



SHIRE OF YORK

NOTICE OF MEETING

Dear Councillors

I respectfully advise that the ORDINARY COUNCIL MEETING will be held in Council Chambers, York Town Hall, on Monday, 24 July, 2017, commencing at 5.00pm.

MEETING AGENDA ATTACHED

Paul Martin

PAUL MARTIN
CHIEF EXECUTIVE OFFICER
Date: 13 July 2017

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<p>MISSION STATEMENT <i>"Building on our history to create our future"</i></p>

Local Government Act 1995 (as amended)

Part 1 Introductory Matters

1.3. Content and intent

- (1) This Act provides for a system of local government by —
 - (a) providing for the constitution of elected local governments in the State;
 - (b) describing the functions of local governments;
 - (c) providing for the conduct of elections and other polls; and
 - (d) providing a framework for the administration and financial management of local governments and for the scrutiny of their affairs.
- (2) This Act is intended to result in —
 - (a) better decision-making by local governments;
 - (b) greater community participation in the decisions and affairs of local governments;
 - (c) greater accountability of local governments to their communities; and
 - (d) more efficient and effective local government.
- (3) In carrying out its functions a local government is to use its best endeavours to meet the needs of the current and future generations through an integration of environmental protection, social advancement and economic prosperity.

Part 2 Constitution of Local Government

Division 2 Local Governments and Councils of Local Governments

2.7 The Role of Council

- (1) The Council —
 - (a) directs and controls 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.

Meetings generally open to the public

- 5.1.** (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.



Shire of York

G 2.6 PUBLIC QUESTION TIME

Policy Statement

- 1.0 “Public Question Time” will be limited to 15 minutes*. The Council may exercise a discretion to extend the time by resolution if required. If there are questions remaining unasked at the expiration of the time allotted members of the public will be asked to submit their questions in writing to the Chief Executive Officer who will provide a written reply with the response placed in the Agenda of the next Ordinary Meeting of the Council.

** A minimum of 15 minutes is provided by Regulation 6(1) of the Local Government (Administration) Regulations 1996 (S.5.24 of the Local Government Act 1995)*

- 2.0 Questions may be asked at the Ordinary Council Meeting and any Committee meeting on any matter affecting the Council and the Shire’s operations. Questions submitted to Special Meetings of the Council will be restricted to the subject matter of the meeting.
- 3.0 Each questioner will be limited to two (2) questions. Statements or long preamble are not permitted.
- 4.0 People wishing to ask questions will be encouraged to put their questions in writing or in a prescribed form and submit them to the Chief Executive Officer prior to 10 am on the day of the meeting. This allows for an informed response to be given at the meeting. Oral questions are permitted.
- 5.0 Priority will be given to questions about matters on the agenda for the meeting and which are submitted in accordance with 4.0 above.
- 6.0 Every person who wishes to ask a question must identify themselves and register with a Council Officer immediately prior to the meeting. Subject to 5.0 above questions will be taken in the order in which people register.
- 7.0 Questions containing offensive remarks, reference to the personal affairs or actions of Elected Members or staff, or which relate to confidential matters or legal action will not be accepted. Questions that the Presiding Member considers have been answered by earlier questions at the meeting or earlier meetings may not be accepted.
- 8.0 On receipt of a question the Presiding Member may answer the question or direct it to the Chief Executive Officer to answer. If the question is of a technical nature the Chief Executive Officer may direct the question to a senior technical officer present. If the question requires research it will be taken on notice.
- 9.0 There will be no debate on the answers to questions.

- 10.0 A summary of the question and the answer will be recorded in the minutes of the Council meeting at which the question was asked.
- 11.0 Public Question Time guidelines incorporating this policy are being prepared and will include information on the other methods of enquiry that are available to members of the public to obtain information from the Shire.

Adopted 21 October 2013

Amended 17 September 2015

Amended 23 November 2015

CONTINUED

Question(s)

Please ensure that your question complies with the Public Question Time Policy Statement as published in the Council Agenda and stated as per the attached

Name: _____

Residential Address: _____
(Required if written response requested)

Organization Name: _____
(If presenting on behalf of)

Council Meeting Date: _____

Item No. Referred To:
(If Applicable) _____

Write your question(s) as clearly and concisely as possible – lengthy questions may be paraphrased.

Note: To provide equal opportunity for all in attendance to ask questions, a limit of two (2) questions at a time from any one person is imposed.

[illegible]

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SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL WILL BE
HELD ON MONDAY, 24 JULY, 2017, COMMENCING AT
5.00PM IN COUNCIL CHAMBERS, YORK TOWN HALL, YORK

The York Shire Council acknowledges the traditional owners of the land on which this meeting will be held.

1 OPENING

1.1 Declaration of Opening

1.2 Disclaimer

The Shire President advised the following:

"I wish to draw attention to the Disclaimer Notice contained within the agenda document and advise members of the public that any decisions made at the meeting today, can be revoked, pursuant to the Local Government Act 1995.

Therefore members of the public should not rely on any decisions until formal notification in writing by Council has been received. Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material."

1.3 Standing Orders

1.4 Announcement of Visitors

1.5 Declarations of Interest that Might Cause a Conflict

Councillors/Staff are reminded of the requirements of s5.65 of the Local Government Act 1995, to disclose any interest during the meeting when the matter is discussed and also of the requirement to disclose an interest affecting impartiality under the Shire of York's Code of Conduct.

Name	Item No & title	Nature of Interest (and extent, where appropriate)

1.6 Declarations of Financial Interests

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision making procedure relating to the matter the subject of the declaration

Other members may allow participation of the declarant if the member further discloses the extent of the interest and the other members decide that the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.

Name	Item No & title	Nature of Interest (and extent, where appropriate)

1.7 Disclosure of Interest that May Affect Impartiality

Councillors and staff are required (Code of Conduct), in addition to declaring any financial interest, to declare any interest that might cause a conflict. The member/employee is also encouraged to disclose the nature of the interest. The member/employee must consider the nature and extent of the interest and whether it will affect their impartiality. If the member/employee declares that their impartiality will not be affected then they may participate in the decision making process.

Name	Item No & Title

2 ATTENDANCE

- 2.1 Members
- 2.2 Staff
- 2.3 Apologies
- 2.4 Leave of Absence Previously Approved
 - Cr Tricia Walters – 12 June to 31 July 2017 inclusive*
 - Cr Pam Heaton – 12-28 July 2017 inclusive*
- 2.5 Number of People in the Gallery at Commencement of the Meeting

3 QUESTIONS FROM PREVIOUS MEETINGS

- 3.1 Response to previous public questions taken on notice at the Ordinary Council Meeting held on 26 June, 2017

Mr John Weeks

Question 1:

Does the Shire intend to honour the MOU which was established between the Shire and the sporting clubs, which outlined the rights and responsibilities? One being the Shire being responsible for the replacement of surface of greens at recommended life end?

Response provided by the Executive Manager Corporate & Community Services:

Shire officers have undertaken a search of Shire records and though there is evidence of MOU's being drafted for all sporting club users of the YRCC, Officers can find no signed copies of any MOU's registered.

Question 2:

After the consultant's report, does the Shire intend to involve in honest and open discussion with the wider community outlining how it will affect the general community as they have not been invited to meetings as such. Public other than sporting clubs being family members particularly mothers and children are now using the club more and more on Wednesdays and Thursdays.

Response provided by the Executive Manager Corporate & Community Services:

Members of the general public were invited to provide comment for a four week period in March following Council's approval of the York Recreation and Convention Centre Discussion Paper which outlines potential management models. Following Council's resolution at the June Ordinary Council Meeting, SGL Consulting Group has been engaged to provide more detail regarding proposed options. The scope will include a drop-in session to be held on **Wednesday 19 July from 1 – 5pm at the YRCC** which is intended to provide interested members of the broader community an opportunity to provide input.

3.2 Response to unasked questions from the previous meeting**Mrs Tanya Richardson**

Questions received on Monday, 12 June 2017.

Question 1:

What are the KPI's for debt recovery (this does not equal the steps as discussed in my questions presented at the May Ordinary Council Meeting.)

Response provided by the Executive Manager Corporate & Community Services:

There are currently no KPI's relating to debt recovery for the organisation. However, on 17 June 2017 advertising commenced for tenders for Debt Collection Services for the next 3 years. When Council awards the tender Officers are proposing to review the Revenue Collection policy with a view to improving debt collection which may include the addition of KPI's.

Question 2:

What is the timeline/deadline for triggering court action if debt recovery has failed?

Response provided by the Executive Manager Corporate & Community Services:

In June 2016, Council adopted the legal recovery process which includes the steps and milestones for Council decision making regarding debt recovery. If Council wants to review the current Revenue Collection Policy the following statement: *"make every attempt to enter into a structured debt repayment programme with the debtor, in a way that minimises where possible the imposition of financial sanctions"* could be replaced with exact timelines associated with each milestone.

Question 3(a):

If costs are allocated to an assessment number can you please advise exactly what costs have been allocated to the Settlers House assessment number?

Response provided by the Executive Manager Corporate & Community Services:

The debts of an individual (including a Corporation) are generally confidential and would therefore normally be discussed and considered by Council behind closed doors in accordance with Section 5.23 of the Local Government Act 1995. Therefore, Officers are unable to answer this question.

Question 3(b):

If you are unable to provide this information accurately then why are you paying the Debt Collection Agency's bill blindly?

Response provided by the Executive Manager Corporate & Community Services:

The structure of the Chart of Accounts breaks down Legal Costs by each assessment number not by cost type (i.e. Bailiff Costs). Each bill received from the Debt Collection Agency is itemised by assessment number and includes a description of the cost type incurred for that assessment number. These are reviewed by Officers against the stage in debt collection process and invoices paid accordingly.

Mrs Tanya Richardson

Questions received on Friday, 16 June 2017 – Item SY03-06/17 Avon Valley Motor Museum Association (Inc) – Potential Three Year Funding Agreement

Question 1:

The letter (appendix) received by the Shire of York from AVMMA states an 'Operating Model' will be made available prior to end of June 2017. Why is this item being considered by Council prior to receiving this very important document?

Response provided by the Chief Executive Officer:

The AVMMA has advised they require a letter indicating support prior to 30 June 2017 to meet the requirements of the funding body. Officers have recommended the Operating/Management Model is a condition of the funding agreement which will be negotiated and considered by Council.

Question 2:

Will the Shire of York consider requesting a Risk Management Plan (AS/NZ ISO 31000:2009) as a condition so as to mitigate ratepayers risk?

Response provided by the Chief Executive Officer:

This will be a matter Council can consider as part of the funding agreement

Question 3:

Can the Shire of York confirm that rates have been requested and paid in full by the current owner for the last 10 years and that the new owners will be requested to do the same?

Response provided by the Chief Executive Officer:

The debts of an individual (including a Corporation) are generally confidential and would therefore normally be discussed and considered by Council behind closed doors in accordance with Section 5.23 of the Local Government Act 1995. However, the owner of this property won the rates incentive prize last year and to be eligible for this prize rates had to be paid in full for the property concerned. In regards to the new owners, no rates concessions are being considered at this time.

4 PUBLIC QUESTION TIME

Public Question Time is conducted in accordance with the Act and Regulations. In addition to this the Shire's Council Meetings Local Law 2016 states –

6.7 Other procedures for question time for the public

- (1) A member of the public who wishes to ask a question during question time must identify themselves and register with a Council Officer immediately prior to the meeting.*
- (2) A question may be taken on notice by the Council for later response.*
- (3) When a question is taken on notice the CEO is to ensure that—
 - (a) a response is given to the member of the public in writing; and*
 - (b) a summary of the response is included in the agenda of the next meeting of the Council.**
- (4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to—
 - (a) declare that he or she has an interest in the matter; and*
 - (b) allow another person to respond to the question.**
- (5) Each member of the public with a question is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions.*
- (6) Where a member of the public provides written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.*
- (7) The Presiding Member may decide that a public question shall not be responded to where—
 - (a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;*
 - (b) the member of the public uses public question time to make a statement, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or*
 - (c) the member of the public asks a question that is offensive or defamatory in nature, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.**
- (8) A member of the public shall have 2 minutes to submit a question.*
- (9) The Council, by resolution, may agree to extend public question time.*
- (10) Where any questions remain unasked at the end of public question time they may be submitted to the CEO who will reply in writing and include the questions and answers in the agenda for the next ordinary Council meeting.*
- (11) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.*

4.1 Written Questions – Current Agenda

4.2 Public Question Time

5 APPLICATIONS FOR LEAVE OF ABSENCE

6 PRESENTATIONS

6.1 Petitions

6.2 Presentations

6.3 Deputations

6.4 Delegates reports

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Minutes of the Ordinary Council Meeting held 26 June 2017

Confirmation

“That the minutes of the Ordinary Council Meeting held 26 June 2017 be confirmed as a correct record of proceedings.”

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

9 OFFICER’S REPORTS

SY085-07/17 – Avon Terrace Proposed Alfresco – Community Consultation

FILE REFERENCE:	AV1, HS.ITL.6.1.2
APPLICANT OR PROPONENT(S):	Shire of York
AUTHORS NAME & POSITION:	Carly Rundle, Senior Planner
RESPONSIBLE OFFICER:	Paul Crewe, Executive Manager Infrastructure and Development Services
PREVIOUSLY BEFORE COUNCIL:	9.2.2 – 20 April 2009
DISCLOSURE OF INTEREST:	N/A
APPENDICES:	A – Proposed Alfresco Dining Map B – Schedule of Submissions: Expressions of Interest C – Examples of Temporary Alfresco Spaces

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

To consider the expressions of interest received requesting the provision of Alfresco Dining Spaces (requiring removal of on street parking bays) and whether to adopt the proposal for the purposes of public advertising.

Background:

The Shire has received requests from several businesses on Avon Terrace for Alfresco dining areas to be created, similar to those located in front of the Jules Café, which would effectively require removal of a number of parking bays to accommodate.

Most of the existing alfresco areas on Avon Terrace were created or widened as part of the capital works programs around 2008/09 and a number of small nibs (mostly containing street trees) were removed to make way for additional parallel parking bays.

It is understood that consultation occurred at this time with business owners and those having alfresco constructed submitted requests for this to occur. A request was received around this time from the owners of York Pizza and Penny Farthing Sweets for a nib to be constructed. Council considered the request and resolved 20 April 2009 '*not to support the installation of an alfresco nib at the front of Lots 5 (133) and 6 (135) Avon Terrace, York*'.

The report discusses the reasons for the recommendation including that:

- At the time of consultation of the proposed works occurring, no submission was received requesting the nib;
- The pizza shop has more of a takeaway trade than dine in, and parking bays are required to allow customers and pizza delivery vehicles to park conveniently;
- Two tables and chairs could be accommodated on the existing footpath;
- There is a lack of rear access to both of these shops which necessitates commercial deliveries to be made through the front of both premises. Loss of the parking bays would result in commercial vehicles having to park outside other businesses and transport goods along the street.

These/similar businesses are still operating in the same location and have continued to express an interest in having an alfresco area being constructed.

In response to the requests, an expressions of interest was sent to businesses within the town centre along Avon Terrace to gauge the level of demand for spaces, and to consider any other matters raised at an early stage. The comments received are outlined in **Appendix B – Schedule of Submissions** and discussed further below.

Council is requested to consider the expressions of interest received and whether to progress the proposal to provide alfresco dining for the purposes of advertising allowing wider public consultation.

Comments and details:

Alfresco dining can be beneficial to the commercial centres/main streets through locating people and social activities within public spaces, it can give a feeling of vibrancy and sense of place and assist in improving of the viability of commercial centres.

It can also have benefits of:

- improving the ambience and amenity of a streetscape, by providing points of interest and activity, particularly at night time, where most retail stores would be closed for business;
- assisting with promotion of tourism and heritage values, allowing dining to occur whilst utilising views of heritage buildings;
- Providing an alternative to indoor dining and diversity in the service that owner/operators can provide to customers, as well as alternative dining options on the main street to tourists; and
- Promotes visibility and exposure of business to customers and tourists.

Alfresco dining is considered a positive inclusion in commercial centres, however, safety, pedestrian movement, availability of car parking spaces and traffic are factors that need to be given due regard in determining appropriate alfresco dining locations.

Avon Terrace is a two-way street, consisting of parallel parking on both sides and footpaths with clearance of 2.6m (where supporting poles exist) to 4m in some locations. In considering applications for alfresco dining, a minimum clearance of 1.5m is to be maintained for pedestrian movement, and dining areas are to be located away from parking bays (generally 0.6m clearance). In most instances, this restricts alfresco dining to occurring adjoining the shop having one or two small tables abutting the facade. In these cases, the ability to have alfresco dining catering for more than 2 tables/2 chairs requires a larger footpath width than available, necessitating widening and removal of parallel parking bays.

During the preliminary consultation period five businesses expressed a desire to have alfresco areas located in front of their business; Golden York Chinese Restaurant, Mad Mo's Café, TNT Pizza and Takeaway, Penny Farthing Sweets and Botanicalia.

Appendix A shows the existing streetscape layout and layout should alfresco spaces be provided. Officers recommend that alfresco spaces be provided as a shared space to Penny Farthing Sweets, TNT Pizza and Takeaway, Mad Mo's Café, removing three parallel parking bays. Delineation of spaces between the businesses can be managed through the alfresco licence process.

The reasons for not supporting an alfresco space to Penny Farthing Sweets and York Pizza in 2009 are noted, although it is considered that TNT Pizza and Takeaway operates a dine-in/takeaway trade, offering similar services to that of surrounding businesses that have alfresco spaces. Deliveries from TNT Pizza and Takeaway are also listed as available from Thursdays to Sunday evenings only outside of peak demand times for car parking in Avon Terrace and rear access is available from the Howick Street car park if required. It is considered reasonable to support the provision of an alfresco space.

An alfresco space would also be supported to be provided to Botanicalia removing one parallel parking space.

It is not recommended to provide an alfresco space in front of the Golden York Chinese Restaurant at this time, as it is considered that there will be a limited number of parking bays in proximity to this area (once shared alfresco space is provided, and motorcycle and disabled bays in proximity to site). The adjoining Cellarbrations store is also reliant on takeaway sales, and objected to the removal of car parking bays. It is considered that the retention of the parking bay would be more beneficial compared to the benefit the alfresco area would be likely to provide.

The expressions of interest period also resulted in a number of submissions received commenting on the general proposal to provide alfresco spaces. A mixed response was received, with some supporting the proposal, providing general comment on provisions that should be included and increasing of fees, and some raising concerns with the proposal which are discussed further below and in **Appendix B**.

The main concern raised related to the removal of car parking bays and impact of retail stores from their removal, as well as the temporary nature of some businesses, and that if they choose to relocate that the space would have little function and resulted in the loss of a car bay. The provision of convenient parking is important.

Parking is currently available via parallel bays on Avon Terrace, Howick Street and associated Reserve, Macartney Street and adjoining Lowe Street towards Avon River. It is common for parking on Avon Terrace between South Street and McCartney Street to be at capacity, although the rear carparks accessible from Howick Street and Lowe Street have vacant spaces at peak times available for parking. There is sufficient parking within the townsite to cater for demand. It is also considered that the removal of the three bays on the western side of Avon Terrace is acceptable, as most businesses near this space, have car parking/access less 150m from their store, or rear access available directly to the Howick Street carparking, and their removal is likely to have a negligible impact. The removal of one bay near Botanicalia is also an area where parking is less utilised and can accommodate the removal of one bay.

Whilst officers are supportive of the provision of the alfresco spaces as per **Appendix A**, outcomes from the community survey and consultation undertaken for the 2016-2026 Shire of York Strategic Community Plan identified a revitalisation of Avon Terrace and street trees as a priority action by the community. As a result \$20,000 has been allocated in the 2017/18 budget for an Avon Terrace Concept Plan to guide development of this area and a further \$70,000 towards footpaths/street trees and \$5,000 for street trees which could be used to contribute towards implementation of this plan.

Expenditure towards the provision of alfresco spaces could be premature, and result in works being undertaken without an overall plan being established, or works undertaken in isolation of wider streetscape works not achieving value for money. Therefore whilst officers are supportive of the installation of alfresco spaces at the current time, it is recommended that no expenditure occur until an overall plan for Avon Terrace has been established.

However, it is considered that the option should remain available to businesses should they choose to progress the proposal at their own cost. This could involve the provision of either permanent alfresco (noting that a street plan will be prepared which may plan works in this area), which has been estimated at a cost of approximately \$6,000 per bay to provide or the installation of removable temporary alfresco spaces (similar to parklets).

Temporary alfresco are also being increasingly being supported by local governments as a means of providing interchangeable use of carparking spaces, where permanent conversion is not desirable. These generally consist of a level surface being constructed (deck, or pavement finish product), being levelled, planters to define the area and temporary bollards to be erected. Semi-permanent can also be erected, which involves placing plastic under concrete or pavers.

Their benefits are that being temporary in nature they can be removed if a business stops operating or conversion back to a parking space if required. However, their appearance being temporary and the lightweight nature of materials generally used in their construction has a risk of appearing adhoc and out of character with the established streetscape. A draft policy would firstly need to be established setting out design guidelines and their process for installation/maintenance for Council's consideration and it is anticipated that individual designs for temporary alfresco would require Council approval. Construction of parklets by the local government and leasing/letting to businesses would reduce this risk, however is not desirable as this places maintenance, life cycle costs, relocation, installation and storage on the onus of the local government, compared to that associated with construction of a permanent alfresco. Preliminary research has indicated that depending on the materials used/finishes, construction costs are likely to range from a few thousand, up to \$20,000, although the average cost would be around \$10,000.

Some examples of typical temporary alfresco spaces are provided in **Appendix C**.

Options

Officer's recommendation is for Council to adopt the proposal to approve permanent or temporary alfresco spaces as outlined in Appendix A for public consultation, subject to the business operator meeting associated costs, and confirming with business operators that they still wish to proceed with the proposal.

The following options are also available to Council:

1. Do not support the removal of carparking spaces to provide alfresco spaces and retain car parking bays.
2. Support the removal of car parking spaces as per the officer's recommendation with modified conditions which may include:
 - (i) Removal of the requirement for business operators to meet costs; or
 - (ii) That temporary alfresco spaces are not supported; or
 - (iii) That permanent alfresco spaces are not supported.

Implications to consider:

- **Consultative**

Preliminary consultation was undertaken to gauge the level of demand for alfresco areas, and allow for other preliminary matters to be considered.

Submissions received generally indicated support for the provision of alfresco spaces recognising that they can have benefits in improving the vibrancy of a streetscape. Although concerns regarding traffic, impact on businesses, safety, future planning for the area and controls for alfresco licensees were raised.

A detailed summary of submissions is provided in **Appendix B**.

- **Strategic**

The provision of alfresco spaces would be consistent with the Shire of York 2016-2026 Strategic Community Plan Theme 3 Driving the Economy Forward, and in particular theme 3.6 *'The town of York's main street looks prosperous and cared for at all times.'*

- **Financial**

It is the officer's recommendation that alfresco spaces be supported for public advertising subject to the business operator meeting associated costs.

The approximate cost to infill a car parking bay with pavement, kerbing and bollards is estimated at \$6,000.

The construction cost to provide temporary alfresco spaces is estimated at a cost of approximately \$10,000, although may range from a few thousand to up to \$20,000 depending on requirements.

A road construction audit may also be required to support any application, with an approximate cost of \$500. If temporary alfresco areas are supported and requested by business owners, a draft policy will be developed in-house to guide their design and process for construction.

Should Council choose to modify the resolution removing the requirement for the business operator to meet costs, or only meet a portion, the costs are anticipated to be met from a portion of the proceeds from the sale of Lots 102 & 103 (Hse 2) Dinsdale Street, York, anticipated to achieve an income of \$239,000. Allocation of these funds towards alfresco dining construction would then be subject to a budget amendment following finalisation of the sale.

An ongoing annual permit for the operation of an alfresco areas is required to cover inspection which is \$29 per year including two tables and eight chairs. An additional \$10 fee applies for every extra table and four chairs.

- **Policy related**

Should any business operators be interested in establishing a temporary alfresco, a draft policy with guidelines for design and process for construction will need to be prepared for consideration by Council.

- **Legal and Statutory**

Shire of York Parking and Parking Facilities Local Laws

Currently the areas which will be utilised for alfresco areas are allocated as parking areas and subject to Shire of York Parking and Parking Facilities Local Law. These are parallel parking bays and signposted, allowing parking to occur and time limits of 2hrs apply to these bays between 8am to 5pm Monday to Fridays, and between 8am to 12pm Saturdays.

The Local Law provides for the ability for Council, by resolution, to designate an area as "no parking" by erecting appropriate signage, or through the use of kerbing and raised paving clearly identifying the areas for Alfresco Dining.

The 2-hour parking restrictions, amended from 1 hours to 2 hours between South Street to Harvey Street by Council resolution at Ordinary Council Meeting 4 March 2016 was raised within a submission as resulting in lesser parking turnover and a lack of parking availability and a reason that further bays should be not be removed to provide for alfresco dining spaces. The Council resolution provided that this would be implemented for a 6 month trial commencing from the date of installation of the new parking signs, and that a further item would be presented to Council at the 2016 October Council

meeting to report on the outcomes of the trial. To date this has not yet occurred, although is still required and will be noted in the resolution.

Shire of York Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law

Each Business with an associated outdoor eating facility requires a permit to trade within a public place by the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.

The permit process has a number of requirements and responsibilities that the business owner is to comply with, including insurances, numbers, keeping the footpath clear, rubbish etc, that is addressed as part of the application process.

The provisions within the Local Law are considered outdated, and do not specifically relate to 'alfresco dining'. A review of the provisions relating to the alfresco/outdoor dining is recommended to occur.

- **Risk related**

There are no medium to high risks that have been identified with the proposal that warrant further discussion.

- **Workforce Implications**

Nil for officer's recommendation. Should temporary alfresco spaces be a preferred option by business owners, a policy will need to be prepared setting out their installation/construction process to establish the likely impact on workforce.

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION:

“That Council:

- 1. Approves the draft concept for alfresco spaces being provided as outlined in Appendix A subject to:**
 - (a) The business owners/applicant requesting the alfresco space meeting associated costs; and**
 - (b) Further consultation occurring with the business owners to confirm their ongoing support for the provision of an alfresco space, as a result of (a) above; and**
 - (c) If continued support is given by the business owner for an alfresco space, a public consultation period of no less than 21 days being undertaken, and further report being prepared and presented to Council for consideration of submissions; and**
 - (d) If support is indicated by a business owner for a temporary alfresco space, a draft policy to guide their design, construction and process for installation being prepared and presented to Council for consideration.**
- 2. Notes that a review of the relevant provisions relating to alfresco dining within the Shire of York Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law will be undertaken.**
- 3. Notes that officers are preparing a report on the outcomes of the six month trial of the increase of the restricted parking hours on Avon Terrace between South Street and Harvey Street from 1 hours to 2 hours.”**

***SY086-07/17 – Development Application - Telecommunications
Infrastructure (Use Not Listed) – Lot 4 East Gwambygne Road, Gilgering***

FILE REFERENCE: GR2.50061
APPLICANT OR PROPONENT(S): Telstra Corporation Ltd
AUTHORS NAME & POSITION: Carly Rundle, Senior Planner
RESPONSIBLE OFFICER: Paul Crewe, Executive Manager Infrastructure & Development Services
PREVIOUSLY BEFORE COUNCIL: No
DISCLOSURE OF INTEREST: N/A
APPENDICES: A – Location Plan
B – Site Plan
C – Development Plans

Nature of Council's Role in the Matter:

- Quasi-judicial

Purpose of the Report:

To determine a development application received for proposed Telecommunications Infrastructure (Use Not Listed) at Lot 4 Gwambygne East Road, Gilgering.

Background:

Lot 4 is 1012m², zoned 'General Agriculture', surrounded by adjoining farmland and is located at the intersection of Gwambygne East Road and Top Beverley Road (**Appendix A**). The property is in the ownership of the Australian Telecommunications Commission, and contains an existing Telstra exchange shelter (**Appendix B**).

A development application has been received proposing the erection of telecommunications infrastructure at Lot 4 Gwambygne East Road, Gilgering, consisting of:

- a 60m high lattice tower and associated panels/units to form a base station;
- a Telstra equipment shed, with dimensions of no more than 3m high and 7.5m² at the base; and
- a new 2.4m high wire mesh fence, with dimensions of 12m by 16m, surrounding the compound with a 3m wide access gate.

A copy of the development plans is provided in **Appendix C**.

The development is part of the Federal Government Mobile Blackspot Program, proposing 3G/4GX services in areas where there has been a reported lack of coverage. Criteria for the selection of sites in the program, also includes the number of users that will benefit and provision of services along major transport routes. Coverage from the services can potentially extend up to 7km from the development site. The tower will be installed with the capacity for future NBN wireless, although is not proposed to occur at this time. Should the application be supported, construction is anticipated to commence by the end of 2017.

Council is requested to consider the application as proposed.

Implications to consider:

- **Consultative**

The proposal was publicly advertised for a period of 14 days by way of a notice being placed in the Avon Valley Gazette and notification sent to landowners within a 2.5km radius of the development site.

No public submissions were received. Submissions were received from Western Power, Department of Health and Department of Water stating no objections to the proposal.

- **Strategic**

The proposal is consistent with the Shire of York's 2016-2026 Strategic Community Plan and in particular the following themes and desired outcomes:

- Theme 4: Built for Resilience
4.7 – Communications infrastructure has complete coverage, is reliable, fast and capable of supporting growing levels of demand, particularly business demand.

- **Policy related**

There are no policy implications for the Shire associated with the proposal.

- **Financial**

There are no financial implications for the Shire associated with this proposal.

- **Legal and Statutory**

Telecommunications Act 1997

The *Telecommunications Act 1997* and associated *Telecommunications Code of Practice 1997* and *Telecommunications (Low-Impact Facilities) Determination 1997* regulates development of telecommunications facilities and activities of carriers and service providers. The Act exempts development which falls within the definition of 'low impact facilities', inspection and maintenance, temporary defence facilities or a facility authorised by a Facilities Installation Permit, from requiring planning approval.

The proposed development, being a new tower, does not fall within any categories which would provide an exemption from requiring planning approval.

Shire of York Local Planning Scheme No.2 (TPS2)

The property is zoned 'General Agriculture' by TPS2.

The proposed use consisting of a telecommunications tower and associated equipment is considered consistent with the land use in Schedule 1 of 'Telecommunications Infrastructure' defined as:

'means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network'.

'Telecommunications Infrastructure' is a use not listed in the Zoning Table and is therefore subject to clause 3.2.4 of TPS2.

3.2.4. If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type or class of activity of any other use the local government may:

- a) determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or*
- b) determine that the use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of clause 7.2 in considering an application for planning consent; or*

- c) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.*

The objectives of the General Agriculture zone set out in Cl 4.15.1 of TPS2 are:

- a) To ensure the continuation of broad-hectare agriculture as the principal land use in the district encouraging where appropriate the retention and expansion of agricultural activities.*
- b) To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.*
- c) To allow for facilities for tourists and travellers, and for recreation uses. ‘*
- d) To have regard to residential use of adjoining land at the interface of the General Agriculture zone with other zones to avoid adverse effects on local amenities.*

The purpose of the proposed telecommunications infrastructure is to provide utility services to rural areas of the Shire which currently have poor or no communications services available. These services are necessary to facilitate retention and expansion of agricultural activities, rural and regional businesses, emergency services, as well as providing services to passing tourists on thoroughfares and recreation users. The use is considered consistent with the objectives of the ‘General Agriculture’ zone.

Clause 4.15 also sets out standards for development, including a requirement to give due regard to the scenic values of the district and views from roads. If in the opinion of local government, the development if approved will have a detrimental effect on the rural character and amenities the application may be refused.

The development is located within a rural area, with the nearest dwelling approximately 730m from the development site. The development is located on a ridge, and being a 60m high tower will be visible from a substantial distance from the site, including Great Southern Highway, located over 2.5km from the site.

The development is anticipated to be visible to adjoining dwellings in the skyline and will be visible on a number of roads which may have an impact on the scenic values. Given the separation distance to established dwellings, and location as a rural road it is considered that any visual amenity impacts will be minor. Telecommunications towers are an accepted form of development in rural areas, necessary to provide communications and services expected by residents in those areas. The visual impact is considered limited in relation to the benefits the mobile tower will bring to landowners in the locality.

A minimum building setback of 15m is also required to all boundaries. The proposed tower will be setback 3.5m from the street boundary line (Top Beverley Road) and the 2.4m high mesh fence will be located on the street boundary in line with the existing Telstra exchange fence. The compound and tower is setback 7m and 11.5m from the southern lot boundary respectively and 12.9m and 15.1m from the western lot boundary. Setback variations are proposed.

Clause 4.6 provides the local government discretion to modify development standards such as setbacks where it is satisfied that:

- (a) Approval of the propose development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;*
- (b) The non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

The property is 24.9m wide and 51.6m/29.4m in length. The proposed compound is 12m wide by 16m, and the existing Telstra exchange is 7m in length.

Compliance with setback requirements is not possible due to the width of the property. The proposed development will be setback in line with the existing Telstra exchange on the property (although noting that the existing fence is post and rail approximately 1.2m in height, and the exchange is approximately 2.7m in height. The development is located in a rural area, and the reduced setback is not anticipated to have a detrimental impact on the amenity of the locality. Should Council choose to, an increased setback could be conditioned on approval, although would then result in a setback variation occurring to the western lot boundary.

Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations)

Development applications are required to be considered in accordance with Schedule 2 – Deemed Provisions for Local Planning Schemes of the Regulations. Clause 67 sets out matters to be given due regard when considering a development application. Those relevant to this application are discussed below.

(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving.	<p>Scheme Amendment 50, which has been approved by the Minister for Planning, subject to modifications being undertaken and proposes to make a minor modification to the definition of ‘telecommunications infrastructure’. The amended definition is:</p> <p><i>“means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network”.</i></p> <p>The amendment does not change the land use classification of the proposed development.</p>
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(c) Any approved State Planning Policy	<p>State Planning Policy 5.2 – Telecommunications Infrastructure (SPP5.2) sets out matters to be considered when determining development applications including:</p> <ul style="list-style-type: none"> • The extent to which the proposal contributes to the social and economic benefits of affordable and convenient access to modern telecommunications services for people and businesses throughout the State. • The need to ensure continuity of supply of telecommunications services to people and businesses in the local area or region. • The extent to which the proposal enhances or maintains visual amenity including streetscape and minimises adverse visual impacts. • The degree to which the proposal is co-ordinated with other services. • The extent to which the proposal adheres to the Guiding Principles for the Location, Siting and Design of Telecommunications Infrastructure set out in Section 5.1 of the Policy. <p>With regard to siting and design section 5.1 states that facilities need to meet the communication needs of the community; visual impacts should be minimised; co-location of facilities should be sought as well as integration with other services where possible; and measures such as colour co-ordination and landscaping to screen the base of towers and ancillary structures should be used, where appropriate, to minimise the visual impact of telecommunications facilities.</p>
(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.	<p>The development is located within a rural area, adjoining land used for cropping/agriculture purposes and located over 700m from a dwelling site.</p> <p>The development is considered compatible with the surrounding locality.</p>
(n) The amenity of the locality including the following – (i) Environmental impacts of the development; (ii) The character of the locality; (iii) Social impacts of the development.	<p>There are no adverse amenity impacts anticipated as a result of the development.</p>
(o) The likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource.	<p>No adverse impacts on the natural environment or water resources are anticipated as a result of the development.</p>
(p) Whether adequate provision has been made for the landscaping of the land to which	<p>There is one tree on the property, which the applicant has provided is to be retained. No additional landscaping is proposed by the applicant.</p>

the application relates and whether any trees or other vegetation on the land should be preserved.	The compound is located up to the street boundary to locate the infrastructure in proximity to the existing Telstra exchange. It is considered that the visual appearance of the development located within a rural area is acceptable without landscaping. Should Council choose to, it could condition some landscaping be planted in the verge area to improve the appearance at a streetscape level, although the amount of landscaping able to be implemented may be limited as utility lines also run within the verge.
(q) The suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk.	There are no known risks which affect this property.
(r) The suitability of the land for the development taking into account the possible risk to human health or safety.	Electromagnetic energy (EME) can be emitted from mobile phone base stations which can cause concern to members of the public. The mobile base station has been predicted to comply with the Australian Standard on public exposure to EME set by the Australian Communications and Media Authority.
(s) The adequacy of – (i) The proposed means of access to and egress from the site; and (ii) Arrangements from the loading, unloading, manoeuvring and parking of vehicles.	Access to the site is proposed to occur from Top Beverley Road. The development plans indicate that the existing crossover will be widened. The location of the proposed crossover is sufficiently setback from the intersection and is supported. An application to construct a crossover, demonstrating compliance with Shire of York specifications is required to be submitted and approved prior to crossover construction works commencing.
(t) The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.	Traffic generated by the proposal will be minimal (aside from the initial construction phase which the proponent has provided is likely to take five weeks) and is likely to consist of infrequent service and maintenance visits. The existing road capacity is sufficient and capable of accommodating traffic generated by this proposal.
(u) The availability and adequacy for the development of the following – (i) Public transport services; (ii) Public utility services; (iii) Storage, management and collection of waste; (iv) Access for pedestrians, cyclists (including end of trip storage, toilet and shower facilities); (v) Access by older persons and people with disability;	The purpose of the proposal is to erect telecommunications facilities to provide a utility service to landowners in the locality. Access to the site will be limited to infrequent visits for maintenance and utility works. The provision of parking, public transport services or access facilities for pedestrians/cyclists, is not warranted. Adequate services such as power are available to the site and provision has been made for equipment storage facilities onsite.
(v) The potential loss of any community service or benefit resulting from the development other than the potential loss that may result from economic competition between new and existing businesses.	There is no identified loss of any community service or benefit that would result from the proposed development. Should the service which will be provided by this development (or alternate site) not proceed, benefits to landowners in the locality through improved communication services will be lost. Improved communication services are also

	essential for emergency services should their services be required in these areas.
(y) Any submissions received on the application.	No public submissions were received.
(za) the comments or submissions received from any authority consulted under clause 66.	Submissions were received from Western Power, Department of Water and Department of Health with no objections to the proposal.

- **Risk related**

There are no medium risks identified with the proposal that warrant additional management.

- **Workforce Implications**

There will be no workforce implications as a result of this application.

Comments and details:

The proposed telecommunications infrastructure (use not listed) is considered consistent with the Shire of York Town Planning Scheme No. 2 and *Planning and Development (Local Planning Schemes) Regulations 2015* and officers recommend that the application be approved subject to conditions.

Options:

There are three further options available to Council:

- Option 1 - Approve with modified conditions

Should Council determine that additional or modified conditions are required, it could resolve to approve the application, listing the amendments.

- Option 2 – Refuse

Should Council hold the view that the application for planning consent is not consistent with the Regulations and TPS, Council could refuse the development, and list the reasons for refusal.

- Option 3 – Defer

Should Council consider that there are further matters or information required prior to making a determination, it could resolve to defer the matter, and list the reasons why.

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION:

“That Council:

Approves the planning application for proposed Telecommunications Infrastructure (Use Not Listed) at Lot 4 East Gwambygine Road, Gilgering, subject to the following conditions:

- 1. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.***
- 2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plans(s) (enclosed), including any notes placed in red by the Shire.”***

ADVICE NOTES:

- Note 1:** If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
- Note 2:** Where an approval has so lapsed, no development is to be carried out without the further approval of the local government having first been sought and obtained.
- Note 3:** If an applicant is aggrieved by this determination there is a right of appeal under the Planning & Development Act 2005. An appeal must be lodged within 28 days of the determination.
- Note 4:** In accordance with the provisions of the Building Act 2011, and Building Regulations 2012, an application for a building permit (including demolition or separate demolition permit) must be submitted to, and approval granted by the Shire, prior to the commencement of the development hereby permitted.
- Note 5:** An application for a crossover shall be submitted to the Shire prior to commencement of crossover works. A copy of the application form can be downloaded on the Shire of York website.

SY087-07/17 – Development Application: Storage of Two Aircrafts for Private Use (Use Not Listed) – Lot 2308 Cameron Road, Malebelling

FILE REFERENCE:	CA1.60838
APPLICANT OR PROPONENT(S):	Aeroline Pty Ltd (A. Cotterell)
AUTHORS NAME & POSITION:	Carly Rundle, Senior Planner
RESPONSIBLE OFFICER:	Paul Crewe, Executive Manager Infrastructure & Development Services
PREVIOUSLY BEFORE COUNCIL:	No
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	A – Location Plan
	B – Site Plan
	C – Development Plans
	D – Schedule of Submissions

Nature of Council's Role in the Matter:

- Quasi-judicial

Purpose of the Report:

To determine a development application received for the proposed Storage of Two Aircrafts for Private Use (Use Not Listed) at Lot 2308 Cameron Road, Malebelling.

Background:

Lot 2308 is 82.6ha in area and located approximately 12km east of the York townsite (see Location Plan at **Appendix A**).

The property is zoned 'General Agriculture' and contains built features including a runway strip, outbuilding, and one aircraft hangar/farm stay style accommodation (Site Plan attached at **Appendix B**). The property is located adjoining the existing White Gum Farm on Lot 8038, where commercial aviation services and farm stay accommodation/ caravan park are operated.

A development application has been received proposing to relocate two Boeing 737-200 aircrafts from Perth Airport to the property. The aircrafts have a length of 30.6m, wingspan of 28.5m and a height of 11.3m to the top of the tail.

The proponent has applied to relocate and store the aircrafts on the property for private use, and acknowledged that the use of the aircraft for tourism purposes or allowing public access would fall under a separate land use and be subject to a separate development application. The applicant has provided that the aircrafts are no longer operational, will be for display only and the engines will not be run.

The application also proposes locating two 40ft sea containers and a water tank on the property, although these are exempt from requiring planning approval.

A copy of the development plans is provided in **Appendix C**.

The application was publicly advertised for a period of 14 days by way of notification to adjoining landowners inviting comment on the proposal. One submission was received within the referral period and one late submission received, raising objections to the proposal which is discussed further below.

Council is requested to consider the application as proposed.

Implications to consider:

- **Consultative**

The proposal was referred to all adjoining landowners for comment.

One submission was received within the comment period, and one late submission received after which raised objections and concerns to the application including:

- Access to the property via the existing easement and that the length, width and standard is not suitable for heavy vehicles or intensified traffic. Concerns were raised with transporting the aircrafts to the property through this easement and potential to damage crops;
- The safety of locating the aircrafts in proximity to the runway;
- The planes should not be operable or able to be started;
- Fire safety risk from engine fuel, and suggested a condition be included that no fuel remain in the tank at any time;
- Concerns that the aircrafts will be used and made available as a tourist attraction for public viewing.

A detailed list of submissions and comments is provided in **Appendix D**.

- **Strategic**

The development for storage of the aircrafts for private use is not specifically addressed within the Shire of York 2016-2026 Strategic Community Plan, however it is considered that subject to meeting relevant provisions of the Shire of York Town Planning Scheme No. 2 and *Planning and Development (Local Planning Schemes) Regulations 2015* that it is not inconsistent with strategy plans and policies for the Shire of York.

- **Policy related**

There are no policy implications for the Shire associated with the proposal.

- **Financial**

There are no financial implications for the Shire associated with this proposal.

- **Legal and Statutory**

Shire of York Local Planning Scheme No.2 (TPS)

The property is zoned 'General Agriculture' by TPS2.

The proposed use consisting of storage of aircrafts on the property for private use does not reasonably fall within an existing land use listed in the Zoning table and is therefore subject to clause 3.2.4 of TPS2.

3.2.4. If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type or class of activity of any other use the local government may:

- d) determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or*
- e) determine that the use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of clause 7.2 in considering an application for planning consent; or*
- f) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.*

The objectives of the General Agriculture zone set out in CI 4.15.1 of TPS2 are:

- e) *To ensure the continuation of broad-hectare agriculture as the principal land use in the district encouraging where appropriate the retention and expansion of agricultural activities.*
- f) *To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.*
- g) *To allow for facilities for tourists and travellers, and for recreation uses.* ‘
- h) *To have regard to residential use of adjoining land at the interface of the General Agriculture zone with other zones to avoid adverse effects on local amenities.*

The applicant has provided that approximately 28.5ha of the property is fenced and cropped, and that the remaining portion of the property is not cropped due to poor soil conditions. An area of 9ha has been fenced for sheep and an old extractive industry pit (sand) also remains on the property. The storage of aircrafts on the property for private use will utilise approximately 2000m² of area.

The application submitted does not propose to allow public access, or use as a tourist facility and it is considered that the proposed storage of the aircrafts will not detract from the existing broad acre agriculture uses continuing the property or its continuation as the principal land use in the district. The proposed use is generally considered consistent with the objectives of the General Agriculture zone.

Clause 4.15 also sets out standards for development, including a requirement to give due regard to the scenic values of the district and views from roads. If in the opinion of local government, the development if approved will have a detrimental effect on the rural character and amenities the application may be refused. The development is located within a rural area and setback a minimum of 200m from the northern boundary and 100m from the southern boundary, more than the minimum setback of 15m prescribed by TPS2. Each aircraft has a body of 3.76m wide by 30.6m in length and a height of 5m (inclusive of wheels). The wing span is 28.5m and 3m high and the tail is a maximum of 11.3m.

With regard to the size of the aircrafts and setbacks to adjoining properties, the visual impact of the development on the scenic values of the district is considered consistent with that which could be anticipated in a rural area and is not anticipated to detrimentally affect the adjoining landowners.

Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations)

Development applications are required to be considered in accordance with Schedule 2 – Deemed Provisions for Local Planning Schemes of the Regulations. Clause 67 sets out matters to be given due regard when considering a development application. Those relevant to this application are discussed below.

(d) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving.	There are no scheme amendments proposed which affect this application.
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(e) Any approved State Planning Policy	State Planning Policy 2.5 – Rural Planning applies. The objectives of this policy are to protect rural land, particularly high-quality priority agricultural land resources for this purpose. The land is not designated as priority agriculture, and Shire of York Town Planning Scheme No. 2 objectives for the General Agriculture zoned land were created in accordance with the principles of SPP2.5. The proposed development is considered relatively consistent with the objectives of the General Agriculture Zone.
(g) Any local planning policy for the Scheme area.	Local Planning Policy No. 2 – Sea Containers permits the use of up to two 40ft sea containers on the property without planning approval. Any building permits required by the Building Codes will still need to be obtained.
(w) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.	The appearance of the development, in terms of bulk, size, scale and orientation is not anticipated to have a detrimental impact on the visual amenity of adjoining landowners. The applicant has applied for the storage of the aircrafts on the property for 'private use' and is considered compatible with adjoining development.
(x) The amenity of the locality including the following – (iv) Environmental impacts of the development; (v) The character of the locality; (vi) Social impacts of the development.	No adverse impacts on amenity are anticipated as a result of the development.
(y) The likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource.	No adverse impacts on the natural environment or water resources are anticipated as a result of the development.
(z) Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.	The proposed aircrafts are to be located within a cleared area. The visual amenity impacts associated with the proposal are considered acceptable and not requiring any additional landscaping.
(aa) The suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk.	The property is located within an area identified as 'bushfire prone'. The development does not fall within a criteria requiring a bushfire attack level assessment to be prepared, the aircraft will not be operational, is not habitable, and presumably there will be no need to contain any engine fuel, the proposal is considered to have minimal risk. A condition on approval will confirm that the engine is to contain no fuel, and that the engine is not to be run. A condition of approval will also confirm that it is not to be used for habitable or

	commercial uses.
(bb) The suitability of the land for the development taking into account the possible risk to human health or safety.	The Civil Aviation Safety Authority (CASA) has previously advised that the runway strip is categorised as an Aeroplane Landing Area. CASA does not regulate the construction or maintenance of such facilities although advises that any facility constructed should be done so in accordance with the Advisory Publication CAAP 92-1 (1), Guidelines for Aeroplane Landing Areas. The proposed development and location is consistent with the Guidelines.
(cc) The adequacy of – (iii) The proposed means of access to and egress from the site; and (iv) Arrangements from the loading, unloading, manoeuvring and parking of vehicles.	<p>The applicant has proposed to store the aircrafts for private use, which does not involve making them available for public access or viewing. The adequacy of ingress and egress from the site as a result of the development is therefore anticipated to be limited to the relocation of the aircrafts.</p> <p>Lot 2308 abuts an unconstructed road reserve to south, and obtains access to the property via a registered easement approximately 3.5km long and extending through six lots. The track from Taylor Road to the property does not align with the registered easement and parts of the easement area are not trafficable. Relocation of the aircraft through these properties is likely to require access out of the easement area in private property. The applicant will require these landowners consent where it cannot utilise the easement to relocate.</p> <p>The applicant has also advised that access is gained via Lot 8038 to the south through an arrangement with the White Gum Farm, although is not formalised through agreements such as an easement.</p> <p>The applicant has not confirmed the proposed route that the aircrafts will follow to be relocated to the property, although has provided that consent from adjoining landowners has been given enabling the aircrafts to be transported to his property. The applicant has provided that the final route will be determined by the transport operator, in conjunction with any permits required to move oversize loads issued by Main Roads. Main Roads has indicated that a permit would cover use of roads, including local roads, although its authority ceases when the transporter accesses private land. Main Roads has also provided that the local government authority would only be consulted on issuing of the permit where the proposed route may be at variance with any conditions imposed on that route through the RAV mapping.</p> <p>Two submissions have been received from landowners objecting to the use of the easement or their properties to relocate the aircrafts to the property. The use of easements are generally considered a civil matter, although</p>

	<p>local governments are to give due regard to the appropriateness/adequacy of access as part of planning decisions.</p> <p>The relocation of the aircrafts will be a temporary impact, and it is considered that subject to the applicant receiving appropriate consent from the affected property owners and/or abiding by any easement requirements that the aircrafts can be appropriately relocated.</p> <p>The responsibility will be on the landowner/applicant to ensure that access through adjoining properties complies with any legal requirements, conditions of the easement and/or has the necessary consents to cross through private property.</p>
(dd) The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.	<p>The applicant has proposed to store the aircrafts for private use, which will not be made available to the public to access. Therefore, traffic generated by the proposal is anticipated to be negligible.</p> <p>Should an application be received proposing to allow public access, the land use is likely to fall under an already defined use class requiring a further development application. Traffic volumes will be re-assessed at this time.</p>
(ee) The availability and adequacy for the development of the following – (vi) Public transport services; (vii) Public utility services; (viii) Storage, management and collection of waste; (ix) Access for pedestrians, cyclists (including end of trip storage, toilet and shower facilities); (x) Access by older persons and people with disability;	<p>The proposed development is for private use, and therefore does not necessitate public or disabled facilities being provided.</p>
(ff) The potential loss of any community service or benefit resulting from the development other than the potential loss that may result from economic competition between new and existing businesses.	<p>There is no identified loss of any community service or benefit that would result from the proposed development.</p>
(z) Any submissions received on the application.	<p>Refer consultative section above, and Appendix D Summary of Submissions.</p>
(za) the comments or submissions received from any authority consulted under clause 66.	<p>Main Roads was contacted verbally to discuss oversized load permit requirements as part of the assessment process. No other statutory referrals were undertaken.</p>

- **Risk related**

There are no medium risks identified with the proposal that warrant additional management.

It is noted that there have been concerns raised within the submissions that the aircrafts are intended to be made available for public access/use. The application can only be assessed based on the proposed use submitted by the applicant, and alternative use cannot be pre-empted. There is however a risk that public access could be made available, which would become a compliance issue, requiring staff time to investigate/monitor.

- **Workforce Implications**

There are no workforce implications anticipated as a result of this application.

Comments and details:

The main concerns raised by submitters for the storage of two aircrafts for private use relates to the actual relocation of the aircrafts onto the property, and potential use for tourism/public access.

It is considered that the aircrafts can be appropriately relocated, subject to receiving the necessary consents from adjoining landowners and/or abiding by any requirements of the easement.

It is also noted that there is a concern that the aircrafts will be used for tourism purposes and allow public access. The application has been assessed based on the proposed use by the applicants which is for storage of the aircrafts for private use. An application is required to be assessed on its merits based on the proposal submitted and an alternative agenda cannot be pre-empted. Appropriate conditions will be included on the approval, restricting the use of the aircrafts to private use only as per the application. Any non-compliance with conditions of approval will be subject to standard compliance procedures of the Shire.

However, it should be recognised that the Regulations exempt a temporary use which is in existence for less than 48 hours, or a longer period agreed by the local government in any 12-month period from requiring planning approval. Therefore, there is potential for a temporary open day of the aircrafts or similar use if it met the criteria above to occur, regardless of the conditions of planning approval.

It is considered that the proposal is generally consistent with the Shire of York Town Planning Scheme No.2 and *Planning and Development (Local Planning Schemes) Regulations 2015* and it is recommended that the application be approved subject to conditions.

Options:

Officers recommendation is to approve the development subject to conditions. There are three further options available to Council:

- Option 1 - Approve with modified conditions

Should Council determine that additional or modified conditions are required, it could resolve to approve the application, listing the amendments.

- Option 2 – Refuse

Should Council hold the view that the application for planning consent is not consistent with the Regulations and TPS, Council could refuse the development, and list the reasons for refusal.

- Option 3 – Defer

Should Council consider that there are further matters or information required prior to making a determination, it could resolve to defer the matter, and list the reasons why.

Voting Requirements:
Absolute Majority Required: No

OFFICER RECOMMENDATION:

“That Council:

Approves the planning application for proposed Storage of Two Aircrafts for Private Use (Use Not Listed) at Lot 2308 Cameron Road, Malebelling, subject to the following conditions:

- 1. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.***
- 2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plans(s) (enclosed), including any notes placed in red by the Shire and except as may be modified by the following conditions.***
- 3. The development hereby approved is for the purposes of storing the aircrafts for private use only, and shall not be open or made available for public access.***
- 4. The aircrafts shall not be used for habitable purposes.***
- 5. The aircraft engines shall not be operated and fuel tanks shall remain empty at all times.”***

ADVICE NOTES:

- Note 1:** If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
- Note 2:** Where an approval has so lapsed, no development is to be carried out without the further approval of the local government having first been sought and obtained.
- Note 3:** If an applicant is aggrieved by this determination there is a right of appeal under the Planning & Development Act 2005. An appeal must be lodged within 28 days of the determination.
- Note 4:** In accordance with the provisions of the Building Act 2011, and Building Regulations 2012, an application for a building permit must be submitted to, and approval granted by the Shire for the sea containers and any water tanks with capacity over 5000L.
- Note 5:** The relocation of an oversized load is likely to require Main Roads approval. It is the landowner's responsibility to ensure that appropriate consent and/or easements are adhered to as part of relocation of the aircrafts through private land.
- Note 6:** The use of the aircrafts for public access, tourism or any other purpose will require a further development application to be submitted.

SY088-07/17 – Consideration of Cultural Heritage Interpretation Master Plan for the Shire of York

FILE REFERENCE:	CS.CCS.4
APPLICANT OR PROPONENT(S):	Shire of York
AUTHORS NAME & POSITION:	Carol Littlefair, Curator, Cultural Heritage
RESPONSIBLE OFFICER:	Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL:	N/A
DISCLOSURE OF INTEREST:	N/A
APPENDICES:	A. York Cultural Heritage Interpretation Master Plan B. A Heritage Tourism Strategy for Western Australia – Executive Summary C. Arts and Culture in Western Australian Local Government Report of 2015 - Executive Summary

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

This report presents Council, for consideration as an informing document, the Lotterywest funded Cultural Heritage Interpretation Master Plan created for the Shire of York in 2015.

Background:

A successful Lotterywest grant application in 2014 resulted in the development of a Shire of York Cultural Heritage Interpretation Master Plan created by specialist Heritage Interpretation consultants Savagely Creative in conjunction with designers Creative Spaces. Savagely Creative have a background in developing Heritage Tourism experiences and places. The consultants developed the plan over 2014-2015 and during a time of major change at the Shire of York and as such the Plan has not yet been presented to Council for formal consideration.

Comments and details:

The purpose of this Plan is to provide a framework to develop interpretation projects that will identify innovative ways to present key messages and themes, whilst allowing site-specific stories to be communicated. It will guide interpretation and facilitate a greater understanding of cultural heritage and resources in the Shire of York.

The objectives are defined as:

- Develop a detailed inventory of heritage resources
- Recommend appropriate methods of interpretation
- Identify specific installation locations
- Suggest design and communication methods
- Develop an implementation and management strategy
- Ensure integration of recommended and existing methods of interpretation
- Ensure that all related infrastructure demonstrates design excellence and enhances the public realm

The Plan analysed the Planning context including the Community Strategic Plan, Local Planning Strategy 2007, the Shire of York Town Centre Outline Development Plan and report 2006, the Shire of York Tourism Strategy for Tourism development 2013 and the Shire of York Bike and Trails Master Plan 2014.

The plan was developed in line with the principles of the Burra Charter, which was developed by ICOMOS [the International Council of Monuments and Sites], which states the following in regard to interpretation:

Article 25: *“The cultural significance of many places is not readily apparent and should be explained by interpretation. Interpretation should enhance understanding and enjoyment, and be culturally appropriate”.*

It was also created in line with the principles of the Ename Charter, also developed by ICOMOS, which states that in regard to cultural heritage, including natural [environmental], tangible [built structures, some artworks] intangible [beliefs, legends, stories, song, dance] moveable [museum collections, artworks] Indigenous [which can fall into any category, but often intangible], the aims of interpretation are to:

- Facilitate understanding and appreciation
- Communicate meanings
- Safeguard tangible and intangible values in context
- Respect the authenticity of sites
- Contribute to conservation
- Encourage inclusiveness in interpretation
- Develop technical and professional standards for interpretation

The Plan includes an analysis of potential and actual target audiences and the implications this has for cultural heritage tourism. It includes explanations of why interpretation matters and the positive benefits that it can create, particularly in respect to changing people’s attitudes from not caring to curious, to aware, to caring about and ultimately taking care of cultural heritage.

The Plan takes a holistic approach to cultural heritage interpretation, understanding that it is part of a bigger picture, creating a visitor experience that is appropriate for local residents too. What enhances the visitor experience inevitably enhances quality of life for residents [example: Avon Terrace wastebins] and many of the recommendations provide examples of how to realise the aims of the Community Strategic Plan and will underpin marketing and tourism development of York.

Implications to consider:

- **Consultative**
Open and transparent public consultation was undertaken at the time of creation of this Plan. Liaison took place with the then CEO, staff and Council and subsequent Commissioner, CEO and staff. Organisations and individuals consulted are listed in the Plan.

Strategic

The development of this document falls within the general principles of the Strategic Community Plan and underpins the aim to be: A Leader in Cultural Heritage and Environment; To be a place which is renowned for its cultural heritage and the quality of its natural environment, and for the care taken by the community of both.

Development of cultural heritage tourism is central to the economic development of the Shire of York, so it is essential that the Shire of York have an overarching document which identifies key needs, sites, messages and themes to be considered in terms of the interpretive potential of York’s exceptionally rich cultural heritage. The Plan identifies key recommendations for action, many of which are related to tourism, marketing and community development in a broader sense.

It reflects and complements Federal Government policies and initiatives within and across heritage and tourism programs and structures, particularly:

- Australian Government - "Tourism White Paper" and the
- Environmental Protection & Heritage Council - "National Taskforce on Tourism and Heritage".

It reflects and complements State policies and initiatives, including, but not limited to:

- "The Western Australian State Sustainability Strategy" (Department of Premier and Cabinet)
 - 3.36: Develop niche markets for cultural/heritage tourism. (Tourism WA; 142-44)
 - 3.37: Reinforce "sense of place" through heritage tourism. (Tourism WA; ibid)
- "Pathways Forward - Strategic Plan 2003-2008" (Tourism WA)
 - Objective 4: Grow Regional Tourism.
 - 4.2: Target market segments with a propensity for dispersal.
 - 4.4: Identify product gaps within priority markets.
 - 4.6: Build regional tourism through a regional events program.
- "A Heritage Tourism Strategy for Western Australia" (HCWA & Tourism WA)
 - (Executive Summary attached as Appendix B.)
- Wheatbelt Blueprint - A vision for a vibrant future
 - Outlined in 'Vibrant Economy 2050'
 - "Adventure, heritage and events tourism continue to attract visitors to the Sub-region".
- The Avon Sub-Regional Economic Strategy
 - Identifies 'Grey Nomads' [the demographic most interested in cultural heritage] as the primary growth domestic tourism market stating:

"The proximity of the Avon to metropolitan Perth, its primary domestic market, means the predominance of day trip visitation is likely to continue in the future. However, maximising the sub-region's exposure to overnight and multi-day visitation is critical to increasing the economic value of tourism in the local market.

Tourism Research Australia forecasts for tourism visitation activity in regional WA are for almost flat growth in domestic overnight visitation over the next decade.

The exception to this is likely to be that related to older populations, referred to as "Grey Nomads". The Avon sub-region, with its proximity to metropolitan Perth and nature-based tourism offering is ideally positioned to capture a proportional share of this growing market".

Since the formation of this Plan, the Arts and Culture in Western Australian Local Government Report of 2015 has been published; its key recommendations correlate with the recommendations of this Plan. An executive summary of the Report is attached as Appendix C.

- **Policy related**
Nil

- **Financial**

The Plan was funded primarily through a Lotterywest Cultural Heritage Grant. Lotterywest and other funding bodies regard the adoption of strategic planning framework documents such as this as essential elements of Local Government cultural planning. Any applications to grant-giving organisations to fund projects are expected to demonstrate how such projects fit within and are prioritised in the broader scheme of Local Government aims and objectives. Without such a document, it may be difficult to obtain project grants related to this area in the future.

All projects that may in future be proposed in relation to this document will be put forward for Council consideration on their individual merits and considered in the context of the Corporate Business Plan, the Strategic Community Plan, the Long-term Financial Plan and annual budget process.

- **Legal and Statutory**

Nil

- **Risk related**

Without such a guiding document, the risk of scarce resources being expended on ad-hoc projects and interpretation may be led by well-meaning but uninformed processes, resulting in a piecemeal approach that does little to enhance York's reputation as a cultural heritage destination and may even have a cumulative detrimental effect on cultural heritage sites in the longer term.

Without such a document, it will be difficult to obtain project grants related to this area in the future, because applications to grant-giving organisations to fund projects are expected to demonstrate how such projects fit within and are prioritised in the broader scheme of Local Government aims and objectives.

- **Workforce Implications**

All projects that may in future be proposed in relation to this document will be put forward for Council consideration on their individual merits and considered in the context of the Workforce Management Plan, in addition to the Plans mentioned above in the Financial considerations.

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION:

"That Council:

- 1. Endorses the draft Shire of York Cultural Heritage Interpretation Master Plan (attached at Appendix A) for the purposes of public advertising.***
- 2. Requests the Chief Executive Officer to advertise the Plan for a period of four (4) weeks for public comment and present any submissions received to Council for consideration prior to final adoption of the document as an informing document as part of the Integrated Planning and Reporting Framework."***

SY089-07/17 – Acceptance of Youth Activities Grant Funds for Nature Play WA Festival Event

FILE REFERENCE:	CS.CEV	FI.DON
APPLICANT OR PROPONENT(S):	Shire of York	
AUTHORS NAME & POSITION:	Esmeralda Harmer, Events & Economic Development Officer	
RESPONSIBLE OFFICER:	Paul Martin, Chief Executive Officer	
PREVIOUSLY BEFORE COUNCIL:	Nil	
DISCLOSURE OF INTEREST:	Nil	
APPENDICES:	A. Department of Local Government & Communities Grant Application	

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

The Shire of York has been successful in securing \$5,000 from the Department of Local Government and Communities (DLGC) Youth Activities funding stream for promotion and activity at the Shire supported Nature Play event.

This report requests Council to accept the grant funds for this purpose and note the event planning details that have occurred to date.

Background:

At February's Ordinary Council Meeting, Council considered Item *SY010-02/17 Priorities for Events in York* and made the following recommendations;

RESOLUTION

120217

Moved: Cr Randell

Seconded: Cr Saint

"That Council requests the Chief Executive Officer to:

- 1. Work with potential partners to investigate establishing a Music Festival and Cycling Event in York and report to Council when appropriate.*
- 2. Negotiate a one-year funding agreement with the Perth International Jazz Festival to hold part of the festival in York in May 2017 for Councils consideration, utilising unspent funds held in trust from the proposed 2015 Jazz Festival which did not proceed, to a maximum value of \$23,500 (excluding GST).*
- 3. Further develop the concept of a Nature Play Festival in York in partnership with Nature Play WA and refer this initiative to the 2017/18 financial year budget process for consideration.*
- 4. Investigate the concept of establishing monthly Growers/Artisan Markets in York, including undertaking consultation with businesses and potential stall holders, and present a report for Council's consideration."*

CARRIED: 6/1

During this consultation process with Nature Play the need to secure external funding to support marketing, promotion and additional activity was identified with a DLGC Youth Activity grant submitted in April 2017 for this purpose. Grants have also been submitted to other funding bodies for this event with outcomes of these proposals yet to be determined.

A detailed proposal from Nature Play was received for consideration through the April Community Funding; Grants & Sponsorship funding round and presented to Council at its May Ordinary Council Meeting in item SY049 – 05/17 Applications for Sponsorship of Tourism Events where Council resolved the following:

Moved: Cr Ferro

Seconded: Cr Saint

“That Council:

1. Approves the following funding requests;

- | | |
|-----------------------------------|------------------------------|
| • New Holland Consort Inc | \$5,000 of cash |
| • York Children’s Christmas Party | \$12,000 of cash and in kind |
| • Nature Play WA | \$15,000 of cash and in kind |
| • West Cycle | \$15,000 of cash |

2. Requests the Chief Executive Officer to include the above in the draft 2017/18 budget.”

CARRIED: 7/0

Further consultation has since occurred with representatives of Nature Play who have confirmed their intent to move the proposed date of the festival from September 2017 to June 2018 in consideration of the lead times required to attract adequate marketing, promotion, and visibility to the event.

Should Council support the receipt of this grant, Officers will liaise with DLGC to request an extension of time to reflect the proposed date changes and deliver the outcomes as proposed in the original grant application submitted.

Comments and details:

Objectives

Events are a key element of activation, economic development, and social cohesion, particularly for regional communities that have limited opportunity for large scale events and festival activity.

If done well, events will:

- Attract visitors to York and promote re–visitation.
- Address Council’s strategic, business and community goals
- Renew the brand of York in a positive way for the community and visitors.
- Attract and stimulate private sector investment.
- Provide stimulus for tourism businesses and all businesses generally.
- Encourage business collaboration over large festival weekends.

Learnings

Key learnings taken from York’s recent events such as the Motorcycle Festival and Jazz Festival indicate the following are vital for inclusion when facilitating large scale events in York;

- Long lead in times to allow ample community and business engagement to occur, including opportunities for face to face communications
- Budgets sufficient to fund pre - event marketing to increase market exposure such as banners, radio advertising, print publications, flyers, and appropriate key messaging to ensure maximum reach and exposure

- Managing expectations surrounding the Shire's role and responsibilities when funding external parties to coordinate events

In response to these learnings and adopted budgets for York's larger events, Officers have prepared several external grant applications to support and address additional resources that may be required for future tourism based events.

Activity

The DLGC Youth Activities funding offers grants of up to \$5,000 to develop projects that provide opportunities to keep young people well and promote lifelong healthy lifestyles. Funding received from this grant address both the Shire's key learning areas and the objectives of the DLGC Youth Activity program.

Nature play has indicated through the successful funding received, the following is to be facilitated by the Nature play team;

- Five activation points including but not limited to local parks, laneways, and York's CBD area such as courthouse, settler's courtyard, town hall (dependant on weather) with nature based play activities such as cubby building, kite decorating, geocaching, history hunting and nature crafts. These activities are designed to be unstructured and involve parent / caregiver participation.
- Local school, child care facility and early years hub engagement and activity in the months leading into the festival date. Options include kite decorating for display in the IGA shopfront, colouring competition, and nature walks
- One full day of mud play with an all ages area, obstacle course competition and little's muddies kitchen
- Marketing through Nature Play apps designed entirely for this event
- Social Media posts, event sharing and website links
- Teardrop banners to identify the activated areas to the public

It is suggested the DLGC grant funds be utilised to;

- Increase promotion of the event through marketing collateral (banners, flyers, signs, programs, and airtime with local radio to increase reach and exposure in the lead up to the event.
- Provide social opportunities for the public to congregate and share experiences such as an outdoor movie (dependent on weather), main street theatre or entertainment. Alternately a portion of these funds could go towards the mud play obstacle competition planned for the Sunday component of the event.

Inclusion and Engagement

The Nature Play Festival concept has attracted interest from local and regional businesses and organisations, indicating varying levels of interest and engagement. The following table outlines the inclusions confirmed by Nature Play and potential inclusions that could be realised, dependent on the Shire's ability to externally fund components of these requests and requirements;

Organisation	Activity	Existing funding supported	External funding required
Nature Play WA	5 Missions activating various CBD parks & places, some marketing, promotion & engagement	✓	
York District High School	Knot tying, volunteer support, engagement & promotion	✓	
Wheatbelt NRM	Nature based torchlight tours	✓	
Astronomy WA	Stargazing sessions atop Mt Brown	✓	

Shire Access & Inclusion	Consider and develop components of the festival for disabled access and inclusion	✓	
Shire of York	Festival Entertainment, activity and additional marketing, paid promotion and advertising		✓
WA Mountain Bike Association	Downhill bike runs from the top of Mt Bakewell over the festival weekend only		✓
York Motocross track users	Demonstrations, time trial competitions, helmet, and safety checkpoints		✓
Senses WA	Public bike hire service for families to explore York by bicycle over the long weekend event		✓

Summary

This report meets Council's commitment to attract new events to York, make use of York's natural and built environment and encourages youth activity and social inclusion. The successful DLGC grant presents the Shire with additional funding to support components of this event delivery such as marketing, promotion, and social connection opportunities.

The proposal to increase activity through the stakeholders as detailed above could provide an opportunity for multi-generational family interaction and position York well to further develop these relationships in future years. Consideration however must be given to the costs associated with these activities and if external funding can be sought to facilitate the activities as detailed.

This event proposes a different experience to what is on offer in the region and targets a multi-generational demographic which could appeal to a different part of the Perth and regional market. It also creates a community vibrancy and sense of place for residents.

Officers request Council to note the additional activity that could be realised for this event should external funding be secured and recommend the grant funds secured from DLGC be accepted for this event.

Options:

Council could consider;

- Rejecting the funding and utilising the existing avenues of marketing and promotion through its websites, email networks and localised advertising methods. This would mean a lower level of reach to encourage promotion however it could be achieved with little or no additional funding requirements.
- Request Nature Play to reduce the amount of activity currently offered and utilise the approved funds to support additional marketing and community inclusive engagement. The impact of reducing the activity and increasing the marketing could dilute the overall effectiveness of the event and should bear equal weighting.
- support the proposal to accept the grant funds and investigate external funding streams to fund any or all the additional activity components as detailed in this report.

Implications to consider:

- **Consultative**
Officers as part of investigating the Event Priorities and Sponsorship of Tourism items as resolved by Council, have undertaken extensive consultation with existing and potential stakeholders, relevant community organisations and businesses in an effort to develop and maintain expectation and involvement by all parties. Officers have also met with Tourism Council WA and Lotterywest regarding future funding for events in York. This advice has been considered in the preparation of this report.
- **Strategic**
Developing new relationships with key stakeholders with similar strategic directions positions York well regarding future events or tourism marketing for the town. Acceptance of this grant could increase the Shire's potential to continue to develop these working relationships.
- **Policy related**
G 4.4 *External Grants: Procurement and Management* requires Council to approve the grant funding which is the purpose of this report.
- **Financial**
It is proposed GL 132269 Government Grants is used to receive the grant funds for this project and these funds transferred to the GL 132150 Festival Assistance for the 2018 Nature Play Festival expenditures.
- **Legal and Statutory**
Nil
- **Risk related**
Nil
- **Workforce Implications**
This item does not require additional resource allocations to receive the grant funds as detailed in this report.

Voting Requirements:

Absolute Majority Required: **Yes**

OFFICER RECOMMENDATION:***"That Council:***

- 1. Authorises the Chief Executive Officer to accept the funding of \$5,000 for the 2018 Nature Play Festival;***
- 2. Approves a budget amendment to:***
 - (a) increase GL 132269 Government Grants by \$5,000 to receive the grant funding;***
 - (b) increase GL 132150 Festival Assistance by \$5,000 for expenditure of the grant;***
- 3. Requests the Chief Executive Officer to investigate external funding streams to fund the additional activity components as detailed in this report."***

SY090-07/17 – Information Statement 2017-2018

FILE REFERENCE:	AS.RMT.2
APPLICANT OR PROPONENT(S):	Shire of York
AUTHORS NAME & POSITION:	Natasha Brennan, Governance and Administration Coordinator
RESPONSIBLE OFFICER:	Suzie Haslehurst – Executive Manager, Corporate & Community Services
PREVIOUSLY BEFORE COUNCIL:	18 August 2014
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	A - Information Statement 2017-2018

Nature of Council's Role in the Matter:

- Executive, Legislative & Review

Purpose of the Report:

In accordance with the provisions of Part 5 of the *Freedom of Information Act 1992* (the FOI Act). The Shire is required to make available a current Information Statement.

This Statement is provided for Council's endorsement.

Background:

The FOI Act requires that each year Council is to publish an up-to-date Information Statement.

The previous Information Statement was endorsed by Council at the Ordinary Council Meeting held 18 August 2014, Resolution 070814.

In light of Council and staffing changes during the past 2 years, the Shire's Information Statement has not been reviewed since the above resolution. Officers have been liaising with the Office of the Information Commissioner to review and update the Shire's Statement. The reviewed and amended Information Statement is now presented for Council's consideration.

Comments and details:

The purpose of the Information Statement is to provide information to the community about the structure and functions of the local government, how decisions made by the Council affect the community and how members of the community can participate in the decision-making process and in the formulation of policies of the local government.

The Statement also lists documents that are held in the Shire Offices and how they can be inspected, which ones can be purchased and what types of documents can only be requested for access through application under the Freedom of Information Act 1992.

Officers have reviewed the Shire's Information Statement and submitted the Statement to the Office of the Information Commissioner for comment. The proposed Information Statement 2017-18 is attached at Appendix A to this report for Council's consideration.

Implications to consider:

- **Consultative**
Office of the Information Commissioner
- **Strategic**
Nil

- **Policy related**
G2.2 Community Access to Information.

This statement directs staff to assist the public when accessing information by formalising the procedures in place to access documents.

- **Financial**
Nil

- **Legal and Statutory**
Part 5 of the *Freedom of Information Act 1992*.

- **Risk related**
It is a requirement that the Council updates and reviews its Information Statement on an annual basis.

Without an up-to-date Information Statement the Shire is in breach of the *Freedom of Information Act 1992*.

- **Workforce Implications**
Nil

Voting Requirements:
Absolute Majority Required: Yes

OFFICER RECOMMENDATION:

“That Council:

- 1. Adopts the Shire of York Information Statement 2017-18 as attached to this report;***
- 2. Requests the CEO to:***
 - (a) Forward the adopted Statement to the Office of information Commissioner.***
 - (b) Make the Statement available on the Shire’s website and in hard copy upon request.”***

SY091-07/17 – Consideration of Draft Social Media Policy

FILE REFERENCE:	OR.CIM
APPLICANT OR PROPONENT(S):	N/A
AUTHORS NAME & POSITION:	Paul Martin, Chief Executive Officer
RESPONSIBLE OFFICER:	Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL:	June 2017
DISCLOSURE OF INTEREST:	N/A
APPENDICES:	A. Draft Social Media Policy

Nature of Council's Role in the Matter:

- Legislative

Purpose of the Report:

This report presents Council with a Draft Social Media Policy for consideration prior to establishing a Facebook page for the Shire of York and recommends the draft Policy be advertised for public comment.

Background:

Council considered improvements which have been made over the past 12 months to how the Shire communicates with the community at the June OCM and resolved the following:

"That Council:

- 1. Notes the outcomes of the review and the improvements which have been made regarding how the Shire communicates with the community; and*
- 2. Requests the Chief Executive Officer to continue to improve how the Shire communicates with the community by:*
 - (a) Holding 1 – 2 Arts and Cultural Forums annually*
 - (b) Developing an information only Facebook page for the Shire of York including presenting a draft Social Media Policy to Council for consideration prior to establishment of the page.*
 - (c) Improving the functionality of the Shire website within budgetary constraints."*

This report presents a draft Social Media Policy for Council to consider prior to the establishment of a Facebook Page for the Shire of York.

Comments and details:

Officers have reviewed the social medial polices for several Local Government Authorities and have prepared a draft policy based largely on the City of Vincent's Social Media Policy.

Officers consider this policy provides a sound framework for Social Media engagement and sufficient controls and authorities to manage communication and engagement with the community.

If Council adopts the policy it is proposed that a Facebook page be established but with limited scope dependent upon available resources to appropriately manage the site. This may be limited to one way communication in the first instance.

The Policy is presented to Council for approval to advertise for public comment for a period of four (4) weeks prior to adoption.

Implications to consider:

- **Consultative**
This policy will enable the appropriate management of a Shire of York Facebook page which is proposed to be established. Such a page is expected to improve how the Shire communicates and engages with the community.
- **Strategic**
Engagement with the community is a key strategic priority for the organisation and an essential part of good governance of the organisation.
- **Policy related**
This is proposed to create a new Policy for the organisation.
- **Financial**
Nil
- **Legal and Statutory**
Section 2.8 of the *Local Government Act 1995* (below) indicates that the Shire President speaks on behalf of the organisation. This policy provides a framework for Officers to engage on Facebook within strict parameters.

2.8. Role of mayor or president

- (1) *The mayor or president —*
- (a) *presides at meetings in accordance with this Act; and*
 - (b) *provides leadership and guidance to the community in the district; and*
 - (c) *carries out civic and ceremonial duties on behalf of the local government; and*
 - (d) *speaks on behalf of the local government; and*
 - (e) *performs such other functions as are given to the mayor or president by this Act or any other written law; and*
 - (f) *liaises with the CEO on the local government's affairs and the performance of its functions.*

- **Risk related**
Without a policy in place to manage social media the organisation can be at risk of a Facebook page not being managed approximately or in accordance with relevant legislation.
- **Workforce Implications**
The establishment of a Facebook page will have resource implications. The CEO will manage the engagement of the page within budget allocations made by Council.

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION:

That Council:

- 1. Approves G 2.11 Social Media Policy as attached at Appendix A to this agenda for public advertising for a period of four (4) weeks; and***
- 2. Requests the Chief Executive Officer to report back to Council."***

SY092-07/17 – Lease of Portion of Lot 618, No. 4 Gilford Street, York to the Wheatbelt Women’s Health Hub Inc

FILE REFERENCE:	LE.CNT.1
APPLICANT OR PROPONENT(S):	Wheatbelt Women’s Health Hub Inc.
AUTHORS NAME & POSITION:	Natasha Brennan, Governance & Administration Coordinator
RESPONSIBLE OFFICER:	Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL:	28 November 2016, 27 March 2017 & 26 June 2017
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Confidential for Councillors only A. – Draft Lease Document

Appendix A is confidential under Section 5.23 (c) of the Local Government Act 1995 in that it deals with “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”

Copies have been provided to Councillors, the Chief Executive Officer and Executive Managers only.

Nature of Council’s Role in the Matter:

- Executive

Purpose of the Report:

This report presents to Council the proposed lease between the Shire of York and the Wheatbelt Women’s Health Hub.

Background:

Council considered a report on 26 June 2017 (SY065-06/17) regarding the Property Portfolio Review update & consideration of submissions received on potential disposal of Old Tennis Courts and Relocation of Wheatbelt Women’s Health Hub Business Plan.

At this time, Council resolved to authorise the Chief Executive Officer to finalise lease negotiations with the Wheatbelt Women’s Health Hub and present a draft lease to Council for consideration.

Meetings have been held with representatives from the Wheatbelt Women’s Health Hub Inc and a draft lease was prepared for consideration and forwarded to the Shire’s solicitors for comment.

Comments and details:

The proposal to lease the building (old Youth Centre) to the Wheatbelt Women’s Health Hub Inc for a five (5) year period with the option of a further five (5) year period was made as part of the Business Plan that was considered by Council at its meeting on 27 March 2017.

Proposed Lease Terms

The following lease terms are proposed and have been discussed with the Wheatbelt Women’s Health Hub Inc (the Lessee) and reviewed by the Shire’s solicitors:

- Rent
A peppercorn rental of \$1.00 (plus GST) per annum is proposed for the term of the lease.

- **Costs**
Lessee to pay the Lessor all registration fees in connection with the Lease; and all legal costs of and incidental to the instructions for the preparation, execution and stamping of the lease and all copies.
- **Insurance**
The Lessee must effect and maintain the following insurances as a minimum;
 - Public liability of not less than twenty million \$20,000,000;
 - Contents insurance to cover the Lessee's furniture and fixtures;
 - Any applicable employer's insurance (ie: workers' compensation insurance)

The Shire shall be responsible for building insurance with the Lessee responsible for any excesses payable.
- **Pest Control**
The Lessor will pay for and arrange an annual termite treatment with the Lessee to reimburse the Lessor for the cost of such treatment.

Note: It is proposed that the Shire waives the first annual treatment.
- **Painting**
The Lessee must upon termination of the Lease have the building painted internally.
- **Term**
A term of five (5) years is proposed commencing on 1 September 2017 and expiring on 31 August 2022, with the option of a further term of five (5) years.
- **Maintenance**
The Lessee agrees to maintain, replace, repair, clean and keep the Premises in good repair.

Implications to consider:

- **Consultative**
Representatives from the Wheatbelt Women's Health Hub Inc.
McLeod's Barristers & Solicitors
Public Consultation (6 week period) - submissions received and considered by Council at the Ordinary Council Meeting 26 June 2017.
- **Strategic**
Theme 5: Strong Leadership and Governance
5.1 The Council supported by the administration of the Shire of York is effective and informed in its decision making and exhibits good practice in its governance role.
- **Policy related**
CP1.1 Execution of Documents and Execution of the Common Seal
CP1.5 Compliance
G2.9 Community Engagement and Consultation
G4.6 Risk Assessment and Management
- **Financial**
Legal costs have been incurred in having the lease reviewed by the Shire's solicitors. The legal costs associated with the review of Council leases has been considered in the mid-year budget review.

Item 6.4 of the lease also refers to the legal costs being reimbursed by the Lessee.

The peppercorn rental applicable to the lease between the Council and the Wheatbelt Women's Health Hub Inc has been fixed at \$1.00 (plus GST) per annum.

Community sponsorship applications can still be applied for by the Wheatbelt Women's Health Hub Inc, in accordance with the Shire's Policy C1.3 *Community Funding*.

- **Legal and Statutory**

- Local Government (Functions and General) Regulations 1996**

- Regulation 30 - Dispositions of property excluded from Act s. 3.58*

- Part (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*

- Part (2) (b) the land is disposed of to a body, whether incorporated or not —*

- (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
 - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*

- **Risk related**

The main risk relating to this item is that the Shire is losing a building that was dedicated as a Youth Centre. Currently the Shire does not have a Youth Advisory Council or Youth Officer.

The equipment currently located in the youth centre building is proposed to be stored and made available for use in the old Tea Rooms (Pavilion) at the Forrest Oval Recreation Complex.

Until a Youth Strategy is prepared and the old Tea Rooms can be set up for use as a Youth Centre, the storing of the equipment may impact on other user groups that occasionally still hire the Tea Rooms eg: York Agricultural Show. It is proposed that these issues are addressed on an 'as needs' basis in consultation with the relevant groups.

The current budget and the long term financial plan have no allocation for youth programs or activities.

At this stage the Children's and Youth Plan project has not been included in the draft 2017/18 financial year budget and will need to be considered as part of the 2018/19 financial year budget.

- **Workforce Implications**

The Shire will need to ensure the condition standard of the building is satisfactory prior to the commencement of the Wheatbelt Women's Hub Inc lease.

A few maintenance issues have already been noted and are currently being addressed.

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION:

“That Council:

- 1. Agrees to the new lease with the Wheatbelt Women’s Health Hub Inc (the Lessee) as attached to this report, for the land and premises at Lot 618 No.4 Gilford Street York, for a five (5) year period from 1 September 2017 to 31 August 2022, with the option of a further five (5) year term in accordance with the following essential lease terms:***
 - * A term of five (5) years commencing 1 September 2017;***
 - * Option to renew for a further term of five (5) years;***
 - * Peppercorn rental of \$1 per annum;***
 - * No rent reviews;***
 - * Permitted Purpose to be used as a community facility and uses reasonably ancillary thereto;***
 - * Public Liability Insurance of not less than twenty million (\$20,000,000) to be the responsibility of the Lessee; and***
 - * Repainting of the building upon termination of the Lease.***
- 2. Authorises the Shire President and Chief Executive Officer to engross the lease documentation as per the terms and condition of the lease; and***
- 3. Requests the Chief Executive Officer to advise the Wheatbelt Women’s Health Hub Inc that the building is provided on an ‘as is’ basis and no funds will be allocated for renewal or upgrade.”***

SY093-07/17 – Policy Adoption– Pensioner Curtilage Rebates

FILE REFERENCE: FI.RTS.2
APPLICANT OR PROPONENT(S): Shire of York
AUTHORS NAME & POSITION: Anneke Birleson, Finance Officer
RESPONSIBLE OFFICER: Suzie Haslehurst, Executive Manager Corporate and Community Services
PREVIOUSLY BEFORE COUNCIL: 22 May 2017
DISCLOSURE OF INTEREST: Nil
APPENDICES: A. F1.7 Concessions on Commercial and Farming Properties Occupied by Pensioners/Seniors
B. Submission Received

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

The purpose of this report is to seek Council adoption of Finance Policy F.1.7 *Concessions on Commercial and Farming Properties occupied by Pensioners/Seniors*.

Background:

All rebates to pensioners and seniors under the *Rates and Charges (Rebates and Deferments) Act 1992* (the Act) are funded by the Government of Western Australia. Council therefore, has an obligation to ensure rebates are calculated correctly and are applied in an equitable manner for all eligible ratepayers.

Concessions on the rates and Emergency Services Levy are principally targeted at pensioner owned and occupied residential property. It would therefore follow that all commercial properties, including farms, do not qualify under the Act. However, Section 28(2) of the Act provides that:

*"Where although land is used as the ordinary place of residence of an applicant or registered person it is not the sole use of that land, the administrative authority may apportion the prescribed charge, and any rebate allowable, according to —
(a) the extent to which the land is so used as a place of residence; and
(b) any other use,
on a basis proportionate to the respective uses."*

Section 9(3) of the Act requires the Shire of York to comply with a procedural manual issued by the Minister of Finance. The procedural manual (as at July 2016), page 72, identifies that Section 28(2) enables an administrative authority to allow a concession, in an equitable way, to the part of the rates account that relates to the residential use of a commercial property. For example, if a pensioner resides in a house that is on land also used for cropping.

The Office of State Revenue advised the Shire of York to put a policy in place in respect of the application of Section 28(2) to ensure consistency and fairness. Subsequently, on 22 May 2017 a proposed policy was put before Council and the following was resolved:

RESOLUTION
110517

Moved: Cr Smythe

Seconded: Cr Heaton

“That Council:

1. *Endorses the proposed Finance Policy ‘F.1.7 Concessions on Commercial and Farming Properties occupied by Pensioners/Seniors’ as attached to this report for the purposes of public advertising;*
2. *Requests the Chief Executive Officer to;*
 - a) *advertise the policy for public comment with a closing date of 12 June 2017; and*
 - b) *report back to Council regarding submissions received.*

CARRIED: 7/0

Comments and details:

The proposed policy was advertised in accordance with the above resolution and one written submission was received which is attached at Appendix B to this report. There was one verbal query at the main Administration Office but no submission was made.

In addition, all affected ratepayers were written to explaining the potential impact on their rates account for the 2017/18 financial year.

The policy applies a proportionate rebate, based on the area used for residential purposes. This was deemed to be the most equitable method when considering the nature of the dual-use properties, for which a rebate is currently applied.

Implications to consider:

- **Consultative**

The proposed policy was advertised with a closing date of the 12 June 2017 and copies were made available at the Shire of York administration office and on the Shire’s website.

Relevant ratepayers were written to regarding the policy and how it may affect them.

- **Policy related**

The policy is attached as Appendix A.

- **Financial**

There are no financial implications as full rates are levied. The ratepayer must pay their portion prior to 30 June of each rating year and the Shire claims the rebate amount from the Office of State Revenue.

- **Legal and Statutory**

The *Rates and Charges (Rebates and Deferments) Act 1992* is the governing legislation that provides for rebates with respect to Council land rates and the Emergency Services Levy.

Section 9(3) of the Act requires the Shire of York to comply with a procedural manual issued by the Minister of Finance. At the time of writing this report the current version issued by the Minister is as at July 2016.

- **Risk related**

The policy presents a low Reputational risk to the Shire of York.

- **Workforce Related**

The policy presents a low impact on resources, where the processing of applications under this policy involves minor additional steps to be carried out by the relevant officer, as part of existing processes.

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION:

“That Council adopts the Finance Policy ‘F.1.7 Concessions on Commercial and Farming Properties occupied by Pensioners/Seniors’ as attached to this report.”

SY094-07/17 – Financial Report for June 2017

FILE REFERENCE:	FI.FRP
APPLICANT OR PROPONENT(S):	Not Applicable
AUTHORS NAME & POSITION:	Tabitha Bateman, Financial Controller
RESPONSIBLE OFFICER:	Suzie Haslehurst, Executive Manager Corporate and Community Services
PREVIOUSLY BEFORE COUNCIL:	No
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	A. Monthly Statements
	B. List of Creditors Payments
	C. Corporate Credit Card Transaction Listing

Nature of Council's Role in the Matter:

- Legislative
- Review

Purpose of the Report:

The purpose of financial reporting and the preparation of monthly financial statements is to communicate information about the financial position and operating results of the Shire of York to Councillors and the community and monitors the local government's performance against budgets.

Background:

Local governments are required to prepare general purpose financial reports in accordance with the *Local Government Act 1995*, the *Local Government (Financial Management) Regulations 1996* and the *Australian Accounting Standards*.

A statement of financial activity and any accompanying documents are to be presented to the Council at an ordinary meeting of the Council within two months after the end of the month to which the statement relates. The Statement of Financial Activity Report summarises the Shire's operating activities and non-operating activities.

Comments and details:

The Financial Report for the period ending 30 June 2017 is presented for Council's consideration and includes the following;

- Monthly Statements for the period ended 30 June 2017
- List of Creditor's Payments
- Corporate Credit Card Transaction Listing

It should be noted that the figures reflected in the following reports are an estimate of the end of year position only and are subject to audit adjustments to the 2016/17 Annual Financial Report.

The following information provides balances for key financial areas for the Shire of York's financial position as at 30 June 2017;

Outstanding Rates and Services

Total outstanding rates as at 30 June 2017 are \$1,070,089 compared to \$1,127,712 as at 31 May 2017.

Previous Years

3 years and over	\$172,902.86	16.16%	of rates outstanding
2 years and over	\$127,008.66	11.87%	of rates outstanding
1 year and over	\$302,543.18	28.27%	of rates outstanding
Total Prior Years outstanding	\$602,454.70	56.30%	of rates outstanding
Current Rates	\$467,634.18	43.70%	of rates outstanding
Total Rates Outstanding	\$1,070,088.88		

Outstanding Sundry Debtors

Total outstanding sundry debtors as at 30 June 2017 are \$481,930 compared to \$356,125 as at 31 May 2017.

90 days and over	\$296,190.86	61.46%	of sundry debtors outstanding
60 days and over	\$3,932.29	0.82%	of sundry debtors outstanding
30 days and over	\$5,543.98	1.15%	of sundry debtors outstanding
Current	\$176,263.06	36.57%	of sundry debtors outstanding
Total Debtors Outstanding	\$481,930.19		

Council is currently in the process of finalising a number of large long-standing debts contained within the above balances. As a risk mitigation strategy, a contingent liability has been included in the Balance Sheet.

In May 2017, Officers indicated that a report would be presented to Council in June regarding a significant and long-standing debt. Given the complexity of the matter and the significance of the debt, Officers have since sought further legal advice and will present a report to Council as soon as is practicable.

Implications to consider:

- **Legal and Statutory**

Local Government Act 1995

6.10. Financial management regulations Regulations may provide for —

- (a) the security and banking of money received by a local government; and*
- (b) the keeping of financial records by a local government; and*
- (c) the management by a local government of its assets, liabilities and revenue; and (d) the general management of, and the authorisation of payments out of —*
- (i) the municipal fund; and (ii) the trust fund, of a local government.*

Local Government (Financial Management) Regulations 1996

34. Financial activity statement required each month (Act s. 6.4)

(1A) *In this regulation —*

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

- (1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —*
 - (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*
 - (b) *budget estimates to the end of the month to which the statement relates; and*
 - (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*
 - (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - (e) *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing —*
 - (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and*
 - (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
 - (c) *such other supporting information as is considered relevant by the local government.*
- (3) *The information in a statement of financial activity may be shown —*
 - (a) *according to nature and type classification; or*
 - (b) *by program; or*
 - (c) *by business unit.*
- (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —*
 - (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
 - (b) *recorded in the minutes of the meeting at which it is presented.*
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

[Regulation 34 inserted in Gazette 31 Mar 2005 p. 1049-50; amended in Gazette 20 Jun 2008 p. 2724.]

- **Policy**

Policy F1.2 Procurement

Policy F1.5 Authority to make payments from Trust and Municipal Funds

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION

“That Council receives the Monthly Financial Report and the list of payments drawn from the Municipal and Trust accounts for the period ending 30 June 2017 as summarised below:

Jun-17	
MUNICIPAL FUND	AMOUNT
Cheque Payments	68,133.47
Electronic Funds Payments	1,516,118.25
Payroll Debits	166,183.68
Payroll Debits - Superannuation	38,847.27
Bank Fees	682.05
Corporate Cards	472.38
Fuji Xerox Equipment Rental	236.62
Fire Messaging Service	82.50
TOTAL	1,790,756.22
TRUST FUND	
Electronic Funds Payments	32,178.47
Cheque Payments	0.00
Direct Debits Licensing	160,670.20
TOTAL	192,848.67
TOTAL DISBURSEMENTS	1,983,604.89

”

SY095-07/17 – Investments – June 2017

FILE REFERENCE:	FI.FRP
APPLICANT OR PROPONENT(S):	Not Applicable
AUTHORS NAME & POSITION:	Tabitha Bateman, Finance Manager
RESPONSIBLE OFFICER:	Suzie Haslehurst, Executive Manager Corporate and Community Services
PREVIOUSLY BEFORE COUNCIL:	No
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Investment Portfolio

Nature of Council's Role in the Matter:

- Legislative
- Review

Purpose of the Report:

To report to Council the balance of investments held by the Shire of York as at 30 June 2017.

Background:

Council's policy F1.4 - *Investment* requires Council to review the performance of its investments on a monthly basis. In accordance with the policy, a report of investments is presented to Council to provide a summary of investments held by the Shire of York.

Comments and details:

The Shire of York Investment Portfolio includes the following items that highlight Council's investment portfolio performance:

- a) Council's Investments as at 30 June 2017
- b) Application of Investment Funds
- c) Investment Performance

Implications to consider:

- **Legal and Statutory**

Local Government Act 1995

6.14. Power to invest

- (1) *Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the Trustees Act 1962 Part III.*
- (2A) *A local government is to comply with the regulations when investing money referred to in subsection (1).*
- (2) *Regulations in relation to investments by local governments may —*
 - (a) *make provision in respect of the investment of money referred to in subsection (1); and*
 - [(b)deleted]*
 - (c) *prescribe circumstances in which a local government is required to invest money held by it; and*
 - (d) *provide for the application of investment earnings; and*
 - (e) *generally provide for the management of those investments.*

Local Government (Financial Management) Regulations 1996

19. Investments, control procedures for

- (1) *A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.*
- (2) *The control procedures are to enable the identification of —*
 - (a) *the nature and location of all investments; and*
 - (b) *the transactions related to each investment.*

19C. Investment of money, restrictions on (Act s. 6.14(2)(a))

- (1) *In this regulation —*
authorised institution means —
 - (a) *an authorised deposit-taking institution as defined in the Banking Act 1959 (Commonwealth) section 5; or*
 - (b) *the Western Australian Treasury Corporation established by the Western Australian Treasury Corporation Act 1986;***foreign currency** means a currency except the currency of Australia.
- (2) *When investing money under section 6.14(1), a local government may not do any of the following —*
 - (a) *deposit with an institution except an authorised institution;*
 - (b) *deposit for a fixed term of more than 12 months;*
 - (c) *invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;*
 - (d) *invest in bonds with a term to maturity of more than 3 years;*
 - (e) *invest in a foreign currency.*

- **Policy**

Policy F1.4 Investment

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION

“That Council receives and notes the Shire of York Investment Portfolio attached to this report.”

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11 QUESTIONS FROM MEMBERS WITHOUT NOTICE

12 BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

13 MEETING CLOSED TO THE PUBLIC

13.1 Matters for which the meeting may be closed

13.2 Public reading of resolutions to be made public

14 NEXT MEETING

The next Ordinary Meeting of Council will be held on Monday, 28 August, 2017 at 5.00pm in Council Chambers, York Town Hall, York.

15 CLOSURE