4 Planning for Basic Raw Materials

State Planning Policy 2.4 Planning for Basic Raw Materials provides guidance on the assessment of Extractive Industry proposals. Stating that unless exempt, applications to establish, extend or expand an extractive industry require development approval under an applicable local planning scheme. Applications for development approval should be supported by a management plan that demonstrates:

- site description and analysis;
- strategic and statutory planning requirements;
- identification of the environmental values and those requiring protection;
- that extractive industry operations are adhering to designated separation distances and will not impact or be impacted by sensitive land uses;
- proposed transport routes used and site access details;
- sequential land use and a staging plan for the rehabilitation of the site for its intended long-term use; and
- compliance with any other considerations as outlined in the BRM guidelines.



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EPA Guidance Statement No 3 Separation Distances Between Industrial and Sensitive Land Uses

<b>Industry</b>	<b>Description</b>	<b>Impacts</b>	<b>Buffer Distance</b>
<i>Extractive Industries- hard rock, Darling Scarp</i>	<i>Quarrying (including blasting), crushing and screening</i>	<i>Noise Dust Risk</i>	<i>1000m</i>

**Budget Implications:**

Nil

**Communications Requirements:**

The public advertising was conducted between 15 December 2020 to 12 January 2021 and referrals were made to relevant government agencies. It was not considered necessary to advertise to the wider public due to no privately owned properties or dwellings being within close proximity to the site.

A total of 3 submissions were received as a result of the advertising period to agencies.

**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:**

Agency Referral Responses

Details of submissions received from state government agencies are included in Appendix 8 and discussed below.

The Applicant has approached Main Roads and the Shire's Technical Services Department to discuss required upgrades to the intersection of Lyall's Mill Road and Collie-Preston Road. It is recommended that detailed design of the proposed upgrades to Lyall's Mill Road be provided, to the satisfaction of the Shire, as a condition of development approval. The Applicant will also be advised that approval from Main Roads for minor works in the Collie-Preston Road road reserve will be required, as per the Main Roads referral response.

The referral response from DBCA provided general advice regarding the management of dieback and clearing of native vegetation. The management of the site with reference to dieback has been addressed by the Applicant in the development application report. The DWER did not raise any issues related to clearing of native vegetation.

Issues raised by DWER in their original submission included lack of stormwater management detail, water supply (specifically for dust management) and the requirement for licencing by DWER as a Prescribed Premise. The Applicant was

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provided a copy of all submissions and given the opportunity to address the issues raised. Upon receipt of the Water Management Plan and accompanying responses to the issues raised by DWER, it was referred to DWER for further comment.

In the second referral response received from DWER, it was summarised that the water management strategies outlined in the Water Management report, if correctly implemented, should mitigate potential impacts. It was also advised that as the contour bund locations are indicative only, detailed layout should be implemented by an experienced surveyor, to the satisfaction of the Shire. It is recommended that a condition of development approval be imposed requiring the approved Water Management report be complied with for the duration of the development.

It was also raised that no formal Dust Management Plan has been provided in response to the issue of water supply for dust management, however the Applicant has advised that the water for dust suppression will be abstracted off-site from the nearest available commercial (scheme) source. It is recommended that a conditional of development approval be imposed requiring a Dust Management Plan to be submitted and approved, to the satisfaction of the Shire. The Applicant will be required to comply with the approved plan for the duration of the development. A resolution passed by absolute majority is required to provide delegated authority to grant a licence under the Local Law.

Local Planning Scheme (No.5 and Draft No.6) and State Planning Policy 2.4 Planning for Basic Raw Materials (SPP2.4)

The proposed Industry-Extractive is consistent with the requirements of SPP2.4. The proposal does not raise major concerns that are unable to be managed with regard to environmental values, stormwater, rehabilitation, offsite impacts and traffic. The proposed separation distance to the nearest sensitive receptor is compliant with EPA Guidance Statement No.3. The proposed use can be considered in the Rural 1 zone and is compliant with the requirements of Local Planning Scheme No.5. The proposal is also compliant with Draft Local Planning Scheme No.6.

Shire of Collie Extractive Industries Local Law 2015

The information provided with the application through the Development Application Report and accompanying Water Management Plan are sufficient in addressing the application requirements for a licence under the Local Law. It is recommended that the licence be issued for a period of 5 years. The 5 year period will commence from the issue of the licence, which will occur once required conditions of development approval have been satisfied. It is recommended that conditions applicable to the life of the development be applied to not only the development approval but also the licence.

Conclusion

It is recommended that development approval with conditions is granted for a proposed Industry-Extractive at Lot 2519 Lyall's Mill Road, Lyall's Mill. Following relevant conditions of the development approval being satisfied, it is recommended that an Extractive Industry Licence be granted for a period of 5 years.

Cr Woods returned at 7.41pm.

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Cr Italiano declared a Financial Interest at Item 13.5.

Cr Scoffern declared an Impartial Interest at Item 13.5.

Cr Italiano left the room at 7.41pm.

**13.5 Inclusion of Portion of Unallocated Crown Land into Lot 6, No.180 Siding Street, Mungalup**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	Isabel Fry- Town Planner
<b>Accountable Manager:</b>	Matt Young – Director Development Services
<b>Legislation</b>	<i>Planning and Development Act 2005</i> <i>Land Administration Act 1997</i>
<b>File Number:</b>	A3778
<b>Appendices:</b>	Appendix 10 - Request for Comment and Proposed New Lot Boundary
<b>Voting Requirement</b>	Simple Majority

**Report Purpose:**

For Council to provide comment to the Department of Planning, Lands and Heritage on a request from the landholder of Lot 6, No 180 Siding Street, Mungalup for the inclusion of a portion of adjacent Unallocated Crown Land to resolve encroachment issues.

**8823**

**Officer's Recommendation/Council Decision:**

**Moved: Cr Miffing**

**Seconded: Cr Woods**

**That Council resolve to:**

- 1. respond to the Department of Planning, Lands and Heritage advising that it has no objection to a portion of Unallocated Crown Land being excised and amalgamated with Lot 6, 180 Siding Street, Mungalup for the purpose of resolving encroachment issues; and**
- 2. authorise Officers to determine development applications for the unauthorised structures on the property under delegated authority, on finalisation of the amalgamation.**

**CARRIED 8/0**

**Background:**

The Shire has received a request (Appendix 10) from the Department of Planning, Lands and Heritage (DPLH) to provide comment on a request from the landholder of freehold Lot 6, No. 180 Siding Street, Mungalup for the inclusion of a portion of the adjacent Unallocated Crown Land (UCL Pin 559887) to resolve encroachment issues.

The property owner contacted the Shire's Building Department in April 2021 to seek advice on seeking retrospective approval for unauthorised structures, due to the property being listed for sale. The property owner indicated that a patio and an outbuilding had been constructed on the property without Shire approval.

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Following further investigation into the property through aerial imagery, it is evident that the unauthorised outbuilding has been constructed within the adjacent UCL. On comparing the approved plans for the dwelling to the aerial image, it became apparent that the dwelling had been constructed in the incorrect location on the site. As a result of this, the unauthorised patio and the dwelling with the roofline located on the front boundary, do not comply with the required setbacks of the Rural Residential zone. Shire Officers indicated to the property owner that the Shire would not pursue action in relation to the incorrect location of the dwelling, however the unauthorised outbuilding and patio could not be retrospectively approved in that location.

As the relocation of the outbuilding and removal of the patio would be a significant financial undertaking, the property owners have approached the DPLH to request the portion of UCL being excised and amalgamated with their lot to resolve this issue.

On 20 July 2021, the Shire's Building Department had received no correspondence from the property owners advising their intentions to rectify the unauthorised structures on the site. Subsequently, a Notice of Intention to Serve a Building Order was issued to the owners. This was to ensure that the Shire fulfills their obligation to protect the interests of potential purchasers. Regardless of the request the subject of this report, the Notice of Intention is to remain active until the excision and amalgamation is complete. Following the issue of the Notice of Intention to Serve a Building Order to the property owners, they approached DPLH to explore options to rectify the issue.

The portion of UCL proposed to be amalgamated with Lot 6 is approximately 1,620m<sup>2</sup> and will provide for a front setback of 13.2m to the house and 7m to the outbuilding. The standard front setback for the property under Local Planning Scheme No.5 is 20m.

**Statutory and Policy Implications:**

All statutory requirements for the land and unauthorised structures will apply.

**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 proposed excision and amalgamation will adequately resolve the encroachment issues relating to the unauthorised patio and outbuilding. The proposed location of the new lot boundaries will not impact on the function of Siding Street and the associated road reserve or have adverse impacts on the neighbouring properties.

Although the proposed lot boundaries do not allow for the minimum setbacks under Local Planning Scheme No.5 to be met, the proposal allows for the ensured conservation of vegetation in the remaining portion of UCL and provides adequate

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separation from Siding Street. Following the completion of the excision and amalgamation, the property owners will be required to obtain Development Approval and a Building Permit for the unauthorised structures. Officers are not delegated to approve structures, other than outbuildings, that do not comply with the minimum setbacks in the Rural Residential zone.

It is recommended that Council authorise Officers to provide a response to DPLH advising that the Shire has no objection to the proposal. It is also recommended that Council authorise Officers to determine the applications for retrospective approval for the unauthorised structures once received, at the completion of the amalgamation process.

Cr Italiano returned at 7.43pm.

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**13.6 Shared CSEM Arrangements with West Arthur Shire**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	Matt Young – Director Development Services
<b>Accountable Manager:</b>	Matt Young – Director Development Services
<b>Legislation</b>	<i>Local Government Act; Emergency Services Act</i>
<b>File Number:</b>	CMG/176
<b>Appendices:</b>	No
<b>Voting Requirement</b>	Simple Majority

**Report Purpose:**

For Council to note and endorse arrangements for the Shire of Collie to investigate sharing the Community Emergency Services Manager with the Shire of West Arthur.

**8824**

**Officer's Recommendation/Council Decision:**

**Moved: Cr Italiano**

**Seconded: Cr Smith**

**That Council resolve to:**

- 1. authorise the Chief Executive Officer to enter into arrangements with the Shire of West Arthur and the Department of Fire and Emergency Services for a joint Community Emergency Services Manager; and**
- 2. agree that the local government component of the Community Emergency Services Manager funding be allocated on the basis of 30% being for the Shire of West Arthur and 70% for the Shire of Collie.**

**CARRIED 9/0**

**Background:**

Local Governments in Western Australia have a strong history of working collaboratively to maximise resources to deliver outcomes that would be difficult to achieve alone.

They do this in a number of ways; through formal legislative arrangements for specific services such as Regional Councils, through less formal governance arrangements such as Voluntary Groups of Local Governments (VROCs) for regional planning and projects, and by using a range of other arrangements such as Incorporated Bodies, Memorandums of Understanding and Service Delivery Agreements on a fee for service basis for specific services or functions.

All Local Governments across Western Australia participate in Local Emergency Management Committees and share Local Emergency Management Arrangements in accordance with the *Emergency Management Act 2005* in partnership with Department of Fire and Emergency Services (DFES). In addition to their obligations under the Act, many Local Governments work collaboratively to ensure they can meet these obligations and add value to the important task of keeping their communities safe, which often includes the sharing of a Community Emergency Services Manager (CESM) under a Memorandum of Understanding with DFES.

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In addition, the South West Zone has arrangements for shared emergency recovery activities in case of a regional emergency recovery event.

The Community Emergency Services Manager (CESM) is an important liaison role between DFES, the Local Authority and the SES and Bushfire volunteer groups. The CSEM is joint funded by DFES and works to an annual business plan that covers areas and activities such prevention, preparedness, response and special projects and administration of funds/resources and equipment to the SES and Bushfire volunteer groups.

The Shire's CESM resigned on 13 August 2021 and therefore it is timely that the scope of the duties relating to this position is review. The position is currently vacant and recruitment is planned to commence shortly.

The Shires of Collie and West Arthur have been in discussion for a number of months at sharing the CESM. This has also been discussed with DFES who is supportive of the proposal.

A number of local governments currently have a shared CSEM such as Murray and Boddington. DFES Senior Officers have advised that the workload of a Collie/West Arthur arrangement is comparable to others and can be achieved within the resources allocated to this role. It is acknowledged that whilst separate business planning, reporting and funding arrangements would need to be established, a significant amount of information sharing and liaison with DFES would not create any additional burden (ie it would be a saving).

The funding for the CESM role is currently split 60% being DFES funded and 40% Shire funded. Preliminary discussions with West Arthur's CEO is along the line of a 70/30 split – ie 3 days a fortnight (30% being West Arthur and 70% for Collie).

**Statutory and Policy Implications:**

Nil

**Budget Implications:**

Funding arrangements covers a total package comprising wages, superannuation, training, phone and a vehicle. Using data from last financial year and the breakdown is as per below:

**2020/21 CSEM Total Budget**

<b>Total</b>	<b>DFES (60%)</b>	<b>SOC (40%)</b>
<b>143,300</b>	<b>86,011</b>	<b>60,063</b>

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The Shire of West Arthur considers that the CSEM can undertake the role within 3 days per fortnight, which represents a 30% allocation of time to West Arthur and 70% for Collie.

**2021/22 possible split**

<b>DFES (60%)</b>	<b>SOC (28%)</b>	<b>SWA (12%)</b>
<b>85,980</b>	<b>40,124</b>	<b>17,196</b>

Over and above these costs the Shire also attributes staff time for management of the role (Director of Development Services and CEO), general administration, administration of the LEMC and financial account management.

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

GOAL 5: Our Business

Outcome 5.1 Good governance and leadership.

*Strategy 5.1.3: Represent and promote the Shire at a local, regional, state and national level*

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

**Comment:**

There is a significant opportunity to share the CESM role with the adjoining West Arthur Shire to mutual benefit and the overall coordination and response to emergency matters. This can be achieved without compromising service available to the Shire of Collie. Importantly, DFES, who oversee the CESM roles State-wide are fully supportive of the arrangement which they identify as being consistent with other shared arrangements and within the capacity of the position.

Prior to recruitment it is important that there is clarity around the role, and in particular if it is to work across two local governments.

The purpose of this report is to provide in principle support for the Shire's Chief Executive Officer to continue negotiations with the Shire of West Arthur to establish a joint Community Emergency Services Manager role together with the Department of Fire and Emergency Services through a memorandum of understanding.

Based on anticipated workload it is considered that the local government component of the Community Emergency Services Manager funding be allocated on the basis of 30% being West Arthur and 70% for Collie. The arrangements can be formalised through a memorandum of understanding between the Shires and DFES. Authority for the CEO to establish such arrangements is recommended accordingly.



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14. **TECHNICAL SERVICES REPORTS**

Nil

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

Nil

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

Nil

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

**17.1 Wellington Dam – Motorised Vessels**

<b>Reporting Department:</b>	Chief Executive Office
<b>Reporting Officer:</b>	Stuart Devenish – Chief Executive Officer
<b>Accountable Manager:</b>	Stuart Devenish – Chief Executive Officer
<b>Legislation</b>	<i>Local Government Act 1995</i>
<b>File Number:</b>	EDV/056
<b>Appendices:</b>	Appendix 13 - Department of Transport - Current and Proposed Navigable Water Regulations
<b>Voting Requirement</b>	Simple Majority

**Report Purpose:** To consider a proposal by the Department of Transport to prohibit motorised vessels at Wellington Dam (excluding Government vessels and electric power boats).

Officer's Recommendation:

*That Council resolve to forward a submission to the Department of Transport to:*

- 1. thank the Department for preparing a proposal to close the waters of Wellington Dam to motorised vessels;*
- 2. support the closure of the waters to ski boats, jet skis and the like in view of the opening of Lake Kepwari for such activity;*
- 3. point out that closure of Wellington Dam to high powered boats will help to preserve the amenity and attraction of Wellington Dam for the many visitors and campers, as well as alleviate the dangers associated with submerged obstacles and the conflicts with other recreational activity; and*
- 4. request consideration be given to allowing small powered boats (up to 6hp) to allow continued recreational fishing which is compatible with the Wellington Dam.*

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**8825**

**Council Decision:**

**Moved: Cr Miffing**

**Seconded: Cr Scoffern**

**That Council resolve to forward a submission to the Department of Transport to:**

- 1. thank the Department for preparing a proposal to close the waters of Wellington Dam to motorised vessels;**
- 2. support the closure of the waters to ski boats, jet skis and the like in view of the opening of Lake Kepwari for such activity;**
- 3. point out that closure of Wellington Dam to high powered boats will help to preserve the amenity and attraction of Wellington Dam for the many visitors and campers, as well as alleviate the dangers associated with submerged obstacles and the conflicts with other recreational activity; and**
- 4. request consideration be given to allowing small powered boats (up to 6hp) to allow continued recreational fishing which is compatible with the Wellington Dam.**
- 5. to forward copies of the submission to the local Member of Parliament Mrs Jodie Hanns MLA and the Minister for Transport Hon. Rita Saffioti MLA.**

**CARRIED 9/0**

**Background:**

The use of motorised boats at Wellington Dam has long been a point of contention. Various submissions have been made to the Government pointing out the difficulties with private power boats operating on the dam.

Apart from the noise and disturbance impacting on the amenity for visitors wanting to enjoy the environment in peace, power boat drivers have been observed ignoring designated skiing areas and endangering other user groups. This has included boats moving at high speed and in close proximity to children swimming near the shore. There are the further hazards of submerged trees and stumps at different levels.

Council has long held the view that motorised vessels should not be allowed on Wellington Dam. This position however was overruled by a previous Government. The introduction of Lake Kepwari as a purpose-built facility for skiing and related activities provides the opportunity to return Wellington Dam to its previous restrictions.

On 10 September 2021, the Department of Transport advised it has commenced an 'Aquatic Use Review' for the Wellington Dam. The drawings attached (Appendix 13) were provided – one showing the current allowable motorised vessel and ski area, and a second drawing showing proposed restrictions to motorised boats (excluding Government vessels and electric powered boats).

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The Department of Transport has invited comment on the proposal to restrict motorised boats on Wellington Dam.

**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:**

Goal 1: Out Community

*Outcome 1.2 Participation in sport, recreation and leisure opportunities*

*Strategy 1.2.1 Provide and promote sport, recreation and leisure facilities and programs*

**Relevant Precedents:**

N/A

**Comment:**

Considering Lake Kepwari has now been commissioned as a purpose-built ski facility, it is recommended the Council relay its long held view that ski boats and the like should be prohibited on the Wellington Dam. This measure will help maintain the amenity and attraction of Wellington Dam while avoiding the dangers associated with this water body.

It is understood that Government vessels are required to access the dam. Electric powered boats are also suited to Wellington Dam as they do not present the issues associated with ski boats or jet skis.

Low powered boats (say maximum of 6hp) commonly used for recreational fishing are compatible with other recreational activities at the dam. It is recommended that the Department of Transport give consideration to allowing low powered boats, helping to maintain the attraction of the destination.

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

Cr Scoffern

- 13 August: - Plan for Plastics- online event
- 19 August: - Landholder Workshop - Managing Blackberry
- 6 September: - Attended Meet and Greet Tidy Town Judges

Cr Harverson

- 19 August: - Attended Landholder Workshop – Managing Blackberry
- 11 September: - Attended FestivArty events in Central Park CBD

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Cr Hansen

- Attended local Emergency Meeting.
- 18 August: - Attended the Welcome to potential new Council members evening.
- 4 September: - Attended Heart Hub support event.

Cr Italiano

- Museum has commenced 7 days a week opening.

Cr Miffing

- 25 August: - Met with US Consul General a few weeks ago.

Cr Stanley

- 17 August: Small Business Development Corporation annual regional board meeting being held in Collie
- 18 August: Local government election candidate briefing session
- 19 August: Collie Tech & Innovation Series Fireside Tech Panel being hosted by Innovation Cluster as part of their entrepreneur program
- 20 August: Hosted the South West Zone of WALGA meeting in Council Chambers, which was attended by the Minister for Local Government, John Carey, as well as the Member for Collie-Preston, Jodie Hanns. The host is also afforded the opportunity to present to the Zone.
- 23 August: Participated in the State Bushfire Exercise (pre-season level 3 pre-formed team exercise) at the Koolinup Incident Control Centre in Collie.
- 25 August: Celebrating Collier's History and Diversifying the Local Economy Just Transition Working Group sub-group meetings.
- 25 August: Hosted the US Consul General for morning tea, along with the Deputy Shire President and CEO.
- 31 August: Just Transition Working Group meeting.
- 1 September: Attended a media event for RIO and WesTrac to celebrate 350 students trained at the WesTrac Technology Training Centre at Coolangatta.
- 1 September: Job Service Providers Forum being held to connect Collie businesses with job service providers, facilitated by IPS.
- 6 September: Hosted the judges for this year's Tidy Towns competition at Council Chambers

Upcoming events

- 19-22 September: Local Government Week
- 28 September: Collie River Trail and Trail Corridor official opening
- 29 September: Celebrating Collier's History and Diversifying the Local Economy Just Transition Working Group sub-group meetings.
- 5 October: Just Transition Working Group meeting

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- 6 October: What's on the Horizon community event planned

Mr Devenish

- 11 August: - Meeting with Collie Delivery Unit/Department of Premier and Cabinet
- 11 August: – Webinar meeting with Director General, Department of Local Government
- 12 August: – Bunbury Geographe Tourism Project – Meeting with consultant
- 12 August: – Meeting with Renergi Pty Ltd
- 16 August: – Meeting with Acting CEO, Shire of West Arthur
- 17 August: – Meeting with Bungeo Collie Tourism Marketing Strategy
- 17 August: – Networking Event - Board of Small Business Development Corporation
- 19 August: – Meeting with South32 – biodiversity offset opportunity evaluation
- 19 August: – South32 Community Liaison Committee
- 20 August: – WALGA South West Zone Meeting
- 23 August: – State Bushfire Exercise, Incident Support Group meeting
- 25 August: – Just Transition Sub-Group meeting
- 25 August: – Meeting with US Consul General
- 26 August: – Tour of Worsley Refinery
- 26 August: – Audit Committee meeting
- 27 August: – South West Development Commission Roundtable Discussion – Draft WA State Infrastructure Strategy
- 30 August: – DWER meeting – Collie Potential Treated Wastewater Reuse
- 31 August: – Just Transition Working Group meeting
- 1 September: – Meeting with representatives of Cenersol and SWDC
- 3 September: – Bunbury Geographe Deep Dive Strategy Session
- 4 September: – Heart Hub South West Inc Launch Event
- 6 September: – Tidy Towns Judges visitation
- 7 September: – Renergi Project Control Group meeting
- 8 September: – Briefing by NBN on Business Fibre Zone initiative
- 9 September: – Close of nomination for Council
- 10 September: – 2021/22 State Budget Presentation
- 10 September: – Opening Festiv Arty 2021

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Mrs Green presented two Certificates on behalf of the Keep Australia Beautiful Council (WA) to Council being:

Certificate of Appreciation to the Shire of Collie Staff for contributions to Collie in the Tidy Towns Sustainable Communities Awards 2021

Certificate of Appreciation to Christine Szostak for contributions to Collie in the Tidy Towns Sustainable Communities Awards 2021.

**19. STATUS REPORT ON COUNCIL RESOLUTIONS**

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

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

**Questions taken on Notice:**

Cr Woods

Motion 6245 – Could staff provide a progress update on this motion?

Mr Young took this question on notice.

Motion 7830 -Could staff provide a progress update on this motion?

Mr Keane took this question on notice.

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

Mrs Green, Mrs Varian, Mr Gibson, Mr Saunders and Mr Coman left the Chambers at 8.08pm.

**8826**

**Moved: Cr Woods**

**Seconded: Cr Hansen**

**That Council moves Into Committee.**

**CARRIED 9/0**

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- **20.1 – Disposal of Property to Recover Rates**

**8827**

**Officer's Recommendation/Council Decision:**

**Moved: Cr Woods**

**Seconded: Cr Smith**

**That Council resolve by Absolute Majority to proceed with issuing a Property Sale and Seizure Order for Land under CS3.16 Rating Policy to the following properties for the non-payment of rates:**

- **A743 – 42 Telfer Crescent, COLLIE WA**
- **A744 – 44 Telfer Crescent, COLLIE WA**
- **A745 – 46 Telfer Crescent, COLLIE WA**
- **A1604 – 8 Coverley Drive, COLLIE WA**
- **A37 – 23 Clifton Street, COLLIE WA**

**CARRIED 9/0**

- **20.2 – Proposed Budget Amendment for Implementation of Altus Payroll Module**

**8828**

**Officer's Recommendation/Council Decision:**

**Moved: Cr Scoffern**

**Seconded: Cr Smith**

**That Council resolve by Absolute Majority to authorise the following budget amendments to enable the implementation of the Altus Payroll system:**

- 1. increase the budget allocation for Information Technology – Administration by an amount of \$41,000 for the 2021/22 financial year, and**
- 2. decrease the budget allocation for Salaries – Administration by an amount of \$41,000 for the 2021/22 financial year.**

**CARRIED 9/0**

**8829**

**Moved: Cr Woods**

**Seconded: Cr Scoffern**

**That Council moves Out of Committee.**

**CARRIED 9/0**

**21. CLOSE**

The Shire President thanked Council and Staff for their attendance. The Presiding Member declared the meeting closed at 8.15pm.

I certify that these Minutes were confirmed at the Ordinary Meeting of Council held on Tuesday, 12 October 2021.

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Presiding Member

.....  
Date