



Shire of
Collie

AGENDA

for the

ORDINARY MEETING OF COUNCIL

to be held on

Tuesday, 14 March 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 March 2023

in Council Chambers at 87 Throssell Street, Collie WA

Stuart Devenish
Chief Executive Officer

9 March 2023

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

March 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 March 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]

Contents

1.	OPENING/ATTENDANCE/APOLOGIES & LEAVE OF ABSENCE	2
2.	PUBLIC QUESTION TIME	2
3.	RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	2
4.	DISCLOSURE OF FINANCIAL INTEREST	2
5.	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS.....	2
5.1	Presentation – Heritage Skills Association WA	2
6.	NOTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC.....	2
7.	ITEMS BROUGHT FORWARD DUE TO INTEREST BY ATTENDING PERSONS	3
8.	CONFIRMATION OF THE PREVIOUS MEETINGS OF COUNCIL MINUTES	3
9.	BUSINESS ARISING FROM THE PREVIOUS MINUTES.....	3
10.	RECEIPT OF MINUTES OF COMMITTEE MEETINGS HELD SINCE THE PREVIOUS MEETING OF COUNCIL.....	3
10.1	Receipt of Minutes of the Community Safety and Wellbeing Committee ..	3
10.2	Adopt the Recommendation of the Community Safety and Wellbeing Committee	3
10.3	Receipt of Minutes of the Audit Committee	4
10.4	Adopt the Recommendations of the Audit Committee	4
11.	CEO REPORTS.....	5
11.1	Corporate Business Plan 2022/23 – 2026/27	5
12.	CORPORATE SERVICES REPORTS	7
12.1	Accounts Paid – February 2023.....	7
12.2	Financial Management Report – January 2023.....	9
12.3	Outdoor Recreation – Fees and Charges.....	11
12.4	Lease Variation – Collie Cycle Club	14
13.	DEVELOPMENT SERVICES REPORTS	17
13.1	Consolidation of R19491 to Rectify Building Encroachment (Cardiff Bushfire Brigade)	17
13.2	Noting Response to Direct Interest Party Application for an Amended Clearing Permit - Premier Coal Limited.....	20
14.	TECHNICAL SERVICES REPORTS.....	22
15.	MOTIONS FOR WHICH PRIOR NOTICE HAS BEEN GIVEN.....	22
16.	QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN	22
17.	URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION	22
18.	ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS.....	22
19.	STATUS REPORT ON COUNCIL RESOLUTIONS.....	22
20.	CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC	22
21.	CLOSE.....	22

Agenda for the Ordinary Meeting of the Collie Shire Council to be held in Council Chambers, 87 Throssell Street Collie, on Tuesday, 14 March 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

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 Presentation – Heritage Skills Association WA

The presentation will be made by Yolanda Cool.

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 MEETINGS OF COUNCIL MINUTES

Officer's Recommendation:

That Council confirms the Minutes of the Ordinary Meeting of Council held on 14 February 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

10.1 Receipt of Minutes of the Community Safety and Wellbeing Committee

Officer's Recommendation:

That Council receives the Minutes of the Community Safety and Wellbeing Committee held on 21 February 2023.

10.2 Adopt the Recommendation of the Community Safety and Wellbeing Committee

Committee Recommendation:

That Council adopts the recommendation contained within the Minutes of the Community Safety and Wellbeing Committee held on 21 February 2023 as follows:

Recommendation / Committee Decision:

Moved: Andrew Whitney

Seconded: Diane Blount

That the following changes be made to the Terms of Reference with modifications identified by deleting text with ~~strike through~~ and including underlined text.

2. Aims and Objectives

- 2.1 To work in partnership with agencies, community groups and organisations to focus on and promote the wellbeing of ~~our community~~ all within our community.

3. Membership

- 3.3 In accordance with the provisions of Section 5.10(1)(a) of the Local Government Act 1995 resolves that the Committee shall have as its members:

- At least one Councillor
- The Director of Corporate Services
- The Community Development Officer
- Representatives from
 - the WA Police
 - the Collie PCYC
 - The Smith Family

- ~~Collie SHS~~
- ~~Primary Schools in Collie~~
- Collie Public Schools
- Investing In Our Youth
- WALGA Roadwise
- WA Country Health Service
- Justice of the Peace
- the Collie Suicide Prevention Network
- the Disability Reference Group
- NDIS Local area coordination partners
- Ngalang Boodja Aboriginal Corporation
- the community.

4. Management/Procedures

4.11 Community members wishing to address the Committee may do so ~~in writing~~ by request, providing information and proposals for consideration.

4.14 No member of the Committee is permitted to make public comment on behalf of the Committee or the Shire. This does not preclude a member speaking on their own behalf, or on behalf of the group or organisation they may represent.

CARRIED: 8/0**10.3 Receipt of Minutes of the Audit Committee****Officer's Recommendation:**

That Council receives the Minutes of the Audit Committee held on 2 March 2023.

10.4 Adopt the Recommendations of the Audit Committee**Committee Recommendation:**

That Council adopts the recommendations contained within the Minutes of the Audit Committee held on 2 March 2023 as follows:

Officer's Recommendation/ Committee Recommendation:**Moved: Cr Stanley****Seconded: Cr Smith**

That Council receives the 2022 Annual Compliance Audit Return as presented in Appendix 9.1A and authorise the return to be lodged to the Department of Local Government, Sport, and Cultural Industries.

CARRIED 3/0

11. CEO REPORTS**11.1 Corporate Business Plan 2022/23 – 2026/27**

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:	GOV/001
Appendices:	Appendix 11.1.A – Corporate Business Plan 2022/23 – 2026/27
Voting Requirement	Absolute Majority

Report Purpose

To consider adoption of the proposed Corporate Business Plan, giving effect to the terms of the recently adopted Strategic Community Plan.

Officer's Recommendation

That Council, pursuant to Local Government (Administration) Regulations 1996 r19DA, resolve by Absolute Majority to adopt the Corporate Business Plan 2022/23 – 2026/27 as contained at Appendix 11.1.A.

Background:

On 13 December 2022, Council resolved to adopt the Strategic Community Plan 2022. The Plan serves to guide the priorities and operations of the Shire. The Plan was adopted having regard for community inputs through workshops, surveys and interviews.

The next step is to now consider a revised Corporate Business Plan that sets out actions as to how the Strategic Community Plan will be delivered. The Corporate Business Plan will also form the basis of reporting against achievements.

Statutory and Policy Implications:

Section 5.56 of the *Local Government Act 1995* requires the preparation of a plan for the future of the district. Regulation 19DA of the *Local Government (Administration) Regulations 1996* further identify the need for a Corporate Business Plan to be prepared which covers a period of at least 4 financial years.

Budget Implications:

The resourcing required to deliver on the terms of the plan are provided for in annual budget allocations.

Communications Requirements: (Policy No. CS 1.7)

Preparation of the Strategic Community Plan was subject to communications associated with the community engagement processes. Advertising of the Corporate Business Plan is not required.

Strategic Community Plan 2022/Corporate Business Plan Implications:

GOAL:	5	Our Business
Objective:	5.1	Good governance and leadership

Relevant Precedents:

Strategic Community Plans are reviewed and adopted in accordance with the terms of the Act and Regulations.

Comment:

The Corporate Business Plan, together with the Strategic Community Plan comprise the Shire's plan for the future, and has been prepared in accordance with the required of the *Local Government (Administration) Regulations 1995*. The plans guide decision making around operational planning and prioritisation so as to achieve the objectives and desired outcomes with limited resources available. The planning framework also guides the terms of the annual budget.

A total of 56 strategy actions and timeframes are set out within the Corporate Business Plan which will direct operations and provide a basis for reporting on achievements. The Corporate Business Plan 2022/23 – 2026/27 is recommended for adoption accordingly.

12. CORPORATE SERVICES REPORTS

12.1 Accounts Paid – February 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 12.1.A – Accounts Paid – February 2023
Voting Requirement	Simple Majority

Report Purpose

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

Officer's Recommendation

That Council accepts the Accounts as presented in Appendix 12.1.A being vouchers 41906 totalling \$273.70 and direct payments totalling \$1,124,641.19 authorised and paid in February 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
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
January	2,534.78	898,267.52	900,802.30
February	273.30	1,124,641.19	1,124,914.89

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 Financial Management Report – 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 – Financial Report – January 2023
Voting Requirement	Absolute Majority

Report Purpose

To provide a summary of the financial position for the Shire of Collie for the month ending January 2023.

Officer's Recommendation

That Council resolve to accept the Financial Management Report for January 2023 as presented in Appendix 12.2.A.

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:

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 12.2.A.

12.3 Outdoor Recreation – Fees and Charges

Reporting Department:	Corporate Services
Reporting Officer:	Nicole Wasmann – Director Corporate Services
Accountable Manager:	Nicole Wasmann – Director Corporate Services
Legislation	<i>Local Government Act 1995 S6.16</i>
File Number:	GAS/044
Appendices:	Nil
Voting Requirement	Absolute Majority

Report Purpose

To consider participation fees to be charged and budget amendments for Wheels of Wellbeing and Hike Ability projects.

Officer's Recommendation

1. *That Council adopts by an ABSOLUTE MAJORITY the following fees for the 2022/23 financial year following the statutory advertising period:*
 - a. *Wheels of Wellbeing - \$25 per week per participant*
 - b. *Hike Ability - \$25 per week per participant*
2. *That Council approve the following budget amendments for the 2022/23 financial year:*
 - a. *Increase the budget allocation for the Other Recreation and Sport program by \$16,000 to recognise the grants received from the Department of Local Government Sport and Cultural Industries.*
 - b. *Increase the fees and charges for Other Recreation and Sport by \$2,000 to recognise the participant fees.*
 - c. *Increase the budget allocation for the Other Recreation and Sport program expenditure by \$18,000 towards the Wheels of Wellbeing and the Hike Ability projects.*

Background:

The Shire of Collie has received grant funding to run two projects which include participant fees. In accordance with legislative requirements, fees and charges must be determined by Council.

The Hike Ability project builds the confidence of new hikers over a course of six weeks including an overnight camp. The budget incorporates fees of \$25 per week per participant for the six weeks.

The Wheels of Wellbeing project includes up to ten coaching sessions with a qualified mountain bike coach and ten clinics to reinforce skills. The budget incorporates fees of \$25 per week per participant which includes one coaching session and one clinic and use of a mountain bike if required.

Fees are inclusive of GST.

Statutory and Policy Implications:

Section 6.16 of the *Local Government Act 1995* (the Act), stipulates that a local government may impose a fee or charge for any goods or service it provides. A fee may be charged for supplying a service at the request of a person.

Fees and charged are imposed when adopting the annual budget but may be imposed or amended from time to time during a financial year.

In accordance with Section 6.17 of the Act, in determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration:

- (a) the cost to the local government of providing the service or goods;
- (b) the importance of the service or goods to the community; and
- (c) the price at which the service or goods could be provided by an alternative provider.

Local public notice is required prior to the imposition of the changed fees in accordance with Section 6.19 of the Act.

Budget Implications:

The Department of Local Government Sport and Cultural Industries has approved funding of \$17,000 for the Hike Ability project and \$25,300 for the Wheels of Wellbeing project.

The Shire's contribution is in kind support for project management and up to \$500 cash, which will be funded within the existing budget.

The programs are planned to be spread over two financial years in accordance with the following:

	22/23	23/24
Wheels of Wellbeing grant	10,000	15,300
Wheels of Wellbeing fees	1,000	2,000
Hike Ability grant	6,000	11,000
Hike Ability fees	1,000	2,000

Communications Requirements: (Policy No. CS 1.7)

In accordance with statutory requirements, any additional fees and charges after the adoption of the budget must be advertised.

Strategic Community Plan 2022/Corporate Business Plan Implications:

GOAL:	1.0	Our Community
Objective:	1.2	Community connection, engagement and participation

Relevant Precedents:

The current fees and charges were adopted on 19 July 2022 for the 2022/23 financial year.

Comment:

Both projects will utilise local businesses and be delivered to the local community. A trail maintenance component is also included, which will upskill interested local community members to assist with trail maintenance.

The Wheels of Wellbeing project will also provide accredited training to local coaches. The programs will encourage local community members to use the trails which have been built in the Shire.

The budgets, including participant fees, were included in the grant applications. Council endorsement of the fees by adopting the recommendation is required to meet legislative requirements. The amendment proposed to the budget will reflect the anticipated income and expense in the current financial year.

12.4 Lease Variation – Collie Cycle Club

Reporting Department:	Corporate Services
Reporting Officer:	Nicole Wasmann – Director Corporate Services
Accountable Manager:	Nicole Wasmann – Director Corporate Services
Legislation	<i>Local Government Act 1995 S3.58</i>
File Number:	L6684G
Appendices:	Nil
Voting Requirement	Simple Majority

Report Purpose

For Council to consider a request for a variation to the lease with Collie Cycle Club at the Collie Recreation Ground for the purpose of storage for the Mountain Bike Club.

Officer's Recommendation

That, subject to ministerial consent being provided, Council:

- a) approve a variation of the area leased to the Collie Cycle Club Inc; and*
- b) authorise the President and Chief Executive Officer to sign and affix the Common Seal to the lease variation document between the Shire of Collie and the Collie Cycle Club Inc.*

Background:

The Collie Cycle Club is an incorporated body that presently leases land at the Collie Recreation Ground. The lease area contains the club room used by the Club.

The Mountain Bike Club is affiliated with the Collie Cycle Club and operates under the incorporation of the Collie Cycle Club. The Mountain Bike Club is seeking storage space for a trailer, trail maintenance equipment and event related equipment such as bunting and signs. Indoor secure space is required for this purpose.

To meet the storage needs, a request has been made for a shed to be located at the Collie Recreation Ground. To avoid multiple isolated storage buildings being located on the Ground, it is proposed that a further extension be made to the existing storage shed.

This existing shed is located on land leased to the Collie River Valley Athletics Club. In September 2021, Council approved a variation to the lease to the Athletics Club to enable the existing shed to be extended. The extension works are currently in progress. Both the Athletics Club and the Cycle Club use the existing shed through their own arrangements.

The image below shows the existing shed, the section currently under construction, and the further extension requested. The new section would be separated from the existing shed via an internal partition. It is proposed that the new section be on land leased to the Cycle Club through a variation to the existing lease.



The area currently leased to the Collie Cycle Club is shown below:



Statutory and Policy Implications:

In accordance with the *Local Government (Functions and General) Regulations 1996* Regulation 30, disposal of land is exempt from the public notice requirements of Section 3.58 of the *Local Government Act 1995* where the lease is to a recreational or sporting and the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions.

The Shire has a management order for the Recreation Ground, Reserve 6684, which requires ministerial consent for any lease.

Budget Implications:

There are no budget implications.

Communications Requirements: (Policy No. CS 1.7)

The Athletics Club has been consulted and have no objections to the proposal.

Strategic Community Plan/Corporate Business Plan Implications:

GOAL:	1.0	Our Community
Objective:	1.2	Community connection, engagement and participation

Relevant Precedents:

Council agreed to the renew the lease to the Cycle Club in May 2018 for a period five years with a five year option.

Council has previously approved a lease variation to the Athletics Club for the purpose of a shed extension.

Comment:

It is recognised that an Open Space and Recreational Facilitation Strategy is presently under preparation and this strategy is expected to provide a high level overview of the role and function of grounds, and the types of facilities expected. In the interim, the Collie Mountain Bike Club is seeking access to storage for equipment. It is considered that extending the existing shed, with a partition between the two storage areas, will have minimal impact on the Ground and not compromise any future use.

Cycling events are becoming increasingly popular on the expanding trail network. Varying the lease with the Cycle Club will provide land for the storage facilities needed for event equipment and trail maintenance.

13. DEVELOPMENT SERVICES REPORTS

13.1 Consolidation of R19491 to Rectify Building Encroachment (Cardiff Bushfire Brigade)

Reporting Department:	Development Services
Reporting Officer:	Isabel Fry - Town Planner
Accountable Manager:	Matt Young – Director Development Services
Legislation	<i>Land Administration Act 1997</i>
File Number:	R19491
Appendices:	Appendix 13.1.A- Aerial and Tenure Map Appendix 13.1.B- Proposed Tenure Arrangement
Voting Requirement	Simple Majority

Report Purpose

For Council to consider the consolidation of land tenure arrangements relating to Reserve 19491 (Cardiff Bushfire Brigade), for the purpose of rectifying building encroachments.

Officer's Recommendation

That Council resolve to:

1. *Authorise Officers to work with Department of Planning, Lands and Heritage to consolidate the land tenure arrangements associated with Reserve 19491 and facilitate:*
 - a) *Closure of unconstructed road (PIN 11419588) pursuant to section 58 of the Land Administration Act 1997 and Regulation 9 of the Land Administration Regulations 1998 for its amalgamation into the adjoining Reserve 19491 pursuant to section 51 of the Land Administration Act 1997; and*
 - b) *Cancellation of unmanaged Reserve 19457 (Lots 8-10 on DP 203723) pursuant to section 51 of the Land Administration Act 1997 to facilitate the dedication of a portion as road pursuant to section 56 of the Land Administration Act 1997 and Regulation 8 of the Land Administration Regulations 1998 and a portion being included into Reserve 19491 pursuant to section 51 of the Land Administration Act 1997.*
2. *Recommend that the purpose of Reserve 19491 be amended to be Recreation - Fire and Emergency Services, Recreation and Ancillary Uses*
3. *Authorise Officers to advertise the proposal for 28 days to service providers and relevant agencies, as well as in the local newspaper and on the Shire website.*
4. *Authorise Officers to undertake or have undertaken, a survey plan and sketch plan detailing the proposal; and*
5. *Indemnify the Minister of Lands against all claims for compensation and costs that may reasonably be incurred as a result of the road dedication process.*

Background:

The Shire has received correspondence from the Department of Planning, Lands and Heritage (DPLH) relating to Reserve 19491 (R19491) in Cardiff. The request detailed:

Through the completion of Case 2202554 'Request to Investigate the Removal of White Gum Trees on Reserve 19457 over Lots 8, 9 and 10 on Deposited Plan 203723' the

Department of Planning, Lands and Heritage (Department) internally initiated this proposal to address the identified unlawful encroachments affecting Reserve 19457, unconstructed road (PIN 11419588) and Reserve 19491.

The Shire undertook a project in 2019/20 for the construction of the Cardiff Bushfire Brigade. The 8m encroachment into R19491 was identified through the design process, however the project proceeded as detailed in the design documentation that had already been prepared.

The Bushfire Brigade building is constructed across two Reserves. Refer Appendix 13.1.A.

- Class-C Reserve 19457 (Lots 8-10 on DP 203723) is unmanaged for the purpose of 'Public Utility'.
- Class-C Reserve 19491 (Lot 422 on DP 34931) is managed by the Shire of Collie for the purpose of 'Recreation'.

DPLH has offered to assist in the tenure rationalisation in this area including resolving the identified encroachments from the structure on Reserve 19491 into Reserve 19457 (Lot 10 on DP 203723) and unconstructed road (PIN 11419588) and suggested the following actions (refer Appendix 13.1.B):

- Closure of unconstructed road (PIN 11419588) pursuant to section 58 of the *Land Administration Act 1997 (LAA)* and Regulation 9 of the *Land Administration Regulations 1998 (LAR)* for its inclusion/amalgamation into the adjoining Reserve 19491 pursuant to section 51 of the LAA and include the amendment to the adjoining Reserve 19491 pursuant to section 51 of the LAA.
- Cancellation of unmanaged Reserve 19457 (Lots 8-10 on DP 203723) pursuant to section 51 of the LAA to facilitate the dedication of a portion as road pursuant to section 56 of the LAA and Regulation 8 of the LAR and a portion being included into Reserve 19491 pursuant to section 51 of the LAA. Also, it is requested that the Shire include within the recommendation, a line indemnifying the Minister of Lands against all claims for compensation and costs that may reasonably be incurred as a result of the road dedication process.

The purpose of Reserve 19491 also needs to be amended from Recreation to Recreation - Fire and Emergency Services, Recreation and Ancillary Uses, or similar. DPLH has supported this change and agrees it is necessary.

Statutory and Policy Implications:

Land Administration Act 1997

Land Administration Regulations 1998

Budget Implications:

The Shire will be required to prepare a Plan of Survey for the road dedication and a sketch plan for the road closure which will be funded through existing allocations.

Communications Requirements: (Policy No. CS 1.7)

The Shire is required to advertise the proposal to utility service providers and other relevant agencies. Advertising in the local newspaper and on the Shire's website will also be undertaken.

Strategic Community Plan 2022/Corporate Business Plan Implications:

GOAL:	3.0	Our Built Environment
Objective:	3.1	Safe and well-maintained shire owned facilities and infrastructure
Objective:	3.2	Sound land planning and building strategies and schemes

Comment:

It is recommended that Council direct Officers to undertake the process to rationalise the land tenure relating to R19491, with assistance from the DPLH.

Undertaking this process will rationalise an existing road to be inside a formal road reserve, as well as addressing the encroachments associated with the Cardiff Bushfire Brigade building. It is recommended that the Officers liaise with service providers and agencies and undertake the necessary infrastructure investigations prior to finalising a survey plan and sketch for the proposal.

DPLH has also requested that the Shire include as part of this resolution, reference to indemnifying the Minister of Lands against all claims for compensation and costs that may reasonably be incurred as a result of the road dedication process.

The proposal is consistent with several other land tenure rationalisations that Officers are investigating within the Shire to assist with the management of reserves vested with the Shire. The proposed amendment to the purpose of the Reserve will not impact on the future recreational use of the balance Reserve 19491 should the Shire wish to develop it further at a later stage.

13.2 Noting Response to Direct Interest Party Application for an Amended Clearing Permit - Premier Coal Limited

Reporting Department:	Development Services
Reporting Officer:	Isabel Fry - Town Planner
Accountable Manager:	Matt Young – Director Development Services
Legislation	<i>Environmental Protection Act 1986</i>
File Number:	A4287
Appendices:	Appendix 13.2.A- Application Area Maps Appendix 13.2.B- Requested Amendments
Voting Requirement	Simple Majority

Report Purpose

For Council to note the response provided by Officers to the Department of Mines, Industry, Regulation and Safety regarding an Application for an Amended Clearing Permit for Premier Coal Limited.

Officer's Recommendation

That Council note the response provided by Officers to the Department of Mines, Industry Regulation and Safety that the The Shire of Collie has no objections to the proposed amendment to the existing clearing permit, subject to:

- a) The consent of the manager/owner of the subject land being sought.*
- b) Areas identified to be containing Registered Aboriginal Heritage Sites should be referred to the Department of Planning, Lands and Heritage Aboriginal Heritage Branch and consultation with Traditional Landowners must be undertaken prior to approval, where applicable.*
- c) Habitat trees should be retained and unacceptable impacts to fauna and significant flora should be avoided.*

Background:

The Shire of Collie was invited to comment on the proposal prepared by Premier Coal to amend a clearing permit (CPS9654/1) that was previously granted under the *Environmental Protection Act 1986*.

Due to the Shire receiving the clearing permit application (CP9654/2) from the Department of Mines, Industry Regulation and Safety (DMIRS) on 31 January 2023, the application was unable to be reviewed and a report drafted for the February Ordinary Meeting of Council. The statutory timeframe to provide a response to the application is 21 days, therefore a response was required to be provided prior to the application being brought to this Ordinary Meeting of Council.

An existing clearing permit is in place, approving 10 hectares of clearing within a 387 hectares permit boundary. The application is to amend Conditions 3,4,7,12a,12d(ii), 12d(iii), 13a and 15(2), so as to allow for Premier Coal's exploration activities to occur, which are restricted by the current conditions, and to rectify minor editing errors. Premier Coal is also seeking to increase the approved clearing area from 10 to 12 hectares, this is due to compliance with existing CPS9654/1 conditions requiring additional clearing access to the same drill target

sites. The existing clearing permit application relates to approved exploration in the area. The permit area is primarily State Forest, managed by DBCA. Refer Appendix 13.2.A.

The requested amendments to the existing permit are included in Appendix 13.2.B.

Officers have provided a response and request that Council note the response provided.

Statutory and Policy Implications:*Environmental Protection Act 1986-*

- Section 51O- Principles and instruments to be considered when making decisions as to clearing permits.
- Section 51P- Relationship between clearing permits and approved policies.

Budget Implications:

Nil

Communications Requirements:

The Shire was referred the application as a Direct Interest Party under the *Environmental Protection Act 1986*.

Strategic Community Plan 2022/Corporate Business Plan Implications:

GOAL:	2.0	Our Economy
Objective:	2.1	Economic Development
GOAL:	4.0	Our Natural Environment
Objective:	4.2	Conservation of our natural environment

Relevant Precedents:

The subject site has a previously approved clearing permit.

Comment:

In view of the timeframe required for a response to the Department, Officers provided advice as follows:

The Shire of Collie has no objections to the proposed amendment to the existing clearing permit, subject to:

- *The consent of the manager/owner of the subject land being sought.*
- *Areas identified to be containing Registered Aboriginal Heritage Sites should be referred to the Department of Planning, Lands and Heritage Aboriginal Heritage Branch and consultation with Traditional Landowners must be undertaken prior to approval, where applicable.*
- *Habitat trees should be retained and unacceptable impacts to fauna and significant flora should be avoided.*

This advice was provided, recognising the environmental assessments undertaken by the State Government in association with any clearing. It also recognises that mining is an essential activity and continues to be an important economic function while industry transitions away from coal. It is recommended that the advice provided by officers be noted accordingly.

14. TECHNICAL SERVICES REPORTS

Nil

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**