



Shire of
Collie

MINUTES

of the

SPECIAL MEETING OF COUNCIL

held on

Tuesday, 26 October 2021

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1. OPENING – CHIEF EXECUTIVE OFFICER

The Chief Executive Officer welcomed attendees at 5.37pm to the meeting and advised that declarations would need to be undertaken by all Councillors who were elected in at the recent Local Government Election held on the 16 October 2021 as per section 2.29 of the *Local Government Act 1995*.

The Chief Executive Officer welcomed Mr. David Henderson JP and advised that Mr. Henderson would be overseeing the declarations made by the newly elected Councillors.

Mr Henderson thanked the Chief Executive Officer and commenced the declaration process. Councillors Harverson, Scoffern, Smith, Stanley and Woods all read aloud their declarations as Councillors and then signed form 7 after which Mr Henderson congratulated the elected members and declared them to the office of Council.

The Chief Executive Officer thanked Mr David Henderson for overseeing the declaration process.

Mrs Green arrived at 5.39pm.

The Chief Executive Officer then declared the Special Meeting of the Collie Shire Council held in Council Chambers, 87 Throssell Street Collie, on Tuesday 26 October 2021 open at 5.56pm.

2. ELECTION OF SHIRE PRESIDENT

The Chief Executive Officer called for nominations of Shire President. One nomination received being Cr Sarah Stanley. There being no further nominations, Cr Sarah Stanley was appointed as Shire President.

Mr Henderson conducted the declaration by the Shire President, Cr Sarah Stanley and congratulated Sarah on the reappointment.

The Chief Executive Officer relinquished the chair and Cr Sarah Stanley as Shire President then continued proceedings.

3. ELECTION OF DEPUTY SHIRE PRESIDENT

The Shire President called for nominations of Deputy Shire President and as there was only one nomination received being Cr Ian Miffling, Cr Ian Miffling was appointed as Deputy Shire President.

Mr Henderson conducted the declaration by the Deputy Shire President, Cr Ian Miffling and congratulated Ian on the reappointment.

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4. DRAW FOR COUNCILLORS POSITIONS AT THE COUNCIL TABLE

The Chief Executive Officer conducted the draw for Councillors seating positions at the Council table. The results of this are identified in Figure 1 below.

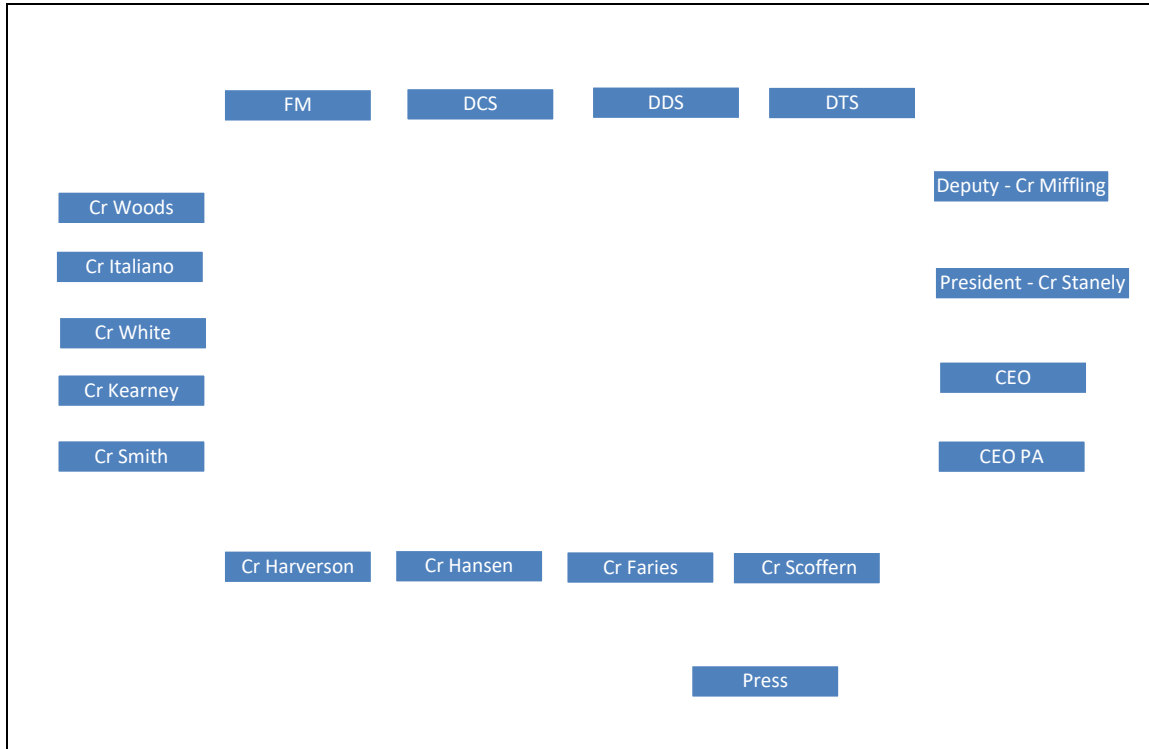


Figure 1

Cr Kearney left the room at 6.07pm and returned at 6.08pm.

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5. ATTENDANCE/APOLOGIES & LEAVE OF ABSENCE

PRESENT:	Sarah Stanley	Councillor (Presiding Member)
	Ian Miffing OAM JP	Councillor (Deputy Member)
	Gary Faries	Councillor
	Brett Hansen	Councillor
	Elysia Harverson	Councillor
	John Kearney	Councillor
	Joe Italiano	Councillor
	Leonie Scoffern	Councillor
	Michelle Smith	Councillor
	Brent White	Councillor
	Rebecca Woods	Councillor
	Stuart Devenish	Chief Executive Officer
	Allison Fergie	Director Corporate Services
	Matthew Young	Director Development Services
	Belinda Dent	CEO PA

APOLOGIES:

GALLERY: Nola Green – Press
David Henderson
Gael Varian
Sherilyn Walkington
Trevor Walkington
Raema Miffing
Geoff Wilks
Joshua Harverson
Ken Woods

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

6. PUBLIC QUESTION TIME

Mrs Green asked the following question:

Does council intend to have a committee or panel devoted to the interests of the disabled in the community?

Mr Devenish responded that there is no requirement under the Local Government Act to have an Access and Inclusion Committee. There is, however, a need under the

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Disability Services Act 1993 for all public authorities to have an access and inclusion plan and the Shire's plan is published on the website.

There is no resolution currently to establish a committee or panel specifically relating to this subject.

7. DISCLOSURE OF FINANCIAL INTEREST

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

Councillor/Staff	Agenda Item	Disclosure
Cr Kearney	Item 8.1.6 – Tourism and Marketing Advisory Committee Item 9.5 – Collie River Valley Marketing Inc. Item 9.6 – Collie Visitor Centre Item 9.9 – Just Transitions Working Group Item 9.10 – Motoring Southwest Item 9.11 – Renergi Project Working Group Item 9.14 – Trails Reference Group	Impartial – Work related for all items.
Cr Miffling	Item 9.6 – Collie Visitor Centre	Financial – Wife Employee at Visitor Centre
Cr Smith	Item 9.6 – Collie Visitor Centre	Impartial – Board Member

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8. CEO REPORTS

8.1 Appointment of Council Committees, Panels & Delegates

Reporting Department:	Chief Executive Office
Reporting Officer:	Stuart Devenish – Chief Executive Officer
Accountable Manager:	Stuart Devenish – Chief Executive Officer
Legislation	<i>Local Government Act 1995</i>
File Number:	CMG/030
Appendices:	No
Voting Requirement	Simple Majority and Absolute Majority

Report Purpose:

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

Officer's Recommendations:

Contained within the body of this report.

Background:

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

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

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

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

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

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

Statutory and Policy Implications:

Local Government Act 1995

Budget Implications:

N/A

Communications Requirements: (Policy No. CS 1.7)

N/A

Strategic Plan Implications:

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

Relevant Precedents:

The Council's Committees were most recently established in 2019 following the local government elections.

Comment:

Terms of References for Council Committees have previously been distributed to Councillors. Each committee / panel is itemised below for the consideration of the Council.

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8.1.1. **Audit Committee**

Committee has terms of reference: Yes

Meeting Frequency: Meetings plan to be held bi-monthly.

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

8849

Officer's Recommendation/Council Decision:

Moved: Cr Faries

Seconded: Cr Hansen

That Council resolve by ABSOLUTE MAJORITY:-

1. In accordance with provisions of Section 5.8 of the *Local Government Act 1995* to establish an Audit Committee;
2. In accordance with provisions of Section 5.9 of the *Local Government Act 1995*, resolves that the Committee is to comprise of Councillors only; and
3. In accordance with provisions of Section 5.10(1)(a) of the *Local Government Act 1995* resolves that the Committee shall have as its Members the following Councillors:
 - *Cr Miffling*
 - *Cr Smith*
 - *Cr Italiano*
 - *Cr Stanley*

CARRIED 11/0

8.1.2. **Bush Fires Advisory Committee**

Committee has terms of reference: Yes

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

8850

Officer's Recommendation/Council Decision:

Moved: Cr Miffling

Seconded: Cr Smith

That Council resolve by ABSOLUTE MAJORITY:-

1. In accordance with provisions of Section 5.8 of the *Local Government Act 1995* to establish a Bush Fires Advisory Committee;

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2. In accordance with provisions of Section 5.9 of the *Local Government Act 1995*, resolves that the Committee is to comprise of Councillors, employees and other persons; and
3. In accordance with Section 5.10(1)(a) of the *Local Government Act 1995* resolves that the Bush Fire Advisory Committee shall have as its Members;
 - Councillors:
 - Cr Hansen
 - Cr Kearney - Proxy
 - other Members in accordance with the Terms of Reference.

CARRIED 11/0

8.1.3. **CEO Review Committee**

Committee has terms of reference: Yes

Meeting Frequency: Frequency may be determined by the committee, but at least once annually

8851

Officer's Recommendation/Council Decision:

Moved: Cr Woods

Seconded: Cr White

That Council resolve by ABSOLUTE MAJORITY:-

1. In accordance with provisions of Section 5.8 of the *Local Government Act 1995* to establish a CEO Review Committee;
2. In accordance with provisions of Section 5.9 of the *Local Government Act 1995*, resolves that the Committee is to comprise of Councillors only; and
3. In accordance with provisions of Section 5.10(1)(a) of the *Local Government Act 1995* resolves that the Committee shall have as its Members the following Councillors:
 - Cr Woods
 - Cr White
 - Cr Stanley

CARRIED 11/0

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8.1.4. **Community Safety and Wellbeing Committee**

Committee has terms of reference: Yes

Meeting Frequency: Currently meeting at least four times per year.

8852

Officer's Recommendation/Council Decision:

Moved: Cr Woods

Seconded: Cr Italiano

That Council resolve by ABSOLUTE MAJORITY:-

1. In accordance with provisions of Section 5.8 of the *Local Government Act 1995* to establish a Community Safety & Wellbeing Committee;
2. In accordance with provisions of Section 5.9 of the *Local Government Act 1995*, resolves that the Committee is to comprise of Councillors, employees and other persons; and
3. In accordance with provisions of Section 5.10(1)(a) of the *Local Government Act 1995* resolves that the Committee shall have as its Members:
 - **Councillors**
 - Cr Faries
 - Cr Smith
 - Cr Hansen
 - Cr Scoffern
 - **other Members in accordance with the Terms of Reference.**

CARRIED 11/0

8.1.5. **Local Emergency Management Committee**

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

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

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

8853

Officer's Recommendation/Council Decision:

Moved: Cr White

Seconded: Cr Kearney

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

1. In accordance with Section 38 (3) of the *Emergency Management Act 2005* appoints Cr Stanley as Chairperson and Cr Hansen as a Member of the Local Emergency Management Committee;

2. Members as follows:

- the Community Emergency Services Manager;
- the Chief Bush Fire Control Officer for the Shire of Collie;
- State Emergency Services Local Manager;
- the Chief Executive Officer of the Shire of Collie (or nominee)
- Director of Development Services, Shire of Collie
- the Recovery Coordinator, Shire of Collie
- representatives from state government agencies whose responsibility

include bushfire and emergency management and should include as a minimum a representative of the Department of Fire and Emergency Services, the Officer in Charge of Collie Police, the Department of Biodiversity, Conservation and Attractions.

- Representatives from local industry, welfare organisations and health services.

CARRIED 11/0

Cr Kearney declared an Impartial Interest at Item 8.1.6.

8.1.6. **Tourism and Marketing Advisory Committee**

Committee has terms of reference: Yes

Meeting Frequency: Currently meeting at least four times per year.

8854

Officer's Recommendation/Council Decision:

Moved: Cr Hansen

Seconded: Cr Faries

That Council resolve by ABSOLUTE MAJORITY:-

1. In accordance with provisions of Section 5.8 of the *Local Government Act 1995* to establish a Tourism and Marketing Advisory Committee;
2. In accordance with provisions of Section 5.9 of the *Local Government Act*

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1995, resolves that the Committee is to comprise of Councillors, employees and other persons; and

3. In accordance with provisions of Section 5.10(1)(a) of the *Local Government Act 1995* resolves that the Committee shall have as its Members:

- **Councillors**
 - **Cr Italiano**
 - **Cr Smith**
 - **Cr Scoffern**
 - **Cr Harverson**
- **other Members in accordance with the Terms of Reference.**

CARRIED 11/0

8.1.7. Townscape Advisory Committee

Committee has terms of reference: Taken from 2017; the Committee was not established at the Special Meeting of Council held in 2019.

Meeting Frequency: Currently not established.

Officer's Recommendation:

That Council resolve by ABSOLUTE MAJORITY:-

1. In accordance with provisions of Section 5.8 of the *Local Government Act 1995* to establish a Townscape Advisory Committee;
2. In accordance with provisions of Section 5.9 of the *Local Government Act 1995*, resolves that the Committee is to comprise of Councillors, employees and other persons; and
3. In accordance with provisions of Section 5.10(1)(a) of the *Local Government Act 1995* resolves that the Committee shall have as its Members:
 - Councillors
 - _____
 - _____
 - _____
 - other Members in accordance with the Terms of Reference.

Council decided to reconsider the formation of a Townscape Advisory Committee.

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8855

Council Decision:

Moved: Cr Italiano

Seconded: Cr Hansen

That Council not form a Townscape Committee and instead consider the objectives of the Townscape Advisory Committee when reviewing the TMAC Terms of Reference.

CARRIED 11/0

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

Panel has terms of reference: No

Meeting Frequency: Meeting on an as required basis

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

8856

Officer's Recommendation/Council Decision:

Moved: Cr Scoffern

Seconded: Cr Smith

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

- **Councillors**
 - **Cr Faries**
 - **Cr Harverson**
 - **Cr Miffling**
- **the Chief Executive Officer's Personal Assistant as required;**
- **the Community Development Officer as required;**
- **a representative from the Lions Club of Collie as required; and**
- **past winners of the Collie Citizen of the Year as required.**

CARRIED 11/0

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8.1.9. **Plant and Infrastructure Panel**

Panel has terms of reference: Plant Committee terms of reference to be adapted to include infrastructure including roads and footpaths.

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

8857

Officer's Recommendation/Council Decision:

Moved: Cr Miffling

Seconded: Cr Hansen

That Council appoint the following persons to the Plant Panel;

- **Councillors**
 - **Cr Kearney**
 - **Cr Italiano**
 - **Cr Faries**
- **Director of Technical Services; and**
- **Other staff considered appropriate by the CEO.**

CARRIED 11/0

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

Panel has terms of reference: No

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

8858

Officer's Recommendation/Council Decision:

Moved: Cr Scoffern

Seconded: Cr Kearney

That Council appoint the following persons to the Sports Panel;

- **Councillors**
 - **Cr Miffling**
 - **Cr Faries**
- **the Community Development Officer as required; and**
- **SPOTY panel members previously appointed by Council as required.**

CARRIED 11/0

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- Cr Woods
- Cr Hansen

CARRIED 11/0

8.1.13. **Environment Working Group**

Working Group has terms of reference: To be proposed by the working group for consideration and adoption by Council.

Purpose: To address environmental management issues as relevant to the Shire and community.

8861

Officer's Recommendation/Council Decision:

Moved: Cr Kearney

Seconded: Cr White

That Council appoint the following Councillors to the Environment Working Group:-

- Cr Smith
- Cr Scoffern

CARRIED 11/0

9. COUNCIL REPRESENTATIVES / DELEGATES

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

9.1 Bunbury Geographe Tourism Partnership

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

Meeting frequency: Meetings held monthly

8862

Officer's Recommendation/Council Decision:

Moved: Cr Scoffern

Seconded: Cr Harverson

That Council nominate Cr Smith as Council's Delegate to the Bunbury Geographe Tourism Partnership.

CARRIED 11/0

9.2 Bunbury-Geographe Sub-Regional Strategy Steering Group

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

Council may choose to nominate an Officer to represent the Shire if desired.

8863

Officer's Recommendation/Council Decision:

Moved: Cr Smith

Seconded: Cr Faries

That Council nominate the Director Development Services and the Chief Executive Officer to represent the Shire of Collie on the Bunbury-Wellington Sub-Regional Strategy Steering Group.

CARRIED 11/0

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9.3 Collie Chamber of Commerce & Industry

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

Meeting frequency: When determined necessary in accordance with constitution.

8864

Officer's Recommendation/Council Decision:

Moved: Cr Faries

Seconded: Cr Hansen

That Council nominate Cr Stanley as Council's Delegate to the Collie Chamber of Commerce and Industry.

CARRIED 11/0

9.4 Collie Health Service Advisory Committee

Purpose: For local health consumers, carers, community members and health service representatives to work together to improve and inform health service planning, assess, safety and quality in Collie.

Meeting frequency: As scheduled by the Department of Health.

8865

Officer's Recommendation/Council Decision:

Moved: Cr Kearney

Seconded: Cr Harverson

That Council nominate Cr Smith & Cr Miffing as Council's Delegates to the Collie Health Service Advisory Committee.

CARRIED 11/0

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Cr Kearney has declared an Impartial Interest at Item 9.5.

9.5 Collie River Valley Marketing Inc.

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

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

8866

Officer's Recommendation/Council Decision:

Moved: Cr Faries

Seconded: Cr Hansen

That Council nominate Cr Stanley as Council's Delegate to Collie River Valley Marketing Inc.

CARRIED 11/0

Cr Miffing has declared a Financial Interest at Item 9.6 and left the room at 6.32pm.

Cr Smith and Cr Kearney have declared an Impartial Interest at Item 9.6.

9.6 Collie Visitor Centre

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

Meeting frequency: 2nd Monday of each Month.

8867

Officer's Recommendation/Council Decision:

Moved: Cr Hansen

Seconded: Cr Kearney

That Council nominate Cr Smith as Council's Delegate to the Collie Visitor Centre and Councillor Cr Scoffern as the Delegate's Deputy.

CARRIED 11/0

Cr Miffing returned to the room at 6.34pm.

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9.7 Cooperative Research Program

Purpose: To support Australian industries to be competitive and productive and research solutions to solve industry identified problems such as coal mine rehabilitation or reuse.

Meeting frequency: As scheduled by the Australian Government.

8868

Officer's Recommendation/Council Decision:

Moved: Cr Harverson

Seconded: Cr Faries

That Council nominate Councillor Cr Stanley as Council's Delegate to the Cooperative Research Program.

CARRIED 11/0

9.8 Development Assessment Panel

Purpose: Council is required to appoint two representatives and two alternative representatives to a Development Assessment Panel which considers Development applications in Collie with a value greater than \$10 million in value. Each Joint Development Assessment Panel has a total of five members, comprising three specialist members (from the WA Planning Commission), one being the presiding member, and two local government members.

Meeting frequency: as needs basis.

8869

Officer's Recommendation/Council Decision:

Moved: Cr Harverson

Seconded: Cr Woods

That Council nominate Cr Miffing and Cr Italiano and two alternative Councillors Cr Faries and Cr Woods as Council's representatives on the Joint Development Assessment Panel.

CARRIED 11/0

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Cr Kearney has declared an Impartial Interest at Item 9.9.

9.9 Just Transitions Working Group

Purpose: To oversee, coordinate and implement the Just Transition initiative for Collie.

Meeting frequency: Monthly

8870

Officer's Recommendation/Council Decision:

Moved: Cr Harverson

Seconded: Cr Italiano

That Council nominate Cr Smith as Council's delegate to the Just Transition Working Group.

CARRIED 6/5

Cr Kearney has declared an Impartial Interest at Item 9.10.

9.10 Motoring Southwest

Purpose: Assist in the Management of the Collie Motorplex

Meeting frequency: Monthly

8871

Officer's Recommendation/Council Decision:

Moved: Cr Hansen

Seconded: Cr Woods

That Council nominate Cr Faries as the Shire's Delegate to Motoring South West.

CARRIED 11/0

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Cr Kearney has declared an Impartial Interest at Item 9.11.

9.11 Renergi Project Working Group

Purpose: To coordinate efforts of Renergi and the Shire to achieve commissioning and operations of a demonstration bioenergy process.

Meeting frequency: As required.

8872

Officer's Recommendation/Council Decision:

Moved: Cr Faries

Seconded: Cr Italiano

That Council appoint Cr Smith as Council's Delegate to the Renergi Project working group.

CARRIED 11/0

9.12 Regional Road Group

Purpose: RRGs provide Local Government input on how the State Government's contribution to local roads is spent. This includes identifying road projects and providing input to road funding decisions across the region.

Meeting frequency: Meetings held quarterly.

8873

Officer's Recommendation/Council Decision:

Moved: Cr Miffling

Seconded: Cr Hansen 11/0

That Council nominate Cr Kearney as Council's Delegate, to the South West Regional Road Group Committee.

CARRIED 11/0

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9.13 South West Zone of WA Local Government Association

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

Meeting frequency: Meetings held quarterly.

8874

Officer's Recommendation/Council Decision:

Moved: Cr Italiano

Seconded: Cr Kearney

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

CARRIED 11/0

Cr Kearney has declared an Impartial Interest at Item 9.14.

9.14 Trails Reference Group

Purpose: To identify opportunities and consider implementation strategies for trails across the Shire, including walking, equestrian, cycling, off-road trails and drive trails.

Meeting frequency: As required.

8875

Officer's Recommendation/Council Decision:

Moved: Cr Woods

Seconded: Cr Harverson

That Council appoint Cr Scoffern to the Trails Reference Group.

CARRIED 11/0

Mrs Fergie, Ms Dent, Mrs Green, Mr Henderson, Mrs Varian, Mrs Walkington, Mr Walkington, Mrs Miffling, Mr Wilks, Joshua Harverson and Ken Woods left the room at 6.49pm.

10. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

8876

Moved: Cr Kearney

Seconded: Cr Miffling

That Council moves Into Committee.

CARRIED 11/0

