



Shire of
Collie

MINUTES

for the

ORDINARY MEETING OF COUNCIL

held on

Tuesday, 9 August 2022

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 9 August 2022

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Agenda for the Ordinary Meeting of the Collie Shire Council held in Council Chambers, 87 Throssell Street Collie, on Tuesday, 9 August 2022 commencing at 7:00pm.

1. OPENING/ATTENDANCE/APOLOGIES & LEAVE OF ABSENCE

Sarah Stanley	Councillor (Shire President)
Ian Miffing OAM JP	Councillor (Deputy Shire President)
John Kearney	Councillor
Joe Italiano	Councillor
Michelle Smith	Councillor
Gary Faries	Councillor
Elysia Harverson	Councillor
Leonie Scoffern	Councillor
Brent White	Councillor
Rebecca Woods	Councillor

Stuart Devenish	Chief Executive Officer
Matthew Young	Director Development Services
Rick Miller	Director Technical Services
Nicole Wasmann	Director Corporate Services
Cassie Keir	CEO Personal Assistant

APOLOGIES:

Brett Hansen	Councillor
Hasreen Mandry	Finance Manager

GALLERY:

Claire Reid – South32
Liam Stower – South32
Kathryn Melbourne
Gandalf Ryce
Gael Varian
Member of the Public

PRESS:

Nola Green, CRV Bulletin

- 1.1 Councillors granted Leave of Absence at previous meeting/s
Nil
- 1.2 Councillors requesting Leave of Absence for future Ordinary Meetings of Council.
Nil
- 1.3 Councillors who are applying for Leave of Absence for this Ordinary Meeting of Council.
Cr Hansen seeks a leave of absence for this Ordinary Council Meeting.

9034

Recommendation/Council Decision:

Moved: Cr Woods

Seconded: Cr White

That Council grant Cr Hansen a Leave of Absence for this Ordinary Council Meeting.

CARRIED 10/0

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2. PUBLIC QUESTION TIME

9035

Moved: Cr Kearney

Seconded: Cr White

That Council suspend Standing Orders

CARRIED 10/0

Mr Gandalf Ryce questioned the environmental impact that the subdivision near Wilson Park would have on the Red Tailed Black Cockatoos. He asked what environmental studies were done prior to approval being granted and could he have access to the documents?

Response

Mr Young advised that a Flora and Fauna survey and an Indigenous Cultural Survey was completed before the approval for subdivision was given. These documents are a statutory requirement of the Planning Commission. These documents can be viewed at the Shire Office.

9036

Moved: Cr Faries

Seconded: Cr White

That Council resume Standing Orders

CARRIED 10/0

3. RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. DISCLOSURE OF FINANCIAL INTEREST

Councillor	Agenda Item	Disclosure
Cr Smith	11.2 - Indoor Pool Project Working Group – Community Member	Impartial – Friend of Silvia Chiera and Pam Anderson
Cr Smith	12.4 - Proposed Lease – Wagon Kiosk, Central Park	Financial – Rent premises.
Cr Miffing	11.1 – Worsley Mine Expansion Revised Proposals.	Impartial – Member of South32 Community Liaison Committee
Cr Kearney	11.2 - Indoor Pool Project Working Group – Community Member	Impartial Interest – work related
Cr Kearney	11.4 Renergi Waste Acceptance Criteria Amendment	Impartial Interest – work related

5. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

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

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9037

Moved: Cr Kearney

Seconded: Cr White

That Council suspend Standing Orders

CARRIED 10/0

5.1 Mr Rod Annear, Department of Biodiversity, Conservation and Attractions presented to Council regarding a range of capital works being undertaken by the Department including various trail projects and further works at Lake Kepawari.

Cr Stanley thanked Mr Annear for his deputation.

Mr Annear left the Chambers at 7.21pm.

9038

Moved: Cr Scoffern

Seconded: Cr Kearney

That Council resume Standing Orders.

CARRIED 10/0

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

Nil

7. ITEMS BROUGHT FORWARD DUE TO INTEREST BY ATTENDING PERSONS

Item 11.1 was brought forward due to the interest by attending persons.

Cr Miffing declared and Impartial interest in Item 11.1 7.1.

CORRECTION TO MINUTES
Pursuant to Council Resolution No. 9058.
Amendment in grey.

9039

Moved: Cr Harverson

Seconded: Cr Italiano

That Council suspend Standing Orders

CARRIED 10/0

Standing orders were suspended to allow for discussion and comments.

Mrs Kathryn Melbourne asked the Council how they feel about the decimation of the natural environment to make way for the Worsley expansion?

Mr Devenish advised that the recommendation presented to Council was to support the proposals, noting the particulars of the environmental works will be assessed by the State Government agency responsible for environmental management. It was also noted that the environmental review addresses both State and Federal environmental requirements. The comprehensive studies undertaken by South32 will be assessed by experts in environmental management.

Claire Reid from South32 advised that there is a comprehensive rehabilitation and offset process to mitigate clearing that occurs. Claire advised that 80% rehabilitation is achieved within 3-5 years of mining operations ceasing which is assessed against South32's mitigation hierarchy. They ensure no net loss occurs.

~~Cr Stanley said she has worked for the organisation and represented the community and is very confident in the South32s rehabilitation process and professionalism. Cr Miffing also responded commenting on the rehabilitation practices of South32.~~

CORRECTION TO MINUTES
Pursuant to Council Resolution No. 9058.
Amendment in grey.

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Approvals to clear land, undertake mining related activity and carry out rehabilitation is essential to sustain the long-term operation of the refinery. The proponent, Worsley Alumina, wishes to amend the terms of current approvals and is now seeking approval for revised proposals. There are three components (development areas) to the proposal:

- Worsley Mining Development Envelope – where the next phase of mining is proposed to take place, including expansion to the west and north of current operations.
- Bauxite Transport Corridor – linking current mining areas to new and future mining areas; and
- Contingency Bauxite Mining Envelope – to provide for an emergency supply of bauxite close to the refinery should it be required.

The proposals also involve various other arrangements, including mine and support infrastructure, increased height of bauxite residue disposal areas and the like.

An environmental impact assessment of revised proposals is required by the Environmental Protection Authority under the terms of State and Federal legislation. The assessment considers:

- Flora and vegetation;
- Terrestrial fauna;
- Terrestrial environmental quality;
- Inland waters;
- Social surroundings;
- Air quality; and
- Greenhouse gas emissions.

Extensive details of the environmental review are published at the website of the Environmental Protection Authority at <https://www.epa.wa.gov.au/proposals/worsley-mine-expansion-%E2%80%93-revised-proposal>. Documentation included within the reporting is extensive, covering detail across the full scope of considerations above, in addition to operational practices and commitments.

Submissions may be made on the environmental review until 29 August 2022.

Statutory and Policy Implications:

Nil.

Budget Implications:

Nil.

Communications Requirements: (Policy No. CS 1.7)

It is noted that South 32 has undertaken extensive engagement in association with the environmental review process.

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.

Relevant Precedents:

N/A

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Comment:

In summary terms, the proposal originally involved clearing of up to 7,119.5 hectares of native vegetation for the mine and mining related activities. This area has now been revised down by 38% to 4,399 hectares.

Under the terms of the State Agreement under which Worsley operates, along with the terms of environmental approvals, progressive rehabilitation of land is required to return land to pre-existing conditions (prior to disturbance). This work requires rehabilitation to achieve:

- A landform that is compatible with the surrounding landscape;
- Progressive re-establishing equivalent areas of bush vegetation;
- Stable landform that will not increase the erosion of soil by wind or water;
- Achieve restoration of land capability to enable productivity; and
- Ensuring ecological value of the rehabilitated areas will be approximately equal to or greater than that which existed prior to mining.

It is further noted that the proponent has committed to;

- Conservation reserves and parks within the relevant area;
- Not clearing more than 298ha of the 1,228ha of high quality Wandoo habitat;
- Not to clear State and/or Federal Priority and Threatened Ecological Communities;
- Not to clear listed State State or Federal conservation significant flora and or communities; and
- Not to clear old growth forests as defined by the Government.

The alumina refinery operation at Gastaldo Road is one of the largest in the world and has produced more than 71 million tonnes of alumina to date. The economic contribution to the southwest is more than \$1M per day and clearly represents a significant economic driver for the region.

The revised mine expansion proposals will ensure bauxite resources remain available to sustain long-term operations. This is essential to support stable employment and maintain the substantial economic benefits for businesses and the region generally.

Taking account of the significance of the operation and range of environmental management obligations associated with the regulatory approval processes, it is recommended the Shire of Collie record its support for the revised mine expansion proposal.

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8. CONFIRMATION OF THE PREVIOUS MEETINGS OF COUNCIL MINUTES

8.1 Minutes – Ordinary Council Meeting

The minutes of the Ordinary meeting of the Shire of Collie held on 19 July 2022 have been circulated.

9041

Recommendation/Council Decision:

Moved: Cr Harverson

Seconded: Cr Italiano

That Council confirms the Minutes of the Ordinary Meeting of Council held on 19 July 2022 as a true and correct record.

CARRIED 10/0

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 Minutes of the Tourism and Marketing Committee

Minutes of the Tourism and Marketing Committee Meeting held on the 28 July have been circulated.

9042

Recommendation:

Moved: Cr Woods

Seconded: Cr Scoffern

That the Minutes of the Tourism and Marketing Committee meeting held on 28 July 2022 be received.

CARRIED 10/0

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11. CEO REPORTS

11.2 Indoor Pool Project Working Group – Community Member

Reporting Department:	Chief Executive Officer
Reporting Officer:	Stuart Devenish – Chief Executive Officer
Accountable Manager:	Stuart Devenish – Chief Executive Officer
Legislation	<i>Local Government Act 1995</i>
File Number:	CMG/268
Appendices:	Appendix 11.2.A – Indoor Pool Project Working Group Terms of Reference
Voting Requirement	Simple Majority

Cr Kearney and Cr Smith declared an Impartial interest in item 11.2.

Report Purpose:

To accept a nomination for the ‘community representative’ position on the Indoor Pool Project Working Group.

9043

Officer’s Recommendation/Council Decision:

Moved: Cr Faries

Seconded: Cr Italiano

That Council:

- 1. resolve to accept the nominations as the community representatives member of the Indoor Pool Project Working Group; and**
- 2. amend the Terms of reference to include additional community representation.**

CARRIED 10/0

Mr Devenish advised that while the report mentions there had been no response by from the Collie Swimming Club, the Shire of Collie has received advice nominating Mr Rod Latham as representative of the Collie Swimming Club on the committee.

Background:

On 14 June 2022, Council resolved to endorse a Terms of Reference for an Indoor Pool Project Working Group as set out at Appendix 11.2.A. The Working Group is tasked with actions as broadly outlined:

1. Identify the optimal specification for an indoor pool;
2. Identify capital cost expectations;
3. Review operational revenue and expenditure; and
4. Prepare and consider financial models against an objective to improve the Shire’s Financial Health Indicator (FHI); and
5. Prepare an evaluation and concluding report summarising the above.

To undertake these tasks, the terms of reference set out the membership of the group, with details as follows:

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Member	Response
Shire of Collie Elected Members X 2	Crs Smith and Italiano nominated as per resolution 14 June 2022.
Chief Executive Officer or delegate	Confirmed.
Collie Preston MLA Jodie Hanns	Confirmed.
Collie Heated Indoor Pool Supporters (CHIPS) representative	Beth Peters accepted invitation on 22 June 2022.
Collie Kids in Need representative	Ann Briggs accepted invitation on 21 June 2022
Underwater Hockey representative	Scott Digney accepted invitation on 29 July.
Swimming Club representative	No response at the time of writing.
Other Community representative	Subject to this report.

Calls for community members to nominate to the group were advertised through social media, the Shire website, and the Collie Bulletin. Nominations were open until 29 July 2022 with four submissions received for the community representative position. Each nomination contained supporting statements as follows:

Ms Silvia Chiera

“As a person living with a disability I am able to bring a different view and the importance of Collie needing an indoor heated pool that would benefit the community as a whole. It can be used by other groups such as the elderly children and rehabilitation and not only the disabled. I have previously been a community member on the Shire Access and Inclusion committee. I would welcome the opportunity to partake my knowledge and be included in this working group as a community member.”

Mrs Maureen Lasisz

“I am registering my interest because I run a swim school at the pool and also work with the Department of Education swimming lessons too. I would like to be involved because I bring experience and knowledge for various uses for the pool.”

Mrs Judith Towler

“My passion is to support those with disabilities and this is where my contributions will benefit the group. I have worked with a wide range of abilities within the disability sector and I want to support their needs regarding the indoor pool project.”

Pamela Anderson

“I have previous experience working for the local MP Mick Murray (2001-2007), been a member of the Miners’ Welfare Board, the Riverview Residence Board, the Bendigo Bank Board & various community groups. I think I would add a balance of life experience to the group with a good sound background in administrative & governance issues.”

Nomination forms were also received from representatives of nominated groups with support statements as follows:

Mrs Ann Briggs (representing Collie Kids in Need)

“As a member of Collie Kids in Need since the early 1990’s have been nominated by the group to represent Collie Kids in Need on this working party. Our group investigated an indoor heated pool covering all aspects including the needs and

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benefits for the community of Collie. I myself have a background in Health for approximately 50 years working in Collie & the Southwest. I as a member of Collie Kids in Need would very much welcome the opportunity to be part of this working group."

Mrs Beth Peters (representing Collie Heated Indoor Pool Supporters)
As I have lived in Collie all my life & have seen many changes to our beautiful town I would like to contribute to very much needed Indoor Heated Project as the representative for (CHIPS) Collie Heated Indoor Pool Supporter Group I believe Collie is well overdue to have a heated pool as many of our residents young & elderly have to rehabilitation or exercise to promote health & welfare for our elderly community.

These people then shop out of town which doesn't help our business communities. I also think this would enhance town seeing we are moving away from coal industries to tourism. Imagine with all the wonderful things & place have to share with tourists now add the indoor heated pool after a big day sightseeing or bike riding on our () able to use a wonderful swim in a heated pool. I would love to be included as the representative for Chips in the discussions on what the community needs are with regards to a indoor heated pool facility."

Mr Scott Digney (representing Underwater Hockey)
Having been on the committee for Underwater Hockey for over 16 years, I can offer an open minded opinion in regards to how a Heated pool can help our members train locally over winter for upcoming competitions & be at their peak fitness without the need for travel."

Mrs Briggs, Mrs Peters and Mr Digney are accepted as representatives of their respective groups.

Statutory and Policy Implications:

Nil.

Budget Implications:

Capital and operational cost considerations are central to the achievability of an additional public pool in Collie.

Communications Requirements: (Policy No. CS 1.7)

N/A

Strategic Community Plan/Corporate Business Plan Implications:

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

Outcome 5.3 Financial sustainability and accountability

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

Relevant Precedents:

N/A

Comment:

In selecting membership for the working group, it is appropriate to consider the tasks of the group, the contributions that can be made by the various members and the skills/experience of the nominees.

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It is recommended that Council select a community representative for the working group. While the Terms of Reference identify a single representative, Council may elect to accept multiple nominations.

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11.3 Annual Review of Delegations

Reporting Department:	Chief Executive Office
Reporting Officer:	Stuart Devenish – Chief Executive Officer
Accountable Manager:	N/A
Legislation	<i>Local Government Act 1995</i>
File Number:	Gov/043
Appendices:	Appendix 11.3.A - Schedule of Proposed Delegation Amendments Appendix 11.3.B – 2022-2023 Proposed Delegations (Mark-Up view)
Voting Requirement	Absolute Majority

Report Purpose:

To review the terms of authorities delegated by Council to Officers, enabling the effective administration of Shire functions.

9044

Officer's Recommendation/Council Decision:

Moved: Cr Faries

Seconded: Cr Harverson

That Council resolve by absolute majority:

1. to receive the report as the review of delegated authorities for the financial year 2022/23, pursuant to s.5.46(2) of the *Local Government Act 1995*;
2. pursuant to s.5.42 of the *Local Government Act 1995*, to delegate authority to the Chief Executive Officer for the matters set out within the 2022/23 Schedule of Delegations at Appendix 11.3.B, with the exception of delegations numbered 34 and 38 to 41 inclusive and 44 with the following amendments:
 - a) amend Delegation 27 to delete 27.2 b); and
 - b) add the words “to allow the pass to be used for the purposes of fund raising” at the end of Delegation 42;
3. pursuant to s.48 of the *Bush Fires Act 1954*, to delegate authority to the Chief Executive Officer as set out in delegation 34 at Appendix 11.3.B;
4. pursuant to s.127 of the *Building Act 1911*, to delegate authority to the Chief Executive Officer as set out in delegations 38 and 44 at Appendix 11.3.B;
5. pursuant to s.16 of the *Graffiti Vandalism Act 2016*, to delegate authority to the Chief Executive Officer as set out in delegation 39 at Appendix 11.3.B;
6. pursuant to s.44 of the *Cat Act 2011*, to delegate authority to the Chief Executive Officer as set out in delegation 40 at Appendix 11.3.B; and
7. pursuant to s.10AA of the *Dog Act 1974*, to delegate authority to the Chief Executive Officer as set out in delegation 41 at Appendix 11.3.B.

CARRIED 10/0

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Background:

The *Local Government Act 1995* is the primary legislation governing the operations of local government. Other related legislation such as the *Bush Fires Act 1954* also enable specific functions undertaken by local government. To enable effective functioning of the Shire, the various Acts allow decision-making to be delegated to a Committee of Council or the Chief Executive Officer. The Chief Executive may then (within limits) further delegate powers and duties to Council Officers.

Section 5.46(2) of the *Local Government Act 1995* requires the Shire to review delegations at least once each financial year. The last review was undertaken in August 2021. This report represents the required review for financial year 2022/23.

Statutory and Policy Implications:

Section 5.42 of the *Local Government Act 1995* provides broad discretion delegate authority to the Chief Executive Officer who in turn, may delegate to officers of the Shire. Limitations apply to matters that can be delegated (s5.42 and 5.43, *Local Government Act 1995*). Matters that cannot be delegated include decisions requiring an absolute majority, various financial matters such as borrowing money, orders under the *Planning and Development Act 2005* in relation to illegal development and other decisions.

Budget Implications:

Nil.

Communications Requirements: (Policy No. CS 1.7)

N/A

Strategic Community Plan/Corporate Business Plan Implications:

Outcome 5.1 – Good governance and leadership

Strategy 5.1.5 – Administer local laws and ensure compliance with statutory obligations.

Relevant Precedents:

The delegations are reviewed and adopted annually.

Comment:

The purpose of delegations is to improve the operational efficiency of the Shire. While the Council itself will predominantly deal with higher level policy matters, the administration can implement operational matters in a timely and efficient manner.

The existing delegations have been reviewed to ensure:

- delegations align with current legislative requirements;
- legislative references are correct;
- express authorities are clearly established; and
- there is the ability to take action where necessary in a timely manner.

Appendix 11.3.A includes a schedule of proposed changes to the 2021/22 delegations. The reasoning for each change is set out for each new or amended delegation. A complete listing of the revised delegations for year 2022/23 is then set out at Appendix 11.3.B. Attention is specifically drawn to a number of new delegations proposed as follows:

- Delegation 11: Functions – Obstruction of Footpaths and Thoroughfares. The will enable actions to prevent damage to, or danger associated with work near a footpath, and to manage obstructions or encroachments on public thoroughfares.

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- Delegation 12: Functions – Gates Across Public Thoroughfares to enable applications for permission for gates or other obstruction across a thoroughfare to be determined.
- Delegation 13: Functions – Public Thoroughfare – Dangerous Excavations to enable actions to effectively manage potentially dangerous circumstances near a public thoroughfare.
- Delegation 14: Functions – Crossing – Construction, Repair and Removal to enable actions to regulate crossover position, construction standards and maintenance.
- Delegation 20: Financial Management - Rate Record Amendment to authorise rate records to be updated to ensure information is correct.
- Delegation 22: Financial Management – Payment of Rates and Service Charges Arrangements to formalise the authority to enter into agreements for the payments of liabilities.
- Delegation 34: Firebreaks to provide authority to require the clearing of firebreaks and entry onto land for compliance.
- Delegation 38: Inspection and Copies of Building Records to establish authority to allow access to records as permitted by the Building Act.
- Delegation 39: Graffiti Vandalism to enable expedient removal of graffiti.
- Delegation 40: Cat Act Authorities – confirming arrangements for actions under the Cat Act.
- Delegation 41: Dog Act Authorities – confirming arrangements for actions under the Dog Act.
- Delegation 44: Swimming Pools – providing authority to approve swimming pool enclosures and smoke alarms.

New delegations proposed will ensure clarity around authority to undertake actions in a timely way as and when required. It is noted that a further review of potential authorities under the terms of the Shire Local Laws is presently underway, and a subsequent report to Council addressing opportunities to improve administrative practices in this regard is anticipated.

The revised schedule of delegation is recommended for Council adoption by absolute majority resolution. The recommendation is structured to establish authorities under the respective statutes.

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Cr Kearney declared an Impartial interest in Item 11.4.

11.4 Renergi Waste Acceptance Criteria Amendment

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:	A4792
Appendices:	Nil
Voting Requirement	Simple Majority

Report Purpose:

To support endeavours of Renergi to achieve State Government approval to accept and process all types of waste suitable to the technology.

9045 Officer's Recommendation/Council Decision:

Moved: Cr Harverson

Seconded: Cr Smith

That Council resolve to:

- 1. Adopt a position that supports the utilisation of the Renergi waste process for all waste streams suited to the technology; and**
- 2. Assist endeavours of Renergi Pty Ltd to achieve approval terms from the Department of Water, Environment and Regulation that allows processing of all suited waste streams.**

CARRIED 10/0

Background:

Renergi has developed a proposal to convert combustible municipal solid waste into value-added products. The plant is to occupy a portion of the Shire landfill site and operate in conjunction with the Shire's waste management services. Commencement of operation is expected in the first half of next calendar year.

Renergi's technology is new, utilising a low temperature pyrolysis process to recycle and reprocess waste into high-value commercial products such as biochar, bio-oil and wood vinegar. The process, which recycles waste, achieves CO₂ sequestration via the non-fuel use of biochar as a soil conditioner or as a construction material, resulting in a negative emission circular economy.

At present, the terms of the approval issued by the Department of Water, Environment and Regulation (DWER) strictly limits the nature of waste that can be accepted and processed by the plant. That is, the plant can only accept forestry waste/plantation biomass or municipal solid waste (from the general household waste bin).

The inability to accept other waste, namely food organics and garden organics (FOGO) restricts operational flexibility and limits the Shire's options to change kerbside collection arrangements that can potentially yield cost savings for the community.

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Approval for Renergi to accept FOGO waste offers multiple benefits:

- Create flexibility in the way kerbside waste collection is managed and potential cost savings for the Shire;
- Allow excess FOGO waste that cannot be processed by the Bunbury Harvey Regional Council to be recycled (presently 25,000 tonnes of FOGO, including from Collie is stockpiled and beyond capacity to process);
- Avoid the need for between 30-40% of FOGO waste to be redirected to landfill;
- Generate commercial value products from waste;
- Utilise a process that has less environmental impact; and
- Optimise financial investment (\$6M) of the Federal and State Governments in the Renergi process, along with private investment.

Statutory and Policy Implications:

The expansion of waste acceptance criteria for the Renergi operation represents a change to current policy terms of State Government.

Budget Implications:

The ability to achieve flexibility for the Renergi operation potentially offers cost savings for the Shire.

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 regulatory framework as it presently stands does not recognise the technology proposed by the Renergi plant, and consequently is inhibiting its use.

The ability to process multiple waste streams can be achieved by amendment to the Works Approval and licence issued by DWER. This change however involves a fundamental change to a headline strategy of the Waste Authority and EPA of WA. The Waste Authority has identified the three-bin system as a significant improvement to the municipal solid waste 'recovery rate' (ie waste re-use and avoidance of landfill), which largely relies on the successful composting of FOGO waste.

Renergi's new technology to be pioneered at the Shire landfill site promises to yield higher resource recovery rates at lower cost and lower environmental impact than all current waste management practices. This represents unprecedented social, environmental and economic benefits to the community. It is recommended that the Shire support endeavours to broaden the waste acceptance criteria applicable to the plant.

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12. CORPORATE SERVICES REPORTS

12.1 Accounts Paid – June 2022

Reporting Department:	Corporate Services
Reporting Officer:	Hasreen Mandry – Finance Manager
Accountable Manager:	Nicole Wasmann – Director Corporate Services
Legislation:	<i>Local Government Act 1995 & Financial Management Regulations 1996</i>
File Number:	FIN/024
Appendices:	Appendix 12.1.A – Accounts Paid – June 2022
Voting Requirement	Simple Majority

Report Purpose:

To present the accounts paid during the month of June 2022.

9046 Officer's Recommendation/Council Decision:

Moved: Cr Woods

Seconded: Cr Scoffern

That Council accepts the Accounts as presented in Appendix 12.1.A being vouchers 41865-41867 totalling \$15,467.95 and direct payments totalling \$1,188,846.90 authorised and paid in June 2022.

CARRIED 10/0

Cr Italiano queried why the water charges of \$1,255.02 for Finlay Park were so high given the reticulation is turned off during the winter months and was the possibility of a leak investigated?

Mr Miller took the question on notice.

Cr Miffing queried the water charges of \$889.62 at the BMX club and if sporting clubs contribute towards water usage.

Mr Miller took the question on notice.

Background:

In accordance with Delegation 14 adopted by Council on 10 August 2021, the Chief Executive Officer (CEO) is authorised to incur expenditure in accordance with the Annual Budget provisions and limited over-expenditure subject to subsequent budget amendment. In doing so, section 13 of the *Financial Management Regulations 1996* is to be adhered to with a list of accounts for approval to be presented to the Council each month.

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Month	2021/22		
	Cheques	Electronic Transfer	Total Payment
July	\$892.50	\$1,223,621.35	\$1,224,513.85
August	\$894.15	\$965,386.72	\$996,280.87
September	\$1,395.45	\$791,284.41	\$791,284.41
October	\$2,587.35	\$633,745.89	\$636,333.24
November	\$1,753.60	\$494,393.69	\$496,147.29
December	\$1,721.00	\$830,299.78	\$832,020.78
January	\$622.12	\$1,542,894.19	\$1,543,516.31
February	\$288.00	\$654,150.09	\$654,438.09
March	\$17,017.75	\$1,426,694.90	\$1,443,712.65
April	\$4,881.18	\$1,302,459.11	\$1,307,340.29
May	\$512.05	\$339,451.19	\$339,963.24
June	\$15,467.95	\$1,188,846.90	\$1,204,314.85

Statutory and Policy Implications:

WA Local Government Act 1995
Financial Management Regulations 1996

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

A list of all accounts paid shall be presented to Council within two months. The list shall comprise of details as prescribed in the *Local Government Financial Management Regulations 1996*.

Budget Implications:

All liabilities settled have been in accordance with the Annual Budget provisions.

Communications Requirements: (Policy No. CS1.7)

Nil

Strategic Community Plan/Corporate Business Plan Implications:

Nil

Relevant Precedents:

N/A

Comment:

For a detailed listing of payments see Appendix 12.1.A.

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

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12.2 Financial Report – June 2022

Reporting Department:	Corporate Services
Reporting Officer:	Hasreen Mandry – Finance Manager
Accountable Manager:	Nicole Wasmann – Director Corporate Services
Legislation:	<i>Local Government Act 1995 & Financial Management Regulations 1996</i>
File Number:	FIN/024
Appendices:	12.2.A – Financial Report – June 2022
Voting Requirement	Absolute Majority

Report Purpose:

To provide a summary of the Financial Position for the Shire of Collie for the month ending June 2022.

9047 Officer's Recommendation/Council Decision:

Moved: Cr Miffing **Cr Woods**

That Council resolve to accept the Financial Management Report for June 2022 as presented in Appendix 12.2.A.

CARRIED 10/0

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 12.2.A.

Statutory and Policy Implications:

Local Government Act 1995
Financial Management Regulations 1996

Budget Implications:

Nil

Communications Requirements: (Policy No. CS1.7)

Nil

Strategic Community Plan/Corporate Business Plan Implications:

Nil

Relevant Precedents:

N/A

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Comment:

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 12.2.A 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
- Capital Projects
- Other Projects
- Borrowings & Advance
- Leases
- Asset Disposals
- Receivables & Payables

For reporting period ending 30 June 2022, the total end of financial year processes (i.e. accruals) are yet to be complete and the report presented will differ to the annual audited financial report.

Commentary for the material variances is provided at account level which are identified on pages 9-16 of Appendix 12.2.A.

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12.3 Elected Members Communication Policy

Reporting Department:	Corporate Service
Reporting Officer:	Nicole Wasmann – Director Corporate Services
Accountable Manager:	Stuart Devenish – Chief Executive Officer
Legislation	<i>Local Government Act 1995</i> <i>State Records Act 2000</i>
File Number:	GOV/138
Appendices:	Appendix 12.3.A - Proposed Policy CS1.10 Elected Members Communications
Voting Requirement:	Simple Majority

Report Purpose:

Council to consider the adoption of a policy addressing the capture of email and other communication records of Elected Members acting in their official capacity.

9048

Officer's Recommendation/ Council Decision:

Moved: Cr Woods

Seconded: Cr White

That Council resolve to:

- 1. Adopt the Elected Member Communications Record Keeping Policy as set out at Appendix 12.3.A; and**
- 2. Set a review date for Policy CS1.10 as August 2024.**

CARRIED 10/0

Background:

To assist with appropriate management of elected members emails for record keeping requirements, Elected Members will be provided with an email account [firstname.surname@collie.wa.gov.au] for receiving and sending email correspondence to constituents.

A policy is proposed to provide guidance on the use of the email account and outline who can have access to the email records.

Statutory and Policy Implications:

The proposed policy will be a new policy.

Council's existing policy CS 5.3 Records Management identifies that records created by or received by elected members are to be managed in accordance with the State Records Act and the Shire of Collie Recordkeeping Policy and Procedures.

The State Records Commission's Policy for recordkeeping requirements for local government elected members includes a requirement for Local governments to ensure that appropriate practices are established to facilitate the ease of capture and management of elected members' records up to and including the decision making processes of Council.

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Budget Implications:

The cost of the elected members email accounts will be approximately \$3,000 per annum. There is provision in the budget for the expense.

Communications Requirements: (Policy No. CS 1.7)

N/A

Strategic Community Plan/Corporate Business Plan Implications:

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

Outcome 5.1: Good governance and leadership

Strategy 5.1.2: Promote the role of Council by informing, resourcing, skilling and supporting elected members.

Relevant Precedents:

Local government across Western Australia have similar policies in relation to the management of elected members records either as an individual policy or incorporated into their organisation records management policy.

Comment:

Adoption of the Policy will provide clarity in relation to use of and management of elected members email correspondence relating to the Shire and its business.

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Cr Smith declared a Financial Interest in Item 12.4 and left the room at 8.55pm.

9049

Moved: Cr Harverson

Seconded: Cr White

That Council move into Committee.

CARRIED 9/0

The public left the chambers at 8.43 pm to allow for discussion which was commercially sensitive.

9050

Moved: Cr Miffling

Seconded: Cr Faries

That Council move out of Committee.

CARRIED 9/0

Members of the public returned at 8.55 pm.

12.4 Proposed Lease – Wagon Kiosk, Central Park

Reporting Department: Corporate Service
Reporting Officer: Nicole Wasmann – Director Corporate Services
Accountable Manager: Stuart Devenish – Chief Executive Officer
Legislation *Local Government Act 1995 s3.58*
Commercial (Retail) Tenancy Act 1985
File Number: L47921
Appendices: Nil
Voting Requirement: Simple Majority

Report Purpose:

For Council to consider the terms of a commercial lease to allow the continued operation of the Wagon kiosk in Central Park.

9051

Officer's Recommendation/Council Decision:

Moved: Cr Miffling

Seconded: Cr Faries

That Council resolve to:

1. Give local public notice inviting submissions on the proposed lease of a portion of Reserve 42791 in accordance with Section 3.58(3) of the *Local Government Act 1995*;
2. Subject to no submissions of objection received during the advertising period referred to in 1. above, Council authorise the entering into a lease with Emma Spencer and Rachael Harms for a portion of Reserve 42791 for the location of a kiosk, subject to the following main terms and conditions:
 - a) A term of five years;
 - b) A further term of five years (renewal option);
 - c) An annual rental of \$5,200 plus GST;

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- d) **An annual increase to the market rent of 2%; and**
e) **Ministerial consent being provided.**

- 3. Subject to 1. and 2. above, authorise the President and Chief Executive Officer to sign and affix the Common Seal to the lease document between the Shire of Collie and Emma Spencer and Rachael Harms for the lease of a portion of Reserve 47291.**

CARRIED 9/0

Background:

In December 2016, the Shire of Collie entered into a lease with Peter and Rachael Harms for the land area for the Central Park kiosk. The lease was for a period of five years with the option to renew for a further five years. Whilst the lease expired on 15 December 2021, clause 14.5 provided for "holding over" if the lessee, with the consent of the Shire, remained in occupation of the leased premises after the expiration of the term.

The initial lease included a peppercorn rent, (\$1 per annum) with the amount to be reviewed annually thereafter. The peppercorn rent was extended in January 2018 to the end of February 2019. In March 2019, Council accepted a proposal for an increased payment, but less than market value, which has continued to date.

The site was part of the development of Central Park. The Shire initially provided water, sewer and power services as well as a concrete pad and accessible ramp to enable kiosk operation. The lessee is responsible for all power consumption.

At the expiration of the initial five year lease, the tenant was requested to arrange for a new lease to be drafted.

A draft lease in the names of Emma Spencer and Rachael Harms has been provided by the lessee for consideration. Following consultation with the lessee the following terms are now proposed for Council consideration:

- Term five years with one option of five years
- Annual rental of \$5,200 (excluding GST)
- Annual CPI increase of 2% per annum
- Public Liability Insurance of \$20m

The draft lease allows for the lessee to sublease or assign the lease subject to the consent of the Shire. The lease stipulates that the lessor shall not unreasonably withhold its consent.

An independent land valuation, requested by the Shire, has provided a market rental value of the ground lease area of \$5,200 per annum net of GST. This amount also corresponds with the amount proposed by the lessees.

The lessee had a separate arrangement with Collie Rail Heritage Group (CRHG) for the use of the Wagon for the kiosk. CRHG has requested the Shire include a requirement for the lessee to enter into a formal arrangement with CRHG for the use of the Wagon, prior to the Shire renewing the lease for the site. This matter however is a private arrangement between the lessee and CRHG and outside the scope of this lease. Consequently, the Shire is not able to intervene in arrangements between the parties.

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Statutory and Policy Implications:

In accordance with Section 3.58 of the *Local Government Act 1995*, disposal of property that is not by public auction or tender must be advertised for comment. Dispose includes to sell, lease, or otherwise dispose of.

In accordance with section 18 of the *Land Administration Act 1997* the Minister for Lands approval is required.

Budget Implications:

The lease provides an annual income of \$5,200, increasing by 2% per annum.

Communications Requirements:

Should Council approve the new lease, details of the agreement will be advertised via local public notice in line with Section 3.58 of the *Local Government Act 1995* providing members of the community 14 days to submit any reasonable objections in writing to the Shire. This is required as the Shire would be entering into a new lease and not an extension of an existing lease.

Strategic Community Plan/Corporate Business Plan Implications:

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

Outcome 2.2: A strong business and services sector.

Strategy 2.2.1: Promote and support growth in the commercial, professional and governance services sectors.

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

Relevant Precedents:

Nil.

Comment:

The terms of the lease have been prepared and subject to legal review by both the Shire and the lessee. The operational arrangements provide for core trading hours, payment of utilities, general indemnity, insurance, and repairs and maintenance that are suitable for the purpose of the lease.

Rent proposed is based on market valuation of \$5,200 (plus GST) per annum and is considered a fair commercial rate to commence from 1 July 2022. The initial peppercorn lease and subsequent contribution, which was below market rent, have assisted the owners to establish the new business. The Wagon has added to the vibrancy and atmosphere of Central Park and is operating as a successful business. It is now appropriate that a full market rent be recouped as an ongoing concern.

The recommendation provides for the establishment of a new lease on fair commercial terms, subject to Ministerial approval and consideration of any public submissions following local notice. This new lease will provide certainly to the business going forward, allowing continuation of an important service to the community and visitors to Collie.

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13. DEVELOPMENT SERVICES REPORTS

Nil.

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

18. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS

Cr Sarah Stanley

- 8 August: Collie River Valley Marketing meeting
- 5 August: Met with prospective industry proponents
- 8 August: Met with prospective industry proponents
- 8 August: Met with the Attorney General, Hon John Quigley to confirm the ongoing operation of the Collie Courthouse at the invitation of Jodie Hanns, Member for Collie-Preston. Invitations were extended to Shire Councillors, CEO & President, Justices of the Peace and the Officer in Charge of the Collie Police Station.

Upcoming events

- 26 August: WALGA South West Zone Meeting

Cr Leonie Scoffern

- 21 July - attended South32 Mine Development community consultation
- 28 July - TMAC meeting
- 2 August - Collie Adventure Trails Project quarterly reference group meeting
- 5 August - Disaster Relief Australia resilience project community flood mapping exercise
- 6 August - called in to the Collie River MTB marathon at Central Park
- 8 August - met with Minister John Quigley regarding Collie Court House

Cr Harverson

- 8 August - Met with the Attorney General, Hon John Quigley to confirm the ongoing operation of the Collie Courthouse at the invitation of Jodie Hanns, Member for Collie-Preston. Invitations were extended to Shire Councillors, CEO & President, Justices of the Peace and the Officer in Charge of the Collie Police Station

Cr Smith

- 8 August - Met with the Attorney General, Hon John Quigley to confirm the ongoing operation of the Collie Courthouse at the invitation of Jodie Hanns, Member for Collie-Preston. Invitations were extended to Shire Councillors, CEO & President, Justices of the Peace and the Officer in Charge of the Collie Police Station.
- 28 July - TMAC Meeting

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Cr Italiano

- 8 August - Met with the Attorney General, Hon John Quigley to confirm the ongoing operation of the Collie Courthouse at the invitation of Jodie Hanns, Member for Collie-Preston. Invitations were extended to Shire Councillors, CEO & President, Justices of the Peace and the Officer in Charge of the Collie Police Station.

Cr Miffing

- 8 August - Met with the Attorney General, Hon John Quigley to confirm the ongoing operation of the Collie Courthouse at the invitation of Jodie Hanns, Member for Collie-Preston. Invitations were extended to Shire Councillors, CEO & President, Justices of the Peace and the Officer in Charge of the Collie Police Station.

Stuart Devenish

- 21 July – chaired the Enterprise Bargaining Committee
- 21 July – attended the Collie Chamber Business After-Hours, hosted by South32
- 26 July – attended (remotely) the Just Transition Working Group
- 28 July – attended the Tourism and Marketing Committee
- 29 July – attended Chamber of Minerals and Energy business breakfast South32 Mine
- 2 August – attended Councillor Forum
- 5 August – participated in a Disaster Relief Australia workshop
- 8 August – met with prospective industry proponents
- 8 August – attended the Bunbury Geographe Group of Councils meeting

19. STATUS REPORT ON COUNCIL RESOLUTIONS

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

- 'Closed Since Last Meeting' at Appendix 19.A
- 'All Open' at Appendix 19.B

20. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

21. CLOSE

The Shire President thanked Council and Staff for their attendance. The Shire President declared the meeting closed at 9.03pm

I certify that these Minutes were confirmed at the Ordinary Meeting of Council on Tuesday 6 September 2022.

.....
Shire President
Cr Sarah Stanley

.....
Date