



Shire of
Collie

AGENDA

for the

ORDINARY MEETING OF COUNCIL

to be held on

Tuesday, 14 February 2023



Our Vision

Collie - *A progressive community, rich in opportunities and as diverse as its heritage and landscape.*

Our Values

The core values at the heart of the Council's commitment to the community are:

Integrity

Transparency

Accountability

Collaboration

Respect

Our Commitment to Community

We will lead the delivery of our vision

We will support local business wherever possible

We will consult and engage with our community on issues that affect them

We will encourage, welcome and value feedback

We will encourage, support and advocate for our community

NOTICE OF MEETING

Please be advised that the



Ordinary Meeting of Council

commencing at **7:00pm**

will be held on

Tuesday, 14 February 2023

in Council Chambers at 87 Throssell Street, Collie WA

Matt Young
(Acting) Chief Executive Officer

9 February 2023

<p>PLEASE READ THE FOLLOWING DISCLAIMER BEFORE PROCEEDING</p>
--

<p>Members of the public are cautioned against taking any action on Council decisions, on items on this evening's Agenda in which they may have an interest, until such time as they have been advised in writing by Council staff.</p>

DISCLAIMER

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Please note this agenda contains recommendations, which have not yet been adopted by Council.



MEETING SCHEDULE

February 2023

Councillors are reminded of the following meetings. Please note that other meetings may be planned that are not shown here. Councillors are advised to contact the Committee's Presiding Member/Chairperson if in doubt.

Tuesday 14 February 2023

Ordinary Meeting of Council

7.00pm in Council Chambers



DISCLOSURE OF FINANCIAL INTEREST AND INTERESTS AFFECTING IMPARTIALITY

To: Chief Executive Officer

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

Item No.	Subject	Details of Interest	Type of Interest Impartial/Financial	*Extent of Interest (see below)

* Extent of Interest only has to be declared if the Councillor also requests to remain present at a meeting, preside, or participate in discussions of the decision making process (see item 6 below). Employees must disclose extent of interest if the Council requires them to.

Name (Please Print)

Signature

Date

NB

1. This notice must be given to the Chief Executive Officer prior to the meeting or at the meeting immediately before the matter in which you have declared an interest is discussed, Section 5.65(1) (a) & (b).
2. It remains Councillors'/Employees' responsibility to make further declarations to the Council if a matter arises during the course of a meeting and no previous declarations have been made.
3. It is a Councillor's/Employee's responsibility to ensure the interest is brought to the attention of the Council when the Agenda item arises and to ensure that it is recorded in the minutes.
4. It remains the Councillor's responsibility to ensure that he/she does not vote on a matter in which a declaration has been made. The responsibility also includes the recording of particulars in the minutes to ensure they are correct when such minutes are confirmed.
5. It is recommended that when previewing Agenda, Councillors mark Agendas with items on which an interest is to be declared and complete the declaration form at the same time.
6. Councillors may be allowed to remain at meetings at which they have declared an interest and may also be allowed to preside (if applicable) and participate in discussions and the decision making process upon the declared matter subject to strict compliance with the enabling provisions of the Act and appropriately recorded resolutions of the Council. Where Councillors request consideration of such Council approval the affected Councillor must vacate the Council Chambers in the first instance whilst the Council discusses and decides upon the Councillor's application.

Remember: The responsibility to declare an interest rests with individual Councillors/Employees. If in any doubt seek legal opinion or, to be absolutely sure, make a declaration.

Office Use Only:

Date/Initials

1. Particulars of declaration given to meeting

2. Particulars recorded in the minutes

3. Signed by Chief Executive Officer

Local Government Act 1995 - SECT 5.23

Meetings generally open to the public

- 5.23. (1) Subject to subsection (2), the following are to be open to members of the public
- (a) all Council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a Council or by a committee referred to in subsection (1) (b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following --
- (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal --
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
 - (f) a matter that if disclosed, could be reasonably expected to --
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
 - (g) information which is the subject of a direction given under section 23 (1a) of the *Parliamentary Commissioner Act 1971*; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

[illegible]

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Agenda for the Ordinary Meeting of the Collie Shire Council to be held in Council Chambers, 87 Throssell Street Collie, on Tuesday, 14 February 2023 commencing at 7:00pm.

1. OPENING/ATTENDANCE/APOLOGIES & LEAVE OF ABSENCE

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

2. PUBLIC QUESTION TIME

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

Council Consideration towards the Public:

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

3. RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. DISCLOSURE OF FINANCIAL INTEREST

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

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

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

5. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

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

5.1 Deputation – WestOz trail design

The deputation will be made by Brent Welhan.

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

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

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

7. ITEMS BROUGHT FORWARD DUE TO INTEREST BY ATTENDING PERSONS**8. CONFIRMATION OF THE PREVIOUS MINUTES OF COUNCIL MEETINGS****8.1 Ordinary Council Meeting – 13 December 2022****Officer's Recommendation:**

That Council confirms the Minutes of the Ordinary Meeting of Council held on 13 December 2022.

8.2 Special Council Meeting – 17 January 2023**Officer's Recommendation:**

That Council confirms the Minutes of the Special Meeting of Council held on 17 January 2023.

9. BUSINESS ARISING FROM THE PREVIOUS MINUTES

Only items that have been deferred from a previous Ordinary Council Meeting for either further consideration by Councillors or for additional background information may be dealt with under this item. Details of Business Arising items will always be listed on the Agenda.

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

11. CEO REPORTS

11.1 Ward and Representation Review

Reporting Department:	Chief Executive Office
Reporting Officer:	Stuart Devenish – Chief Executive Officer
Accountable Manager:	Not applicable
Legislation:	<i>Local Government Act 1995</i>
File Number:	GOV/001
Appendices:	Appendix 11.1.A – Ward and Representation Review Report and Proposal
Voting Requirement	Absolute Majority

Report Purpose

For Council to consider endorsement of a report and proposal to the Local Government Advisory Board concerning wards and representation of the Shire of Collie.

Officer's Recommendation

That Council resolve by ABSOLUTE MAJORITY:

1. *pursuant to section 2.18 and clauses 9 and 10 of Schedule 2.2 of the Local Government Act 1995, to request the Local Government Advisory Board to recommend to the Minister for Local Government that a recommendation be made to the Governor of Western Australia to:*
 - a) *reduce the number of offices of councillor from 11 to 9; and*
 - b) *transition to a reduced number of offices of councillors over two election cycles, namely to 10 in 2023 and to 9 in 2025 respectively;*
2. *to endorse the Shire of Collie Ward and Representation Review Report and Proposal dated February 2023 as contained at Appendix 11.1.A for submission to the Local Government Advisory Board, thereby giving effect to resolution 1. above.*

Background:

On 11 October 2022, Council resolved to carry out a Ward and Representation Review for the Shire. This occurred in response to advice from the Minister for Local Government of intentions to introduce legislative amendments that will restrict the number of offices of councillor. For the Shire of Collie, the expected upper limit is 9 offices of councillor.

Council resolved to voluntarily undertake a review of its representation rather than wait for legislative amendment to determine changes.

The review process requires opportunity for the community to make submissions regarding ward and representation reviews. This was facilitated through the preparation of a Discussion Paper that was made available to the community through hard copy and via the Shire website.

A notice was published in the local newspaper, the Collie Bulletin on Thursday 24 November 2022. Notice was also placed in a prominent location on the Shire of Collie website with a 7 week period provided for any submissions to be made on a review of the system of representation.

At the close of the submission period, no submissions had been received for consideration.

Statutory and Policy Implications:

Local Government Act 1995 section 2 and Schedule 2.2.

Budget Implications:

The Ward and Representation Review has been undertaken utilising internal resources.

Communications Requirements: (Policy No. C1.7)

Public notice has been given as required under clause 7 of Schedule 2.2 of the *Local Government Act 1995*.

Strategic Community/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	5.0	Our Organisation
Objective:	5.1	Innovative leadership, forward planning, and mutually beneficial partnerships

Relevant Precedents:

Nil

Comment:

The Ward and Representation review has progressed in accordance with the requirements of the *Local Government Act 1995*. Factors that are relevant to the circumstances of Collie have been taken into account along with the advice of the Minister for Local Government.

A reduction in the number of offices of councillor from 11 to 9 is proposed, with the number reduced by 1 at the 2023 election, and a further reduction by 1 at the 2025 election.

This proposal will change the ratio of Elected Members per person from 1 per 801 persons to 1 per 979 persons based on 2021 census data.

There is no proposal to introduce wards.

It is recommended the report as included at Appendix 11.1.A be endorsed and submitted to the Local Government Advisory Board. It is anticipated the Board will submit a recommendation to the Minister for Local Government. Subject to the Ministers recommendation, the Governor may make an order changing the number of Councillors.

12. CORPORATE SERVICES REPORTS

12.1 Accounts Paid – December 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 – December 2022
Voting Requirement	Simple Majority

Report Purpose

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

Officer's Recommendation

That Council accepts the Accounts as presented in Appendix 12.1.A being vouchers 41897-41902 totalling \$1,381.68 and direct payments totalling \$1,326,276.04 authorised and paid in December 2022.

Background:

In accordance with Delegation 14 adopted by Council on 9 August 2022, the Chief Executive Officer 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.

Month	2022/23		
	Cheques	Electronic Transfer	Total Payment
July	3,583.29	771,047.53	774,630.82
August	1,860.69	1,070,192.80	1,0720,53.49
September	808.37	1,127,453.91	1,128,262.28
October	2,111.39	724,735.09	726,846.48
November	1,166.65	982,186.60	983,353.25
December	1,381.68	1,326,276.04	1,327,657.72

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.

Please raise any queries prior the meeting to enable questions to be investigated and a response prepared.

12.2 Accounts Paid – January 2023

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 12.2.A – Accounts Paid – January 2023
Voting Requirement	Simple Majority

Report Purpose

To present the accounts paid during the month of January 2023.

Officer's Recommendation

That Council accepts the Accounts as presented in Appendix 12.2.A being vouchers 41903-41905 totalling \$2,534.78 and direct payments totalling \$898,267.52 authorised and paid in January 2023.

Background:

In accordance with Delegation 14 adopted by Council on 9 August 2022, the Chief Executive Officer 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.

Month	2022/23		
	Cheques	Electronic Transfer	Total Payment
July	3,583.29	771,047.53	774,630.82
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October	2,111.39	724,735.09	726,846.48
November	1,166.65	982,186.60	983,353.25
December	1,381.68	1,326,276.04	1,327,657.72
January	2,534.78	898,267.52	900,802.30

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 12.2.A.

Please raise any queries prior the meeting to enable questions to be investigated and a response prepared.

12.3 Financial Management Report – December 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 12.3.A – Financial Report – December 2022
Voting Requirement	Absolute Majority

Report Purpose

To provide a summary of the financial position for the Shire of Collie for the month ending December 2022 and consider budget amendment for plant replacement and Local Roads and Community Infrastructure Program (LRCI) Phase 3.

Officer's Recommendation

That Council resolve:

1. *to accept the Financial Management Report for December 2022 as presented in Appendix 12.3.A; and*
2. *to approve a 2022-23 budget amendment of \$116,000 for light vehicle purchases with \$68,515 to be funded from plant reserve and \$47,485 from insurance claims; and*
3. *to approve the following 2022-23 budget amendment for the Local Roads and Community Infrastructure Program (LRCI) Phase 3:*
 - a. *withdraw the swinging bridge refurbishment project; and*
 - b. *nominate the Wallsend Ground power pole network refurbishment at a cost of \$100,000.*

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 12.3.A.

Statutory and Policy Implications:

Section 34 (1) (a) of the *Local Government (Financial Management) Regulations 1996* states that a Local Government is to prepare monthly statement of financial activity including annual budget estimates; budget estimates to the end of the month to which the statement relates; actual amounts of expenditure, revenue and income to the end of the month to which the statement relates, material variances between monthly budget and actual figures, and net current assets on a monthly basis.

In accordance with section 34(5) of the *Local Government (Financial Management) Regulations 1996* each year a local government is to adopt a percentage or value to be used in statements of financial activity for reporting material variances. In this case, the Shire of

Collie has adopted the material variance of 10% or \$10,000, whichever is greater, for reporting variations to the 2022/23 Budget in the monthly statement of financial activity reported to Council.

In accordance with section 6.8 of the *Local Government Act 1995*, a local government is not to incur expenditure, not included in the annual budget for an additional purpose unless the expenditure is (b) authorised in advance by absolute majority.

Budget Implications:

Nil

Communications Requirements: (Policy No. CS1.7)

Nil

Strategic Community Plan/Corporate Business Plan Implications:

Nil

Relevant Precedents:

N/A

Comment:

The financial statements provided in Appendix 12.3.A reports on the following information for the reporting period:

- Rate Setting Statement by Nature and Type
- Material Variances
- Statement of Financial Positions
- Cash and Investments
- Receivables & Payables
- Capital Projects
- Other Projects
- Budget Amendments

Commentary for the material variances identified is included in Appendix 12.3.A

Budget Amendment Requests**1. Light vehicles replacements (111CO and 109CO)**

At the time of adopting the 2022-23 budget, it was noted that no expenditure had been identified for capital plant purchases. The plant replacement program was to be reviewed following the adoption of the budget and the proposed plant purchases separately considered through a budget amendment. Following an incident late last year at the Shire depot, two Shire light vehicles have been declared as written off by the Shire's insurer. Replacement of the vehicles is required to enable normal operations to continue. Other plant and vehicle purchases will be brought forward under a separate budget amendment request.

2. Local Roads and Community Infrastructure Program (LRCI) Phase 3

At the Ordinary Council Meeting held 14 June 2022, Council resolved to allocate \$200,000 of the LRCI Phase 3 funding towards the refurbishment of the swinging bridge. The project is not able to be delivered prior to 30 June 2023, which is a requirement of the funding. The report from the structural engineer has identified a remaining useful life of two years for the swinging

bridge. Whilst it was intended to continue with partial works, including replacement of the handrails, supply and installation cannot be completed before the end of the financial year.

At the time of determining the LRCI Phase 3 projects, Council resolved that should:

- a) the total cost of any project be less than anticipated;
 - b) any of the nominated project be unable to proceed; or
 - c) if construction activity cannot be completed on any project prior to 30 June 2023;
- funds may be reallocated to one of the other approved projects including reserve projects.

The other projects nominated were Roche Park Scoreboards, Soldier's Park playground, Recreation Grounds fencing, Lion's Park public ablutions, and Jack Mears Spring boardwalk. The reserve projects were pathways and Roche Park recreation grounds (fencing, lighting, or building renewal works). Other projects are on-track for completion prior to 30 June 2023.

Some of the funds allocated for the swinging bridge will be redistributed to the other approved projects, including the Jack Mears Spring boardwalk (as identified at the Ordinary Council meeting on 13 December 2022) and it is proposed that an additional project be added for Wallsend Ground power network refurbishment following a power pole assessment report which identified a number of electrical safety issues with the existing infrastructure. The estimated cost of this project is \$100,000. Contractors have advised that the project can be delivered by 30 June 2023.

12.4 2023 Council Elections

Reporting Department:	Corporate Services
Reporting Officer:	Nicole Wasmann – Director Corporate Services
Accountable Manager:	Nicole Wasmann – Director Corporate Services
Legislation:	<i>Local Government Act 1995</i>
File Number:	GOV/038
Appendices:	Appendix 12.4.A Electoral Commissioner Letter
Voting Requirement	Absolute Majority

Report Purpose

For Council to consider appointing the Electoral Commissioner to undertake the 2023 Council elections and to determine the method of conducting the election.

Officer's Recommendation

*That Council by **Absolute Majority**:*

- 1. Declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2023 ordinary elections together with any other elections or polls which may be required; and*
- 2. Decide, in accordance with section 4.61(2) of the Local Government Act 1995, that the method of conducting the election will be as a postal election.*

Background:

Local government ordinary elections are held on the third Saturday in October every two years. The next ordinary elections will be held on Saturday, 21 October 2023.

The election may be held as a postal election or a voting in person election. If the election is to be conducted as a postal election, the Electoral Commissioner is to be responsible for the conduct of the election. The Electoral Commissioner has written to the Shire (Appendix 12.4A) providing written agreement to be responsible for the conduct of the election, should Council choose.

Council is to determine whether the election will be held as an “in person” election on the day, or as a postal election, as has been the Shire’s practice since 1999.

Following the Ward and Representation Review, and subject to the approval of the Local Government Advisory Board and the Minister for Local Government, the number of ordinary vacancies for the 2023 elections will be five (5). Those Councillors whose terms expire in October 2023 are:

- 1) Cr Ian Miffing
- 2) Cr Joe Italiano
- 3) Cr Gary Faries
- 4) Cr Brent White
- 5) Cr Brett Hansen
- 6) Cr John Kearney

With respect to recent postal elections the Shire of Collie has received above State average voter returns:

2015 – 34.3%	[State average participation rate 27.5%]
2017 – 43.0%	[State average participation rate 34.5%]
2019 – 34.7%	[State average participation rate 29.1%]
2021 – 33.3%	[State average participation rate 30.2%]

Statutory and Policy Implications:

In accordance with section 4.20(4) of the *Local Government Act 1995*, a local government may, having first obtained the written agreement of the Electoral Commissioner, declare the Electoral Commissioner to be responsible for the conduct of an election, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.

A declaration under subsection (4) has no effect if it is made after the 80th day before election day and cannot be rescinded after the 80th day.

The election may be held as a postal election or a voting in person election in accordance with section 4.61 of the *Local Government Act 1995*. The decision to hold a postal election has no effect unless it is made after a declaration is made under section 4.20(4), that the Electoral Commissioner is to be responsible for the conduct of the election, or in conjunction with such a declaration.

Budget Implications:

The election cost will have no impact on the current budget.

A cost estimate for the 2023 election has been provided by the WAEC as \$50,000, inclusive of GST. This is a significant increase over past years, which the WAEC has attributed to an increase in inflation affecting salaries and printing costs and an increase in postage costs. The WAEC has also included additional costs incurred for improved processing and procedures and additional resources to supplement the Commission's education, complaints management, investigation and legal efforts. The WAEC invoiced the Shire \$38,681.43, inclusive of GST, for the 2021 election, following a cost estimate of \$38,000, inclusive of GST.

The estimate is based on the following assumptions:

- 6,850 electors (an increase of 500 electors to the 2021 election);
- Response rate of approximately 35%;
- 5 vacancies;
- Count to be conducted at the Shire of Collie offices;
- Appointment of a local Returning Officer; and
- Regular Australia Post delivery service to apply.

In addition, there are computer support and staff costs of approximately \$1,700 associated with the count on the day of the election and into the evening of the count.

The 2022/23 annual budget includes an anticipated closing balance of \$22,205 in the election reserve. Additional funds will be budgeted in 2023/24 for the cost of the election. The Shire of Collie allocates an amount to the election reserve annually so that the cost of the election is spread evenly over two years. The cost estimate provided by the WAEC is \$45,455, net of GST.

The *Local Government (Elections) Regulations 1997*, stipulate that the Electoral Commissioner's expenses are to be determined on the basis of full accrual cost recovery.

Communications Requirements: (Policy No. C1.7)

Advice to the Electoral Commissioner of the Council decision.

Strategic Community/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	5.0	Our Organisation
Objective:	5.1	Innovative leadership, forward planning, and mutually beneficial partnerships

Relevant Precedents:

All Shire of Collie elections since 1999 have been conducted as postal elections by the Electoral Commissioner.

Comment:

As noted above, the Electoral Commissioner has advised the Shire in writing that if Council so required, he would agree to be responsible for the conduct of the October 2023 Shire of Collie Council elections in accordance with section 4.20(4) of the *Local Government Act 1995*.

Having received this advice, if Council wishes to conduct the election as a postal election, Council needs to declare the Electoral Commissioner to be responsible for the conduct of the election, and to resolve by Absolute Majority the method of election and the appointment of the Electoral Commissioner in accordance with Section 4.61(2) of the *Act*.

The Western Australian Electoral Commission (WAEC) will then be responsible for all statutory advertising, the nomination process, preparation of election packages and their distribution and the appointment of a local Returning Officer.

A postal election is the preferred method of conducting the election as it has resulted in higher than state average participation rates. The appointment of the Electoral Commissioner to conduct the election is recommended as it ensures statutory compliance and election impartiality.

It is recommended to declare the Electoral Commissioner to be responsible for the conduct of the elections in 2023 and the method of conduct to be postal. The appointment of the WAEC has the associated benefits of compliance with all statutory requirements, the provision of computer equipment and support, and the information evening for potential candidates.

13. DEVELOPMENT SERVICES REPORTS**13.1 Designated Non-Smoking Areas in the Shire of Collie**

Reporting Department:	Development Services
Reporting Officer:	Dean Guja – Environmental Health Officer
Accountable Manager:	Matt Young – Director Development Services
Legislation	<i>Tobacco Products Control Act 2006</i>
File Number:	GOV/027
Appendices:	Nil
Voting Requirement	Simple Majority

Report Purpose

For Council to review options available to designate non-smoking areas within the Shire of Collie.

Officer's Recommendation

That Council resolve to:

- 1. Undertake a community consultation workshop regarding smoking in public areas and*
- 2. Subject to 1 above report back to Council on the scope and merits of creating a smoke free area local law and policy framework for the Shire of Collie.*

Background:

On 13 December 2023 Council resolved (Motion 9113) as follows:

That the CEO investigate options available to Council to designate areas within Collie as smoke free areas and report back to Council accordingly.

Existing Regulations on Smoking

The Western Australian the *Tabacco Products Control Act 2006* aims to reduce the instance of illness and deaths caused by tobacco use by:

1. Prohibiting the sale and supply of tobacco products to young people.
2. Discouraging the use of tobacco products.
3. Restricting the promotion of tobacco products.
4. Reducing community exposure to second-hand smoke.

In WA, it is illegal to smoke:

- in enclosed public places (such as shopping centres, hospitals, cinemas, theatres, pubs, clubs, restaurants);
- in outdoor eating areas, unless in a designated smoking area in a liquor licensed premises;
- between the flags at patrolled beaches;
- in taxis, on buses and other public transport that is available to or being used by the public;
- in vehicles carrying children under age 17;
- near playground equipment.

Since December 2012 cigarettes sold in Australia must be in plain packaging, and evidence has shown that this assists in helping to prevent smoking.

Generally laws in Australia restrict tobacco advertising to limit people's exposure to messages and images that may persuade them to start or continue smoking.

The Shire of Collie draft Public Health Plan has identified smoking as a significant issue for Collie. Priority 1 of that Plan relates to Supported community - maximise healthy behaviours and commit to a healthier community. Action 11 of the Public Health Plan states: "Support stakeholders which assist the Shire in promoting healthier lifestyle initiatives such as "Make Smoking History".

Statutory and Policy Implications:

Nil

Budget Implications:

Nil

Communications Requirements:

Nil

Strategic Community Plan/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	1.0	Our Community
Objective:	1.1	Innovative leadership, forward planning, and mutually beneficial partnerships

Relevant Precedents:

N/A

Comment:

Over and above the State's regulatory framework a number of local authorities have sought to further restrict smoking.

Town of Vincent have included the capability of declaring a smoke free area under its Local Government Property Amendment Local Law 2022. This all came about through the Town's Public Health Plan 2020-2025 which include a public health target of achieving smoke-free areas in town centres by 2025 to reduce community exposure to the harmful effects of smoking and create healthier environments for people to enjoy. Refer <https://www.vincent.wa.gov.au/smokefree#:~:text=The%20City%20of%20Vincent%20will,va ping%20in%20our%20entertainment%20precincts.>

The Town have the capability of declaring a smoke free area under it's Local Government Property Amendment Local Law 2022. Following Council approval parts of North Perth, Mt Hawthorn, Leederville, William Street and Beaufort Street have become smoke-free from 22 November 2022.

Events

Some organisers may choose to promote smoke free events by choice.

Healthway partners with organisations that host community events and arts festivals to create healthier communities that encourage good health now and into the future, including smoke free events.

The initiative to further restrict smoking in Collie is supported. It is recommended that a public workshop is undertaken to better define the scope of where these restrictions should apply and also to test the public's opinion on such measures. The outcomes of this should then be reported back to Council, with the aim of developing a smoke free area local law and policy framework for the Shire of Collie.

14. TECHNICAL SERVICES REPORTS**14.1 Recreation Grounds Lighting Towers Donation**

Reporting Department:	Technical Services
Reporting Officer:	Craig Yardley – Director Technical Services
Accountable Manager:	Craig Yardley – Director Technical Services
	<i>Local Government Act 1995</i>
Legislation	<i>Local Government (Functions and General) Regulations 1996</i>
File Number:	RCS/004
Appendices:	14.1 A AE Consultant Lighting Pole Assessment Report 14.2 B Collie Speedway Letter
Voting Requirement	Simple Majority

Report Purpose

Council to consider the engineers report into the capability of the old recreation ground lighting towers to be reused.

Officer's Recommendation

That Council resolve to:

- 1. Donate the six (6) lighting poles recently replaced at the Collie Recreation Ground to the Collie Racing Drivers Association Inc on the following conditions:*
 - a. The light poles are relocated immediately.*
 - b. The installation will be preceded by Development Approval and a Building Permit to cover the works.*
 - c. A structural assessment on the pole installation is completed by a suitably qualified, competent, authorised, and licensed person or entity and deemed safe and compliant with all applicable legislation.*
 - d. All works will be tested and verified for Electrical Safety by a suitably qualified, competent, authorised, and licensed person or entity and a copy of the appropriate documentation provided to the Shire for records.*
 - e. Collie Speedway remove all poles and associated equipment and dispose of any unnecessary parts.*

Background:

The Collie Recreation Ground lights have been replaced and the original light structures are no longer required.

At the Ordinary Meeting of Council held 13 September 2022, Council considered a recommendation to donate the salvage rights to the existing Recreation Ground lighting towers to the Collie Eagles Football Club.

Council resolved (motion 9063) to defer the item until Council has obtained engineering advice regarding the ability to recertify and feasibility to reuse the poles with or without LED lighting.

Alliance Engineering Consultants Pty Ltd (AEC) undertook a structural condition assessment of the six lighting poles previously installed at the Collie Recreation Grounds in January 2023.

The structural condition assessment was based on site measurements and photographs provided to AEC by the Shire of Collie in Jan 2023.

The report recommends that four of the six poles are in a generally good structural condition and are capable of being reused provided corrective works recommended in the report are attended to.

Collie Racing Drivers Association Inc have formally requested to have these lights gifted to them for additional in-field lighting at the Collie track (refer Appendix 14.1B letter from Tony Briggs dated 13 October 2022).

Statutory and Policy Implications:

The Council may elect to dispose of property of value less than \$20,000 in any manner it deems appropriate.

Budget Implications:

Nil

Communications Requirements:

Nil

Strategic Community Plan/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	3.0	Our Built Environment
Objective:	3.1	Safe and well maintained Shire owned facilities and infrastructure

Relevant Precedents:

Nil

Comment:

The lights have minimal cost value but can be utilised at the Collie Speedway to improve amenity for the patrons. Collie Racing Drivers Associated Inc plan to replace the lights with LED units and place them on the infield area of the circuit. They have also indicated that they would take all six poles with the potential of the two less suitable poles being potentially used for parts.

It is recommended that the poles are issued free of cost to the Collie Racing Drivers Association Inc subject to them relocating the poles, obtaining the necessary approvals and certifications prior to instillation.

15. MOTIONS FOR WHICH PRIOR NOTICE HAS BEEN GIVEN

Elected Members have the ability to submit notices of motion between meetings and up to a time prescribed in standing orders before a meeting.

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

Members have the ability to submit notices of questions between meetings and up to a time prescribed in standing orders before a meeting.

Responses to questions asked at the October Ordinary Council Meeting, for which an answer has not been provided, are listed below:

17. URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION**18. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS****19. STATUS REPORT ON COUNCIL RESOLUTIONS**

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

- 'Closed Since Last Meeting' at Appendix 19.1.A
- 'All Open' at Appendix 19.1.B

20. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC**21. CLOSE**