



Shire of
Collie

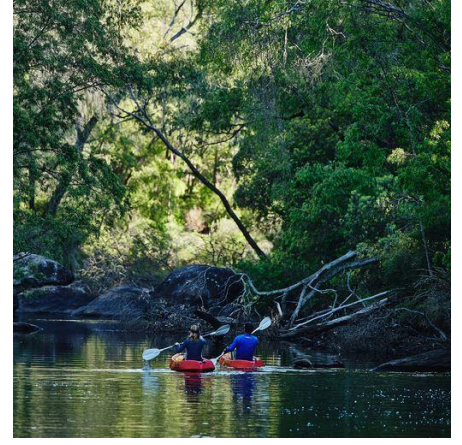
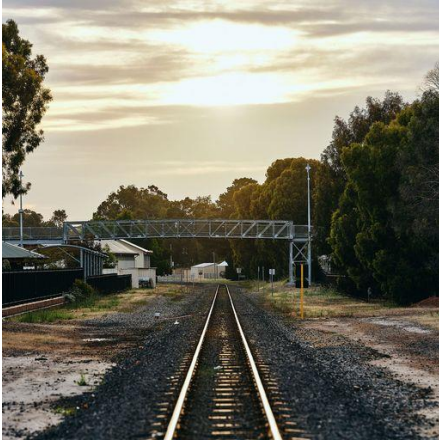
AGENDA

for the

ORDINARY MEETING OF COUNCIL

to be held on

Tuesday, 10 December 2024



Our Vision

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

Our Values

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

Integrity

Transparency

Accountability

Collaboration

Respect

Our Commitment to Community

We will lead the delivery of our vision

We will support local business wherever possible

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

We will encourage, welcome and value feedback

We will encourage, support and advocate for our community

NOTICE OF MEETING

Please be advised that the



Ordinary Meeting of Council

commencing at **7:00pm**

will be held on

Tuesday, 10 December 2024

in Council Chambers at 87 Throssell Street, Collie WA

A handwritten signature in blue ink, appearing to be "PA", is written over a horizontal line.

Phil Anastasakis
Chief Executive Officer

5 November 2024

DISCLAIMER

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

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

Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such. Any person or entity that has an application before the Shire must obtain, and should only rely on, written notice of the Shire's decision and any conditions attaching to the decision and cannot treat as an approval anything said or done at a Council or Committee meeting.



MEETING SCHEDULE

2025

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

Tuesday 11 February 2025

Ordinary Council Meeting

7.00pm in Council Chambers



DISCLOSURE OF FINANCIAL INTEREST AND INTERESTS AFFECTING IMPARTIALITY

To: Chief Executive Officer

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

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

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

Name (Please Print)

Signature

Date

NB

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

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

Office Use Only:

Date/Initials

1. Particulars of declaration given to meeting _____

2. Particulars recorded in the minutes _____

3. Signed by Chief Executive Officer _____

Local Government Act 1995 - SECT 5.23

Meetings generally open to the public

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

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Agenda for the Ordinary Meeting of the Collie Shire Council to be held in Council Chambers, 87 Throssell Street Collie, on Tuesday, 10 December 2024 commencing at 7:00pm.

1. OPENING/ATTENDANCE/APOLOGIES & LEAVE OF ABSENCE

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

2. PUBLIC QUESTION TIME

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

Council consideration towards the Public:

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

3. RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Questions taken on notice from the previous Council meeting.

Ms Golubic

Question 1 - Ms Golubic raised concerns over the safety and legality of trucks, specifically K&S Transport utilising Crampton and Mungalup Road for their access route, transporting waste from Alcoa to Dardanup.

Mr Geere asked to take the query on notice to allow him time to investigate the matter appropriately.

Response:

The Collie Munballup / Crampton Road / Mungalup Road access route is identified on MRWA's HVS Network Map as being approved for *Tandem Drive – Prime Mover Concessional Network Level 2*. This is a level beyond standard public roads, which are generally classed as RAV Network 1 roads.

RAV Network 2 roads allow for B-Doubles up to 27.5m length, or a Prime Mover with semi-trailer plus pig trailer up to 27.5 metres length.

This road was approved by MRWA in accordance with their '*Operating Conditions – Restricted Access Vehicle, Prime Mover, Trailer Combinations*', and '*Standard Restricted Access Vehicle Route Assessment Guidelines*'. The assessment was undertaken by a qualified MRWA technician to ensure road suitability.

4. DISCLOSURE OF FINANCIAL INTEREST

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

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

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

5. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

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' i.e. the meeting is closed to members of the public. Section 5.23 of the *Local Government Act 1995* applies and the meeting may only go behind closed doors for matters expressly prescribed in the Act - see section of the Act appended immediately after the Disclosure of Financial Interest form.

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

7. ITEMS BROUGHT FORWARD DUE TO INTEREST BY ATTENDING PERSONS

8. CONFIRMATION OF THE PREVIOUS MEETINGS OF COUNCIL MINUTES

8.1 Ordinary Council Meeting – 12 November 2024

Officer's Recommendation:

That Council confirms the Minutes of the Ordinary Meeting of Council held on 12 November 2024.

9. BUSINESS ARISING FROM THE PREVIOUS MINUTES

9.1 Council Endorsement of the Updated Shire of Collie Bushfire Risk Management Plan

Reporting Department:	Development Services
Reporting Officer:	Kohdy Flynn – Community Emergency Services Manager
Accountable Manager:	Isabel Fry – Acting Director Development Services

Legislation:	<i>Bush Fires Act 1954, Emergency Management Act 2005</i>
File Number:	EMG/010
Appendices:	Appendix 9.1.A Updated Bushfire Risk Management Plan
Voting Requirement:	Simple Majority

Report Purpose

For Council to endorse the updated Shire of Collie Bushfire Risk Management Plan as recommended by the Bushfire Advisory Committee and authorise Officers to submit the Plan to the Department of Fire and Emergency Services, Office of Bushfire Risk Management.

Officer/ Committee Recommendation:

That Council, in relation to the updated Shire of Collie Bushfire Risk Management Plan, resolve to:

- 1. Note that no submissions were received during the public advertising period;*
- 2. Endorse the updated Bushfire Risk Management Plan; and*
- 3. Authorise the Chief Executive Officer to submit the Plan to the Department of Fire and Emergency Services, Office of Bushfire Risk Management.*

Background:

This Bushfire Risk Management Plan (BRMP) provides contextual information to inform a structured approach to identifying, assessing, prioritising, monitoring and treating bushfire risk within the community. A BRMP is to be developed for local government areas with a significant bushfire risk.

The drafted BRMP is an update to the previously approved Plan. Throughout its development the updated BRMP has been prepared with consideration to the Guidelines for Preparing a Bushfire Risk Management Plan, by consultation and communication with land and asset managers to ensure an informed and collaborative approach to managing bushfire risk.

The updated BRMP was due to be submitted to the Office of Bushfire Risk Management (OBRM) by 30th September, due to the endorsement requirements of this Plan an extension to this date had been requested and granted to allow time for the Plan to be endorsed by the BFAC and the Shire Council. The extension that was requested by the Shire was granted by OBRM. The new submission date for the Shire of Collie is now 30th December.

Once the updated BRMP has been endorsed by OBRM the Plan will be reviewed by the Shire on a two-yearly basis to capture any new or significant assets or changes and identify any emerging associated risks.

An endorsed BRMP is a requirement of the Shire to be eligible to submit future applications for funding from the Mitigation Activity Fund Grants Program to continue treating bushfire risks

within the Shire of Collie. If the Shire does not submit its BRMP by 30 December 2024, there is a risk of losing this funding.

The Western Australian Government established the Mitigation Activity Fund Grants Program (MAFGP) to reduce bushfire hazards that pose a high risk to assets across the State. This program provides essential support for local governments with approved Bushfire Risk Management Plans, enabling them to manage and treat bushfire risks on State land under their jurisdiction. Many local governments face financial limitations, and the MAFGP offers crucial funding to implement mitigation strategies that would otherwise be challenging to afford. These treatments significantly reduce bushfire risk, helping protect life, property, and critical infrastructure within communities. The Shire of Collie has been a successful recipient in several MAFGP rounds to carry out a range of bushfire mitigation treatments across the Shire, enhancing safety for all residents. Mitigation activities funded by the MAFGP are a vital component of the Shire's efforts to proactively manage bushfire risk, ultimately reducing the potential impacts of catastrophic fire events on the community.

A recommendation relating to the updated Bushfire Risk Management Plan was made to Council from the Bushfire Advisory Committee at the Ordinary Meeting of Council held 12 November 2024. The Committee recommendation was amended to allow the public to comment and provide feedback on the draft Shire of Collie Bushfire Risk Management Plan. Council resolved (Resolution 9494):

That Council advertise by public notice, the review of the Bushfire Risk Management Plan to the general public, to provide opportunity for comment and refer the results of any feedback received to the bush fire committee, for further consideration.

Statutory and Policy Implications:

Bushfires Act 1954

Emergency Management Act 2005

Budget Implications:

Should the Shire be unsuccessful in submitting the updated Bushfire Risk Management Plan to OBRM by the 30 December 2024, the Shire will not be eligible to obtain funding from the Mitigation Activity Fund Grants Program. This will have significant budget implications as the Shire will need to fund all mitigation activities from Shire operating budgets to reduce bushfire risk.

Communications Requirements:

As requested by Council, the Bushfire Risk Management Plan has been advertised for a period of 14 days, from 21 November to 5 December 2024. The Plan was advertised on the Shire's website and the local newspaper.

No submissions were received during this period.

Extensive communication has been completed with DFES and relevant stakeholders on the implementation and review of this Plan.

Strategic Community Plan/Corporate Business Plan Implications:

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

Relevant Precedents:

The BRMP is an update to the previously approved Plan.

Comment:

The updated BRMP has been advertised for public comment as requested by Council at its Ordinary Meeting of Council held 12 November 2024. No submissions were received during this period, therefore it was not required to be referred through the Bushfire Advisory Committee for further consideration.

The Plan represents an update to the previously approved BRMP and is part of an ongoing effort to evaluate and improve strategies for identifying, assessing and addressing bushfire risk across the Shire. The Plan has received preliminary feedback from OBRM, who have provided in principle support of the Plan, subject to it being endorsed and submitted by the due date of 30 December 2024.

The preparation and endorsement of the Plan will ensure the Shire of Collie is eligible to apply for Mitigation Activity Fund Grant Program funding, to undertake essential mitigation work within the Shire.

It is recommended that Council note no submissions were received during the advertising period, endorse the Officer and Bushfire Advisory Committee recommendation and authorise the Chief Executive Officer to submit the updated Bushfire Risk Management Plan to Department of Fire and Emergency Services, Office of Bushfire Risk Management.

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

10.1 Townscape & Environment Committee Meeting

Officer's Recommendations:

That Council receive the minutes of the Townscape & Environment Committee Meeting held on the 12 November 2024.

Committee's Recommendations:

That Council endorses the installation of the Historic Personnel Carrier to Phoenix Park approximately 5-8 metres opposite southern mural face of the Memorial Wall.

11. CEO REPORTS

11.1 Schedule of Ordinary Council Meetings and Forum Arrangements 2025

Reporting Department:	Chief Executive Office
Reporting Officer:	Amber Nikola – Executive Assistant
Accountable Manager:	Phil Anastasakis – Chief Executive Officer
Legislation:	<i>Local Government Act 1995</i>
File Number:	GOV/049
Appendices:	Nil
Voting Requirement:	Simple Majority

Report Purpose

To confirm the schedule of Ordinary Meeting dates of Council for 2025 and arrangements for Councillor Forums.

Officer's Recommendation:

That Council resolve to:

1. *Confirm the Meeting Schedule for the 2025 Ordinary Council Meetings to be held at the Shire of Collie Council Chambers on the second Tuesday of each month, commencing February 2025;*
- 2A. *Commence the Ordinary Council meetings at 6.00pm with the light meal provided after the meeting;*

OR
- 2B. *Commence the Ordinary Council meetings at 6.00pm with the light meal provided before the meeting;*

OR
- 2C. *Commence the Ordinary Council meetings at 7.00pm with the light meal provided before the meeting;*

OR
- 2D. *Commence the Ordinary Council meetings at 7.00pm with the light meal provided after the meeting;*
3. *Convene Councillor Forums based on the "Councillor Forum Meeting Procedure" on an as needs basis based on items being raised with the Shire President by Elected Members or the CEO; and*
4. *Authorise the details referred to in point 1 and 2 above, to be published.*

Background:

Currently, Ordinary Council meetings for the Shire of Collie are held on the second Tuesday night of each month (except January), with agenda papers provided to Councillors and made available publicly no later than the preceding Friday.

On 10 October 2023, Council resolved (Resolution 9277) to continue to hold Councillor Forums every quarter in accordance with the adopted Councillor Forum Meeting Procedure, with such meetings open to the public.

That Council resolve to continue to hold councillor forum every quarter in accordance with Councillor Forum Meeting Procedure set out at Appendix 12.3.A and open to the public.

For a number of reasons, the Councillor Forums have not been held regularly over the last 12 months.

Statutory and Policy Implications:

Regulation 12(2) of the *Local Government (Administration) Regulations 1996* require details of public meetings to be published on the Shire’s website. Details include meeting date, time and place.

Clause 2.1 of the *Shire of Collie Standing Orders Local Law 2017* requires an Ordinary meeting of the Council to be held on a monthly basis or otherwise as determined by the Council. The clause also allows a Special meeting of the Council for business that is urgent, complex in nature, for a particular purpose or confidential.

Budget Implications:

Nil

Communications Requirements: (Policy No. CS 1.7)

A primary intent of Policy CS1.7 is to ensure regular and consistent communication on Council’s project and activities to all stakeholders. This report seeks to establish meeting arrangements that ensure effective conduct of business.

Strategic Community Plan/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	5	Our Organisation
Objective:	5.1	Innovative leadership, forward planning, and mutually beneficial partnerships
Strategic Priority:	5.1.5	To imbed our strategic priorities throughout the organisation

Relevant Precedents:

Meetings are scheduled on an annual basis.

Comment:

Consistent with the arrangements for 2024, it is recommended that the Ordinary meetings of Council be held each second Tuesday of the month commencing in February 2025 as per the schedule below:

COUNCIL MEETING SCHEDULE
11 February 2025
11 March 2025
8 April 2025
13 May 2025
10 June 2025
8 July 2025
12 August 2025
9 September 2025
14 October 2025
11 November 2025
9 December 2025

The schedule of Ordinary Council meetings complies with Standing Orders and will allow for the conduct of Council business, with Special Council meetings called on an as needs basis.

As a light meal is provided at the conclusion of the meeting, as in previous years Council may wish to consider commencing the meeting at 6.00pm in lieu of 7.00pm. Alternatively Council may wish to have the light meal provided prior to the meeting to enable Councillors to interact in a social manner before the formal meeting commences. The recommendation includes a number of options for Council's consideration.

Councillor Forums – Meeting Procedure CS1.10***Policy Objective***

To ensure Council Forums are held in a way that is consistent with the principles of transparency and accountability. The policy also provides procedural guidance on the conduct and administration of forums.

Scope

This policy applies to all Councillor Forums.

Policy Statement**1 Purpose**

The purpose of a Councillor Forum is to:

- Provide an opportunity for elected members and staff to present ideas and concepts for future consideration;*

- Provide an opportunity for staff to gain input from elected members as they research matters and draft reports for presentation to Council; and
- Provide a forum for two-way communication between elected members and key staff members on important Council and public interest related matters.

More specifically, the forums will allow:

Concept Consideration

This involves Councillors and Shire staff meeting to discuss and explore ideas, strategies and concepts relating to the business of local government. Examples of the types of matters that might be canvassed are:

- *Current matters of a local or regional significance*
- *Matters relating to the future development of the Shire*
- *Emerging changes to the local government sector and implications for the Shire*
- *Cross-agency matters*

Agenda Considerations

These are opportunities for the Chief Executive Officer and Shire staff to brief Councillors on upcoming agenda items for formal meetings.

Public Interest Considerations

The Council may address matters whereby members of the public can hear information about a particular issue.

2 Principles

Councillor Forums operate under the following principles:

- 1. Debate does not occur at a Councillor Forum.*
- 2. Decisions will not be made at a Councillor Forum.*
- 3. Councillors and officers will be required to adhere to the same Codes of Conduct that apply to Elected Members and officers.*

3 Forum Conduct and Administration

The objectives of this policy will be met through the observance of the following arrangements:

- 1. The meeting is chaired by the Shire President, Deputy Shire President, or in absence of both, an Elected Member.*
- 2. All questions from Councillors are directed through the Chair.*
- 3. The Chair may, at his or her discretion, allow questions from the public.*
- 4. Members of the public do not have the right to speak unless invited to do so by the Chair.*
- 5. Presentations may be received from any party on a matter relevant to Council as determined by the Chair.*

The Shire President or Deputy Shire President, in collaboration with the Chief Executive Officer will/may:

- 1. determine the meeting agenda;*
- 2. vacate the meeting where there are insufficient matters to warrant a meeting; and/or*
- 3. call an urgent meeting when matters warrant such.*

Public notice of a quarterly Councillor Forum will be given on the Shire's website with the same notice period as required for Ordinary Meetings of Council. Urgent meetings do not require prior notice.

Attendees include all Elected Members and staff as determined appropriate by the Chief Executive Officer. Members of the public may attend except where the Chair determines it necessary or appropriate to discuss a matter behind closed doors. This may include matters affecting an employee, personal affairs of any person, contracts, legal advice or other.

If, at a forum, the Chair is of the opinion that by reason of disorder or otherwise the business of the forum cannot effectively continue, the Chair may adjourn the forum to a time and date to be set.

As no decisions are made at forums, only a general record of items are documented, along with attendance and any interests declared. Records of meetings will be published on the Shire website.

4 Declaration of Interest

All Elected Members and officers in attendance are to disclose any financial and conflicts of interest in relation to matters to be discussed. Those who have a financial interest will not participate in that part of the forum. There is no opportunity for a person with a financial interest to remain in the meeting room when the relevant matter is discussed.

As adopted by Council at its meeting dated 12 March 2024.

While the Councillor Forum Meeting Procedure Policy was reviewed in March 2024, due to changes in senior staff and other business disruptions, Councillor Forums have not been held as anticipated. To enable administration staff time to adjust to workloads and increase staffing resources, it is recommended that Councillor Forums continue to be held but be called on an as needs basis based on items being raised with the Shire President by Elected Members or the CEO.

11.2 2024 Christmas and New Year Closing Dates

Reporting Department:	Chief Executive Office
Reporting Officer:	Phil Anastasakis – Chief Executive Officer
Accountable Manager:	Phil Anastasakis – Chief Executive Officer
Legislation:	<i>Local Government Act 1995</i>
File Number:	GOV/049
Appendices:	Nil
Voting Requirement:	Simple Majority

Report Purpose

For Council to consider the expected closure dates for Shire facilities over the Christmas and New Year period.

Officer's Recommendation:

That Council endorse the following timetable of closing/opening dates and times of Shire of Collie facilities for the 2024 Christmas and New Year Period:

Venue	Closing Date/Time	Re-opening Date/Time
Administration Building	Tuesday 24 December 4.30pm	Thursday 2 January 8.00am
Collie Public Library	Tuesday 24 December 4.30pm	Thursday 2 January 8.30am
Roche Park Recreation Centre	Thursday 19 December 7.00pm	Monday 6 January 9.00am
Mineworkers Memorial Swimming Pool	Tuesday 24 December 4.00pm	Friday 27 December 6.30am
	Tuesday 31 December 4.00pm	Thursday 2 January 6.30am
Shire Depot	Tuesday 24 December 12 noon	Thursday 2 January 6.30am
Waste Transfer Station	Tuesday 24 December 12 noon	Friday 27 December 9.00am
	Tuesday 31 December 4.00pm	Thursday 2 January 9.00am

Background:

The dates and times of Christmas/New Year closing dates and times varies each year dependent on the day of the week on which Christmas Day and the associated public holidays fall. In 2024, Christmas Day falls on a Wednesday.

After considering the implications on Shire of Collie services and facilities, the proposed closing and re-opening hours for the various Shire venues are shown in the table below:

Venue	Closing Date/Time	Re-opening Date/Time
Administration Building	Tuesday 24 December 4.30pm	Thursday 2 January 8.00am
Collie Public Library	Tuesday 24 December 4.30pm	Thursday 2 January 8.30am
Roche Park Recreation Centre	Thursday 19 December 7.00pm	Monday 6 January 9.00am
Mineworkers Memorial Swimming Pool	Tuesday 24 December 4.00pm	Friday 27 December 6.30am
	Tuesday 31 December 4.00pm	Thursday 2 January 6.30am
Shire Depot	Tuesday 24 December 12 noon	Thursday 2 January 6.30am
Waste Transfer Station	Tuesday 24 December 12 noon	Friday 27 December 9.00am
	Tuesday 31 December 4.00pm	Thursday 2 January 9.00am

While the various Council facilities will be open to the community based on the above opening days and hours, many will be operating on minimal staffing levels to enable staff to apply to take additional leave days over the Christmas / New Year period if they wish.

Budget Implications:

Nil - Staff taking leave will be utilising leave entitlements for the times they are not at work.

Communications Requirements: (Policy No. CS 1.7)

Public notice to be given advising of the open/closed hours for the various facilities.

Strategic Community Plan/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	5	Our Organisation
Objective:	5.1	Innovative leadership, forward planning, and mutually beneficial partnerships
Strategic Priority:	5.1.5	To imbed our strategic priorities throughout the organisation

Relevant Precedents:

The Shire venues have closed at times over the Christmas and New Year period in previous years.

Comment:

Essential services to the community will continue during the period of closure.

- Ranger Services will be available throughout by calling the advertised ranger mobile number or by leaving a message with the after-hours call service.
- Works and Parks and Gardens staff will be rostered on-call throughout.
- Funeral directors will be advised of on-call staff to respond to cemetery services.
- Information services will be available if required to post essential messages.
- Emergency response staff will be available throughout in the event of an emergency.
- The Transfer Station and the Swimming Pool are only closed for the minimum reasonable time to allow staff to spend Christmas with their families.

With public holidays falling on the Wednesday 25 December, Thursday 26 December and Wednesday 1 January, and staff receiving a local government holiday over the Christmas period, there are essentially only two additional days of closure between Christmas Eve and the 2 January 2025.

Experience has shown that very few customers have attended Shire venues in the days between Christmas Day and New Year, therefore minimal inconvenience to the community is anticipated.

11.3 Policy Framework Policy	
Reporting Department:	Chief Executive Office
Reporting Officer:	Phil Anastasakis – Chief Executive Officer
Accountable Manager:	Phil Anastasakis – Chief Executive Officer
Legislation:	<i>Local Government Act 1995</i>
File Number:	GOV/049
Appendices:	Appendix 11.3.A - Policy Framework
Voting Requirement:	Absolute Majority

Report Purpose

Policy establishment and review is undertaken as a matter of good governance and forms part of the role of Council under the *Local Government Act 1995*.

While it is proposed that the Shire of Collie undertake a full review of Council Policies in the new year and then on a triennial basis, it is proposed that a Policy Framework be established under which Policies can be created, reviewed, modified or deleted.

Council is requested to consider and adopt the following new Policy Framework Policy (refer to Appendix 11.3.A - Policy Framework) and the Policy review cycle.

Officer's Recommendation:

That Council adopt the Shire of Collie "CP1-001 Policy Framework Policy" (refer to Appendix 11.3.A - Policy Framework) inclusive of the following:

- i) A full review of the Council Policy Manual is to be conducted at least once every three (3) years, with ad hoc policies presented to Council on an as needs basis;*
- ii) Council Policies focus on the strategic and statutory decision-making obligations of the Council. They will address strategic, financial or operations resources and may guide services and service levels. Setting of Council Policies is a primary function of the Council as provided by section 2.7(2)(b) of the Local Government Act 1995.*
- iii) Management Policies (described as Administration Policies) apply to the day-to-day operations of the Shire. They provide principles for the control of activity and decision making relevant to the Chief Executive Officer's duties or delegate. A primary function of the Chief Executive Officer is to manage the operations of the local government as provided by section 5.41(d) of the Local Government Act 1995. As such, the CEO is the decision maker for the adoption, amendment or revoking of Administration Policy.*
- iv) Management Practice (described as Administration Procedures) provides greater detail than an Administrative Policy and will typically outline the process or steps required to implement an Administration Policy; or may address a specific stand-alone function or activity. Management Practices can establish internal controls that support services levels, maximise efficiency and effectiveness, meet compliance obligations, mitigate risks and ensure suitable operational standards. Administration*

Procedures are generally established by the CEO or a responsible Director who has authority under the terms of the relevant position description or delegation to do so.

- v) *A Standard Operating Procedure is very detailed on “how” to accomplish a specific job, task or assignment. They are likely to relate to specialised operations or to repetitive tasks undertaken by the administration. Procedures may be established by the CEO or a responsible officer who has authority under the terms of the relevant position description or delegation to do so.*

Background:

The Council has carried out a comprehensive Policy manual review in the past. Since that time, several new policies and amendments to policies have been endorsed by Council.

Policies and procedures are an essential part of any organisation and facilitate good governance within local government operations. Together, policies and procedures provide a roadmap for day-to-day operations. They ensure compliance with laws and regulations, give guidance for decision-making, and streamline internal processes.

To assist and guide Council and staff in the creation, review, modification and deletion of various Council policies and procedures, a Policy Framework has been established. This will form the foundation for the future systematic review and update of all Council and Management Policies.

Statutory and Policy Implications:

Policy review is undertaken as a matter of good governance with some policies being required under the *Local Government Act 1995*. Strategic policies that set governing principles and guide the direction of the organisation to align with community values and aspirations, are outlined in section 2.7 of the *Local Government Act 1995*.

S 2.7. Role of council

(1) *The council —*

- (a) governs the local government’s affairs; and*
- (b) is responsible for the performance of the local government’s functions.*

(2) *Without limiting subsection (1), the council is to —*

- (a) oversee the allocation of the local government’s finances and resources;*
and
- (b) determine the local government’s policies.*

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 – Deemed provisions for local planning schemes.

Sections 4, 5 & 6

4. Procedure for making local planning policy**Budget Implications:**

While this report does not have any direct budget implications, various Policies contained within the Policy Manual have budget allocations and implications.

Communications Requirements:

N/A

Strategic Community Plan/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	5	Our Organisation
Objective:	5.1	Innovative leadership, forward planning, and mutually beneficial partnerships
Strategic Priority:	5.1.5	To imbed our strategic priorities throughout the organisation

Relevant Precedents:

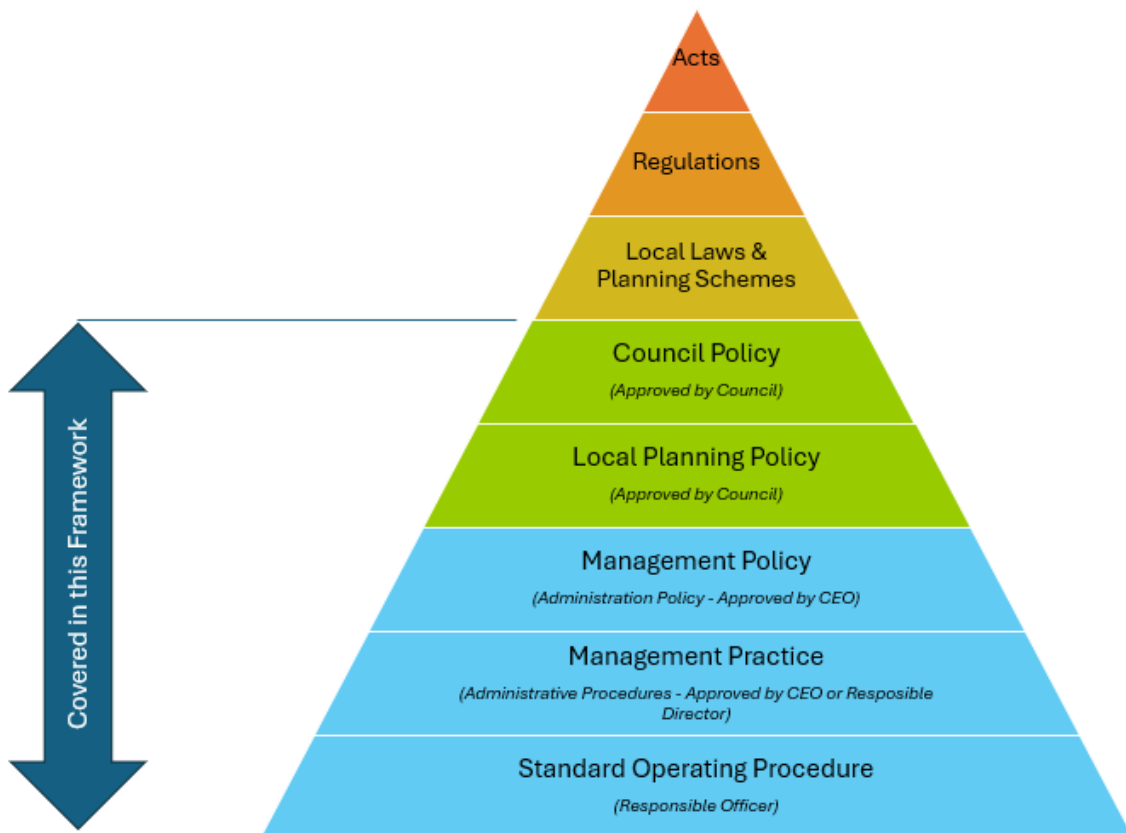
Guided by the principles of good governance, policies reflect the current position of Council on a variety of matters. Council reviews its policies regularly based either on a periodic full Policy Manual review or consideration of an individual Policy on an ad hoc basis due to the urgency of the matter or changes in legislation.

Comment:

A policy framework is a logical structure that is established to organise policy documentation into groupings that reflect their role and function. The purpose of this new Policy is to outline the agreed Policy Framework for the Shire of Collie, enabling the various policies and practices to be correctly prepared, understood and implemented.

Policy Structure

The hierarchy of instruments is illustrated below:



Acts

Acts, Regulations, Local Laws and Planning Schemes are legislative instruments and have the force and effect of law. These instruments are established through parliamentary, Governor or Ministerial processes.

Council Policy

Council policies focus on the strategic and statutory decision-making obligations of the Council. They address strategic, financial or operations resources and may guide services and service levels. Setting of policies is a primary function of the Council as provided by section 2.7(2)(b) of the *Local Government Act 1995*.

Local Planning Policy

Local Planning Policies are a subset of the Local Planning Scheme and guide decision-making under the terms of the Scheme. Local Planning Policies are adopted under the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Management Policy

Management policies (described as **Administration Policies**) apply to the day-to-day operations of the Shire. They provide principles for the control of activity and decision making relevant to the Chief Executive Officer's duties or delegate.

A primary function of the Chief Executive Officer is to manage the operations of the local government as provided by section 5.41(d) of the *Local Government Act 1995*. As such, the CEO is the decision maker for the adoption, amendment or revoking of Administration Policy. At an operational level, this is administered through the Executive Management Team Operational meetings where the consideration and adoption of these Policies by the Executive is recorded.

Management Practice

Management Practice (described as **Administration Procedures**) provides greater detail than an Administrative Policy and will typically outline the process or steps required to implement an Administration Policy; or may address a specific stand-alone function or activity. Management Practices can establish internal controls that support services levels, maximise efficiency and effectiveness, meet compliance obligations, mitigate risks and ensure suitable operational standards.

Administration Procedures are generally established by the CEO or a responsible Director who has authority under the terms of the relevant position description or delegation to do so.

Standard Operating Procedure

A Standard Operating Procedure is very detailed on "how" to accomplish a specific job, task or assignment. They are likely to relate to specialised operations or to repetitive tasks undertaken by the administration. Procedures may be established by the CEO or a responsible officer who has authority under the terms of the relevant position description or delegation to do so.

11.4 Local Government Elections Caretaker Policy	
Reporting Department:	Chief Executive Office
Reporting Officer:	Phil Anastasakis – Chief Executive Officer
Accountable Manager:	Phil Anastasakis – Chief Executive Officer
Legislation:	<i>Local Government Act 1995</i>
File Number:	GOV/049
Appendices:	Appendix 11.4.A – CP1-002 Local Government Elections Caretaker Policy
Voting Requirement:	Absolute Majority

Report Purpose

Policy establishment and review is undertaken as a matter of good governance and forms part of the role of Council under the *Local Government Act 1995*.

While it is proposed that the Shire of Collie undertake a full review of Council Policies in the new year and then on a triennial basis, it has been identified that a number of new Policies need to be created due to recent changes in legislation.

Council is requested to consider and adopt the Local Government Elections Caretaker Policy (refer to Appendix 11.4.A – CP1-002 Local Government Elections Caretaker Policy).

Officer's Recommendation:

That Council adopt the Shire of Collie Local Government Elections Caretaker Policy (refer to Appendix 11.4.A – CP1-002 Local Government Elections Caretaker Policy).

Background:

Policies and procedures are an essential part of any organisation and facilitate good governance within local government operations. Together, policies and procedures provide a roadmap for day-to-day operations. They ensure compliance with laws and regulations, give guidance for decision-making, and streamline internal processes.

While it is proposed that the Shire of Collie undertake a full review of Council Policies in the new year and then on a triennial basis, it has been identified that a number of new Policies need to be created due to recent changes in legislation. This report recommends the creation of a new Shire of Collie Local Government Elections Caretaker Policy (refer to Appendix 11.4.A – CP1-002 Local Government Elections Caretaker Policy).

The State Government's Local Government Reform process has introduced a standardised caretaker period across all local governments in Western Australia. It prevents a local government from making significant decisions while an election is underway, particularly decisions that would bind a future Council to a particular course of action.

The caretaker period will apply to all ordinary local government elections from 2025 onwards. It will also apply to any election to elect a Council after it has been declared vacant or dismissed. It will not apply to extraordinary local government elections. The caretaker period runs from the close of nominations to declaration of the poll.

WALGA have provided a template Caretaker Policy which has formed the foundation of the proposed Shire of Collie Local Government Elections Caretaker Policy, resulting from the changes to Section 3.73 of the *Local Government Act 1995*.

Statutory and Policy Implications:

Policy review is undertaken as a matter of good governance with some policies being required under the *Local Government Act 1995*. Strategic policies that set governing principles and guide the direction of the organisation to align with community values and aspirations, are outlined in section 2.7 of the *Local Government Act 1995*.

S 2.7. Role of council

(1) *The council —*

- (a) *governs the local government's affairs; and*
- (b) *is responsible for the performance of the local government's functions.*

(2) *Without limiting subsection (1), the council is to —*

- (a) *oversee the allocation of the local government's finances and resources; and*
- (b) *determine the local government's policies.*

Caretaker Period

Division 5 outlines what a local government may and may not do during the Caretaker Period, with section 1.4A of the *Local Government Act 1995* defines the Caretaker Period.

Division 5 — Caretaker period**3.73. Restrictions on what local government may do during caretaker period**

(1) *In this section —*

emergency means —

- (a) *the occurrence, or imminent occurrence, of an event, situation or condition that is a hazard under the definition of that term in the Emergency Management Act 2005 section 3; or*
- (b) *a public health emergency as defined in the Public Health Act 2016 section 4(1);*

land transaction has the meaning given in section 3.59(1);

major land transaction has the meaning given in section 3.59(1);

major trading undertaking has the meaning given in section 3.59(1);

senior employee means a senior employee under section 5.37;

significant act means any of the following —

- (a) *making a local law (including making a local law to amend or repeal a local law);*
- (b) *entering into, or renewing or terminating, the contract of employment of the CEO or of a senior employee;*
- (c) *entering into a major land transaction;*
- (d) *entering into a land transaction that is preparatory to entry into a major land transaction;*
- (e) *commencing a major trading undertaking;*

- (f) *entering into a contract, or other agreement or arrangement, in prescribed circumstances;*
- (g) *inviting tenders in prescribed circumstances;*
- (h) *deciding to do anything referred to in paragraphs (a) to (g);*
- (i) *an act done under a written law or otherwise that is a prescribed act.*
- (2) *During a caretaker period, a local government must not do a significant act.*
- (3) *Subsections (4) to (6) apply despite subsection (2).*
- (4) *A local government may do a significant act during a caretaker period if —*
 - (a) *the local government’s decision to do the significant act was made before the caretaker period; and*
 - (b) *any prescribed requirements are met.*
- (5) *A local government may do a significant act during a caretaker period if it is necessary for the local government to do the significant act during the caretaker period in order to comply with any of the following —*
 - (a) *a written law;*
 - (b) *an order of a court or tribunal;*
 - (c) *a contractual obligation of the local government under a contract entered into by the local government before the caretaker period.*
- (6) *The Departmental CEO may authorise a local government to do a significant act during a caretaker period if the Departmental CEO is satisfied that it is necessary for the local government to do the significant act during the caretaker period —*
 - (a) *because of an emergency; or*
 - (b) *to ensure the proper operation of the local government.*

Sections 4.87, 5.93 and 5.103 of the *Local Government Act 1996*

Regulation 8 of the *Local Government (Rules of Conduct) Regulations 1996*

Budget Implications:

While this report does not have any direct budget implications, various Policies contained within the Policy Manual have budget allocations and implications.

Communications Requirements:

N/A

Strategic Community Plan/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	5	Our Organisation
Objective:	5.1	Innovative leadership, forward planning, and mutually beneficial partnerships
Strategic Priority:	5.1.5	To imbed our strategic priorities throughout the organisation

Relevant Precedents:

Guided by the principles of good governance, policies reflect the current position of Council on a variety of matters. Council reviews its policies regularly based either on a periodic full Policy

Manual review or consideration of an individual Policy on an ad hoc basis due to the urgency of the matter or changes in legislation.

Comment:**Caretaker Period**

The new Caretaker Period requirements commence on 1 July 2024.

In State and Federal Government the government enters what is called a caretaker period when a general election is held. This period means that crucial decisions that would bind a new government are not made while the electors are deciding who the new government should be. Many local governments currently also carry out a caretaker period for their ordinary elections, however this is decided on a case by case basis.

Why it's being introduced for local government level?

Just like State and Federal Governments, local governments should not be making significant decisions while an election is underway, particularly decisions that would bind a future Council to a particular course of action. Many local governments already implement caretaker periods through their own Council policies and decisions.

While the administration of a local government is not changed by an election, an administration is subject to the direction of the Council chosen by the electors. As such, entering major contracts, changing the CEO and similar significant decisions should not be made until after the local government election concludes. This allows a potential new Council to choose the course of action that best reflects the electors they represent.

This reform intends to standardise a caretaker period across all local governments in Western Australia.

When does the caretaker period apply?

The caretaker period will apply to all ordinary local government elections from 2025 onwards.

The caretaker period runs from the close of nominations to declaration of the poll.

It will also apply to any election to elect a Council after it has been declared vacant or dismissed. It will not apply to extraordinary local government elections.

What will the caretaker period mean for local government decision making?

During a caretaker period a local government must not do a significant act unless an exception applies.

The first exception relates to decisions which were made prior to the caretaker period but not yet actioned. In this circumstance a local government can implement a decision made prior to the caretaker period, such as signing a major contract, but it must first give local public notice of the details of the:

- a. significant act and the date it will occur; and
- b. the decision made prior to the caretaker period and the date it was made.

This local public notice must also be provided to the Director General of the DLGSC.

The second exception provides that a local government may do a significant act to comply with the law, an order of a court of tribunal or a contractual obligation arising from a contract entered into by a local government before the caretaker period. This ensures that a local government's legal obligations can be met (s.3.73(5)).

The third and final exception allows a local government to undertake a significant act in an emergency with the approval of the Director General of the DLGSC. This ensures that emergency responses can be undertaken during this period.

What is a significant act?

The Act and Functions and General Regulations set out several matters which constitute a significant act. It is a significant act to both make the decision to undertake a significant act and to undertake that significant act. For example, both the decision of the Council to enter into a major contract and the CEO signing the contract are significant acts.

The list below may assist in understanding what are the significant acts not permitted during the caretaker period.

Prescribed significant act and example:

- a. **Making a local law** (including making a local law to amend or repeal a local law).
The making of a waste local law.
- b. **Entering into, or renewing or terminating, the contract of employment of the CEO or of a senior employee.**
Resolving to appoint a person as CEO or signing the contract for that person's appointment.
- c. **Entering into a major land transaction.**
Resolving to undertake a major land transaction or signing the contract of sale for the land transaction.
- d. **Entering into a land transaction that is preparatory to entry into a major land transaction.**
The CEO using delegated authority to purchase a portion of adjoining land for a major land transaction and signing the associated contract for purchase.
- e. **Commencing a major trading undertaking.**
Resolving to commence the operation of a golf course for profit or opening the golf course for the first time.
- f. **Entering into a contract, or other agreement or arrangement worth, or expected to be worth more than \$250,000** (this includes contracts for good and services or the disposal or acquisition of property or entering into 2 or more contracts to avoid this requirement.)
Resolving to accept the tender for a major works contract or signing the contract with the successful tenderer.
- g. **Inviting tenders worth more or expected to be worth more than \$250,000.**
The CEO determining to go to tender for some works or giving actual notice of the opening of the tender.
- h. **Deciding to do anything referred to in paragraphs (a) to (g).**
The decision by council or delegated authority to do any of the above.
- i. **An act done under a written law or otherwise that is a prescribed act.**

Refer to regulation 3A of the Local Government (Functions and General) Regulations 1996.

The prescribed matters include:

- establishment or changes to a regional local government or regional subsidiary
- commencing the adoption, amendment or repeal of a local planning strategy, scheme, or policy
- commencing procurement of a panel of pre-qualified suppliers.

11.5 Recording & Live Streaming of Council Meetings Policy	
Reporting Department:	Chief Executive Office
Reporting Officer:	Phil Anastasakis – Chief Executive Officer
Accountable Manager:	Phil Anastasakis – Chief Executive Officer
Legislation:	<i>Local Government Act 1995</i>
File Number:	GOV/049
Appendices:	Appendix 11.5.A – CP1-014 Recording & Livestreaming of Council Meetings Policy
Voting Requirement:	Absolute Majority

Report Purpose

Policy establishment and review is undertaken as a matter of good governance and forms part of the role of Council under the *Local Government Act 1995*.

While it is proposed that the Shire of Collie undertake a full review of Council Policies in the new year and then on a triennial basis, it has been identified that a number of new Policies need to be created due to recent changes in legislation.

Council is requested to consider and adopt the Recording & Livestreaming of Council Meetings Policy (refer to Appendix 11.5.A – CP1-014 Recording & Livestreaming of Council Meetings Policy).

Officer's Recommendation:

That Council adopt the Shire of Collie Recording & Livestreaming of Council Meetings Policy (refer to Appendix 1 – CP1-014 Recording & Livestreaming of Council Meetings Policy).

Background:

Policies and procedures are an essential part of any organisation and facilitate good governance within local government operations. Together, policies and procedures provide a roadmap for day-to-day operations. They ensure compliance with laws and regulations, give guidance for decision-making, and streamline internal processes.

While it is proposed that the Shire of Collie undertake a full review of Council Policies in the new year and then on a triennial basis, it has been identified that a number of new Policies need to be created due to recent changes in legislation. This report recommends the creation of a new Shire of Collie Recording & Livestreaming of Council Meetings Policy (refer to Appendix 11.5.A – CP1-014 Recording & Livestreaming of Council Meetings Policy).

The State Government's Local Government reform process has introduced a number of legislative changes across all local governments in Western Australia. Part 2A of the *Local Government (Administration) Regulations 1996*, titled electronic broadcasting and video or audio recording of Council meetings, will apply to meetings of Council held on or after 1 January 2025.

The objective of this Policy is to ensure that there is a true and accurate account of debate, discussions, questions, answers and proceedings for meetings of Council through the

recording of Council meetings. This will ensure a process is in place to record, store, retrieve and manage Council meeting recordings and outline the access to recorded Council meetings.

Statutory and Policy Implications:

Policy review is undertaken as a matter of good governance with some policies being required under the *Local Government Act 1995*. Strategic policies that set governing principles and guide the direction of the organisation to align with community values and aspirations, are outlined in section 2.7 of the *Local Government Act 1995*.

S 2.7. Role of council

(1) *The council —*

- (a) *governs the local government's affairs; and*
- (b) *is responsible for the performance of the local government's functions.*

(2) *Without limiting subsection (1), the council is to —*

- (a) *oversee the allocation of the local government's finances and resources; and*
- (b) *determine the local government's policies.*

Part 2A — Electronic broadcasting and video or audio recording of council meetings (Act s. 5.23A)**14F. Application of Part**

(1) *This Part applies for the purposes of section 5.23A(2).*

(2) *This Part applies to meetings of councils held on or after 1 January 2025.*

Note for this subregulation:

This Part does not apply to meetings of committees of councils.

14G. Terms used

(1) *In this Part —*

broadcast technology, *in relation to a local government, means the technology by means of which meetings of its council are, or are to be, publicly broadcast under regulation 14H(2);*

closed proceedings, *in relation to a council, means —*

- (a) *if a meeting of the council is closed to the public — the meeting; or*
- (b) *if a part of a meeting of the council is closed to the public — that part of the meeting;*

electronic meeting *means a meeting held by electronic means under regulation 14D;*

improvised recording — *see regulation 14I(4);*

meeting day, *in relation to a council's meeting, means the day on which the meeting is held;*

publicly available — *see subregulations (2) and (3);*

recording *means a video recording (with audio) or an audio only recording;*

recording technology, *in relation to a local government, means the technology by means of which recordings of meetings of its council are, or are to be, made under regulation 14I(1)(a);*

usual meeting place, in relation to a council, means the place at which its meetings (other than electronic meetings) are, or are to be, usually held.

(2) For the purposes of this Part, a local government makes a video recording publicly available by making a copy of the recording publicly available for viewing (with audio) —

(a) on its official website; or

(b) on another website a link to which is publicly provided on its official website.

(3) For the purposes of this Part, a local government makes an audio only recording publicly available by making a copy of the recording publicly available for listening to —

(a) on its official website; or

(b) on another website a link to which is publicly provided on its official website.

(4) For the purposes of subregulations (2) and (3), the quality of the copy of the recording —

(a) must be substantially the same as the quality of the recording; and

(b) without limiting paragraph (a), must meet the requirement of regulation 14I(2)(b) or (c) (as applicable), subject to regulation 14I(5)(b) if the recording is an improvised recording.

Note for this regulation:

In this Part, class 1 local government and class 2 local government have the meanings given in the Local Government (Constitution) Regulations 1998 regulations 2A and 2B.

14H. Class 1 local governments and class 2 local governments to broadcast council meetings publicly

14I. Local governments to make recordings of council meetings

(1) A local government must —

(a) make a recording of every meeting of its council in accordance with subregulation (2); and

(b) make the recording publicly available —

(i) within 14 days after the meeting day; and

(ii) until, at least, the end of the period of 5 years after the meeting day;

and

(c) retain the recording until, at least, the end of the period of 5 years after the meeting day; and

(d) provide a copy of the recording to the Departmental CEO if the Departmental CEO requests a copy under subregulation (11)(a) during —

(i) the period of 5 years after the meeting day; or

(ii) any longer period during which the local government retains the recording or any copy of it.

(2) For the purposes of subregulation (1)(a) —

(a) if the meeting is a meeting of the council of a class 1 local government or class 2 local government — the recording must be a video recording (with audio), except that the recording may be an audio only recording —

(i) if the meeting is not held at the council's usual meeting place and is not an electronic meeting; or

(ii) to the extent that the recording is of closed proceedings of the council;
and

(b) if, or to the extent that, the recording is a video recording (with audio) — the quality of the recording must be sufficient to allow persons effectively to watch and listen to the deliberations and communications that are part of the meeting's proceedings; and

(c) if, or to the extent that, the recording is an audio only recording — the quality of the recording must be sufficient to allow persons effectively to listen to the deliberations and communications that are part of the meeting's proceedings.

(3) Subregulation (4) applies to a council's meeting, or a part of a council's meeting, if, because of a technological failure beyond the control of the local government, it is not possible for a recording of the meeting or part (as the case requires) to be made by means of the local government's recording technology.

(4) Despite subregulation (1)(a), the meeting or part may be held so long as the local government does everything that is reasonably practicable to make a recording (an improvised recording) of the meeting or part by means other than the local government's recording technology.

(5) An improvised recording must —

(a) cover as much of the meeting or part as it is reasonably practicable to cover; and

(b) meet the requirement of subregulation (2)(b) or (c) (as applicable) to the extent reasonably practicable.

(6) If a meeting or part is held under subregulation (4) and an improvised recording is made —

(a) subregulation (1)(b) to (d) apply to the improvised recording; and

(b) the local government must publish on its official website, for the period during which it makes the improvised recording publicly available under subregulation (1)(b), a notice that does the following in effect —

(i) states that it was not possible for a recording of the meeting or part to be made by means of the

local government's recording technology and explains why that was the case;

(ii) states that the improvised recording was made by means other than the local government's recording technology;

(iii) states the means by which the improvised recording was made;

(iv) states any deficiencies in the improvised recording and explains the reasons for them.

Examples for this subparagraph:

1. The improvised recording is deficient if it does not cover the whole of the meeting or part.

2. The improvised recording is deficient if it does not meet the requirement of subregulation (2)(b) or (c) (as applicable).

(7) Subregulation (8) applies if —

(a) a meeting or part is held under subregulation (4); but

(b) no improvised recording is made because it is not reasonably practicable for the local government to make any improvised recording.

(8) The local government must publish on its official website, in accordance with the timings in subregulation (1)(b)(i) and (ii), a notice that does the following in effect —

- (a) states that it was not possible for a recording of the meeting or part to be made by means of the local government's recording technology and explains why that was the case;
- (b) states that no improvised recording was made;
- (c) states that it was not reasonably practicable for the local government to make any improvised recording and explains why that was the case.
- (9) If a part of a meeting is held under subregulation (4) —
- (a) the local government must make a recording of the rest of the meeting under subregulation (1)(a) by means of the local government's recording technology; and
- (b) subregulation (1)(b) to (d) apply to that recording accordingly.
- (10) Despite subregulation (1)(b), a local government must not make a recording publicly available to the extent that the recording is of closed proceedings of its council.
- Note for this subregulation:
- This subregulation does not affect a local government's duty to make a recording under subregulation (1)(a) of any closed proceedings of its council, to retain the recording under subregulation (1)(c) and to provide a copy of the recording to the Departmental CEO under subregulation (1)(d) if requested under subregulation (11)(a).
- (11) For the purposes of subregulation (1)(d) —
- (a) the Departmental CEO may request a copy of the recording for the purpose of obtaining information about a matter concerning the local government or its operations or affairs; and
- (b) the quality of the copy provided to the Departmental CEO —
- (i) must be substantially the same as the quality of the recording; and
- (ii) without limiting subparagraph (i), must meet the requirement of subregulation (2)(b) or (c) (as applicable), subject to subregulation (5)(b) if the recording is an improvised recording.

14J. Informing members of public of broadcasting or recording

A local government must take reasonable steps to ensure that members of the public attending a meeting of its council are informed beforehand of the following, as applicable —

- (a) that the meeting will be publicly broadcast;
- (b) that a recording of the meeting will be made.

Example for this regulation:

Members of the public could be informed by means of a notice displayed in a prominent place near or inside the meeting room.

14K. Defamation

- (1) A local government is not liable to an action for defamation in relation to any of the following done by the local government as required or authorised under this Part —
- (a) publicly broadcasting a meeting;
- (b) making a recording of a meeting;
- (c) making a recording of a meeting publicly available;
- (d) retaining a recording of a meeting or a copy of a recording;
- (e) providing a copy of a recording of a meeting to the Departmental CEO.
- (2) In subregulation (1), references to a meeting include a part of a meeting.

Budget Implications:

While this report does not have any direct budget implications, there may be a cost implication associated with administering this Policy and changes required to recording equipment.

Communications Requirements:

N/A

Strategic Community Plan/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	5	Our Organisation
Objective:	5.1	Innovative leadership, forward planning, and mutually beneficial partnerships
Strategic Priority:	5.1.5	To imbed our strategic priorities throughout the organisation

Relevant Precedents:

Guided by the principles of good governance, policies reflect the current position of Council on a variety of matters. Council reviews its policies regularly based either on a periodic full Policy Manual review or consideration of an individual Policy on an ad hoc basis due to the urgency of the matter or changes in legislation.

Comment:

The new Recording & Livestreaming of Council Meetings requirements commence on 1 January 2025.

Council is required to comply with this new legislative requirement, and the creation of this new Policy will guide administration staff in implementing these requirements as they apply to a Band 3 Council.

11.6 Execution of Documents & Application of the Common Seal Policy

Reporting Department:	Chief Executive Office
Reporting Officer:	Phil Anastasakis – Chief Executive Officer
Accountable Manager:	Phil Anastasakis – Chief Executive Officer
Legislation:	<i>Local Government Act 1995</i>
File Number:	GOV/049
Appendices:	Appendix 11.6.A – CP1-015 Execution of Documents and Application of the Common Seal Policy
Voting Requirement:	Absolute Majority

Report Purpose

Policy establishment and review is undertaken as a matter of good governance and forms part of the role of Council under the *Local Government Act 1995*.

While it is proposed that the Shire of Collie undertake a full review of Council Policies in the new year and then on a triennial basis, it has been identified that a number of new Policies need to be created due to recent changes in legislation.

Council is requested to consider and adopt the Execution of Documents and Application of the Common Seal Policy (refer to Appendix 11.6.A – CP1-015 Execution of Documents and Application of the Common Seal Policy).

Officer's Recommendation:

That Council adopt the Shire of Collie Execution of Documents and Application of the Common Seal Policy (refer to Appendix 11.6.A – CP1-015 Execution of Documents and Application of the Common Seal Policy).

Background:

Policies and procedures are an essential part of any organisation and facilitate good governance within local government operations. Together, policies and procedures provide a roadmap for day-to-day operations. They ensure compliance with laws and regulations, give guidance for decision-making, and streamline internal processes.

While it is proposed that the Shire of Collie undertake a full review of Council Policies in the new year and then on a triennial basis, it has been identified that a number of new Policies need to be created due to recent changes in legislation. This report recommends the creation of a new Shire of Collie Execution of Documents and Application of the Common Seal Policy (refer to Appendix 11.6.A – CP1-015 Execution of Documents and Application of the Common Seal Policy).

The attachment of the Common Seal requires the accompanying signatures of both the Shire President, or in their absence the Deputy Shire President, and the Chief Executive Officer or the person acting in that position. In the absence of the requirement to affix a Common Seal, the Chief Executive Officer is empowered under the *Local Government Act 1995* to

authenticate a document. The requirement for the Common Seal to be affixed is therefore a question of balancing good governance with operational efficiencies.

The Policy provide guidance to the Chief Executive Officer by general authority of Council to affix the Shire of Collie Common Seal to various documents and clarifies where the execution of documents does not require the Common Seal.

Statutory and Policy Implications:

Policy review is undertaken as a matter of good governance with some policies being required under the *Local Government Act 1995*. Strategic policies that set governing principles and guide the direction of the organisation to align with community values and aspirations, are outlined in section 2.7 of the *Local Government Act 1995*.

S 2.7. Role of council

(1) *The council —*

- (a) *governs the local government's affairs; and*
- (b) *is responsible for the performance of the local government's functions.*

(2) *Without limiting subsection (1), the council is to —*

- (a) *oversee the allocation of the local government's finances and resources;*
and
- (b) *determine the local government's policies.*

The Shire of Collie Standing Orders local Law refers to the use and application of the Common Seal.

Section 2.5(2) of the *Local Government Act 1995* stipulates that a local government is "a body corporate with perpetual succession and a Common Seal". Whilst it is clear that a local government, as a body corporate, has a Common Seal, there is no stipulated requirement for the use of the Common Seal in particular circumstances.

Section 9.49 stipulates that a document, is, unless this Act requires otherwise, sufficiently authenticated by a local government without its Common Seal if signed by the Chief Executive Officer or an employee of the local government who purports to be authorised by the Chief Executive Officer to so sign.

Section 9.49(A) stipulates that a document is duly executed by a local government if the Common Seal is affixed in accordance with the Act; or it is signed on behalf of the Local Government by a person authorised by resolution to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.

Budget Implications:

While this report does not have any direct budget implications, various Policies contained within the Policy Manual have budget allocations and implications.

Communications Requirements:

N/A

Strategic Community Plan/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	5	Our Organisation
Objective:	5.1	Innovative leadership, forward planning, and mutually beneficial partnerships
Strategic Priority:	5.1.5	To imbed our strategic priorities throughout the organisation

Relevant Precedents:

Guided by the principles of good governance, policies reflect the current position of Council on a variety of matters. Council reviews its policies regularly based either on a periodic full Policy Manual review or consideration of an individual Policy on an ad hoc basis due to the urgency of the matter or changes in legislation.

Comment:

The Chief Executive Officer is to have charge of the Common Seal and is responsible for the safe custody and proper use of it.

The Common Seal may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the Shire President or in their absence the Deputy Shire President, and the Chief Executive Officer or an Acting Chief Executive Officer authorised by him or her.

The Administration is to record in a register each date on which the Common Seal was affixed to a document, the purpose of the document, and the number of copies sealed. A report listing the documents to which the Common Seal has been affixed is to be presented to the next Councillor Information Bulletin.

11.7 Related Party Disclosures Policy	
Reporting Department:	Chief Executive Office
Reporting Officer:	Phil Anastasakis – Chief Executive Officer
Accountable Manager:	Phil Anastasakis – Chief Executive Officer
Legislation:	<i>Local Government Act 1995</i>
File Number:	GOV/049
Appendices:	Appendix 11.7.A – CP1-016 Related Party Disclosures Policy
Voting Requirement:	Absolute Majority

Report Purpose

Policy establishment and review is undertaken as a matter of good governance and forms part of the role of Council under the *Local Government Act 1995*.

While it is proposed that the Shire of Collie undertake a full review of Council Policies in the new year and then on a triennial basis, it has been identified that a number of new Policies need to be created due to recent changes in legislation.

Council is requested to consider and adopt the Related Party Disclosures Policy (refer to *Appendix 11.7.A CP1-016 Related Party Disclosures Policy*).

Officer's Recommendation:

That Council adopt the Shire of Collie Related Party Disclosures Policy (refer to Appendix 11.7.A – CP1-016 Related Party Disclosures Policy).

Background:

Policies and procedures are an essential part of any organisation and facilitate good governance within local government operations. Together, policies and procedures provide a roadmap for day-to-day operations. They ensure compliance with laws and regulations, give guidance for decision-making, and streamline internal processes.

While it is proposed that the Shire of Collie undertake a full review of Council Policies in the new year and then on a triennial basis, it has been identified that a number of new Policies need to be created due to recent changes in legislation. This report recommends the creation of a new Shire of Collie Related Party Disclosures Policy (refer to *Appendix 11.7.A CP1-016 Related Party Disclosures Policy*).

Under the *Local Government Act 1995*, and *Local Government (Financial Management) Regulations 1996*, all local governments in Western Australia must produce annual financial statements that comply with the Australian Accounting Standards (AASB).

The Australian Accounting Standards Board has determined that from 1 July 2016, AASB 124 (Related Party Disclosures) will apply to government entities including local governments.

The objective of AASB 124 *“is to ensure that an entity’s financial statements contain the disclosures necessary to draw attention to the possibility that its financial position and profit or*

loss may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties”.

This policy provides a framework for the identification of related party relationships and the disclosure of related party transactions with Council. The objective of this policy is to provide guidance on:

- The identification of Council’s related parties;
- Management of Related Party transactions;
- Recording such transactions; and
- Disclosure of the transactions in the Shire of Collie Annual Financial Statements in accordance with AASB 124.

Statutory and Policy Implications:

Policy review is undertaken as a matter of good governance with some policies being required under the *Local Government Act 1995*. Strategic policies that set governing principles and guide the direction of the organisation to align with community values and aspirations, are outlined in section 2.7 of the *Local Government Act 1995*.

S 2.7. Role of council

(1) *The council —*

- (a) *governs the local government’s affairs; and*
- (b) *is responsible for the performance of the local government’s functions.*

(2) *Without limiting subsection (1), the council is to —*

- (a) *oversee the allocation of the local government’s finances and resources; and*
- (b) *determine the local government’s policies.*

The *Local Government Act 1995*, and *Local Government (Financial Management) Regulations 1996*, require all local governments in Western Australia to produce annual financial statements that comply with the Australian Accounting Standards (AASB).

Budget Implications:

While this report does not have any direct budget implications, various Policies contained within the Policy Manual have budget allocations and implications.

Communications Requirements:

N/A

Strategic Community Plan/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	5	Our Organisation
Objective:	5.1	Innovative leadership, forward planning, and mutually beneficial partnerships
Strategic Priority:	5.1.5	To imbed our strategic priorities throughout the organisation

Relevant Precedents:

Guided by the principles of good governance, policies reflect the current position of Council on a variety of matters. Council reviews its policies regularly based either on a periodic full Policy Manual review or consideration of an individual Policy on an ad hoc basis due to the urgency of the matter or changes in legislation.

Comment:

The Related Party Disclosure Policy seeks to reduce the risk that the Shire of Collie's transactions may be influenced by the interests of parties related to the transaction. This occurs where the parties are in a position to influence the decision of whether a benefit is provided to them, and the terms of the provision of that benefit.

It is therefore important that Key Management Personnel act honestly and with reasonable care and diligence whilst avoiding improper use of their position and information. It is equally important that Key Management Personnel of the Shire of Collie are subject to a high level of accountability, including appropriate disclosure of their transactions with the Council in the annual financial statements.

11.8 Fraud, Corruption & Misconduct Policy	
Reporting Department:	Chief Executive Office
Reporting Officer:	Phil Anastasakis – Chief Executive Officer
Accountable Manager:	Phil Anastasakis – Chief Executive Officer
Legislation:	<i>Local Government Act 1995</i>
File Number:	GOV/049
Appendices:	Appendix 11.8.A – CP1-017 Fraud, Corruption & Misconduct Policy
Voting Requirement:	Absolute Majority

Report Purpose

Policy establishment and review is undertaken as a matter of good governance and forms part of the role of Council under the *Local Government Act 1995*.

While it is proposed that the Shire of Collie undertake a full review of Council Policies in the new year and then on a triennial basis, it has been identified that a number of new Policies need to be created due to recent changes in legislation.

Council is requested to consider and adopt the Fraud, Corruption & Misconduct Policy (refer to Appendix 11.8.A – CP1-017 Fraud, Corruption & Misconduct Policy).

Officer's Recommendation:

That Council adopt the Shire of Collie 017 Fraud, Corruption & Misconduct Policy (refer to Appendix 1 – CP1-017 Fraud, Corruption & Misconduct Policy).

Background:

Policies and procedures are an essential part of any organisation and facilitate good governance within local government operations. Together, policies and procedures provide a roadmap for day-to-day operations. They ensure compliance with laws and regulations, give guidance for decision-making, and streamline internal processes.

While it is proposed that the Shire of Collie undertake a full review of Council Policies in the new year and then on a triennial basis, it has been identified that a number of new Policies need to be created due to recent changes in legislation. This report recommends the creation of a new Shire of Collie Fraud, Corruption & Misconduct Policy (refer to Appendix 11.8.A – CP1-017 Fraud, Corruption & Misconduct Policy).

This Policy has been established to communicate the Council's zero tolerance approach and response actions to fraudulent and corrupt conduct within the performance of its functions and interactions with contractors and suppliers, the community and all other stakeholders of the Council.

This Policy applies to :

- Elected Members;
- Committee Members;

- All workers whether by way of appointment, secondment, contract, agency staff, temporary arrangement or volunteering;
- Any external party involved in providing goods or services to the Council such as contractors, consultants and outsourced service providers.

Statutory and Policy Implications:

Policy review is undertaken as a matter of good governance with some policies being required under the *Local Government Act 1995*. Strategic policies that set governing principles and guide the direction of the organisation to align with community values and aspirations, are outlined in section 2.7 of the *Local Government Act 1995*.

S 2.7. Role of council

(1) *The council —*

- (a) *governs the local government's affairs; and*
- (b) *is responsible for the performance of the local government's functions.*

(2) *Without limiting subsection (1), the council is to —*

- (a) *oversee the allocation of the local government's finances and resources; and*
- (b) *determine the local government's policies.*

Budget Implications:

While this report does not have any direct budget implications, various Policies contained within the Policy Manual have budget allocations and implications.

Communications Requirements:

N/A

Strategic Community Plan/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	5	Our Organisation
Objective:	5.1	Innovative leadership, forward planning, and mutually beneficial partnerships
Strategic Priority:	5.1.5	To imbed our strategic priorities throughout the organisation

Relevant Precedents:

Guided by the principles of good governance, policies reflect the current position of Council on a variety of matters. Council reviews its policies regularly based either on a periodic full Policy Manual review or consideration of an individual Policy on an ad hoc basis due to the urgency of the matter or changes in legislation.

Comment:

The Council expects its Elected Members, Committee Members and employees to act in compliance with the Shire of Collie relevant Codes of Conduct and behave ethically and honestly when performing their functions and during their interactions with each other, the community and all stakeholders of the Council. A zero tolerance attitude is taken to fraudulent or corrupt conduct which will be thoroughly investigated and the appropriate reporting, disciplinary, prosecution and recovery actions initiated.

11.9 Litigations Policy	
Reporting Department:	Chief Executive Office
Reporting Officer:	Phil Anastasakis – Chief Executive Officer
Accountable Manager:	Phil Anastasakis – Chief Executive Officer
Legislation:	<i>Local Government Act 1995</i>
File Number:	GOV/049
Appendices:	Appendix 11.9.A – CP1-018 Litigations Policy
Voting Requirement:	Absolute Majority

Report Purpose

Policy establishment and review is undertaken as a matter of good governance and forms part of the role of Council under the *Local Government Act 1995*.

While it is proposed that the Shire of Collie undertake a full review of Council Policies in the new year and then on a triennial basis, it has been identified that a number of new Policies need to be created due to recent changes in legislation.

Council is requested to consider and adopt the Litigations Policy (refer to Appendix 11.9.A – CP1-018 Litigations Policy).

Officer's Recommendation:

That Council adopt the Shire of Collie Litigations Policy (refer to Appendix 11.9.A – CP1-018 Litigations Policy).

Background:

Policies and procedures are an essential part of any organisation and facilitate good governance within local government operations. Together, policies and procedures provide a roadmap for day-to-day operations. They ensure compliance with laws and regulations, give guidance for decision-making, and streamline internal processes.

While it is proposed that the Shire of Collie undertake a full review of Council Policies in the new year and then on a triennial basis, it has been identified that a number of new Policies need to be created due to recent changes in legislation. This report recommends the creation of a new Shire of Collie Litigations Policy (refer to Appendix 11.9.A – CP1-018 Litigations Policy).

This Policy has been established to assist in maintaining proper standards in litigation. It is intended to reflect the existing law and is not intended to amend the law or impose additional legal or professional obligations upon legal practitioners or other individuals. The Policy applies to civil claims and civil litigation involving the Shire, including litigation before courts, tribunals, inquiries and in arbitration and other alternative dispute resolution processes.

Statutory and Policy Implications:

Policy review is undertaken as a matter of good governance with some policies being required under the *Local Government Act 1995*. Strategic policies that set governing principles and guide the direction of the organisation to align with community values and aspirations, are outlined in section 2.7 of the *Local Government Act 1995*.

S 2.7. Role of council

(1) *The council —*

- (a) *governs the local government's affairs; and*
- (b) *is responsible for the performance of the local government's functions.*

(2) *Without limiting subsection (1), the council is to —*

- (a) *oversee the allocation of the local government's finances and resources; and*
- (b) *determine the local government's policies.*

Budget Implications:

While this report does not have any direct budget implications, various Policies contained within the Policy Manual have budget allocations and implications.

Communications Requirements:

N/A

Strategic Community Plan/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	5	Our Organisation
Objective:	5.1	Innovative leadership, forward planning, and mutually beneficial partnerships
Strategic Priority:	5.1.5	To imbed our strategic priorities throughout the organisation

Relevant Precedents:

Guided by the principles of good governance, policies reflect the current position of Council on a variety of matters. Council reviews its policies regularly based either on a periodic full Policy Manual review or consideration of an individual Policy on an ad hoc basis due to the urgency of the matter or changes in legislation.

Comment:

The obligation to act as a model litigant requires more than merely acting honestly and in accordance with the law and court rules. It also goes beyond the requirement for lawyers to act in accordance with their legal ethical obligations. Essentially it requires that the Council act with complete propriety, fairly and in accordance with the highest standards.

The obligation requires that the Council act honestly and fairly in handling claims and litigation.

The obligation does not require that the Council be prevented from acting firmly and properly to protect its interests. It does not prevent all legitimate steps being taken in pursuing litigation, or from testing or defending claims made.

11.10 Collie Visitor Centre	
Reporting Department:	Chief Executive Office
Reporting Officer:	Phil Anastasakis – Chief Executive Officer
Accountable Manager:	Phil Anastasakis – Chief Executive Officer
Legislation:	<i>Local Government Act 1995</i>
File Number:	GOV/049
Appendices:	N/A
Voting Requirement:	Simple Majority

Report Purpose

Following receipt of a request from the Collie Visitor Centre for additional Shire assistance in relation to staff training and administration support, the Council is requested to consider this matter to enable a response to be provided to the Committee.

Officer's Recommendation:

That Council does not support the request from the Collie Visitor Centre for additional administration support for the following reasons:

- *Council has allocated \$133,000 in the 2024/25 budget towards the operation of the Collie Visitor Centre, and additional staffing costs would exceed this budget allocation.*
- *The Shire does not have the capacity to support this request.*

and recommend that the Visitor Centre seek to enter into a private arrangement to provide additional administration support and training to the Manager and staff.

Background:

The Collie Visitor Centre Committee have advised that the role of Manager at the Visitor Centre has been awarded, with the new Manager commencing on Monday 2 December 2024.

A request has been received from the Committee for assistance from the Shire in financial administration and training for the new Manager. The Committee are requesting that the former Collie Visitor Centre Manager, who now works part-time at the Shire of Collie, continue to work for a period (possibly half a day/week) at the Visitor Centre to assist and train the new Manager.

The Committee do not foresee this arrangement continuing long term but rather as an interim arrangement until the new Manager is settled into the role.

Statutory and Policy Implications:

Policy review is undertaken as a matter of good governance with some policies being required under the *Local Government Act 1995*. Strategic policies that set governing principles and guide the direction of the organisation to align with community values and aspirations, are outlined in section 2.7 of the *Local Government Act 1995*.

S 2.7. Role of council

(1) *The council —*

(a) governs the local government's affairs; and

- (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to —
- (a) oversee the allocation of the local government's finances and resources;
and
- (b) determine the local government's policies.

Budget Implications:

The Shire of Collie has increased the funding allocation in the 2024/25 budget to the Collie Visitor Centre to \$133,000.

Communications Requirements: (Policy No. CS 1.7)

N/A

Strategic Community Plan/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	2	Our Economy
Objective:	2.2	Tourism Promotion and Attractions
Strategic Priority:	2.2.1	To increase the tourism and marketing capability within the Shire with a focus on destination marketing

Relevant Precedents:

Due to the complexity of management and employee obligations associated with employing staff, it is not a regular arrangement for a local government to be providing direct staffing support to a Visitor Centre when they are an independent incorporated body.

Comment:

The former Visitor Centre Manager currently works 3 days a week for the Shire in an Accountant role, focussing on backup payroll and finance duties. The existing Payroll Officer has scheduled leave and the Accountant will be doing critical payroll duties for up to 6 weeks, in addition to assisting in End of Financial Year tasks.

For this reason the Shire does not have the capacity to support this request from the Collie Visitor Centre Committee.

It is recommended that Council not support the request from the Collie Visitor Centre but alternatively suggest that the Visitor Centre Committee seek to enter into a private arrangement to provide additional administration support and training to the Manager and staff from within their existing allocated Council funding.

12. CORPORATE SERVICES REPORTS

12.1 Accounts Paid – November 2024	
Reporting Department:	Corporate Services
Reporting Officer:	Nicole Wasmann – Director Corporate Services
Accountable Manager:	Nicole Wasmann – Director Corporate Services
Legislation:	<i>Local Government Act 1995 & Local Government (Financial Management) Regulations 1996</i>
File Number:	FIN/024
Appendices:	Appendix 12.1.A – Accounts Paid –November 2024
Voting Requirement	Simple Majority

Report Purpose

To present the accounts paid during the month of November 2024.

Officer's Recommendation:

That Council receive the list of accounts paid in the month of November 2024 as presented in Appendix 12.1.A totalling \$2,185,103.29.

Background:

In accordance with Delegation 2.2.21- payments from the Municipal or Trust Funds adopted by Council on 8 August 2023, 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 *Local Government (Financial Management) Regulations 1996* is to be adhered to with a list of accounts for approval to be presented to the Council each month.

Statutory and Policy Implications:

In accordance with Regulation 13 and 13A of the *Local Government (Financial Management) Regulations 1996*, if the local government has delegated to the CEO the exercise of its power to make payments from the Municipal fund or the Trust fund, a list of accounts paid by the CEO is to be prepared each month. The list is to include the payee's name; the amount of the payment; the date of the payment; and sufficient information to identify the transaction.

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:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	5	Our Organisation
Objective:	5.1	Innovative leadership, forward planning, and mutually beneficial partnerships
Strategic Priority:	5.1.5	To imbed our strategic priorities throughout the organisation

Relevant Precedents:

Each month Council is presented a list of accounts paid during the preceding month.

Comment:

A listing of payments is included in Appendix 12.1 A

Where possible, questions on specific payments should be submitted to the Director Corporate Services before noon on the day of the scheduled meeting. This will ensure a response can be provided at the Council Meeting.

12.2 Financial Management Report – October 2024

Reporting Department:	Corporate Services
Reporting Officer:	Nicole Wasmann – Director Corporate Services
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 – October 2024
Voting Requirement	Simple Majority

Report Purpose

To provide a summary of the financial position for the Shire of Collie for the month ending October 2024.

Officer's Recommendation:

That Council receive the Financial Management Report for October 2024 as presented in Appendix 12.2.A.

Background:

In accordance with Council policy and the provisions of the *Local Government Act 1995*, the Financial Report required for the end of the period is presented to Council for information. Refer to Appendix 12.2.A.

The report is to be presented to an Ordinary Meeting of Council within two months of the end of the reporting period.

Statutory and Policy Implications:

Regulation 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 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 Budget in the monthly statement of financial activity reported to Council.

Budget Implications:

The monthly Financial Management Report provides Council with an overview of budget compared to actual expenditure and revenue. Ongoing financial forecasts to the end of the financial year are being introduced to enable Council employees to closely monitor revenue and expenditure, and provide up to date forecasts for the end of the financial year. This will

provide more accurate budget monitoring, assist the mid-year budget review analysis, and will form a solid foundation for the estimated Surplus/(Deficit) at 30 June, which informs the future Budget and Long Term Financial Plan development process.

Communications Requirements: (Policy No. CS1.7)

Nil

Strategic Community Plan/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	5	Our Organisation
Objective:	5.1	Innovative leadership, forward planning, and mutually beneficial partnerships
Strategic Priority:	5.1.5	To imbed our strategic priorities throughout the organisation

Relevant Precedents:

Each month Council is presented a monthly Financial Management Report for the preceding month.

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
- Cash and Investments

End of year reconciliations for the 2023/24 financial year are still being finalised which may affect the figures in this report.

Where possible, questions relating the report should be submitted to the Director Corporate Services before noon on the day of the scheduled meeting. This will ensure a response can be provided at the Council Meeting.

12.3 Council Elected Member Appointment to Audit Committee and Nomination to Development Assessment Panel

Reporting Department:	Corporate Services
Reporting Officer:	Nicole Wasmann – Director Corporate Services
Accountable Manager:	Phil Anastasakis – Chief Executive Officer
Legislation	<i>Local Government Act 1995 Planning and Development (Development Assessment Panels) Regulations 2011</i>
File Number:	CMG/030
Appendices:	12.3.A Table of Committee Appointments
Voting Requirement	Absolute Majority

Report Purpose

For Council to consider appointments to Council committees and groups and the nomination of an elected member to the Development Assessment Panel following the recent extraordinary election.

Officer's Recommendation:

That Council:

- a) *appoint Cr _____ as a member to the Audit Committee.*
- b) *nominate Cr _____ as an alternate local government Development Assessment Panel member.*
- c) *appoint Cr Sadler as a member to the _____ Committee(s) of Council.*

*** Part (c) is only required if Cr Sadler requests to go on a Committee of Council.*

Background:

Elected members are appointed to Committees every two years following Council ordinary elections.

Council's current structure includes five Committees established under the *Local Government Act 1995*, plus the Bush Fire Advisory Committee, and the Local Emergency Management Committee.

Additionally, the Shire of Collie has a number of panels and working groups which operate in accordance with terms of reference adopted by Council.

Following the passing of Cr Harverson, Cr Sadler has been elected to office.

Cr Harverson was a member of the Audit Committee, Tourism and Marketing Advisory Committee, and the Townscape and Environment Committee. She was also a member of the Recreation Facilities and Open Space Working Group, and the House Panel. Cr Harverson was a deputy appointment to the Development Assessment Panel.

As the Audit Committee had only three members including Cr Harverson, an additional person is required to be appointed to this Committee.

All other Committees have sufficient persons appointed to meet the requirement of the *Local Government Act 1995*, however, Cr Sadlier may wish to be a member of a Committee and in accordance with the *Local Government Act 1995*, Cr Sadlier is entitled to be appointed to at least one Committee.

A summary of elected member appointments as at October 2023, is included in the Appendices.

Statutory and Policy Implications:

Council Committees are established under provisions of Sections 5.8 to 5.18 of the *Local Government Act 1995*.

Committees may comprise: -

- a) Councillors only,
- b) Councillors and employees,
- c) Councillors, employees and other persons,
- d) Councillors and other persons,
- e) Employees and other persons,
- f) Other persons only

In accordance with Section 5.10 of the *Local Government Act 1995*, members are to be appointed by Council by Absolute Majority. At any given time, each Council member is entitled to be a member of at least one Committee and if a Councillor nominates him/herself to be a member of such a Committee or Committees, the Council is to appoint that Councillor to at least one of the Committees as the Council decides. If at a meeting of the Council a local government is to make an appointment to a Committee that has or could have a Council member as a member and the president informs the local government of his or her wish to be a member of the Committee, the local government is to appoint the Mayor or President to be a member of the Committee.

Council Policy CS1.5 identifies that appointment to Committees and delegates will occur at a special meeting held after elections.

In accordance with section 7.1A of the *Local Government Act 1995*, a local government is required to have an Audit Committee consisting of three or more persons. At least three of the members are to be elected members. Changes are anticipated to the structure of Audit Committees through legislative review.

Appointments to the Development Assessment Panel are made in accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*. Local governments nominate elected members. The regulations require a register to include the names of four members of the Council of each local government, two members and two as alternative members.

Budget Implications:

There are no budget implications.

Communications Requirements: (Policy No. CS 1.7)

Relevant agencies or organisations will be advised of any changes made to delegates.

Strategic Community Plan/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	5	Our Organisation
Objective:	5.1	Innovative leadership, forward planning, and mutually beneficial partnerships
Strategic Priority:	5.1.5	To imbed our strategic priorities throughout the organisation

Relevant Precedents:

Appointments to Committees are normally made following ordinary elections.

Comment:

Council is required to appoint an additional elected member to the Audit Committee and to nominate an elected member as an alternate local government member to the Development Assessment Panel.

Cr Sadlier should also be provided with the opportunity to be appointed to one or more Committees.

12.4 Collie Community Broadcasting Association – Request for Variation to Permitted Use

Reporting Department:	Corporate Services
Reporting Officer:	Nicole Wasmann – Director Corporate Services
Accountable Manager:	Nicole Wasmann – Director Corporate Services
Legislation	<i>Land Administration Act 1997</i>
File Number:	L31879
Appendices:	Nil
Voting Requirement	Simple Majority

Report Purpose

For Council to consider a request for a variation to the permitted use of the lease with the Collie Community Broadcasting Association Inc. (CCBA) to enable activities associated with the operation of the Collie River Valley Bulletin newspaper to be undertaken from their premises.

Officer’s Recommendation:

That, subject to Ministerial consent, Council:

1. *approve a variation, to the permitted use of the lease with the Collie Community Broadcasting Association Inc. (portion of Reserve 31879) from “activities consistent with community broadcasting” to “activities consistent with community media”; and*
2. *authorise the Shire President and the Chief Executive Officer to sign and affix the common seal to a lease variation document.*

Background:

The CCBA has a lease with the Shire of Collie for a portion of Reserve 31879, located on the corner of Wittenoom Street and Steere Street South. The CCBA has constructed a building on the site which is used for the Collie Community Radio.

The permitted use of the lease is “activities consistent with community broadcasting”.

A request has been received from CCBA for the use to be changed to “activities consistent with community media”. This will enable the CCBA to utilise the premises for activities associated the Collie River Valley Bulletin newspaper, which they have recently acquired.

Statutory and Policy Implications:

The land is Crown land for which the Shire has a management order. In accordance with Section 18 of the *Land Administration Act 1997*, ministerial approval is required when dealing with interests in Crown land.

Budget Implications:

There are no budget implications.

Communications Requirements: (Policy No. CS 1.7)

A request for ministerial consent will be undertaken if approved by Council .

Strategic Community Plan/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	1.0	Our Community
Objective:	1.2	Community connection, engagement and participation.

Relevant Precedents:

Council has previously approved variations for lease areas.

Comment:

The variation to the lease to enable administrative functions associated with the newspaper to be undertaken from the CCBA's existing premises is minor.

The lease between the Shire and CCBA is for the land only, with CCBA responsible for all matters associated with the building.

If the request is supported by Council, ministerial approval will be requested.

13. DEVELOPMENT SERVICES REPORTS

13.1 Council Endorsement of Coolangatta Industrial Estate Structure Plan - Lot 2, Lot 3001, Lot 3002, Lot 113 Boys Home Road, Palmer

Reporting Department:	Development Services
Reporting Officer:	Glen Burton – Town Planner
Accountable Manager:	Isabel Fry – Acting Director Development Services
Legislation:	<i>Planning and Development Act 2005</i>
File Number:	LUP059
Appendices:	Appendix 13.1.A Structure Plan Report and Map Appendix 13.1.B Schedule of Submissions Appendix 13.1.C Schedule of Modifications
Voting Requirement:	Simple Majority

Report Purpose

For Council to consider and provide a recommendation to the Western Australian Planning Commission regarding the proposed Coolangatta Industrial Estate Structure Plan at Lot 2, Lot 3001, Lot 3002, Lot 113 Boys Home Road, Palmer.

Officer's Recommendation:

That Council, in accordance with Schedule 2, Part 4 - Planning and Development (Local Planning Schemes) Regulations 2015 resolves to:

- 1. Note the submissions received during the advertising period.*
- 2. Support with modification as per Appendix 13.1.C, the proposed Coolangatta Industrial Estate Structure Plan.*
- 3. Submit the advertised Structure Plan with accompanying material, a schedule of submissions and schedule of proposed modifications to the Western Australian Planning Commission for approval.*

Background

The Structure Plan has been lodged by Urbis Pty Ltd. (Applicant), on behalf of the Department of Jobs, Tourism, Science and Innovation (JTSI).

The Shire of Collie Local Planning Strategy 2020 identified the need for additional industrial-zoned land in Collie, leading to the rezoning of portions of this land as part of the Shire of Collie Local Planning Scheme No. 6 in 2021.

The proposed Coolangatta Industrial Estate Structure Plan (the Structure Plan) spans 1,432.11 hectares and incorporates the Bluewaters Power Station and its associated facilities and the Collie Power Station. The Bluewaters Power Station and facilities were originally included in the Coolangatta Industrial Estate Structure Plan 2010, which was later amended in 2019 to accommodate the WesTrac Technology Training Centre.

In 2023 the Joint Development Assessment Panel granted Development Approval for the Synergy BESS and in 2024 for the Green Steel WA Collie Steel Mill, both within the proposed

Structure Plan area. The 2010 Structure Plan is to be superseded by the lodged Coolangatta Industrial Estate Structure Plan upon its adoption.

In early 2022, the Department of Jobs, Tourism, Science, and Innovation (JTSI) conducted an Industrial Land Use Capability Assessment for the Coolangatta Industrial Estate. The assessment was aimed at evaluating the land's suitability for industrial use and identifying potential pathways for its future development. The study identified approximately 20 industrial lots across three key development areas, forming the basis for the proposed Structure Plan.

The Structure Plan has been prepared to inform the future zoning of the Coolangatta Industrial Estate (CIE), layout of industrial lots, as well as the provision of road networks, drainage systems, and essential infrastructure, while ensuring compatibility with other existing plans and activities. Primary access to the CIE will be provided through the existing road network, including Boys Home Road, Collie-Williams Road, and Coalfields Road and indicative connection to rail through an extension to the existing Griffin Rail Loop.

The CIE's zoning is designed to support a wide range of general industrial uses, allowing flexibility for emerging industries while minimizing potential impacts on the surrounding environment, public health, and local community. The intent is to provide for a flexible development layout that can be adapted to evolving market demands, allows for permeable road and movement networks and provides consistency for existing development within the CIE.

The Structure Plan is a key response to the WA Government's Just Transition Plan for Collie, which aims to support the region's shift from a coal-based economy to a more diversified and sustainable future. The Plan focuses on creating new job opportunities and developing emerging industries, such as renewable energy and technology, to ensure long-term employment for the community. It includes retraining programs and reskilling opportunities for workers affected by the closure of coal-fired power stations, as well as relocation assistance where necessary. This Plan seeks to ensure that Collie's transition is fair, inclusive, and minimises the social and economic impacts on the local community, while fostering a more sustainable future. The Just Transition ties in with the Collie Industrial Transition Fund that supports infrastructure projects to unlock industrial land on support investment in renewable energy, manufacturing, and technology, while ensuring that the community benefits from the transition.

Application

Item	Data
Total area covered by the Structure Plan	1,432.11 hectares
Proposed Land Uses	<ul style="list-style-type: none"> • Strategic Industry • General Industry • Rural
Estimated Lot Yield	10 - 15 Lots
Proposed Effective Period	20 years commencing from the day of endorsement

The Coolangatta Industrial Estate Structure Plan and accompanying planning report has been lodged with the following supporting documents:

- **Appendix A-** CIE Bushfire Management Plan;
- **Appendix B-** CIE Bushfire Emergency Access Technical Note;

- **Appendix C-** Secondary Access Correspondence;
- **Appendix D-** Infrastructure and Servicing Report;
- **Appendix E-** Environmental Assessment and Management Strategy;
- **Appendix F-** District Water Management Strategy;
- **Appendix G-** Traffic Impact Assessment;
- **Appendix H-** Land Use Analysis

Staging

The Structure Plan report has included a Staging Plan for the CIE, indicating that development is likely to occur in 3 stages. This staging is largely influenced by market demand, site levels, earthworks and the delivery of infrastructure. It is anticipated that the full build out could occur by 2045, reflected in the request for a 20 year life span for the Structure Plan, in lieu of the standard 10 year life span for these documents.

Stage 1 (2025-2030): Synergy BESS, Collie Power Station and Bluewaters Farm Holdings (Bluewaters Power Station, WesTrac, Green Steel WA) and associated works. These developments are either existing or have obtained development approval and will have associated works and upgrades that are required. These are likely to occur in the interim, with ultimate works to be undertaken in accordance with the Structure Plan.

Stage 2 (2030-2045): Central Area to Collie-Williams Road, including landholdings to both the north and south of Boys Home Road. This stage will require major upgrades to Collie-Williams Road and major associated intersections. This stage also contemplates land that is proposed to be rezoned from Rural to General Industry, which will require further investigation and reporting through the planning process.

Stage 3 (2030-2045): Bluewaters Power Station and adjoining General Industry. This stage will be reliant on the decommissioning of the Bluewaters Power Station and de-constraining of land from former activities.

Roads and Access

The Structure Plan is supported by a Transport Impact Assessment (TIA) prepared by Arup.

The Structure Plan area is accessed via Collie-Williams Road which provides access to both the west and east via Coalfields Highway and Collie Lake King Road. At present, Collie-Williams Road is classified as a Tandem Drive Network (TDN) 4 with conditions, restricting the size of vehicle to a maximum of a 27.5m B-Double. Access and movements are conditional on the school bus route which also utilises the road, limiting the times which industrial traffic can utilise the road.

Coalfields Highway is a TDN7 with conditions relating to the use of low gear and auxiliary breaks in identified dangerous locations. TDN7 restricts the size of vehicle to a maximum of 36.5m B-Triple.

The TIA estimates up to 20% of vehicle movements are attributed to heavy vehicle movements within the vehicle peak. Therefore, the road network within CIE is designed for up to TDN7 vehicles in order to accommodate the end users of the estate and future access options. At full build out, it is estimated that the total vehicle numbers will be 7,934 daily, with a total of 468 trips within peaks.

The proposed street layout and street types within the Structure Plan area have been designed to ensure suitability for industrial development and to also accommodate the necessary servicing and infrastructure. The Structure Plan report also recognises the need for upgrades

or further investigations into existing intersections, roads, bridges and culverts as development of the CIE continues. The proposed emergency access way will also need to be upgraded to facilitate emergency access and egress to the CIE.

Bushfire

A Bushfire Management Plan has been prepared by Ecological, with an accompanying Bushfire Emergency Access Technical Note, prepared by Linfire, to support the Structure Plan.

It is identified that there are portions of the CIE located within extreme bushfire hazard level areas, however the Structure Plan report summarises that future detailed design can be refined to ensure appropriate siting of development, within moderate or low risk areas. This could be achieved through -

- The removal of hazards as development occurs (subject to obtaining environmental approvals) and/or
- Ensuring designs accommodate appropriate setbacks from any retained vegetation with the subject site. All future stages of development of the CIE will also be required to demonstrate compliance with State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP3.7) and AS3959.

During pre-lodgement discussions, there was an identified need for an alternative emergency access route in to and out of the CIE. A proposed emergency access way has been identified on the Structure Plan. The route extends south from the proposed Local Distributor Road, through the Griffin Ewington Mine and onto Coalfields Highway. In order to achieve compliance with SPP3.7 the emergency access is to be maintained at:

- Minimum 6m in width (trafficable surface)
- Minimum clearance 6m (W) x 4.5m (H)
- Maximum weight capacity 15T
- Maximum grade of 10% if unsealed and 14.3% if sealed- averaging 10%
- Managed through an easement to provide legal access to emergency services.

It is acknowledged that the emergency access is 4.7km in length, which exceeds the maximum 500m set out on the SPP3.7 Guidelines, however any other alignment that was investigated was considered unviable.

Shire of Collie Officers have previously indicated no objections to the proposed arrangements for the emergency access and also the potential for this access to be secured as a public road, managed by the Shire, in the long term.

Infrastructure

A servicing report has been undertaken to support the formulation of the Structure Plan.

All lots within the Structure Plan area will be serviced by existing infrastructure, or new infrastructure as follows:

1. Water: to be connected to new Water Corporation assets being a 6ML Collie Water Tank and additional reticulation lines into the Structure Plan area. Infrastructure to be provided by Water Corporation.
2. Wastewater: to be treated on site as appropriate by proponents.
3. Electricity: to be connected to the existing Western Power network via new Western Power assets being zone substations and extensions to the 330kV network. Provision of power is dependent on the power requirements for future proponents and requires further discussion with Western Power.
4. Gas: Reticulated gas is not proposed, future proponents will need to investigate pipeline connection options or non-reticulated gas for their development.

Rail

Early investigations into the CIE identified the opportunity to connect the site to the existing Ewington rail infrastructure that services Griffin Coal. The servicing report prepared by Arup identified the potential for a common user rail extension spur into the Structure Plan area to service future proponents. This would require 1.9km of additional rail track plus a run-around track. The indicative location of this rail spur has been indicated on the Structure Plan, however further details around the levels, grades and future tenure/management of the rail line will need to be considered at a later stage.

Environment

An Environmental Assessment and Management Strategy has been prepared by Ecological to support the Structure Plan.

The identified environmental values in the CIE which were investigated in these reports were:

- Climate
- Landforms, topography and soils
- Flora and vegetation
- Terrestrial fauna
- Hydrology
- Aboriginal and non-indigenous heritage
- Historical and existing land uses
- Bushfire hazards

The Structure Plan has been designed to consider the following environmental mitigation measures:

- Impacts to vegetation classified as being in 'Very Good' to 'Excellent' condition, as well as potential Black Cockatoo habitat (threatened fauna species) have been minimised as far as practicable, by preferentially proposing developments within previously disturbed land.
- No development is proposed to occur within the buffer zones of any Registered or Lodged Aboriginal Heritage sites.
- Preparation of a District Water Management Strategy (DWMS) to outline the groundwater and surface water management strategies utilised in the design of the Structure Plan.
- Preparation of a Bushfire Management Plan (BMP).

The Environmental Assessment and Management Strategy also considers the environmental framework which is to be implemented across the site as part of future planning processes, including:

- Consideration of opportunities to retain vegetation or trees within future lots or road verges as part of the future detailed civil design process where possible.
- Identification of areas of the CIE where Targeted Black Cockatoo habitat assessments are recommended to be undertaken and potential referrals required pursuant to the *EPBC Act*.
- Potential for Aboriginal Cultural Heritage Surveys to be undertaken for development of land in proximity to the Collie River Waugal, Shotts and Shotts Grave sites.
- Identification of areas of the site where preliminary site investigation for potential contamination may be necessary due to the presence of existing and historical mining operations and power stations.
- Preparation of the following Management Plans is recommended to support future planning processes to ensure environmental impacts are mitigated and managed.

1. Fauna Management Plan
2. Urban Water Management Plan(s)
3. Individual site-specific Bushfire Management Plans/BAL Assessments
4. Acid Sulphate Soils Management Plan(s), if necessary.

Water

A District Water Management Strategy (DWMS) has been prepared by Urbaqua to support the Structure Plan.

Due to the size of the current lots and lack of detail around the development layouts of those seeking to establish in the CIE, the Applicant has advised that more detailed stormwater drainage management measures will be designed at the point of subdivision to manage a range of rainfall events up to and including the 1% Annual Exceedance Probability (AEP) through onsite management measures.

Design of lots and roads within the Structure Plan area assist with the management of water and de-risking of development through:

- Onsite retention systems will be required by proponents to manage the quantity and quality of surface water generated by proposed developments.
- Stormwater generation from the first 15mm of rain will be contained on site and infiltrated via vegetated infiltration systems.
- Rainfall events affecting the road network will be captured by vegetated roadside swales.
- A development level of 203.48m AHD is the recommended minimum floor level for habitable floors in areas below this contour.

The DWMS also indicates the need for a Water Management Plan (WMP) to be prepared for specific developments and proponents, which will address their specific operational requirements. The WMPs should address the following:

- Detailed engineering designs for drainage and wastewater
- Landscape design to manage water quality and infiltration
- Water efficiencies within the development
- Frameworks for implementation of water management strategies specific to each proponents development outcomes.

Develop Contributions via Landowner Agreements

Development Contribution Plans (DCP) aid in the delivery of infrastructure generated by development and subdivision of large land development projects with high levels of land fragmentation or ownership. DCPs are prepared in accordance with State Planning Policy 3.6 Infrastructure Contributions (SPP3.6).

The Structure Plan report indicates the intent to facilitate landowner agreements, in lieu of a Development Contribution Plan, as a resolution to aid in the delivery of infrastructure. This arrangement is subject to further discussion and negotiation to be implemented in future development stages and will be supported by State Government funding relating to the implementation of the Just Transition Plan.

Local Planning Scheme No.6 (LPS6)

Should the Structure Plan be approved, land use and development within the CIE must be consistent with the prescribed zonings and reservations as detailed in the Structure Plan map, as defined by LPS6. It is intended that the zones depicted on the Structure Plan map be normalised through a future amendment to LPS6 zoning maps.

The Structure Plan contemplates zoning various portions of the CIE as Strategic Industry, General Industry and Rural.

Strategic Industry

The objectives of the Strategic Industry zone pursuant to LPS6 are:

- *To designate industrial sites of State or regional significance.*

General Industry

The objectives of the General Industry zone pursuant to LPS6 are:

- *To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses.*
- *To accommodate industry that would not otherwise comply with the performance standards of light industry.*
- *Seek to manage impacts such as noise, dust and odour within the zone.*

With reference to the area proposed as General Industry within the Structure Plan, the objectives are also to:

- *Balance development potential with the protection of the existing power station including any envisaged power station expansions, from any external impacts associated with proposed development.*
- *To consider the proximity of adjacent mining and subsequent impacts on proposed development.*

Rural

The objectives of the Rural zone pursuant to LPS6 are:

- *To provide for the maintenance of enhancement of specific local rural character.*
- *To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.*
- *To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage.*
- *To provide for the operation and development of existing future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.*
- *To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.*

With reference to the area proposed as Rural within the Structure Plan, the intention is to reflect the current rural activities being undertaken and effectively maintain a buffer to the Collie River and adjoining vegetation. Additional housing/rural accommodation uses are restricted to avoid conflicts with the strategic industry and energy related uses.

Statutory and Policy Implications:

Planning and Development (Local Planning Schemes) Regulations 2015

- Part 4 – Structure Plans
 - Cl. 16 Preparation of Structure Plan
 - Cl. 17 Action by local government on receipt of Application
 - Cl. 18 Advertising structure plan
 - Cl. 19 Consideration of submissions
 - Cl. 20 Local government report to Commission

- Cl.21 Cost and expenses incurred by local government
- Cl. 22 Decision of Commission

Shire of Collie Local Planning Strategy 2019

Coolangatta Industrial Estate:

'Currently there is a limited supply of larger industrial lots to service general industries, and none are currently available for purchase. As such, Coolangatta has the potential to supply such lots, which would also assist to encourage general industry uses currently located in the light industrial area or on rural land to relocate.'

Shire of Collie Local Planning Scheme No.6

- Part 3 – Zones & Objectives – Light Industry, General Industry and Industrial Development
- Special Control Areas SCA3, SCA6 and SCA8
- Clause 34 – Additional Site and Development Requirements for Specific Lots

Coolangatta Industrial Estate Structure Plan

The Coolangatta Industrial Estate Structure Plan was prepared in 2010 to support the development of the Bluewaters Power Station and surrounding land which was identified for future industrial uses. The 2010 structure plan required noise attenuation measures be incorporated into the design of future industries to ensure noise levels at the boundary of SCA8 would not be breached.

An amendment to the Structure Plan was undertaken in 2019. As part of this amendment approximately 156 Hectares of the Structure Plan Area, surrounding the Bluewaters Power Station, primarily Lots 1 and 2 Boys Home Road, was updated. The amended structure plan provides for additional land use permissibility relating to the operations of the existing Power Station and ancillary uses and an additional minor land use 'Automated Machinery/Equipment Demonstration & Training Area' within the Structure Plan area.

State Planning and Development Framework

- State Planning Strategy 2050
- State Planning Policy 2.0 – Environment and Natural Resources Policy
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas
- State Planning Policy 4.1 – State Industrial Buffer Policy
- State Planning Policy 5.4 – Road and Rail Noise
- Guidance for the Assessment of Environmental Factors No.3 – Separation Distanced between Industrial and Sensitive Land Uses
- Development Control Policy 4.1 – Industrial Subdivision
- Bunbury Geographe Sub- Regional Strategy
- WA Regional Freight Transport Network Plan
- Collie Just Transition Plan
- Economic Development Action Plan for the Collie and Bunbury Regions

Budget Implications:

The Structure Plan will not impact the Shire's current budget. As development progresses, there will be impacts to future budgets through rates income and future maintenance costs for infrastructure as it is transferred to the Shire as public assets and usage increases.

Communications Requirements:

The Structure Plan was advertised in accordance with Schedule 2, Part 4 Cl.18 (3a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The proposal was advertised for a period of 42 days from 3 October to 14 November 2024. Twenty (20) submissions were received over this period including industry, agency and public submissions.

Advertising was undertaken using the following methods:

1. Letters to property owners within a buffer distance of 4km of the Structure Plan boundary.
2. Post on the Shire's website, for the entire advertising period, including full suite of attachments.
3. Post on the Shire's Facebook on two separate occasions on 15 October 2024 and 5 November 2024.
4. Advertisement in the local newspaper with two runs published on 17 October 2024 and 7 November 2024.
5. Drop-in session, hosted by Urbis and Shire of Collie at the Shire Office on 23 October 2024.
6. Letters/Emails to relevant agencies and service including:
 - Department of Planning, Lands and Heritage
 - Department of Water and Environmental Regulation
 - Department of Fire and Emergency Services
 - Department of Energy, Mines and Industry Regulation
 - Main Roads WA
 - Department of Biodiversity, Conservation and Attractions
 - Water Corporation
 - Department of Health
 - Department of Jobs, Tourism, Science and Innovation
 - Telstra
 - Western Power
 - ATCO Gas (on behalf of Alinta)

Refer to Appendix 13.1.B Summary of Submissions which provides a full summary of all submissions received, with Officer and Applicant comment.

Strategic Community Plan/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	3	Our Built Environment
Objective:	3.2	Sound land planning and building strategies and schemes

Comment:

The role of the Local Government in the determination of Structure Plans is firstly to ensure that all information as referred to in Schedule 2, Part 4, Cl. 16 of the *Deemed Provisions* has been provided. Once all the information is provided, the Local Government is to accept the Structure Plan for assessment and advertising. The Structure Plan is then required to be advertised for a period of 42 days. Following advertising, the Local Government is to consider submissions received and prepare a report to the Western Australian Planning Commission, including a recommendation for modifications to the Structure Plan and if it should be approved by the Commission.

Advertising

A full summary of submissions with Officer and Applicant responses is provided in Appendix 13.1.B.

Public:

Submissions received from the public were generally supportive of the proposal on the basis of increasing industrial land availability in Collie. The drop-in session hosted at the Shire Office on 23 October also reflected the general support from those who attended.

The public submissions were consistent in the items raised, generally relating to the condition, grade and traffic volume as they relate to Boys Home Road, Collie-Williams Road and the Paul Street/Coalfields Highway intersection, the interface between the CIE and adjoining rural landholdings, separation distances and impacts from future industrial activities and queries around power easements shown on the Structure Plan.

Main Roads WA (MRWA) also provided a submission on the proposal, which noted the need for road upgrades in the immediate area, particularly to the Boys Home Rd and Collie-Williams Rd intersection. As a MRWA controlled road, it has also been raised that MRWA has included Collie-Williams Rd on their program of works for upgrade and they have been progressing land tenure rationalisation to facilitate this in the future. Individual proponents will also be required to undertake their own Traffic Impact Assessments at development approval stage, which will further inform required upgrades and timing. Construction traffic will continue to be managed through the appropriate Traffic Management Plans as projects arise.

To address the interface between the CIE and adjoining rural landholdings, the Applicant has agreed to demarcating a 50m buffer on the Structure Plan along Collie-Williams Road to ensure this separation, this has been reflected in the recommended modifications. The Applicant has also agreed to removing the portion of 330kV power easement that meets with adjoining rural land from the Structure Plan through modification, as the services are not required to extend to this point and removing them provides clarity that adjoining landowners will not be subject to the continuation of these easements.

Separation distances between industrial and sensitive land uses as required by the EPA guidance document will apply to all development in the CIE, considered at development application stage.

Industry:

Submissions received from key industry stakeholders, being those already established and those seeking to establish in the CIE or immediate area. These submissions raised some missing details around the servicing report for the CIE, which has been reflected through proposed modifications for inclusion. Queries were generally around the future formation of landowner agreements, State government funding for infrastructure and staging of infrastructure to avoid duplication. While these are important issues requiring further attention, these are not issues that need to be resolved at this stage in the process. It is important to note that Structure Plans are 'due regard' documents, meaning that development through future planning processes are only required to be generally in accordance with the Structure Plan, allowing for flexibility in staging and approach in the future.

Several submissions received from industry requested the inclusion of an adjoining parcel of land owned by Griffin Coal to be included in the Structure Plan boundaries. This is not supported by the Applicant or Shire Officers. The Structure Plan boundary has been defined in consultation with key stakeholders including the Department of Jobs, Tourism, Science and Innovation, Synergy, Bluewaters Farm Holdings, the Shire of Collie and consultant team. There has been a significant body of work undertaken, from the Coolangatta Land Use Capability Study to the Structure Plan and adjacent traffic and rail studies over the site and surrounds. These studies have detailed the capacity and capabilities of the land to accommodate industrial development.

In determining the Structure Plan boundary, inclusion of the land covered by the Griffin Coal State Agreement was not considered appropriate. This is in part due to the implications associated with the ongoing State Agreement (being a legislative agreement subject to current negotiations), but also due to the lack of technical investigations, interfaces and design outcomes over land which are all required to demonstrate the capability of the land to sustain industrial development. As the final Structure Plan boundary runs adjacent to the Griffin Coal State agreement area, and a portion of this land is identified as Industrial Development, there is the opportunity for Griffin Coal to undertake the necessary technical investigations to support a structure plan amendment to include this area within the Coolangatta Industrial Estate Structure Plan at an appropriate point in the future.

In response to considering the land owned by Griffin Coal, a modification has been recommended that provides an indicative location for an additional local road to provide access to these parcels of land from within the CIE, subject to a structure plan being prepared for this land in the future.

Agency/ Service Providers:

Referral responses received from key agencies have had implications in requiring modifications to the Structure Plan maps, report and supporting documentation. Outside of the responses requiring additional investigation to be undertaken, agencies had no objections to the Structure Plan, providing general advice or compliance details for future planning.

As a result of the submission received by Department of Water and Environmental Regulation (DWER), it has been recommended that the Structure Plan be modified to annotate the land that is currently zoned Rural and is proposed as General Industry in the Structure Plan, to make clear that this land has not yet been considered by the EPA for rezoning and this process is required to occur prior to being developed. DWER has also requested that further investigation and detail be provided to support the District Water Management Strategy. This modification will require further engagement with DWER, as is indicated in the recommended modifications.

Additionally, DWER's submission raised that ~181 ha of the Coolangatta Blue Gum plantation falls within the proposed CIE. The Coolangatta plantation forms a part of Synergy and Western Power's CAWS Act offsets for the clearing of State Forest for the purpose of the development of electricity transmission infrastructure. Whilst Synergy and Western Power currently hold offset credits with the DWER, any removal of the plantation assets from the Coolangatta plantation will impact the clearing credit scheme. This may reduce Synergy and Western Powers ability to readily undertake electricity generation works in the future due to land availability constraints for offset purposes within the Wellington Dam Catchment Area. This will need to be considered for future development of this lot.

The Department of Fire and Emergency Services (DFES) raised concerns relating to the broader landscape risk associated with the location of the site. An emergency access way has been proposed, which extends south of the site through State Forest and Griffin Coal licence areas to improve access and egress from the site in case of an emergency, however the access is not compliant with SPP3.7. DFES has requested that the Applicant provide an updated BMP, in consultation with Department of Planning, Lands and Heritage (DPLH) and DFES, which provides for further bushfire mitigation strategies. Shire Officers have supported the approach of allowing the consultation to occur once the Structure Plan has been referred to DPLH, rather than delaying the consideration of the Structure Plan by Council. The Applicant requested this approach as re-engaging their consultant at this time would cause significant delays to the structure plan. DPLH has indicated that this is a suitable approach.

The Department of Biodiversity, Conservation and Attractions (DBCA) reiterated some of the environmental issues raised by DWER in their submission, as well as referencing the need for the Bushfire Management Plan to be updated. DBCA raised queries around the environmental values on the site as identified in the Environmental Assessment and Management Strategy. DBCA has identified that the potential impacts have not been adequately identified, in conjunction with potential mitigation methods. As a result, a modification has been recommended that prompts the Applicant to further consider ecological linkages and native vegetation retention, which should be reflected on the final structure plan.

Recommendation

Shire Officers have undertaken an assessment of the Coolangatta Industrial Estate Structure Plan and considered the submissions received from the public, industry and agencies, as well as feedback from the drop-in session. Shire Officers were also regularly involved in the preparation of the Structure Plan, participating in the stakeholder working group up until lodgement of the Plan. Officers have also regularly engaged with the Applicant, JTSI and DPLH throughout the assessment process to formulate the recommended modifications (refer Appendix 13.1.C).

It is acknowledged that there are a number of elements of the project that are requiring further investigation and work to be undertaken for the Structure Plan to advance through to approval by the Western Australian Planning Commission (WAPC). In the interest of ensuring the project is not delayed, Officers have formulated the modifications to prompt the further work to be completed, however is not definitive in what is to be provided, as further consultation by the Applicant with responsible agencies, DPLH and the Shire will be required. It is also important to note that future tenure arrangements, particularly relating to rail and the emergency access way will continue to be pursued as development of the CIE progresses, as these issues are not yet resolved to their full extent, however the State is confident is these being able to be resolved.

As recognised in the implementation section of the Structure Plan report, there is additional detail and reporting that will be required at subdivision and development application stage. The Structure Plan report, in conjunction with matters raised by agencies, will inform the inclusion of future Local Planning Scheme No 6. provisions into the structure plan, to be ratified in the future through an amendment to the Scheme. A draft of these provisions has been included in Appendix 13.1.C, which will be subject to future endorsement by Council.

Conclusion

The Coolangatta Industrial Estate Structure Plan is an important step in realising the objectives of the State's Just Transition Plan for Collie. Collie has been identified at a state level as an area with a comparative advantage in developing new energy technologies, with its undeveloped industrial areas and skilled energy and manufacturing workforce. The Coolangatta Industrial Estate has the baseline level of infrastructure required for future development and can offer large land areas to facilitate industrial development. This will be essential in facilitating the development of key industries to provide employment and economic diversification for Collie.

It is recommended that Council resolve to note the submissions received during the advertising period, support the Coolangatta Industrial Estate Structure Plan with modifications and authorise the lodgement of the Structure Plan and recommended modifications to the Western Australian Planning Commission for approval.

14. OPERATIONS REPORTS

14.1 Rotary Fire Tower Restoration Project - Reserve 30555 Coombes Street, Collie

Reporting Department:	Development Services
Reporting Officer:	Scott Geere – Director Operations
Accountable Manager:	Phil Anastasakis – Chief Executive Officer
Legislation:	<i>Planning and Development Act 2005</i>
File Number:	N/A
Appendices:	Nil
Voting Requirement:	Simple Majority

Report Purpose

For Council to provide in principle support for the Rotary Club of Collie to locate the Hut for the Munro Fire Tower project, being Stage 1 of their restoration project, to a site in the Shire of Collie for the purposes of storage and restoration work.

Officer's Recommendation:

That Council authorise the Chief Executive Officer entering into a Facility User Agreement with the Rotary Club of Collie over a portion of Reserve 30555 Coombes Street, Collie for the purposes of storage and restoration of the Stage 1 Hut element of the Munro Fire Tower Project, at no charge for a period not exceeding 3 years, unless otherwise extended by Council.

Background:

At the Council Forum session held on 3 August 2021, the Rotary Club of Collie made a presentation to the Shire's Elected Members introducing a project to relocate the Munro fire tower (Appendix 9) to the Shire of Collie, for the purpose of heritage and tourism.

The Munro fire tower was built in 1962, located 3km southeast of Grimwade. The tower is not currently in use, however, is still standing and in good condition. The hut associated with the tower has been destroyed by the elements. There is currently a similar hut from the Collie tower, which was previously located on Mungalup Hill, stored at the Department of Biodiversity, Conservation and Attractions' (DBCA) Parks and Wildlife Depot in Collie.

On 1 July 2021, the Shire was approached by Rotary Club of Collie to discuss an opportunity to relocate a disused fire tower into Collie. After a series of meetings a report was considered by Council on 14 September 2021 (MOTION 8809 Rotary Fire Tower Relocation Project-Preliminary Site Analysis)

That Council resolve to:

- 1. Provide in-principle support for the Rotary Fire Tower Relocation Project, for the Munro Fire Tower to be relocated to Collie;*
- 2. Authorise Officers to continue working with the Collie Rotary Club to identify and analyse site selections for the fire tower; and*

3. *Require the final preferred location(s) for the fire tower to be referred to Council for determination.*

After some delays Collie Rotary has established a Collie Fire Tower Planning Committee to progress their project. Rotary has recently secured approval from Wellington DBCA for the removal of the Mungalup hut and timbers from its Collie depot.

The Shire's former CEO, Mr Stuart Devenish supported the Collie Rotary using portion of the old depot site to relocate and restore the Mungalup hut and fire tower adjacent to the storage shed on the western side of the Roche Park carpark (portion of Reserve 30555) in the form of a MOU or Facility User Agreement.

An item was presented to Council on the 10 September 2024 for consideration of utilising the site for storage and refurbishment of the entire tower for a period not exceeding 3 years.

Council made it known during the discussion of this item at the 10 September 2024 meeting that there are a number of matters related to this project that still require clarification, including:

- Long term consequences if Council were to grant site access for the full tower restoration project. This may potentially lead to Council being tied to the non-acquittal of project grant funding received by the Rotary Club of Collie should a destination site for the future refurbished tower be unable to be identified and/or agreed upon;
- Ongoing life cycle asset maintenance, safety and security obligations;
- Insurance liabilities should the tower be sited on land vested in the Shire of Collie;
- Intended operation of the Munro Fire Tower for visitors.

The Council Decision made at the 10 September 2024 Ordinary Meeting of Council (MOTION 9472 Rotary Fire Tower Restoration Project – Reserve 30555 Coombes Street, Collie) was therefore as follows:

That Council defer this request until further clarification can be sought around the expectations of both the Collie Rotary and the Shire regarding the fire tower project.

A presentation to Council was subsequently made by John Bylund on behalf of the Rotary Club of Collie at the 12 November 2024 Ordinary Meeting of Council. Mr Bylund presented a modified proposal to Council to instead consider a staged approach to the project, summarised as follows:

- The project will now be split into two (2) separate stages, being the Stage 1 'Hut' and the Stage 2 'Tower';
- The Rotary Club of Collie is now seeking Council consideration of the use of Reserve 30555 Coombes Street, Collie for the purposes of storage and refurbishment of the Stage 1 'Hut' element only; and
- The Rotary Club of Collie will provide further clarification to Council at a later date around their intentions for the Stage 2 'Tower' element.

Statutory and Policy Implications:

Nil

Budget Implications:

There is potential asset management, maintenance, and insurance cost associated with a timber tower and hut located on Council reserve or freehold land.

Communications Requirements:

Nil

Strategic Community Plan/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	1	Our Community
Objective:	1.1	Community health, safety and wellbeing
Objective	1.2	Community connection, engagement and participation
GOAL:	2	Our Economy
Objective:	2.1	Economic Development
Objective	2.2	Tourism promotion and attractions

Comment:

Whilst the final location of the fire tower is yet to be resolved, the Rotary Club of Collie need a location in Collie to restore the Stage 1 Hut in the short-term.

The old depot land is seen to be adequate for this purpose, and it will not adversely impact the greater active laydown storage area currently being used by the Shire. Additional presence at the site will also provide passive surveillance to the area as well as a site that is open to the public to view the restoration taking place over time.

Collie Rotary has advised that it would need to carry out the preliminary work of fence repair and extension, with the possibility of some minor ground levelling, which will be undertaken by the volunteer group members. The cost of fence repairs will also be paid for by the Rotary Club.

It is recommended that the Council authorise the Chief Executive Officer to prepare and endorse a Facility User Agreement with the Rotary Club of Collie for 3 years for the Stage 1 Hut, based on no fee being charged for the use of this Shire facility. This will allow some flexibility for the Shire in considering future expansion of Roche Park, but sufficient time for the Rotary Club to complete the restoration works.

14.2 Tender 01-2024 Supply and Delivery of Landfill Compactor

Reporting Department:	Operations
Reporting Officer:	Scott Geere – Director Operations
Accountable Manager:	Phil Anastasakis – Chief Executive Officer
Legislation	Local Government Act 1995 – Section 3.57 Local Government (Functions and General) Regulations 1996 -r.11, r.13, r.14, r.18, r.20, r.21A
File Number:	CMG/289
Appendices:	Confidential Attachment A – Tender Evaluation Report
Voting Requirement	Simple Majority

Report Purpose

This report provides Council with the results of the evaluation of tenders for Tender 01/2024 for the Supply and Delivery of Landfill Compactor and recommends that Council accept the tender for this plant item to the preferred Tenderer.

Officer's Recommendation

That Council resolve to:

1. *Accept the tender submission for Tender 01/2024 Supply and Delivery of Landfill Compactor received from Westrac Pty Ltd, named as Respondent 1 in the Evaluation Panel Report recommendation detailed in Confidential Attachment A – Evaluation Report, which is identified as the most advantageous, for a lump sum value;*
2. *Delegates to the Chief Executive Officer in accordance with s.5.42(1) of the Local Government Act 1995, to negotiate minor variations to the contract for Tender 01/2024 Supply and Delivery of Landfill Compactor before and / or after its execution in accordance Regulations 20 and 21A of the Local Government (Functions and General) Regulations 1996; and*
3. *Authorise the Chief Executive Officer, in accordance with section 9.49A(4) of the Local Government Act 1995, to execute the contract for Tender – 01/2024 Supply and Delivery of Landfill Compactor.*
4. *If within 6 months of this resolution a contract is unable to be formed for Tender 01/2024 Supply and Delivery of Landfill Compactor with Westrac Pty Ltd, identified in Evaluation Panel Report recommendation shown in [Confidential Attachment A Tender 01/2024 as the most advantageous, then the Shire of Collie accepts the tender submission received from Tutt Bryant Equipment, identified as the next most advantageous in the Evaluation Panel Report recommendation shown in Confidential Attachment A Tender 01/2024.*

Background:

The Shire of Collie's Gibbs Road Waste Transfer site requires daily compaction to both achieve compliance with prescribed license conditions for the site, and to maximise the effective useful remaining life of the facility by ensuring that airspace volume is efficiently maximised.

The Shire of Collie has been reliant on the wet hire of local contractors for several years in varying frequency and effectiveness to provide a compaction service, however it is recognised that this service needs to be carried out directly by the Shire with a purpose-built machine. This is further discussed in Confidential Attachment A – Tender Evaluation Report.

The Shire of Collie issued Tender RFT 01/2024 Landfill Compactor as an open Public Tender on the 11 October 2024.

TENDER DETAILS		
Request for Tender (RFT) Number:	Tender 01/2024	
RFT Title:	Collie Landfill Compactor	
Recommended Tenderer:	Westrac Pty Ltd	
Contract Term:	Initial:	Not Applicable
	Extension Options:	Not Applicable
	Defects Liability Period:	Not Applicable
Tendered Rates/Cost:	<i>Confidential Attachment A – Tender 01/2024</i>	
Advertising:	19 October 2024	West Australian
	11 October 2024	Tenderlink www.tenderlink.com/collie
Tender Deadline:	15 November 2024	Friday at 2.00pm WST
Tender Opening:	15 November 2024	2.02pm
Tender Observers:	Two (2) Shire of Collie employees were present	
	Nil (0) members of the public were present	

One addenda was issued during the RFT Open Period. This was to clarify the required operating weight of the machine and extend the acceptable delivery timeframe from four (4) months to five (5) months.

During the open tender period one non-mandatory site meeting was held on the 21 October 2024 and was attended by a total of 1 company representative.

Statutory and Policy Implications:

The compliance requirements throughout the tender process have been in accordance with:

- *Local Government (Functions and General) Regulations 1996*; and
- CnG CP034 Procurement Policy.

The compliance requirements applicable to this report and Officer Recommendation are in accordance with the *Local Government (Functions and General) Regulations 1996*:

- Accept a tender [F&G.r.18(4)]

Tenders that have not been rejected under sub regulation (1), (2), or (3) are to be assessed by the local government, by means of a written evaluation, of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them (if any) it thinks it would be most advantageous to the local government to accept

CS3.23 Purchasing Policy requirements formed part of tender criteria.

Budget Implications:

A budget of \$800,000 was adopted in the Shire of Collie 2024/25 Annual Budget, with the funding source being derived from both the Plant Reserve and Waste Reserve on a 50/50 split basis.

Communications Requirements: (Policy No. CS 1.7)

The tender underwent public advertising in accordance with the following policy objectives:

1. Providing regular and consistent communication on Council's projects and activities to all stakeholders.
2. Creating a positive and professional image for the Shire of Collie through open, transparent communication and increased awareness of Council's projects and activities.
3. Fostering meaningful community consultation processes in Council's activities.

The Request for Tender was advertised in the West Australian Newspaper from and on the 19 October 2024. It was also advertised via Tenderlink.

Strategic Community Plan/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	3.1	Safe and well-maintained shire owned facilities and infrastructure
Objective:	3.1.1	To increase the Shire's capability to maintain and improve facilities and infrastructure.

Relevant Precedents:

The Shire of Collie has previously entered into contracts for the supply and delivery of plant and equipment.

Comment:

Tender Submissions

Three (3) tender submissions were received by the deadline, including alternative and non-conforming Tenders, with all three submissions eligible to be assessed: -

- Westrac – CAT 817 Landfill Compactor
- Tutt-Bryant – Bomag 573 Landfill Compactor
- GCM Enviro – Tana H260

A Tender Evaluation Panel was formed in accordance with part 3 of the Shire of Collie CS3.23 Purchasing Policy. The panel comprised of three (3) members, including:

1. Director Operations
2. Co-ordinator Environment and Waste; and

3. Shire Mechanic.

Probity Oversight

Process and probity advice during evaluation was provided by the Director Operations who also acted as Panel Chair and Evaluation Process Facilitator. All members of the Panel have made a conflict-of-interest declaration in writing, confirming they have no relationships with any of the Respondents. This evidences the probity and integrity considerations within the process.

The evaluation process consisted of:

- (a) each panel member individually read and assessed each tender. The assessment was based on the member allocating a score against the selection criterion resulting in an overall score determining their ability to provide the services. All three (3) assessments were then collated into a single collated and averaged scored outcome.
- (b) discussion with any technical consultants to the panel *-nil*
- (c) the panel discussed the tenders and reviewed the technical consultant's advice, and then reached a consensus on the shortlisted preferred top 2 Tenderers. These were reviewed again with focus on relevant experience and demonstrated understanding and the evaluation scores were amalgamated and averaged to provide a ranking for consideration.
- (d) Reference and ABN checks on recommended tenderer was undertaken;
- (e) a recommendation was drafted;
- (f) The evaluation report was endorsed by the Evaluation panel; and
- (g) The recommendation was finalised for CEO endorsement and approval.

The Panel have compiled an Evaluation Panel Report which includes the consensus amalgamated average (not individual Panel Member analysis) of the content of each tender submission against the required selection criteria. In some instances, this may result in commentary or scoring that may be critical or a negative reflection on an individual tender submission. It is this aspect of the Evaluation Panel Report, which is considered to be confidential, in accordance with s.5.23(2)(e)(ii) information that has a commercial value to a person, or (iii) information about the business, professional, commercial or financial affairs of a person. The ranking of tender submissions and recommended tenderer in the Evaluation Panel Report is therefore referenced by non-identifying methods.

Evaluation of Tenders

The objective of the Tender Evaluation Panel is to recommend a suitably qualified and experienced Contractor to satisfy the requirements of the abovementioned Request for Tender.

Based on evaluation of the received submissions and subsequent compliance assessments, the Tender Evaluation Panel recommends that the Respondent recommended in this report be accepted at the estimated Tender Value.

Submissions were deemed compliant and progressed for assessment against the following predetermined qualitative and price criteria:

CRITERIA PERCENTAGE

The weighted criterion of the assessment is outlined in Confidential Attachment A – Tender Evaluation Report.

- (a) Relevant Experience 20%
- (b) Respondents Resourcing 20%
- (c) Tendered Price 60%

TOTAL 100%

Evaluation Justification

The Tender Evaluation Panel recommends Westrac Pty Ltd based on an assessment of submissions against the predetermined qualitative criteria shown above. The submission provided by the Respondent performed well across criteria's (a) and (b) scoring 34.6 and scoring 31.8 for (c), bringing their overall score to 66.5.

Overall, the quality of submissions presented were high and each capable of delivering the required scope of work required at the Shire of Collie's Gibbs Road Waste Transfer site.

All three (3) submission received present plant options which will vastly improve the operation of the site.

If within 6 months of this resolution a contract is unable to be formed for RFT 01/2024 Landfill Compactor with Westrac Pty Ltd identified in Evaluation Panel Report recommendation shown in as the most advantageous, then the Shire of Collie accepts the tender submission received from Tutt Bryant Equipment, identified as the next most advantageous in the Evaluation Panel Report recommendation shown in [Confidential Attachment A - RFT 01/2024 Landfill Compactor.

In determining Westrac Pty Ltd as the preferred Tenderer, the supplier has provided the following information:

Due Diligence YES/NO

- Has the recommended Tenderer supplied Referees YES
- Has the recommended Tenderer supplied Financial Information YES
- Was a Conflict of Interest declared? If yes, please specify how it was managed? NO

The Evaluation Panel therefore recommends that the contract for the supply of a Landfill Compactor be awarded to Westrac Pty Ltd at the total estimated contract cost provided in the confidential attachment.

15. MOTIONS FOR WHICH PRIOR NOTICE HAS BEEN GIVEN

Nil

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.

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

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

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

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