



Shire of
Collie

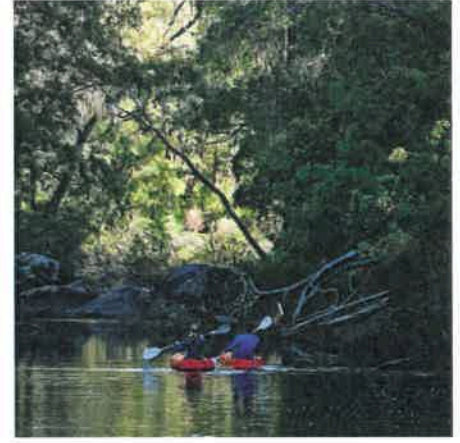
MINUTES

for the

ORDINARY MEETING OF COUNCIL

held on

Tuesday, 9 May 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, 9 May 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
Elysia Harverson	Councillor
Brent White	Councillor
Rebecca Woods	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
Brett Hansen	Councillor

LEAVE OF ABSENCE:

Gary Faries	Councillor
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MEDIA:

Martin Kovacs
Nola Green

GALLERY:

Dennis Gray
Mick Sherwood
Sandy Sherwood
Joe Hetherington
Alex Jones

1.1 Councillors granted Leave of Absence at previous meeting/s

Cr Faries was granted Leave of Absence at the Ordinary Council Meeting held 11 April 2023.

1.2 Councillors requesting Leave of Absence for future Ordinary Meetings of Council

Nil

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

Council Decision:

Resolution: 9177

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

Moved: Cr Woods

Seconded:

Cr Smith

CARRIED: 8/0

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 Joe Hetherington

Mr Hetherington posed the following questions:

1. Requested that Shire staff investigate the subsidence of the Bradbury Road bridge which has caused a 'ledge' of approximately 10cm on the bitumen which is a hazard to road users.
Response: Craig Yardley, Director Technical Services advised that although the condition of this bridge had been assessed by Main Roads WA as recently as 27 February, he would investigate and report back to Mr Hetherington.
2. Mr Hetherington asked when action would be taken to address the edges of Bradbury & Hetherington Roads which were surveyed some 12-18 months ago.
Response: Craig Yardley, Director Technical Services advised that he would investigate the issue and provide feedback to Mr Hetherington.
3. Mr Hetherington asked whether one (1) km of bitumen could be added to the unsealed portion of Bradbury Road.
Response: Craig Yardley, Director Technical Services advised that the road plans are currently being compiled, and that the sealing of an additional 1km stretch would be considered in context of the plans overall.
4. Mr Hetherington asked whether the Shire possessed any maps of historical underground workings within the Shire.
Response: Matt Young, Director Development Services confirmed that there were a series of maps currently held by the department of Mines which were currently going through the process of being digitized for future records.
5. Mr Hetherington further asked about the Shire's responsibility with reference to subsidence which may occur in the future due to old mining works.
Response: Mr Hetherington was advised that the matter is not a Shire responsibility and the State Government are currently investigating this issue.

3. RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. DISCLOSURE OF FINANCIAL INTEREST

The Chief Executive Officer advised that no Disclosures of Interest had been received from Councillors or staff.

5. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

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

The Presiding Officer confirmed that there was one item of a commercial nature which would be discussed behind closed doors at item 20.1.

7. ITEMS BROUGHT FORWARD DUE TO INTEREST BY ATTENDING PERSONS

Item 13.1 was brought forward due to interested attending persons.

13.1 Application for Development Approval- Telecommunications Infrastructure at Lot 2, No. 62 Worsley Back Road, Allanson	
Reporting Department:	Development Services
Reporting Officer:	Isabel Fry- Town Planner
Accountable Manager:	Matt Young – Director Development Services
Legislation	<i>Planning and Development Act 2005</i>
File Number:	A3817
Appendices:	Appendix 13.1.A- Location Map Appendix 13.1.B- Development Application Report Appendix 13.1.C- Neighbour Submission and Applicant Response
Voting Requirement	Simple Majority

Report Purpose

For Council to consider an Application for Development Approval for a Telecommunications Facility at Lot 2, No, 62 Worsley Back Road, Allanson.

Officer's Recommendation/Council Decision:

Resolution: 9189

That Council resolve to approve the Application for Development Approval for Telecommunications Infrastructure at Lot 2, No. 62 Worsley Back Road, Allanson, subject to the following conditions:

- 1. All development shall be in accordance with the approved development plans (attached) which form part of this development approval.*
- 2. This development approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue of the approval, or, within any extended period for which the Shire of Collie has granted prior written consent.*
- 3. Prior to the commencement of the development, the access way(s) and turning area(s) shall be constructed in accordance with the development approval and thereafter maintained to the satisfaction of the Shire of Collie.*
- 4. All works required to satisfy a condition of this approval are required to be installed/constructed and maintained in accordance with the approved plans (as amended) and conditions of approval for the life of the development.*

Advice Notes:

- a) This is a Development Approval and is not a Building Permit. The land use and development of the subject premises is also subject to a separate building permit approval. The developer/ landowner is advised that an application for a Building Permit must be made to*

and approved by the Local Government before the development and / or use authorised by this Development Approval can begin. Further information can be obtained from the Shire of Collie's Building Services on (08) 9734 9000.

- b) The Shire of Collie advises that it is a statutory requirement to comply with all conditions of this approval, and not doing so means that the development is not pursuant to the planning permission and is therefore unauthorised development.
- c) It is the responsibility of the landowner/ applicant to advise Council when all conditions relating to the development have been satisfied.
- d) Any additional development which is not in accordance with the original application or conditions of approval, as outlined above, will require further approval by the Shire of Collie.
- e) The development the subject of this planning approval must comply with the requirements of the Health (Miscellaneous Provisions) Act 1911.
- f) The developer is reminded of the requirement under the provisions of the Environmental Protection (Noise) Regulations 1997 that construction work (which includes earthworks and similar) be managed with due regard for noise control. Construction work generating noise (e.g. through the use of machinery etc.):
 - Outside the hours of 7:00am to 7:00pm; or
 - On a Sunday or Public Holiday.
 - is likely to breach noise regulations unless specific authorisation has been obtained from the Department of Water and Environment Regulation.
- g) If an applicant is aggrieved by this determination there is a right of review under Part 14 of the Planning and Development Act 2005. An application for review must be lodged with the State Administrative Tribunal within 28 days of the determination.

Moved:**Cr Italiano****Seconded:****Cr Woods****CARRIED: 8/0****Background**

The Shire has received an Application for Development Approval for Telecommunications Infrastructure (monopole tower) at Lot 2, No. 62 Worsley Back Road, Allanson. The application has been submitted by Ventia Pty Ltd, on behalf of Amplitel. The owner of the property is Michael Sherwood.

The application is to be determined by Council as objection was received to the proposed development during the public advertising period.

At its Ordinary Meeting of Council held 11 April 2023, Council resolved to defer consideration of the application for a Telecommunications Tower at Lot 2, No. 62 Worsley Back Road, Allanson, pending further information being provided by the Applicant in relation to an alternative site 80m West of the current recommended position, and to enable on-site inspection (resolution 9157).

The site inspection was undertaken on 27 April 2023 and was attended by 4 Councillors, 3 Shire Officers, the landowners and representatives from Amplitel and Ventia (Applicant).

The landowner stated that they were not supportive of the location of the tower being located 80m further to the west for the following reasons:

- The proposed location is less visible from Allanson residents and immediate neighbours;
- The proposed tower location is less disruptive to the agricultural use of the land being positioned in the corner of the site;
- The objectors view of the tower is obscured;
- EME emissions (as stated by the applicant) are only 0.12% of maximum permissible

public exposure limits for this type of facility (within 100m of the tower). The applicant also stated that if multiple carriers were to co-locate on the tower, then EME emissions may double, but still be only 0.24% of maximum limits; and

- Other alternative tower locations proposed by the objector are less suitable to provide a network coverage to the locality.

The subject site is 40.09ha in size and is zoned Rural under the Shire's Local Planning Scheme No.6 (LPS). The site is located north of the Allanson townsite and is surrounded by Rural zoned land (refer Appendix 13.1.A). The site is currently accessed via Worsley Back Road, with an existing dwelling in the centre of the lot. The site is predominantly clear of native vegetation, with some clusters in the north-east and north-west corners of the lot.

The nearest residence to the proposed monopole tower is approximately 100m away and the next nearest Rural Residential zoned property is 700m away. Allanson Primary School is 1.3km from the site, which has been identified as the only community sensitive place of interest.

Application (refer Appendix 13.1.B)

The purpose of the proposal is to install a monopole tower, to improve 4G and 5G telecommunications services within the Allanson area. The proposal is included as part of Telstra's network coverage expansion program, but is through Amplitel which will support additional carriers to locate on the proposed structure.

Proposed works associated with the application include:

- Installation of one new 40m high monopole;
- Installation of a triangular headframe;
- Installation of six new panel antennas (no greater than 2.8m in length);
- Installation of one Telstra equipment shelter that is not more than 3m high with a base area of not more than 7.5m², at the base of the tower;
- Installation of associated ancillary cabling and equipment; and
- Installation of a 10m x 10m fenced compound.

The proposed monopole will be unpainted/ untreated galvanized grey in colour so that it blends in with the sky backdrop. It is anticipated that this will have a low level of visual impact. The proposed Telstra equipment shelter will utilise a pale eucalypt colour as the green-coloured facility will be in keeping with the rural surroundings.

The site has an existing access via a 6m wide gate off Worsley Back Road, along the southern lot boundary. The initial proposal details that light vehicles and small trucks will utilise the existing access, which will not need to be upgraded. For all large trucks, cranes, EWP, concrete trucks, which will likely only be required for construction/ maintenance, will drive across the lot towards the compound, without utilising the access track.

For the constructions works and to enhance the existing access for infrequent future maintenance inspections, Amplitel proposed to widen the existing 2m firebreak parallel to McAvoy Road so that it is 3.5m wide. Amplitel will also add 20m of new 3.5m wide gravel access track from the firebreak to the EWP set up area and 15m of new 6m wide gravel access track to allow for the EWP vehicle to rotate and reverse onto firebreak from the existing grass area.

Maintenance visits are likely to occur 2-4 times annually and the site will be continually unmanned for operation. The proposal will not result in a significant generation of traffic on an ongoing basis. During construction, various vehicles will be used to deliver equipment and

construct the proposed development. Traffic impacts associated with the construction will be short term, of approximately 5 weeks over non-consecutive periods and are highly unlikely to impact existing traffic flows. It is unlikely that closure of the road would be required at any point, however the relevant permits would be sought if this did eventuate.

Noise and vibration emissions associated with the proposed facility will be limited to the construction period. There will be noise emanating from air-condition equipment within the facilities building, however this would be similar to those used in domestic situations.

State Planning Policy No. 5.2- Telecommunications Infrastructure (SPP5.2)

SPP5.2 aims to balance the need for effective telecommunications services with community interest and protecting visual character of local areas. SPP 5.2 sets measures for assessing the visual impacts of telecommunications infrastructure. The Applicant has provided a detailed assessment against the policy in section 11.3 and 11.4 of the Development Application report in Appendix 13.1.B.

Local Planning Scheme No. 6 (Scheme)

The Scheme defines Telecommunications Infrastructure as:

'A premises used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network.'

Telecommunications Infrastructure is a 'D' use in the Rural zone, which means that the use is not permitted unless the local government has exercised its discretion by granting development approval.

The Applicant has provided an assessment against the objectives of the Rural zone in section 12.2 of the Development Application report.

Statutory and Policy Implications:

Local Planning Scheme No.6

- Part 3- Zones and Use of Land, 16. Zone Objectives (Rural zone)
- Table 4- Zoning Table (Telecommunications Infrastructure)
- Division 2- Land Use Terms and Definitions (Telecommunications Infrastructure)
- Schedule 1- Zone Development Requirements

Other relevant legislation-

- *Telecommunications Act 1997*
- The Telecommunications Code of Practice 2018
- Mobile Phone Base Station Deployment Code
- The *Environmental Protection and Biodiversity Conservation Act 1999*
- State Planning Policy 5.2- Telecommunications Infrastructure

Budget Implications:

Nil

Communications Requirements:

The proposed development is a 'D' use pursuant to Local Planning Scheme No.6, therefore advertising can be undertaken if Officers determine it to be necessary. In this instance, the proposal was advertised to all adjoining rural properties from February to March 2023.

One submission was received from a property owner located on the opposite side of McAvoy Road, identified as the residence within 100m of the proposed monopole location. The full

submission has been included in Appendix 13.1.C. The Applicant has also provided a response to the issues raised in the submission which has been included in Appendix 13.1.C.

Strategic Community Plan/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	3	Our Built Environment
Outcome:	3.1	Safe and well-maintained shire owned facilities and infrastructure
Outcome:	3.2	Sound land planning and building strategies and schemes

Comment:

Advertising

One submission was received during the public advertising period which did not object to the installation of the infrastructure, however, did raise concerns relating to inaccuracies in the application, the proposed location and concerns relating to best practice (refer Appendix 13.1.C)

The primary concerns of the submitter were the safety of the proposed second access to the site and also the potential for additional carriers to utilise the facility and this resulting in an increase in Electro Magnetic Emission (EME) levels exceeding what is currently proposed for the site.

The preference of the submitter would be for the monopole to be located to be within their own property, marked as 'candidate B' in the submission, or to a location further west, on the same lot as the proposed site, with the intention of wanting to increase the separation between their residence and the monopole. Shire Officers have investigated issues surrounding the proposed access further and have discussed these concerns with the Applicant.

The proposed site was selected as it is located approximately 300m south and closer to the target area of Allanson townsite. This site is also less costly in terms of underground trenching, boring and hauling works that would be required. The Applicant has advised that if the proposal was to be amended to relocate the tower 80m to the west, there would be very little screening between the 40m tower and the residence at 95 McAvoy Road and visibility would also be increased to the landowners residence at 62 Worsley Back Road. The Applicant has also advised that EME levels will be calculated and the report updated to ensure standard compliance, prior to additional carriers utilising the tower.

Shire Officers have engaged with the Applicant on the need for the secondary access, given the possible issues with safety and sightlines, as well as the considerable earthworks required to construct the crossover. The Applicant has advised that the crossover can be removed from the site plan and is not required to facilitate the development. The development plans have been updated accordingly.

Visual Impacts

The proposed location was selected based on attempting to locate the monopole tower where clusters of surrounding trees offer some visual screening of the tower from the road and nearby properties. It is acknowledged that the nature of this development makes screening it entirely unachievable and counterproductive. The Applicant has sought to screen the base compound and the associated equipment shed with the existing vegetation surrounding the site, which includes trees ranging from 15-25m in height. It is not an option to reduce the height of the

tower, as this specification is required to support the colocation of other carriers at the facility, which is a preferred outcome than having multiple towers in the area. As detailed in the report, colours and finishing have been designed to be consistent with other towers that are being completed and are most sympathetic to their surroundings.

Heritage

The subject site is listed in the Shire of Collie's Municipal Heritage Inventory (Bevan's Dairy-Site, Place No. 06315). This site was considered not to have cultural significance in the 1996 Shire of Collie Municipal Heritage Inventory and is not included on the Local Heritage List 2017 or the State Heritage List and therefore has no heritage protection.

Environment and Bushfire

The site is not within an environmentally sensitive area or an environmental conservation area and is not identified as containing any priority or threatened ecological communities. There is proposed to be some pruning of branches to ensure they do not encroach over the compound. Earthworks and infrastructure provision is intended to use already cleared tracks so will not result in the removal of any native vegetation. There is unlikely to be a significant environmental impact associated with the development.

The site is located within the designated bushfire prone area, however SPP3.7 allows for exemptions from its application, if there is not an intensification of use or an increase of residents, visitors and employees to the site. The facility is also unlikely to increase the risk of bushfire occurring, with the immediate area to the development being managed to reduce bushfire risk and impact.

Health and Safety

The planning framework does not deal directly with issues such as EME from this type of infrastructure. Compliance in this area is dealt with through Commonwealth legislation, administered by the Australian Communications and Media Authority. The expectation of the local government is that network providers be aware of their responsibilities under this legislation and operate within compliance of it. The Applicant has detailed in the Report that the proposed facility complies with all relevant legislation and that Telstra has strict procedures in place to ensure compliance.

Social and Economic Impact

The proposal is a part of Telstra's broader strategy to increase mobile phone coverage to areas where the community has requested more reliable connections. Reliable connections assist in ensuring the economic growth of communities and the proposal is not anticipated to have negative impacts on the wider community. The design of the proposed development will also enable carriers to remain competitive, due to the opportunity for colocation. More competition in the market will feedback into cost benefits for consumers and the community.

Local Planning Scheme No.6 (Scheme)

The proposal is consistent with the definition of Telecommunications Infrastructure as defined in the Scheme. There is an indication that the use is appropriate within the Rural zone, through being identified as a 'D' use class within the zoning table. The standard setbacks for development in the Rural zone are 30m front, 15m side and 30m rear. The front of the property in this instance is considered to be Worsley Back Road, meaning setbacks of 14m from the rear and 19m from the side are proposed. This varies the standard rear setback from 30m to 14m, however the variation does not impact on the ability for adequate firebreaks to be maintained and allows for the compound and monopole to be located to avoid impacting on vegetation on the site. The adjoining neighbour to the boundary where the reduced setback is

proposed did not make a submission on the proposal. Building heights as prescribed in the Scheme are explicitly stated to not apply to monopoles/ towers.

The proposal is consistent with the objectives of the Rural zone through not impacting on or introducing sensitive land uses into the area and allowing for the continued agricultural use of the land. The proposal has a demonstrated benefit to the surrounding community and is compatible with surrounding rural uses.

Conclusion

Following the site visit as requested by Council at the last meeting, Officer's maintain their position and recommended that Council approve the Application for Development Approval, subject to the conditions outlined in the Officer's Recommendation section of this report. The proposed location is less visible to Allanson and immediate neighbours, and does not impact on the agricultural use of the land.

The proposal has a demonstrated benefit to the wider community in providing access to reliable mobile phone coverage in the Allanson area. The proposed use is one that can be considered in the Rural zone and is not considered to have an impact on the ongoing rural use of the subject site and the surrounding area.

It is acknowledged that the owner of the residence located 100m from the development site has objected to its location, however it has been clarified by the Applicant that the proposed location is preferred in being able to balance reduced visual impact for all nearby properties through being partially screened by existing trees, achieving the required level of network coverage and keeping costs lower than they would be for alternative sites.

8. CONFIRMATION OF THE PREVIOUS MEETINGS OF COUNCIL MINUTES**Officer's Recommendation/Council Decision:****Resolution: 9178***That Council confirms the Minutes of the Ordinary Meeting of Council held on 11 April 2023.***Moved: Harverson****Seconded:****White****CARRIED: 8/0****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 Audit Committee****Officer's Recommendation/Council Decision:****Resolution: 9179***That Council receives the minutes of the Audit Committee Meeting held on 21 April 2023.***Moved: Cr Miffling****Seconded:****Cr Smith****CARRIED: 8/0****10.2 Receipt of Minutes of the Audit Committee****Officer's Recommendation/Council Decision:****Resolution: 9180***That Council:*

- 1. Acknowledge the Audit Entrance Meeting held on 21 April 2023; and*
- 2. Acknowledge the summarised audit scope and strategy to be undertaken by the Office of Auditor General and its sub-contractor Moore Australia (WA) Pty Ltd for the financial year 2022/23.*

Moved: Cr Miffling**Seconded:****Cr Smith****CARRIED: 8/0****11. CEO REPORTS**

Nil

12. CORPORATE SERVICES REPORTS
12.1 Accounts Paid – April 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 – April 2023
Voting Requirement:	Simple Majority

Report Purpose

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

Officer's Recommendation/Council Decision:
Resolution: 9181

That Council accepts the Accounts as presented in Appendix 12.1.A being vouchers 41921 totalling \$121.30 and direct payments totalling \$961,252.03 authorised and paid in April 2023.

Moved: Cr Kearney
Seconded:
Cr Woods
CARRIED: 8/0
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	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

March	20,390.52	1,335,730.42	1,356,120.94
April	121.30	961,252.03	961,373.33

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 – March 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 – March 2023
Voting Requirement	Simple Majority

Report Purpose

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

Officer's Recommendation/Council Decision:
Resolution: 9182

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

Moved: Cr Woods
Seconded:
Cr Harverson
CARRIED: 8/0
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.

12.3 Christmas Decorations Working Group

Reporting Department:	Corporate Services
Reporting Officer:	Nicole Wasmann – Director Corporate Services
Accountable Manager:	Nicole Wasmann – Director Corporate Services
Legislation	Not applicable
File Number:	GOV/141
Appendices:	Appendix 12.3.A – Draft Terms of Reference
Voting Requirement	Simple Majority

Report Purpose

For Council to consider the establishment of a working group to assist Collie to celebrate and embrace the spirit of Christmas as a community.

Officer's Recommendation/Council Decision:

Resolution: 9183

That Council resolves to:

1. *Establish a Collie Christmas Decorations Working Group;*
2. *Endorse the draft terms of reference for the Working Group as set out at Appendix 12.3.A;*
3. *Nominate the following elected member to the Working Group;*
 - *Cr Smith*
4. *Invite representatives from businesses, service clubs, community groups, and the community to join the Working Group; and*
5. *Include an allocation in the draft 2023/24 budget for Christmas decorations.*

Moved: Cr White

Seconded:

Cr Woods

CARRIED: 8/0

Background:

The Collie community has shown support for decorations to be installed in Collie during the Christmas season. Community members and groups have been involved in the past with a variety of materials used, including recycled or repurposed items.

Statutory and Policy Implications:

There are no statutory implications.

Budget Implications:

A budget of \$3075 was allowed in the 2022/23 budget. The amount to be allocated in the 2023/24 budget will be as determined during the budget adoption. A commitment to the allocation of funds is proposed.

Communications Requirements: (Policy No. CS 1.7)

Should Council resolve to form a working group and invite representatives, invitation will be via local public notice and direct approach to local organisations, service clubs, and community groups.

Strategic Community Plan/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	1	Our Community
Outcome:	1.2	Community connection, engagement and participation

Relevant Precedents:

Nil

Comment:

Christmas is a season which brings the community together through celebration and events. Encouraging community involvement in the design and installation of Christmas decorations will further foster the community spirit at this time.

It is proposed to form a working group to assist with overseeing and assisting with the design and installation of Christmas decorations in Collie for the coming and future festive seasons.

A wide sector of the community could be involved either directly through membership of the Working Group or indirectly through consultation by the Working Group, including corporate and local businesses, youth, people with different cultural backgrounds, school children and others. The Group may be able to seek sponsorship or community assistance to fund and make some decorations, lessening the financial cost to the Shire.

If a large number of nominations are received, nominees could be invited to a workshop to determine the distribution of tasks and the best approach for Working Group meetings.

The draft Terms of Reference propose that the Working Group include elected members, community representatives and staff, with an elected member to chair the Group.

Whilst the Shire could budget for and purchase limited decorations to be installed in the lead up to Christmas, community involvement would make the decorations more relevant to the local community. A working group is proposed for as a mechanism for this community involvement.

13. DEVELOPMENT SERVICES REPORTS

13.2 Amendment to Dog Exercise Areas at Roche Park and Collie Recreation Ground

Reporting Department:	Development Services
Reporting Officer:	Matt Young - Director Development Services
Accountable Manager:	Matt Young – Director Development Services
Legislation:	<i>Local Government Act 1995 Dog Act 1967 Dog Amendment Regulations 2014</i>
File Number:	LAW/001
Appendices:	Nil
Voting Requirement:	Absolute Majority

Report Purpose

For Council to consider changes to dog exercise areas at Roche Park and Collie Recreation Ground.

Officer's Recommendation

That Council resolve to:

1. *Consult with affected clubs and sporting groups on the proposed amendments to dog exercise areas:*
 - a) *Reserve No. 6684 (Recreation Ground) except within the fenced playing area of the oval, the tennis courts and bowls club;*
 - b) *Reserve No. 30555 (Roche Park), except within the fenced playing area of the cricket ground;*
except areas around active playing surface of reserves during organised sporting events including training.
2. *Subject to 1. Above report the outcomes back to Council.*

Amendment Motion

Resolution: 9184

That Council resolve to:

1. *Consult with affected clubs and sporting groups on the proposed amendments to dog exercise areas:*
 - a) *Reserve No. 6684 (Recreation Ground) except within the fenced playing area of the oval, the tennis courts and bowls club;*
 - b) *Reserve No. 30555 (Roche Park), except within the fenced playing area of the cricket ground;*
except areas around active playing surface of reserves during organised sporting events including training.
2. *Subject to 1. Above report the outcomes back to Council.*

Moved: Cr Harverson

Seconded: Cr Kearney

CARRIED: 5/4

Casting vote of Shire President

Background:

Council establishes dog exercise areas and specified areas where dogs are prohibited, via an absolute majority Council resolution in accordance with the *Dog Act 1976*. Dog exercise areas are sites where dog owners can exercise dogs off-lead (as long as the dogs remain under control).

Pursuant to Clause 31(1) of the *Dog Act 1976*, nothing in the declaration of these areas prevents dog owners from exercising their pets in a public street or a park provided:

- '(a) it is held by a person who is capable of controlling the dog; or
- (b) securely tethered for a temporary purpose.'

Council at its Ordinary meeting held on 13 September 2022 (Motion 9062) resolved:

1. That the following dog exercise areas be removed:
 - The dog exercise area along the Collie River from Coombes Street to Cameron Road, being parts of R15195, R6770, R24713 & R23606;
2. That the above exclusion from dog exercise areas will not take effect until the amendments to the dog exercise area is published as a local public notice as defined in the Local Government Act 1995 section 1.7 for a period of 28 days;
3. That subject to 2. above, new signage shall be installed of the relevant changes to the dog exercise areas and indicate where all dogs shall be kept on a lead; and
4. That staff investigate alternative off lead dog exercise areas and report back to Council.

Statutory and Policy Implications:

Dog Amendment Regulations 2014 – require a Council resolution for dog exercise areas and dog prohibited areas.

Budget Implications:

Signage costs estimated at \$60 per sign including posts, with up to 10 signs required. This totals \$600.

Communications Requirements: (Policy No. CS 1.7)

Council is required to give 28 days' public notice of the intention to specify dog prohibited areas or dog exercise areas. In this case engagement with potentially affected sporting groups and clubs is recommended prior to the matter being formally determined by Council.

Strategic Community Plan/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	1	Our Community
Outcome:	1.1	Community health, safety and wellbeing
Outcome:	1.2	Community connection, engagement and participation

Relevant Precedents:

N/A

Comment:

There are limited options for safe off-lead dog exercise areas, particularly where the land is enclosed by fencing.

Many local governments permit dog exercise areas on recreation grounds, except areas around active playing surface of reserves during organised sporting events (including training).

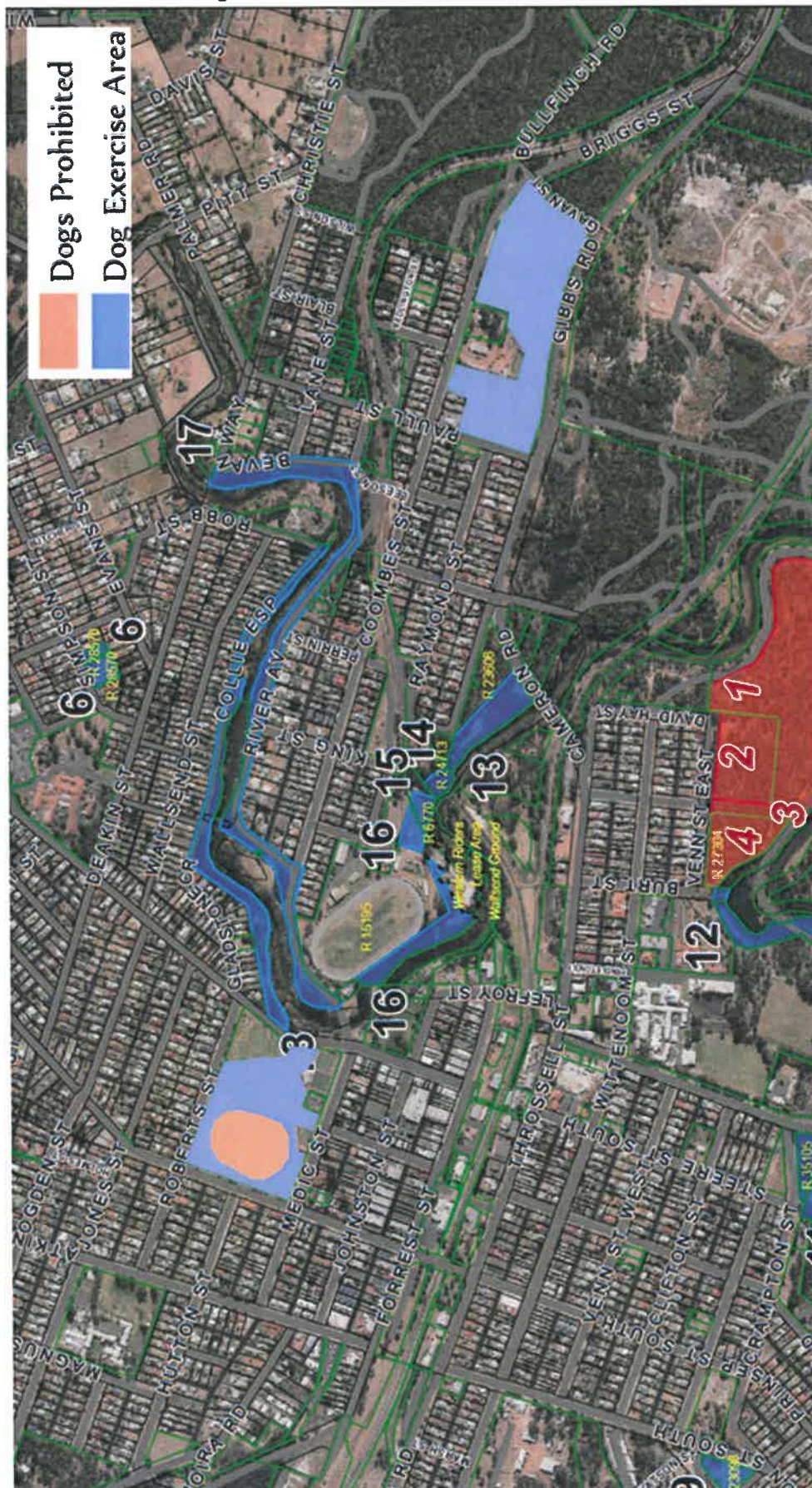
The Recreation Ground (Reserve 6684) except within the fenced playing area of the oval, the tennis courts and bowls club is suitable as the entire ground is fenced. This will serve the urbanised area to the north.

The recreation ground oval is not recommended as a dog exercise area due to its use over the entire year for football, little athletics and events.

Roche Park (Reserve 30555) will service the eastern section of Collie and is fenced to major roads.

For both grounds dog will not be allowed to be exercised on the active playing surface of reserves during organised sporting events, including training.

Proposed Amendments - Dog Exercise Areas



13.3 Smoke Free Areas – Amendment to Activities in Thoroughfares and Public Places and Trading Local Law 2022	
Reporting Department:	Development Services
Reporting Officer:	Matt Young - Director Development Services
Accountable Manager:	Matt Young – Director Development Services
Legislation:	<i>Local Government Act 1995</i> <i>Tobacco Products Control Act 2006</i>
File Number:	LAW/001
Appendices:	Appendix 13.3.A Draft Local Law Amendment Provisions Appendix 13.3.B Draft Smoke Free Areas – Education and Enforcement Policy
Voting Requirement:	Absolute Majority

Report Purpose

For Council to consider and endorse for advertising, amendments to the Activities in Thoroughfares and Public Places and Trading Local Law 2022 to include provisions relating to Smoke Free Areas in Collie.

Officer's Recommendation/Council Decision:

Resolution: 9185

That Council resolve to:

- 1. Advertise the new Smoke Free Areas provisions to the Activities in Thoroughfares and Public Places and Trading Local Law 2022 as set out in Appendix 13.3.1 for a period of 6 weeks (42 days), as per the requirement under the Local Government Act 1995.*
- 2. Provide a copy of the amended Activities in Thoroughfares and Public Places and Trading Local Law 2022 to the Department of Local Government, Sport and Cultural Industries for comment and subsequently the Minister for Local Government's consideration.*
- 3. Note the purpose of the amended Activities in Thoroughfares and Public Places and Trading Local Law 2022 is to designate smoke free areas in Collie.*
- 4. Notes the effect of the Shire of Collie Activities in Thoroughfares and Public Places and Trading Local Law 2022 is that the procedure for making a smoke-free area determination is specified and a penalty for smoking in a smoke-free area is applicable.*

Moved: Cr Harverson

Seconded:

Cr Italiano

CARRIED: 7/1

Background:

On 13 December 2023 Council resolved (Motion 9113):

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

On 14 February 2023 Council resolved (Motion 9131) to:

- 1. Instruct the CEO to prepare a draft proposed Local Law that provides an ability for Council to designate smoke-free areas within the Shire;*

2. Refer a draft proposed Local Law as referred to in 1. above to Council for consideration under section 3.12 of the Local Government Act 1995;
3. Undertake a community consultation workshop regarding smoking in public areas; and
4. Seek funding for a community education campaign including signage and other methods to promote smoke-free choices.

The Shire of Collie Public Health Plan 2022 – 2027 identified smoking as a significant issue for Collie. Priority 1 Action 11 of the Plan states: Investigate options available to Council to designate areas within Collie as smoke free areas.

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

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

In WA, it is illegal to smoke:

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

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

Statutory and Policy Implications:

Local Government Act 1995

Division 2- s 3.12 Procedure for making local laws.

Budget Implications:

The initial cost will be public notices associated with the advertising the local law. Additional cost associated with the implementation of the local law, once finalised will be provided to Council if the proposed amendments proceed.

Communications Requirements:

The following procedures apply to Local Law amendments:

- a) The Shire is required to give local public notice stating that –
 - i) The local government proposed to make a local law for the purpose and effect of which is summarised in the notice; and
 - ii) A copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - iii) Submission about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks (42 days) after the notice is given; and

- b) As soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
- c) Provide a copy of the proposed local law in accordance with the notice, to any person requesting it.
- d) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.

Shire Officers will engage with the Collie Chamber of Commerce and Industry, local community and businesses during the advertising period.

Strategic Community Plan/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	1	Our Community
Outcome:	1.1	Community health, safety and wellbeing

Comment:

The Shire of Collie Thoroughfares and Public Places and Trading Local Law 2012 relates to activities in public places. This Local Law can be amended to include new provisions relating to designating smoke free areas over and above that controlled through the *Tobacco Products Control Act 2006*.

Draft Local Law amendment provisions (refer Appendix 13.3.1) have been prepared based around the City of Vincent's local law.

The local law will provide the head of power for the Shire to be able to designate smoke free areas in Collie.

At this stage areas under consideration to be designated as 'smoke free' include:

- Collie town centre;
- Public parks;
- Thoroughfares or public place adjacent to a business where there is activity that caters for children and/or young people;
- Thoroughfares or public place adjacent to a business or facility where trading with an outdoor eating area as an extension of food premises or licensed premises.

Note:

A public place is defined in the current local law as:

public place includes any thoroughfare or place which the public are allowed to use, whether or not the thoroughfare or place is on private property, but does not include—

(a) premises on private property from which trading is lawfully conducted under a written law; and

(b) local government property.

A throughfare includes a public street and right-of-way or laneway.

This means that private property can be included in the smoke free areas and could include, by way of example, car parks adjacent to the Shire's main supermarkets.

A draft Council policy has been prepared to illustrate how the local law will be communicated and administered (refer Appendix 13.3.2 - Smoke Free Areas – Education and Enforcement Policy). In addition, actual areas to be designated as being 'smoke free' will need to be defined and adopted by Council. It is intended to use the community engagement to assist in defining where these restrictions should apply.

Conclusion

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

The Shire of Collie Public Health Plan identified smoking as a significant issue for Collie and included Action 11 to investigate options available to Council to designate areas within Collie as smoke free areas.

A public survey and community comment will be conducted in May to broadly canvass the communities views in respect to further controlling smoking in Collie.

Consideration will also need to be given to the costs associated with communicating, advertising and enforcing these proposed local law provisions by the Shire's community rangers.

It is recommended that Council authorise the new Local Law to be advertised for a period of 6 weeks (42 days), as per the requirement under the *Local Government Act 1995*. It is also required that the Council note the purpose and effect of the Local Law and this is included in the public advertising notice. Additionally, it is recommended that a copy of the new Local Law is provided to the Department of Local Government, Sport and Cultural Industries for comment and subsequently the Minister's consideration. Further consideration of the terms of the Local Law provisions by Council may be required pending the outcome of the public notice period.

14. TECHNICAL SERVICES REPORTS

Nil

15. MOTIONS FOR WHICH PRIOR NOTICE HAS BEEN GIVEN

Nil

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

Nil

17. URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION

Nil

18. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS**Cr Sarah Stanley**

- 12 April: Attended an information session with Lost and Found Festival potential local event holders
- 14 April: Attended and spoke at the Renergi plant opening with Federal Minister Bowen, State Minister Punch, local member Jodie Hanns and other dignitaries
- 18 April: Attended the Collie River Restoration Strategy community forum
- 19 April: Attended dinner event with representatives of the Australian Treasury
- 21 April: Attended the South West Country WALGA Zone meeting held in Bridgetown
- 25 April: Represented the Shire of Collie at the Solider Park Cenotaph Anzac Day service
- 26 April: Met with prospective proponents for a new industry operation in Collie
- 27 April: Attended an Advanced Manufacturing and Technology Hub (AMTECH) South West Leaders Forum with Minister Punch
- 27 April: Undertook a site visit of 62 Worsley Back Road, Allanson in relation to a proposed telecommunications tower
- 27 April: Meeting with Dr David Honey MLA, Shadow Minister for State Development; Water; Hydrogen; Small Business; Science; Innovation & ICT
- 3 May: Conducted an interview for an international research project into the Just Transition in Collie being conducted by A Future Worth Living In, a consultancy based in Edinburgh that helps financial institutions understand their role in addressing the climate crisis
- 4 May: Met with the editor of Collie River Valley Bulletin
- 4 May: Presided over the Annual Electors meeting
- 9 May: Attended the Collie River Valley Marketing committee meeting

The Prime Minister, Treasurer and Minister Bowen announced the government would establish a national Net Zero Authority responsible for promoting the orderly and positive economic transformation associated with achieving net zero emissions (see attached media release).

The new Authority will be legislated, and in the interim, the government will recommend to the Governor-General the creation of a new Executive Agency, initially housed within the Department of the Prime Minister and Cabinet, starting 1 July 2023.

The Agency will engage closely with key regions and industries that are transforming as Australia decarbonises, to help proactively manage the change. This will include working collaboratively with state and territory governments, local governments, existing regionally-

focused transition bodies, industry, unions, First Nation groups and others. Working in this way will help key regions and industries get the support they need by improving coordination of effort and support from across government programs and policies, and ensuring support is responsive to what different regions and industries need.

The Agency will also develop advice to Government on the detailed design and establishment of the statutory Authority. The Agency will evolve from the Existing Net Zero Economy Taskforce and will continue to work closely with stakeholders as the important work of the Agency and Authority takes shape.

The South West Development Commission has advised the following in relation to the Minningup Pool project:

- In response to issues raised by community members, the Minister for Regional Development has requested the South West Development Commission to facilitate a roundtable discussion with key stakeholders of Minningup Pool, including the Shire of Collie and the Traditional Owners, to better understand the unique cultural, heritage and environmental considerations of any future development.
- While those discussions take place, a temporary hold will be put on any funding relating to plans for development. This will allow time for further discussions to take place and to determine the next steps.

Cr Leonie Scoffern

- 14 April: Attended the Renergi plant opening
- 18 April: Attended the Collie River Restoration Strategy community forum
- 25 April: Attendee the ANZAC Day dawn service
- 27 April: site visit 62 Worsley Back Road, Allanson regarding a proposed telecommunications tower
- 2 May: Collie Adventure Trails quarterly meeting
- 4 May: Attended the Annual Electors meeting

Cr Leonie Scoffern

- 12 April: DHAC Committee
- 12 April: Audit Committee Meeting
- 2 May: Celebrating Collie - Just Transitions
- 3 May: Visitors Centre Committee Meeting
- 4 May: Attended the Annual Electors meeting
- 5 May: Futures Fund Meeting

Mr Stuart Devenish

- 14 April: Attended the Renergi plant opening with Federal Minister Bowen, State Minister Punch, local member Jodie Hanns and other dignitaries.
- 14 April: Meeting with the Bunbury Geographe Group of Council's CEO's
- 18 April: Meeting with leaseholder of the Railway Station facility to discuss lease expectations
- 18 April: Meeting with South West Development Commission regarding funding arrangements for Minningup Pool
- 18 April: Meeting with the consultants appointed for the Collie Airport Masterplan project

- 18 April: Attended the Collie River Restoration Strategy community forum
- 19 April: Attended dinner event with representatives of the Australian Treasury
- 21 April: Attended the South West Country WALGA Zone meeting held in Bridgetown
- 21 April: Attended the Audit Committee meeting addressing audit entry terms
- 25 April: Represented the Shire of Collie at the Solider Park Cenotaph Anzac Day service
- 26 April: Met with prospective proponents for a new industry operation in Collie
- 26 April: Attended the Cannaponics Jobs Forum held at the Collie Ridge
- 27 April: Attended an Advanced Manufacturing and Technology Hub (AMTECH) South West Leaders Forum with Minister Punch
- 27 April: Undertook a site visit of 62 Worsley Back Road, Allanson in relation to a proposed telecommunications tower
- 27 April: Met with David Honey MLA, Shadow Minister for State Development
- 1 May: Met with prospective proponent for electric aircraft charge facility at Collie airport
- 2 May: Attended the Collie Just Transition Subgroup – Diversifying the Economy meeting
- 2 May: Attended the Council Forum
- 3 May: Met with members of the Visitor Centre executive
- 3 May: Met with prospective proponents for a new fitness facility in Collie
- 4 May: Met with the Editor of the Collie River Valley Bulletin
- 4 May: Meeting with the consultants appointed for the Collie Airport Masterplan project
- 4 May: Attended the Annual Electors meeting

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

Council went into Committee at 8.09pm to consider the following confidential report and all members of the Public left the Chambers.

Council Decision:		Resolution: 9186	
That Council move into Committee.			
Moved:	Cr Harverson	Seconded:	Cr White
			CARRIED: 8/0

20.1 Kerbside Waste Collection and Processing Contract

Council Decision:		Resolution: 9187	
<i>That Council accept the recommendation relating to the Kerbside Waste Collection and Processing Contract as contained within the confidential report.</i>			
Moved:	Cr Smith	Seconded:	Cr Woods
			CARRIED: 8/0


Council Decision:**Resolution: 9188**

That Council come out of Committee.

Moved: Cr Kearney**Seconded:****Cr Smith****CARRIED: 8/0****21. CLOSE**

The Shire President thanked Council and Staff for their attendance and declared the meeting closed at 8.18pm.

I certify that these Minutes were confirmed at the Ordinary Meeting of Council held on Tuesday, 13 June 2023.


.....
Presiding Member
.....
Date