



Shire of  
**Collie**

# MINUTES

for the

## ORDINARY MEETING OF COUNCIL

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

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Minutes for the Ordinary Meeting of the Collie Shire Council held in Council Chambers, 87 Throssell Street Collie, on Tuesday, 14 March 2023 which commenced at 7:00pm.

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

**PRESENT:**

Sarah Stanley	Councillor (Presiding Member)
Ian Miffling OAM JP	Councillor (Deputy Member)
John Kearney	Councillor
Joe Italiano	Councillor
Michelle Smith	Councillor
Rebecca Woods	Councillor
Gary Faries	Councillor
Elysia Harverson	Councillor
Brett Hansen	Councillor
Brent White	Councillor

Stuart Devenish	Chief Executive Officer
Matthew Young	Director Development Services
Nicole Wasmann	Director Corporate Services
Craig Yardley	Director Technical Services
Hasreen Mandry	Finance Manager
Sue Mearns	Executive Assistant

**APOLOGY:** Leonie Scoffern      Councillor

**GALLERY:**

Gael Varian  
Gretta Golubic  
Patrick Honeywill  
Nichola Polding  
Erik Mellegers  
Kym Gibson  
Dennis Gray  
Mick Murray  
Yolanda Cool

**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**

**Council Decision:**

**Resolution: 9136**

*That Council grant Cr Woods a Leave of Absence for the Ordinary Council Meeting being held on 11 April 2023.*

**Moved:**                      **Cr White**

**Seconded:**

**Cr Faries**

**CARRIED: 10/0**

**1.3 Councillors who are applying for Leave of Absence for this Ordinary Meeting of Council**

<b>Council Decision:</b>		<b>Resolution: 9137</b>	
<i>That Council grant Cr Scoffern a Leave of Absence for this Ordinary Council Meeting.</i>			
<b>Moved:</b>	<b>Cr White</b>	<b>Seconded:</b>	<b>Cr Italiano</b>
			<b>CARRIED: 10/0</b>

**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).

**2.1 Gael Varian**

Mrs Varian asked the following three questions of Council which will be taken on notice:

1. Is it possible to install speed bumps at the end of Atkinson Road and Telfer Road?  
Response: Question taken on notice
2. Can speed signs be erected in known high speed traffic areas of Mungilup Road?  
Response: Although speed signage is regulated by Main Roads WA, the Shire will forward this request on to them for appropriate action.
3. Can shade sails be installed and maintenance conducted at the playground on Moore Street?  
The Director Corporate Services advised that this request would be put forward to Council for budget consideration for the 2023/24 financial year.

**2.2 Gretta Golubic**

Ms Golubic questioned whether a development sign be erected at Minningup Pool to notify the community of future developments and also requested information on the developers previous sites.

Response: Question in relation to previous experience of the developers was taken on notice.

Ms Golubic stated that the Shire of Collie CEO had told (Ms Golubic) that he had attended a lunch with the developers of the proposed Eco Village at Minningup Pool. Mr Devenish requested that it be recorded in the Minutes that he did not attend a lunch with the developers, but had attended a meeting with them on-site.

**2.3 Nichola Polding**

Ms Polding asked the following two questions:

1. Is the Shire of Collie committed to maintaining the 6:30am opening time for the 2023/24 swimming season and beyond?

Response: The CEO confirmed that the opening time of the pool will continue to be 6.30am on weekdays (with the exception of Public Holidays), for the 2023/24 season and beyond and that there had been no intention to change the time.

2. Is the Shire of Collie considering outsourcing to an external pool management company the operation and management of the Collie Memorial Swimming Pool for the 2023/24 season and beyond?

Response: The CEO advised that no determination, decision or even discussion has been held with regards to outsourcing the management of the Collie Mineworkers Memorial Swimming Pool.

#### 2.4 Mick Murray

Question: What, if any conversations has the Shire of Collie had with the Federal Government or Local Members to future proof Collie?

Response: The Shire President responded in the affirmative and confirmed that in addition to active participation with the Just Transition Working Group and advocacy for its membership to include Federal Government representation, numerous discussions had been held with Federal Member for O'Connor Rick Wilson, as well as presentations to Senate Select Committee delegations, a presentation to newly appointed Federal Minister for Regional Development, Local Government and Territories Kristy McBain, and discussions with representatives of the Federal Net Zero Economy Taskforce related to the challenges of our community in transitioning its economy.

Mr Murray then stated – So no direct request for assistance has been made to the Federal Government?

Response: The Shire President confirmed that the Shire had made direct contact with the Federal Government.

Mr Murray then requested to know what the Shire had asked for, giving examples of an indoor heated pool or recreation ground lighting.

Cr Stanley confirmed conversations with Federal representatives had focussed on attracting new industries to provide employment opportunities for the impacted workforce and community.

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

### 4. **DISCLOSURE OF FINANCIAL INTEREST**

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

Councillor/Staff	Agenda Item	Disclosure
Cr White	13.1 - Consolidation of R19491 to Rectify Building Encroachment (Cardiff Bushfire Brigade)	Work related - Impartial
Cr Woods	13.2 - Noting Response to Direct Interest	Husband is an Employee



Councillor/Staff	Agenda Item	Disclosure
	Party Application for an Amended Clearing Permit - Premier Coal Limited	- Financial
Cr Faries	13.2 - Noting Response to Direct Interest Party Application for an Amended Clearing Permit - Premier Coal Limited	Employee - Financial
Cr Harverson	13.2 - Noting Response to Direct Interest Party Application for an Amended Clearing Permit - Premier Coal Limited	Husband is an Employee - Financial
Cr Kearney	13.2 - Noting Response to Direct Interest Party Application for an Amended Clearing Permit - Premier Coal Limited	Son in Law works for Premier Coal - Impartial

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

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

<b>Council Decision:</b>		<b>Resolution: 9138</b>	
<i>That Council suspend Standing Orders.</i>			
<b>Moved:</b>	<b>Cr Faries</b>	<b>Seconded:</b>	<b>Cr Italiano</b>
		<b>CARRIED: 10/0</b>	

### 5.1 **Presentation – Heritage Skills Association WA**

A comprehensive presentation regarding the purpose and works of the Heritage Skills Association WA was made by Yolanda Cool.

<b>Council Decision:</b>		<b>Resolution: 9139</b>	
<i>That Council resume Standing Orders.</i>			
<b>Moved:</b>	<b>Cr Faries</b>	<b>Seconded:</b>	<b>Cr White</b>
		<b>CARRIED: 10/0</b>	

## 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**

Items 12.3 and 12.4 were brought forward due to interested attending persons.



**12.3 Outdoor Recreation – Fees and Charges**

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

**Report Purpose**

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

**Council Decision:****Resolution: 9140**

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.*

**Moved: Cr Smith****Seconded:****Cr Faries****CARRIED: 10/0****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:

	<b>22/23</b>	<b>23/24</b>
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:**

<b>GOAL:</b>	1.0	Our Community
<b>Objective:</b>	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

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

**Resolution: 9141**

*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.*

**Moved:** Cr Miffling

**Seconded:**

**Cr Woods**

**CARRIED: 10/0**

#### 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:**

<b>GOAL:</b>	1.0	Our Community
<b>Objective:</b>	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.

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

<b>Officer’s Recommendation/Council Decision:</b>			<b>Resolution: 9142</b>
<i>That Council confirms the Minutes of the Ordinary Meeting of Council held on 14 February 2023.</i>			
<b>Moved:</b>	<b>Cr Woods</b>	<b>Seconded:</b>	<b>Cr Hansen</b>
			<b>CARRIED: 10/0</b>

**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.

Nil

**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**

<b>Officer’s Recommendation/Council Decision:</b>		<b>Resolution: 9143</b>	
<i>That Council receives the minutes of the Community Safety and Wellbeing Committee Meeting held on 21 February 2023.</i>			
<b>Moved:</b>	<b>Cr Faries</b>	<b>Seconded:</b>	<b>Cr Woods</b>
			<b>CARRIED: 10/0</b>

**10.2 Adopt the Recommendation of the Community Safety and Wellbeing Committee**

<b>Officer’s Recommendation/Council Decision:</b>			<b>Resolution: 9144</b>
<i>That Council adopts the recommendation contained within the Minutes of the Community Safety and Wellbeing Committee Meeting held on 21 February 2023.</i>			
<b>Moved:</b>	<b>Cr Faries</b>	<b>Seconded:</b>	<b>Cr Italiano</b>
			<b>CARRIED: 10/0</b>

Recommendation from the Community Safety and Wellbeing Meeting as following:

<b>Recommendation / Committee Decision:</b>	
<b>Moved: Andrew Whitney</b>	<b>Seconded: Diane Blount</b>
That the following changes be made to the Terms of Reference with modifications identified by deleting text with <del>strike through</del> and including <u>underlined</u> text.	
<b>2. Aims and Objectives</b>	
2.1	To work in partnership with agencies, community groups and organisations to focus on and promote the wellbeing of <del>our community</del> <u>all within our community</u> .
<b>3. Membership</b>	



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/Council Decision:**

**Resolution: 9145**

*That Council receives the minutes of the Audit Committee Meeting held on 2 March 2023.*

**Moved:**

**Cr White**

**Seconded:**

**Cr Miffing**

**CARRIED: 10/0**

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

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

**Resolution: 9146**

*That Council adopts the recommendations contained within the Minutes of the Audit Committee Meeting held on 2 March 2023.*

**Moved:**

**Cr Miffing**

**Seconded:**

**Cr Smith**

**CARRIED: 10/0**

Recommendation from Audit Committee Meeting as following:

**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

<b>Reporting Department:</b>	Chief Executive Office
<b>Reporting Officer:</b>	Stuart Devenish – Chief Executive Officer
<b>Accountable Manager:</b>	Stuart Devenish – Chief Executive Officer
<b>Legislation</b>	<i>Local Government Act 1995</i>
<b>File Number:</b>	GOV/001
<b>Appendices:</b>	Appendix 11.1.A – Corporate Business Plan 2022/23 – 2026/27
<b>Voting Requirement</b>	Absolute Majority

#### Report Purpose

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

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

**Resolution: 9147**

*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.*

**Moved:** Cr Faries

**Seconded:**

**Cr Woods**

**CARRIED:10/0**

#### 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:**

<b>GOAL:</b>	5	Our Business
<b>Objective:</b>	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

<b>Reporting Department:</b>	Corporate Services
<b>Reporting Officer:</b>	Hasreen Mandry – Finance Manager
<b>Accountable Manager:</b>	Nicole Wasmann – Director Corporate Services
<b>Legislation:</b>	<i>Local Government Act 1995 &amp; Financial Management Regulations 1996</i>
<b>File Number:</b>	FIN/024
<b>Appendices:</b>	Appendix 12.1.A – Accounts Paid – February 2023
<b>Voting Requirement</b>	Simple Majority

#### Report Purpose

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

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

**Resolution: 9148**

*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.*

**Moved:** Cr Harverson

**Seconded:**

**Cr Faries**

**CARRIED: 10/0**

#### 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	<b>774,630.82</b>
August	1,860.69	1,070,192.80	<b>1,0720,53.49</b>
September	808.37	1,127,453.91	<b>1,128,262.28</b>
October	2,111.39	724,735.09	<b>726,846.48</b>
November	1,166.65	982,186.60	<b>983,353.25</b>
December	1,381.68	1,326,276.04	<b>1,327,657.72</b>
January	2,534.78	898,267.52	<b>900,802.30</b>
February	273.30	1,124,641.19	<b>1,124,914.89</b>

**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**

<b>Reporting Department:</b>	Corporate Services
<b>Reporting Officer:</b>	Hasreen Mandry – Finance Manager
<b>Accountable Manager:</b>	Nicole Wasmann – Director Corporate Services
<b>Legislation:</b>	<i>Local Government Act 1995 &amp; Financial Management Regulations 1996</i>
<b>File Number:</b>	FIN/024
<b>Appendices:</b>	Appendix 12.2.A – Financial Report – January 2023
<b>Voting Requirement</b>	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/Council Decision:****Resolution: 9149**

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

**Moved:** Cr Kearney**Seconded:****Cr Harverson****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:**

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 12.2.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.

### 13. DEVELOPMENT SERVICES REPORTS

Cr White had declared an impartial interest at Item 13.1.

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

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

**Resolution: 9150**

*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) *Cancelation 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.*

**Moved:** Cr Miffling

**Seconded:**

**Cr Smith**

**CARRIED: 10/0**

**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:**

<b>GOAL:</b>	3.0	Our Built Environment
<b>Objective:</b>	3.1	Safe and well-maintained shire owned facilities and infrastructure
<b>Objective:</b>	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.

Cr Kearney had declared an impartial interest at Item 13.2 and left the room at 8.01pm.

Crs Woods, Faries and Harverson declared financial interests at Item 13.2 and also left the room at 8.01pm.

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

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

**Resolution: 9151**

*That Council note the response provided by Officers to the Department of Mines, Industry Regulation and Safety that 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.*

**Moved:** Cr Hansen

**Seconded:**

**Cr Italiano**

**CARRIED: 6/0**

**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:**

<b>GOAL:</b>	2.0	Our Economy
<b>Objective:</b>	2.1	Economic Development
<b>GOAL:</b>	4.0	Our Natural Environment
<b>Objective:</b>	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.

Crs Kearney, Woods, Faries and Harverson returned to the Chambers at 8.02pm.



**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**

Nil

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

Cr Sarah Stanley

**Announcements**

- 15 February: South West Zone of WALGA meeting
- 21 February: Collie River Valley Little Athletics discussion
- 22 February: Meeting at Minningup with Traditional Owners
- 23 February: Meeting with potential energy proponents
- 24 February: Bunbury Geographe CEOs and Presidents meeting
- 1 March: Meeting with new principal at Wilson Park Primary School
- 3 March: Attended the Vernissage for the Collie Art Prize
- 4 March: Attended Official Opening of the upgraded Replica Underground Mine attraction by Hon Don Punch MLA, Minister for Regional Development; Disability Services; Fisheries; Seniors and Aging and the Local Member for Collie-Preston Jodie Hanns MLA.
- 4 March: Attended the Official Opening and Award Presentation for the Collie Art Prize, one of Australia's richest regional art prizes
- 8 March: Attended Official Plaque Unveiling for the entry of the Goods Shed and Footbridge to the State Register of Heritage Places.
- 8 March: Received two copies of Traces, a book of poems written by Norma Schwind about her grandparents, Frederick George and Annie Therese Buckle, who settled in Collie shortly after coal mining began
- 9 March: Participated in airport master planning stakeholder consultation
- 13 March: Met with potential minerals processing proponent
- 14 March: Collie River Valley Marketing meeting

**Upcoming events**

- 9.40am, 5 April: Combined Schools Anzac Service at Soldiers Memorial Park
- 15 March: Synergy Solar Schools Challenge
- 20 March: City of Bunbury Elected Members and Executives visit
- 21 March: Collie River Restoration Community Forum
- 24 March: South Regional TAFE Student Awards Ceremony

Cr Ian Miffing

- 16<sup>th</sup> February attended as a community representative the South32 Community Liaison Committee meeting at the Chamber of Minerals & Energy office in Bunbury
- 22<sup>nd</sup> February attended a meeting with the Department of Transport regarding taxi transport in Collie and discussions with Mrs Julie Ransome of Mario's Taxis regarding her funding application for a new wheelchair purposed taxi bus
- 22<sup>nd</sup> February met with Philip Ugle and Christina Ugle at Minningup Pool regarding Aboriginal issues
- 24<sup>th</sup> February attended (representing Shire President) at the Coalfields Museum the unveiling of the restored 'Geldert's Truck'
- 2<sup>nd</sup> March attended the Council's Audit Committee meeting
- 4<sup>th</sup> March attended the Collie Art Prize 2023 at the Collie Art Gallery and acted as MC for the event
- 8<sup>th</sup> March attended the unveiling of the heritage plaque at the Collie Good-shed building
- 8<sup>th</sup> March attended the Annual General Meeting of the Collie Visitor Centre and acted as their returning officer for their elections of office bearers and committee members
- 13<sup>th</sup> March attended a meeting with a proponent's representative for a potential new industry for Collie

Cr Michelle Smith

- March – attended official opening of the upgraded Replica Underground Mine
- Attended official plaque unveiling for the entry of the Goods Shed and Footbridge to the State Register of Heritage Places
- Attended Future Fund Meeting
- Just Transition Sub-Group
- Audit Committee Meeting
- Small Business discussion with the Delivery Unit and Chamber of Commerce and Industry
- Council Forum
- Visitor Centre AGM

Cr Joe Italiano

- 21 February: Collie River Valley Little Athletics discussion

Mr Stuart Devenish - CEO

- 15 February: South West Zone of WALGA meeting
- 21 February: Collie River Valley Little Athletics discussion
- 22 February: Meeting at Minningup with Traditional Owners
- 23 February: Meeting with potential energy proponents
- 24 February: Bunbury Geographe CEOs and Presidents meeting
- 27 February: Meeting with prospective manufacturing industry
- 28 February: Attended South West Waste Services Group meeting
- 1 March: Meeting with new principal at Wilson Park Primary School
- 2 March: Attended the Audit Committee meeting
- 3 March: Attended the Vernissage for the Collie Art Prize
- 7 March: Attended the Collie Just Transition Subgroup – Diversifying the Economy meeting

- 8 March: Met with the South West Football League at the Recreation Ground.
- 8 March: Attended Official Plaque Unveiling for the entry of the Goods Shed and Footbridge to the State Register of Heritage Places
- 9 March: met with the Stephen Michael Foundation
- 10 March: Attended the Regions Rising – Western Australia event convened by the Regional Australia Group
- 13 March: Met with potential minerals processing proponent

Mr Matt Young – Director Development Services

Mr Young confirmed that Leigh and Heather O’Conner were given a community award from WA Police, together with one of their officers for the compassion and assistance they offered the family of a man that drowned on Christmas Day at Black Diamond Lake last year.

Leigh and Heather went out of their way and put the family up at their house as nothing was available in town and they were not local to Collie. Leigh and Heather set aside their own Christmas plans to help that day and evening.

**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

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

Nil

**20. CLOSE**

The Shire President declared the meeting closed at 8.16pm.