



# SHIRE OF YORK

**MINUTES OF THE ORDINARY  
MEETING OF THE COUNCIL  
HELD ON 27 JUNE 2016  
COMMENCING AT 5.02PM  
IN COUNCIL CHAMBERS,  
YORK TOWN HALL, YORK**



## Table of Contents

<b>1. OPENING .....</b>	<b>5</b>
1.1 Declaration of Opening .....	5
1.2 Disclaimer.....	5
1.3 Standing Orders.....	5
1.4 Announcement of Visitors .....	5
1.5 Declarations of Interest that Might Cause a Conflict.....	6
Financial Interests .....	6
Disclosure of Interest that May Affect Impartiality .....	6
<b>2. ATTENDANCE .....</b>	<b>6</b>
2.1 Members.....	6
2.2 Staff.....	6
2.3 Apologies.....	6
2.4 Leave of Absence Previously Approved.....	6
2.5 Number of People in Gallery at Commencement of Meeting.....	6
<b>3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....</b>	<b>6</b>
<b>4. PUBLIC QUESTION TIME .....</b>	<b>8</b>
4.1 Written Questions – Current Agenda.....	9
4.2 Public Question Time.....	10
<b>5. APPLICATIONS FOR LEAVE OF ABSENCE .....</b>	<b>11</b>
<b>6. PETITIONS / PRESENTATIONS / DEPUTATIONS.....</b>	<b>11</b>
<b>7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....</b>	<b>11</b>
<b>8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION .....</b>	<b>11</b>
<b>9. OFFICER’S REPORTS .....</b>	<b>11</b>
SY059-06/16 - Scheme Amendment No. 50 - Omnibus .....	13
SY060-06/16 - Land Acquisition for Road Widening: Quairading - York Road, York.....	21
SY061-06/16 – Laurelville Reception Centre Noise Management Plan .....	25
SY062-06/16 – Disability Access and Inclusion Plan (DAIP) .....	35
SY063-00/16 – War Memorial Park Heritage Council Application.....	37
SY064-06/16 – Summary of Submissions Received on Draft Major Strategic Review Documents.....	43
SY065-06/16 – Policy Review – F1.1 Revenue Collection .....	47
SY066-06/16 – Financial Report for May 2016.....	49
SY067-06/16 – Investments – May 2016.....	51
SY068-06/16 – Sponsorships and Funding Requests .....	53
SY069-06/16 – I154505 Application for Support.....	59
SY070-06/16 – Outstanding Rates and Sundry Debtors .....	65
SY071-06/16 – Closing the Meeting to the Public & Press .....	69
SY072-06/16 – Organisational Review Findings and Recommendations .....	71
SY073-06/16 – Opening the Meeting to the Public & Press.....	73
<b>10. NEXT MEETING.....</b>	<b>75</b>
<b>11. CLOSURE .....</b>	<b>75</b>





## SHIRE OF YORK

### THE ORDINARY MEETING OF THE COUNCIL HELD ON MONDAY, 27 JUNE, 2016, COMMENCING AT 5.02PM 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

*Cr David Wallace, Shire President, declared the meeting open at 5.02pm.*

##### 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

Clause 9.1 – Members to Rise

#### **RESOLUTION**

**040616**

**Moved: Cr Smythe**

**Seconded: Cr Walters**

***"That Council:***

***Suspend Clause 9.1 – Members to Rise, for today's meeting."***

***CARRIED: 7/0***

##### 1.4 Announcement of Visitors

*Nil*

1.5 Declarations of Interest that Might Cause a Conflict

Financial Interests

*Cr Pam Heaton – SY061-06/16 – Laurelville Reception Centre – Noise Management Plan*

Disclosure of Interest that May Affect Impartiality

*Cr Tricia Walters – SY068-06/16 – Sponsorship & Funding Requests*

*Cr Pam Heaton – SY068-06/16 – Sponsorship & Funding Requests*

*Cr Heather Saint – SY068-06/16 – Sponsorship & Funding Requests*

*Cr Denese Smythe – SY068-06/16 – Sponsorship & Funding Requests*

*Cr Jane Ferro – SY068-06/16 – Sponsorship & Funding Requests*

*Cr Denese Smythe – SY069-06/16 – Application for Support*

*Cr David Wallace – SY069-06/16 – Application for Support*

**2. ATTENDANCE**

2.1 Members

*Cr David Wallace, Shire President; Cr Denese Smythe, Deputy Shire President; Cr Heather Saint; Cr Pam Heaton; Cr Jane Ferro; Cr Trevor Randell; Cr Tricia Walters*

2.2 Staff

*Paul Martin, Chief Executive Officer; Allan Rourke, Manager Works & Services; Carly Rundle, Senior Planner; Colleen Thompson, GHD Planning Consultant, Tabitha Bateman, Financial Controller; Helen D'Arcy-Walker, Executive Support Officer*

2.3 Apologies

*Nil*

2.4 Leave of Absence Previously Approved

*Nil*

2.5 Number of People in Gallery at Commencement of Meeting

*There were 10 people in the Gallery at the commencement of the meeting*

**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

**Mr Simon Saint**

**Annual Meeting of Electors held on 4<sup>th</sup> February, 2016**

**Question:**

Can Council confirm that attachments 10(a) and 13-23 inclusive of the FitzGerald Report, referred to in the correspondence dated 22 August 2014 from the Corruption and Crime Commission were provided to the Commission and has DLA Piper been provided with copies of those attachment?

**Response:**

The Crime, Corruption and Misconduct Act 2003 precludes the Shire from discussing these matters.

## **Ordinary Council Meeting – 23<sup>rd</sup> May, 2016**

**Mr Michael Gill**

**Question:**

At the Ordinary Council Meeting prior to the purchase of Chalkies I advised James Best that the building was unfit for public use. My advice was ignored and the advice of Consulting Engineers, McDowall Affleck, was taken and the building purchased on the understanding it was in fair condition.

In February 2016 Council advised that McDowall Affleck have given written confirmation that the building is unfit for public use.

Given that they had neglected to identify this critical condition in the original building report that form the foundation of James Best's decision making rationale will Council pursue the matter further.

**Response:**

This matter is being referred to the Shire's lawyers to obtain some legal advice on how best to proceed.

The Chief Executive Officer will address this matter in further detail in the Discussion/Options paper to be prepared over the coming 12 months. This paper will be used to seek the views on the community regarding the future use of the building prior to Council's consideration of the matter.

**Mrs Tanya Richardson**

**Question:**

This Council in an effort to affordably deliver some of the strategic objectives outlined in the plan are proposing to increase our rates. It is expected some of this revenue will be used to make improvements to the York Recreation & Convention Centre. Will Council consider that a full monthly P&L is presented to the ratepayers using a fully functional POS system?

**Response:**

The Shire is committed to making all the capital and operating costings associated with the York Recreation and Convention Centre available to the community.

Whilst some work was done in 2015 to compile capital costings for the YRCC as part of preparing the draft FACT SHEET on this project, the Chief Executive Officer would prefer to review these costings to ensure their accuracy. Once the organisational review is completed and new staff members recruited, detailed information on the capital costings for the YRCC in the business plan being prepared for the communities information.

It is intended that the Business Plan will also outline operating models and associated costings for the future of the centre. These will be presented in a transparent manner to allow meaningful community feedback prior to Council making a decision on the future operational model of the centre.

In regards to current operating costs, the Shire has previously budgeted for purchase of a Point of Sale computer software system at the YRCC however it has never been acquired. The need for this software will depend upon the future management options outlined as part of the Business Plan. Depending upon the final decision on the management option by Council POS software could be purchase at that time if required.

The Chief Executive Officer commits to reporting the operating costs of YRCC (YRCC Operating Statement) to the community as part of the monthly financial reports presented to Council commencing in the 2016/17 financial year. The first report will be presented to the August Council meeting for the financials commencing July 1 2016. This will provide the community with a breakdown of the operating position of the centre noting this may change or be improved as a result of the Business Plan process.

#### **4. PUBLIC QUESTION TIME**

*The Presiding Member to read the following statement in full at the commencement of Public Question Time:*

##### **Statement by the Presiding Member at the Opening of Public Question Time at Ordinary and Special Council Meetings**

“Public Question Time is provided for under the provisions of Section 5.24 of the Local Government Act and the Local Government (Administration) Regulations 1996.

To provide equal opportunity for people to ask questions a limit of two (2) questions per person per time will be applied.

##### **Procedures**

- Public Question Time is limited to 15 minutes but may be extended by resolution of the Council
- Questions submitted in writing prior to the meeting about matters on the agenda for the meeting will be dealt with initially.
- Questions from the floor will be taken in the order recorded in a register.
- Statements or long preambles are not permitted.
- Questions requiring research will be taken on notice and a response will be prepared in a reasonable timeframe. The original questions and the response will be included in the Agenda and Minutes of the next Ordinary Council meeting.
- 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.
- The minutes may only record a summary of the question asked and the response given.
- Where possible oral questions asked should be submitted in writing at the completion of question time or at the end of the meeting.
- At Special Council Meetings questions must relate to the items on the Agenda.

##### **PRESIDING OFFICER**

21 December 2015



#### 4.1 Written Questions – Current Agenda

Public Question Time commenced at: 5.04pm

**Mr Denis Hill**  
**(Represented by Mrs Beverley Hill)**

My questions are regards Omnibus 50 as it relates to Allawuna farm and the modification requires a Special Use Zone being created for the property. Obviously, this modification was made predicated on the project being commenced and constructed as per the approval of March this year and leads to my first question:

**Question 1:**

Is the Ministers office aware of the changed circumstances of the applicant that have arisen since the approval was given and that this project may not proceed, thus negating the necessity for any re-zoning?

**Response:**

The Shire Planner replied that there has been no direct contact with the Minister for Planning but that the Department of Planning who make recommendations to the Minister are aware of the changed circumstances.

**Question 2:**

If it is confirmed that this project will not proceed, will Council request that this modification be withdrawn?

If it were to proceed, I agree with the officer's report that this medication is substantial and should require advertising.

**Response:**

The Shire Planner stated that the recommendation in the agenda item is already recommending that the modification regarding the insertion of Special Use No 8 be withdrawn. If the item was not to proceed it is still a valid approval for the stated time period in the approval, unless the applicant were to apply to have the approval cancelled.

**Question 3:**

Does Council agree that as this project is approved for only a very small portion of Allawuna then any re-zoning should be similarly restricted to this approved area?

**Response:**

The Shire Planner stated that generally a re-zoning is for a whole lot, however it is possible to re-zone a portion of a lot. The implications/merits of a portion lot re-zoning would generally be assessed during the ordinary process of a Scheme Amendment , which includes advertising for public comment. The recommendation is that the Shire request from the Minister of Planning that the modification regarding Special Use No 8 be removed or re-advertised so Council has the ability to assess this to make such a decision.

#### 4.2 Public Question Time

Questions from the floor will be taken in the order recorded in a register.

Statements or long preambles are not permitted, opinions and attachments will not be recorded in the minutes.

Questions requiring research will be taken on notice and a response will be prepared in a reasonable timeframe.

#### **Ms Darlene Barratt**

##### **Question 1:**

Was the sponsorship and funding requests advertised?

##### **Response:**

The Shire President responded that it had not been advertised as we are trying to clear the backlog of requests. Sponsorships and Funding requests will be open for another round in September.

##### **Question 2:**

If another club out there have not put in a request for funds, can they put a request in now?

##### **Response:**

The Shire President responded that a Club can apply now, but will go into the September round of funding.

##### **Question 3:**

Some clubs are not aware funding is available?

##### **Response:**

The Shire President stated that it will be advertised.

#### **Ms Sandra Paskett**

##### **Question:**

Item SY061-06/16 – with regards to the Officer Recommendation, taking noise measurements every 30 minutes would be difficult to do. Is it possible to leave at 90 minutes?

##### **Response:**

The Shire President stated that it would be up to Council to consider your request.

*Public Question Time concluded at 5.11pm due to no further questions from the Gallery*

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

*Nil*

**6. PETITIONS / PRESENTATIONS / DEPUTATIONS**

*Nil*

**7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**7.1 Minutes of the Ordinary Council Meeting held May 23, 2016**

Corrections

Confirmation

**RESOLUTION**

**050616**

**Moved: Cr Heaton**

**Seconded: Cr Smythe**

***“That the minutes of the Ordinary Council Meeting held May 23, 2016 be confirmed as a correct record of proceedings.”***

***CARRIED: 7/0***

**7.2 Minutes of the Special Council Meeting held June 3, 2016**

Corrections

Confirmation

**RESOLUTION**

**060616**

**Moved: Cr Ferro**

**Seconded: Cr Walters**

***“That the minutes of the Special Council Meeting held June 3, 2016 be confirmed as a correct record of proceedings.”***

***CARRIED: 7/0***

**8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

*The Shire President stated that there has been a sad loss to the community in the passing of former Councillors Peter McInnes and Ann Chester. Councillors send their condolences to the families.*

**9. OFFICER’S REPORTS**



## ***SY059-06/16 - Scheme Amendment No. 50 - Omnibus***

**FILE REFERENCE:** PS.TPS.50  
**APPLICANT OR PROPONENT(S):** Shire of York  
**AUTHORS NAME & POSITION:** Carly Rundle, Senior Planner  
**PREVIOUSLY BEFORE COUNCIL:** 15 September 2014, 14 April 2014,  
15 April 2013 & 19 November 2012  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** A – Scheme Amendment No. 50 advertised  
version  
B – Minister’s correspondence

### **Nature of Council’s Role in the Matter:**

Executive

### **Purpose of the Report:**

The purpose of the report is to provide an overview of the modifications required by the Minister of Planning and to allow Council to consider the implications.

To consider the schedule of modifications required by the Minister of Planning on Town Planning Scheme Amendment No. 50, to be undertaken before final approval is given.

### **Background:**

Scheme Amendment No. 50 to the Shire of York Town Planning Scheme No. 2 was initiated by Council at its ordinary meeting held 19 November 2012. Scheme amendments which propose multiple changes to the scheme and parcels of land are called ‘omnibus’ amendments.

The amendment contained 5 main categories of proposals to the Scheme:

1. Amendments to Schedule 1 – Interpretations, to become more uniform with the then ‘Model Scheme Text’ in the *Town Planning Regulations 1967*;
2. Amendments to the zoning table to reflect land uses in Schedule 1 and provide guidance on land uses permissibility in zones;
3. Textual changes relating to Home Business and Home Occupation operations, Rural Smallholding zone, Control of Advertisements, Transported dwellings and Developer Contributions;
4. Amendments to zoning of Reserve land to reflect the actual/intended uses for these properties.
5. A number of rezonings on privately owned land to enable appropriate development.

A full copy of the advertised amendment document and details of specific amendments is provided in **Appendix A**.

Omnibus Amendment No. 50 was advertised for a minimum of 42 days, ending 5 March 2013. 25 submissions on the proposal were received.

A small number of modifications were made to the amendment document following advertising addressing submissions and concerns of the Shire including removal of any reference to waste disposal/management facilities within the zoning table. Council resolved to adopt the final Amendment 50 on 15 April 2013.

The finally adopted version was forwarded to the Western Australian Planning Commission (referred herein as the Commission) and Minister for Planning for final approval on the 22 April 2013.

The progression of Amendment 50 coincided with the receipt of a development application for a waste disposal site in St Ronans, by SITA. The amendment initially included provisions in the advertised version to insert a Waste Disposal Facility as an 'SA' use in the Agricultural zone and 'X' in all other zones. This was removed by Council prior to final adoption and referral to the Commission. Following submission of the amendment to the Commission, advice was received from the Minister of Planning that the amendment would be placed on hold pending the determination of the SITA Landfill application so as not to influence the State Administrative Tribunal appeal process which had commenced.

Two further resolutions, relating to the amendment, were made following Council's final adoption of Amendment No. 50:

- On 14 April 2014, Council as part of its resolution reiterating to the Minister of Planning its objections against the establishment of a landfill operation at Allawuna Farm, resolved to:

*"4. Request the Minister of Planning to make waste management facilities a prohibited use in the Shire of York Town Planning Scheme No. 2"*

- 16 September 2014, Council resolved to:

1. *Write to the Minister of Planning to request that the proposed rezoning of Lot 7 (Hse 5) Joaquina Street be removed from Omnibus Amendment 50 and remain zoned Town Centre. Upon receiving approval, rescind the resolution to demolish the former CRD building situated on Lot 7, 5 Joaquina Street and commence formal procedures to dispose of the building and subdivide the land at Lot 7 (5) Joaquina Street. Or;*
2. *In the event that the Minister does not advise to remove the proposed rezoning, arrange for the demolition of the brick walled, tiled roofed building situated on Lot 7, 5 Joaquina Street, York in accordance with the 2014/15 budget allocation of \$20,000.00.*

The Minister's response to the various resolutions will be discussed below.

It should also be noted that during the time the amendment was placed on hold:

- Scheme Amendment No. 53 to the Shire of York Town Planning Scheme No. 2 was progressed separately, which rezoned a number of lots originally part of Amendment 50 (including Laurelvale) and as a result are removed from Amendment 50;
- The *Planning and Development (Local Planning Schemes) Regulations 2015* came into effect 19 October 2015, which introduced a new 'Model Provisions' format that Local Planning Schemes shall be consistent with and 'Deemed Provisions' that over-ride Local Planning Schemes to the extent of inconsistency.

The SAT appeal proceedings were completed on 8 March 2016, with the application approved subject to conditions. The Minister's Modifications on Amendment 50 were received on 5 April 2016.

The Minister's required modifications and implications of these are discussed below.

### Comments and details:

Modifications required by the Minister of Planning to Amendment No. 50 prior to gazettal, are done so pursuant to Section 87(2) of the *Planning and Development Act 2005*, and Clause 62(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (referred herein as the Regulations).

The modifications are a 'direction' from the Commission and there are no provisions in the Act or Regulations which provide the Shire appeal rights or discretion with regard to the modifications.

The Ministerial modifications and reasons for the modifications are set out in **Appendix B**. The Ministerial modifications relate to the version adopted by Council for advertising in **Appendix A** and not the finally adopted version. Officers have been advised that this is in accordance with Regulation 35(1), 41(3) and 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, which requires the submission of the advertised version to the Commission, and that modifications to the advertised version are generally made as recommendations to the Minister of Planning to amend prior to adoption.

A summary of the Ministerial modifications are discussed below:

- Schedule 1: Interpretations - updating definitions primarily to reflect the definitions of the Model Provisions for Local Planning Schemes of the Regulations;
- Zoning Table - Amending the zoning table to reflect the definition amendments and inserting a number of land uses which were previously not in the zoning table;
- Textual changes, including:
  - Inserting a new sub-clause 4.15.4 – Regional Facilities to provide criteria for the assessment of regional facilities such as cemeteries, airports ect;
  - Developer Contributions – deletion of Schedule 13 relating to 'Developer Control Area', and inclusion of 'Developer Contribution Areas' on the Scheme map.  
The developer contribution areas do not have effect until a developer contribution plan is approved via a scheme amendment and referred to in the the current Schedule 14 – Community Infrastructure Plans for Development Contributions.  
The inclusion of Develop Contribution Areas provides a guide as to Council's expectations for areas which any Development Contribution Plan shall cover.
- Deletion of proposed amendments which were undertaken separately as part of Amendment No. 53; and
- Deletion of Clause 5.3 – Control of Advertisements, as these are covered by provisions in deemed provisions of the Regulations which automatically have effect to the extent of inconsistency with an adopted scheme.

The following Ministerial modifications warrant further discussion:

#### Clause 5.8 - Transported Dwellings

Amendment 50 originally proposed to modify Clause 5.8, to replace the word 'townsite' with 'Shire'. Clause 5.8 requires a development application to be submitted for transported dwellings within the York Townsite and the proposed amendment would have extended this requirement to the whole of the Shire.

The Ministerial modifications will result in the deletion of Clause 5.8 entirely from the Scheme, and will replace the clause with two new land use classes of:

- Second Hand Dwelling; and
- Re-purposed dwellings.

Both uses are designated as an 'AA' use meaning planning consent is required, except in the Industrial zone, where it will be an 'X' use.

The modification is consistent with the Shire's previous intent to extend the control of transported dwellings across the Shire.

Local Planning Policy No. 7 – Relocated Second-Hand Dwellings, along with a number of other policies which refer to specific provisions in the Scheme, will require minor updating to reflect the amendments. It is proposed that this occur at a future time, once the amendment is gazetted, and subject to resolution of the issues discussed below.

1. Lot 7 (Hse 5) Joaquina Street (Old Community Resource Centre Building)

The future of the above property, as determined in the 16 September 2014 resolution, was subject to the outcome of Omnibus Amendment 50.

The advertised version of Amendment. 50 proposed to rezone Lots 7 and 202 (Masonic Lodge building) from 'Town Centre' to 'Public Purpose' to reflect the use and ownership of the properties.

Following submission of the amendment to the Commission, an assessment of the old Community Resource Centre building on Lot 7 was undertaken. The assessment identified structural issues requiring attention and recommended that the removal of the building would provide an opportunity for Council to consider a number of options for this site ranging from a car park to the construction of a building for future public purpose. As a result, Council resolved 16 December 2013:

*"That Council:*

*Direct staff to arrange for the Demolition of the brick walled, tiled roofed building situated on Lot 7, 5 Joaquina Street York and provides a budget allocation of \$20,000.00 for this purpose in the 2014/15 budget."*

Following this resolution, Council received correspondence from a member of the public which indicated an interest to purchase the building.

A further report was put to Council regarding this, which involved discussions that the appropriate zoning should remain 'Town Centre' should Council entertain the sale of the building.

Council then resolved 16 September 2014 to:

1. *Write to the Minister of Planning to request that the proposed rezoning of Lot 7 (Hse 5) Joaquina Street be removed from Omnibus Amendment 50 and remain zoned Town Centre. Upon receiving approval, rescind the resolution to demolish the former CRD building situated on Lot 7, 5 Joaquina Street and commence formal procedures to dispose of the building and subdivide the land at Lot 7 (5) Joaquina Street. Or;*
2. *In the event that the Minister does not advise to remove the proposed rezoning, arrange for the demolition of the brick walled, tiled roofed building situated on Lot 7, 5 Joaquina Street, York in accordance with the 2014/15 budget allocation of \$20,000.00.*

As a result of a submission received from the owners of Lot 202, requesting that the property remain 'Town Centre' and the Shire's finally adopted version of the amendment subsequently removed Lot 202 from the amendment, the Minister's modifications have accepted the removal of the Masonic Lodge from the amendment which will remain 'Town Centre', however have not requested any amendments to the remainder of the modification, meaning that Lot 7 will continue to be rezoned to 'Public Purpose'.

Resolution 2 of the 16 September 2014 resolution applies.

As the amendment has unexpectedly taken a significant amount of time to be finalised, and the budget allocation referred to in the resolution, is no longer allocated in the 16/17 financial year, it is considered that this matter will be dealt with, at such time the amendment has been formally gazetted, and as a separate council item.

2. Waste Disposal and Storage Facilities;



The advertised version of Amendment 50 proposed to insert the land use of 'Waste Disposal Facility' and 'Waste or Resource Transfer Station' as a prohibited (X) use in all zones, except the General Agriculture zone, where it was identified as an 'SA' use, meaning that the use is not permitted unless the local government has exercised discretion, by granting planning consent after public consultation.

Both land uses were removed from the version finally adopted by Council on 15 April 2013 and sent to the Commission.

On the 14 April 2014, Council resolved to:

*"4. Request the Minister of Planning to make waste management facilities a prohibited use in the Shire of York Town Planning Scheme No. 2"*

The Ministerial modifications have in part accepted the Shire's submission and requested that the land use of 'Waste Disposal Facility' be amended to an 'X' (prohibited) use in all zones. Therefore to consider the land use of a Waste Disposal Facility in any zone would require a scheme amendment to be pursued to allow for consideration of the use, such as through the creation of a 'Special Use' zone.

Waste Disposal Facility is defined as:

*"means premises used –  
(a) For the disposal of waste by landfill; or  
(b) The incineration of hazardous, clinical or biomedical waste"*

The land use of 'Waste Storage Facility' (which replaced Waste or Resource Transfer Station) is proposed to be an 'X' use in all zones, except the General Agriculture and Industrial zones where it is proposed to be an 'SA' use.

Waste Storage Facility is defined as:

*"means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale".*

The prohibition of Waste Disposal Facilities in the General Agriculture zone would result in the recent SITA landfill approval by the State Administrative Tribunal on 8 March 2016, if development commences, being a 'non-conforming use'. A non-conforming use occurs when a use of land, was approved or undertaken lawfully before the coming into operation of an amendment to a planning scheme, which would then make that use able to be supported on that same parcel of land.

Part 7 of the Scheme addresses non-conforming uses and generally allows for their continued operation in accordance with a lawful approval. Any amendment or extension to a non-conforming use requires planning consent to be submitted and is assessed against current scheme provisions. Generally anything that would further the non-conforming use would not be consistent with scheme provisions. Should a non-conforming use be discontinued for a period of 6 months or more, it shall be required to conform to scheme provisions in accordance with clause 7.4.1.

To avoid the creation of a non-conforming use, the Ministerial modifications require Amendment No. 50 to insert a 'Special Use Zone No. 8' over the broader Allawuna farm property into Schedule 3 as follows:

No.	Particulars of Land	Special Use	Conditions
8	Lots 9926, 26934, 4869 and 5931 Great Southern Highway, St. Ronans	1. Waste Disposal Facility and associated infrastructure on Lot 4869 (AA) 2. Caretaker's dwelling on Lot 4869 (AA) 3. Single House on Lot 9926 (P) 4. Agriculture – extensive (P)	1. The waste disposal facility shall only accept waste types permitted for disposal at a Class I and Class II landfill (DER, <i>Landfill Waste Classification and Waste Definitions</i> 1996 (as amended)). 2. The development is to be undertaken generally in accordance with the 8 March 2016 decision of the State Administrative Tribunal ([2016]WASAT22) and a development approval issued by the local government.

The land use of a 'Waste Disposal Facility' would be treated as an 'AA' use in this zone, requiring an application for development approval to be submitted for any further works.

The wording of Condition No. 2 is considered unclear as to whether it is restricting development to the 8 March 2016 SAT decision and incidental uses, and anything outside of this would require a further scheme amendment; or if it also facilitates any future, additional approvals issued by the local government.

The introduction of the Special Use zone is a new addition to Amendment No. 50; it was not part of the advertised or finally adopted version. The Minister has not directed the Shire to advertise this modification under Clause 46 and/or 56 of the Regulations (the amendment was not determined as a standard/complex before it was progressed) as the Minister considers that the modification is not significant.

Officers disagree with the Minister's opinion that the modification is not significant and therefore does not require advertising as:

- The proposed rezoning is a completely new addition to the advertised and finally adopted version by Council, was not advertised and was not contemplated by the submission of the development application/SAT proceedings;
- The amendment relates to the overall lot areas, whereas the development approval relates to the development site only;
- In the absence of the rezoning being included within the initial Scheme Amendment, the rezoning is effectively bypassing the requirements of the *Environmental Protection Act 1986* which requires schemes and scheme amendments to be referred to the EPA, a process which would consider the broader implications of the land use change of the overall site, whereas current approvals relate only to a portion of the property;
- Relates to a development that received significant community concern and objection which would warrant proper consultation being undertaken. On this note, an objection has already been received, which cannot be considered in a manner consistent with orderly and proper planning;
- The rezoning reflects a land use change that, in of itself, reflects a 'complex' amendment and therefore cannot be considered insignificant;
- There is uncertainty regarding how condition 2 can be interpreted; and
- The rezoning is not planned for in the Local Planning Strategy.

The introduction of a Special Use zone into the scheme for the site is also considered premature when there is no guarantee that the development will commence, and it is potentially limited to the current approval. Should the development not commence, depending on how Condition 2 is interpreted, any development on the site may require a further, unnecessary scheme amendment to revert the area to the General Agriculture zone.

It is the officer's opinion that the use would be better treated as a non-conforming use, which, on face value, is no more restrictive than the Special Use zone proposed by the Ministerial modifications. Should the landowner choose to, they can progress a rezoning separately, with community consultation, transparency and appropriate consideration of submissions and content of the Special Use conditions.

### Summary

With the exception of the rezoning of Lots 9926, 26934, 4869 and 5931 Great Southern Highway, St. Ronans from General Agriculture to Special Use No. 8, officers are generally supportive of the modifications proposed to Omnibus Amendment No. 50.

However, officers do not consider that the rezoning of Lots 9926, 26934, 4869 and 5931 Great Southern Highway, St. Ronans from General Agriculture to Special Use No. 8 represent a minor modification to Amendment 50. The rezoning of the lots should be undertaken as a separate amendment at a future time, and the approval for the SITA landfill can be appropriately managed as a non-conforming use.

Should the Minister not accept this position, officers are of the opinion that a direction from the Minister or authorised persons for further advertising to be undertaken in accordance with Clause 46 and/or 56 of the Regulations should be required, as the introduction of a Special Use zone for the site is a significant modification.

As the modifications are a 'direction' from the Minister of Planning to be undertaken and returned prior to approval of Amendment No. 50 and gazettal to form part of the Scheme, there is no 'decision' as such to be made by Council on the modifications. Once the Shire has undertaken the modifications, these are returned to the Western Australian Planning Commission for consideration and execution. The approved amendment would then be published in the Government Gazette before having effect as part of the Shire of York Town Planning Scheme No. 2. Therefore, it is recommended that resolution of the above issue occurs prior to forwarding any amended documents back to the Commission, and that the Shire write to the Minister advising of the objection to the inclusion of the Special Use No. 8 zone for the above reasons.

There is a risk that the Commission can undertake the modifications themselves, and arrange for gazettal, which may result in additional gazettal costs for the Shire (due to reformatting of the amendment which would reduce these costs), and also the inclusion of a few administrative errors which were identified in the Ministerial modification documents, which may be missed.

### **Implications to Consider:**

#### **Policy Implication:**

Should Amendment No. 50 be gazetted in accordance with the modifications, it will require minor modifications to Local Planning Policies to update in accordance with the amended scheme text.

#### **Financial Implications:**

There are no long term financial implications anticipated as a result of the officer's recommendation.

### **Strategic Implications:**

The Shire of York's 2012 Strategic Community Plan goals are:

#### **Social**

- Manage population growth, through planned provision of services and infrastructure.
- Strengthen community interactions and a sense of a united, cohesive and safe community.
- Build and strengthen community, culture, vibrancy and energy.

#### **Environmental**

- Maintain and preserve the natural environment during growth, enhancing the 'rural' nature of York, and ensuring a sustainable environment for the future.
- Support sustainable energy and renewable resource choices.

#### **Economic**

- Build population base through economic prosperity.
- Value, protect and preserve our heritage and past.
- Grow the economic base and actively support local businesses and service provision.

It is considered that the overall intent of Omnibus Amendment No. 50, including modifications is generally consistent with the Community's Goals, although the rezoning of the Special Use No. 8 site requires further consideration and proper assessment to determine if it is consistent with the community's goals.

### **Voting Requirements:**

**Absolute Majority Required:           No**

#### **RESOLUTION 070616**

**Moved: Cr Saint**

**Seconded: Cr Walters**

#### ***"That Council Resolve:***

- 1. To request the Chief Executive Officer to Write to the Minister of Planning advising of***
  - (i) Council's objection to the inclusion of a modification to rezone Lots 9926, 26934, 4869 and 5931 Great Southern Highway, St. Ronans from General Agriculture to Special Use No. 8; and***
  - (ii) That in the event that the Minister does not amend the modifications, advise of the Shire's position that the modification is significant and request that the Minister direct the Shire to re-advertise the amendment in accordance with Clause 46 and/or 56 of the Planning and Development (Local Planning Schemes) Regulations 2015***
- 2. In the event that the Minister of Planning directs to remove Special Use No. 8 from the modifications and Amendment No. 50, the modified Amendment No. 50 document be sent back to the Commission for execution."***

**CARRIED: 7/0**

***SY060-06/16 - Land Acquisition for Road Widening:  
Quairading - York Road, York***

<b>FILE REFERENCE:</b>	<b>YO1</b>
<b>APPLICANT OR PROPONENT(S):</b>	<b>Main Roads Western Australia</b>
<b>AUTHORS NAME &amp; POSITION:</b>	<b>Allan Rourke, Manager of Works</b>
<b>PREVIOUSLY BEFORE COUNCIL:</b>	<b>No</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>APPENDICES:</b>	<b>A – Road Widening – Drawing 1560-205-1 B – Location Plan &amp; Aerial C – Site Photos</b>

**Nature of Council's Role in the Matter:**

Executive

**Purpose of the Report:**

The Shire have received a request from Main Roads requesting Council to dedicate the land shaded in **Attachment A** (and outlined in red), currently forming part of Reserve 40499 (Lot 145) as a Road Reserve subject to Section 56 of the Land Administration Act and consent to Main Roads acquiring this parcel of land.

The purpose of this report is to make a determination on the request from Main Roads relating to Road Widening of Quairading – York Road, York.

**Background:**

Reserve 40499 (Lot 145) is 6.1759ha in area and located immediately east of the townsite on the Quairading- York Road.

The Reserve is owned by the State of Western Australia and is vested in the Shire to manage for the purposes of a 'Rest Area'.

Reserve 40499 is currently undeveloped (see Attachment B), and there are no immediate plans of the Shire to develop this for its purpose in the near future.

Site Photos of the area requested to be dedicated as a road reserve is provided in Attachment C.

The request from Main Roads was received 20 May 2016, which provided plans outlining land (Attachment A) required for improvement works to be carried out on the Quairading - York Road, which is managed by Main Roads. The land required varies from 5m to 10m in width. Main Roads have requested that to acquire the land for this purpose it requires Council to:

1. Resolve to dedicate the land as a Road Reserve pursuant to Section 56 of the Land Administration Act 1997; and
2. Consent to Main Roads acquiring the land for inclusion in the road reserve from Reserve 40499 as depicted on plan 1560-205, over which the Shire has a management order.

Main Roads have provided in writing that they will indemnify the Council against any costs and claims that may arise as a result of the dedication.

**Comments and details:**

The purpose of the acquisition is for road widening and improvements.

This particular section of road is narrow and has poor sightlines. The Shire has no immediate plans to construct the reserve as a rest stop due to the proximity to the townsite, and in any case, should Council choose to undertake this in the future road improvements and widening would be desirable to facilitate 'safe' access to a rest area.

It is considered that the widening and improvements are necessary in the interest of improving community safety and access to the townsite and is supported by officers.

**Implications to Consider:****Policy Implication:**

There are no policy implications as a result of the officer's recommendation.

**Financial Implications:**

With appropriate indemnification from costs provided by Main Roads, there are no financial implications associated with this proposal for the Shire.

**Strategic Implications:**

The Shire of York's 2012 Strategic Community Plan goals are:

**Social**

- Manage population growth, through planned provision of services and infrastructure.
- Strengthen community interactions and a sense of a united, cohesive and safe community.
- Build and strengthen community, culture, vibrancy and energy.

**Environmental**

- Maintain and preserve the natural environment during growth, enhancing the 'rural' nature of York, and ensuring a sustainable environment for the future.
- Support sustainable energy and renewable resource choices.

**Economic**

- Build population base through economic prosperity.
- Value, protect and preserve our heritage and past.
- Grow the economic base and actively support local businesses and service provision.

It is considered that dedication of land identified in Attachment A as a road reserve is consistent with the strategic community plan goals.

**Voting Requirements:**

**Absolute Majority Required:**           **No**

**RESOLUTION  
080616**

**Moved: Cr Smythe**

**Seconded: Cr Heaton**

***“That Council:***

- (i) Resolve to dedicate the land the subject of Main Roads Land Dealing Plans (depicted on plan 1560-205-1) as a Road pursuant to Section 56 of the Land Administration Act 1997; and***
- (ii) Consent to Main Roads acquiring the land for inclusion in the road reserve from Reserve 40499 as depicted on plan 1560-205-1, over which the Shire has a management order.”***

***CARRIED: 7/0***





***Disclosure of Interest – Cr Pam Heaton – Financial Interest – My husband is employed by clients attending functions to drive them to and from Laurelville.***

## ***SY061-06/16 – Laurelville Reception Centre Noise Management Plan***

<b>FILE REFERENCE:</b>	<b>PA1.9910</b>
<b>APPLICANT OR PROPONENT(S):</b>	<b>Sandra Paskett</b>
<b>AUTHORS NAME &amp; POSITION:</b>	<b>Paul Martin CEO</b>
<b>PREVIOUSLY BEFORE COUNCIL:</b>	
<b>DISCLOSURE OF INTEREST:</b>	<b>Cr Pam Heaton – Financial Interest</b>
<b>APPENDICES:</b>	<b>Revised Acoustic Report &amp; Management Plan &amp; Complaints Procedure</b>

### **Nature of Council's Role in the Matter:**

Quasi-judicial

### **Purpose of the Report:**

A development approval issued for Lot 1 and 2 (#18) Panmure Road for a reception centre in July 2015 required revision of a noise management plan and complaints procedure to the satisfaction of the Shire of York. This report presents the revised documents for endorsement by Council in relation to the development application.

### **Background:**

The owners of Lot 1 and 2 (#18) Panmure Road have been operating a guest house and reception centre at the premises since the land received a temporary conditional planning consent in April 2011. The approval was given conditionally and temporarily as a way to trial the use and gauge any impacts on the surrounding area

On 5 March 2015, the Minister for Planning approved Scheme Amendment 53 which including the rezoning of Lot 1 and 2 (18) Panmure Road, York (known as Laurelville), from Residential to Special Use Zone 7 to include the following uses;

- Exhibition Centre
- Guest House
- Reception Centre
- Residential

Amendment 53, as advertised and adopted by Council, had included additional uses such as restaurant and educational establishment to enable more public activities at the premises. However, these uses were removed by the Minister for Planning prior to gazettal as there were concerns that the uses might detract from development in the town centre of York. The applicant is liaising with the Shire of York and the Department of Planning to reinstate these uses into the special use zone to provide greater flexibility and less reliance on private reception events as the specialist uses at Laurelville Manor are not considered to detract from town centre development, and support an expanded tourist offering at the site.

Following the rezoning of the land to special use, in 2015 the owners of the land applied for a new planning consent for the property.

At the Ordinary Council Meeting of 27 July 2015, Council granted planning consent subject to conditions for the uses of "Reception Centre", "Exhibition Centre", "Guest House", and "Residential" at Lot 1 & 2 (18) Panmure Road, York. Two conditions of planning consent required that the applicant provide a revised acoustic report and management plan and a revised complaints management procedure for approval by the Shire of York:

8. *Prior to 31 December 2015, the applicant is to submit a revised acoustic report and management plan, to be approved by the Shire of York on the advice of the Department of Environmental Regulation, and thereafter implemented*
12. *Prior to the commencement of development, the applicant is to submit a revised complaints management procedure, to be approved by the Shire of York, and thereafter implemented.*

Conditions 8 and 12 responded to concerns raised in three objections that the management plans submitted as part of the application would not be suitable to address amenity impacts of noise emissions associated with reception events, in particular weddings held at the premises.

On 10 September 2015, the applicant lodged an appeal with the State Administrative Tribunal (SAT) in relation to the conditions of planning consent. Following mediation proceedings in the SAT, the matter was resolved on 1 March 2016 through consent orders and the applicant withdrew the appeal. The following orders of the SAT, from the decision of 1 March 2016, made minor modifications to the wording of conditions 8 and 12, effectively extending the timeframe by which the applicant was required to provide a revised acoustic report and management plan and a revised complaints management procedure.

2. Condition 8 of the approval is deleted and the following is inserted in lieu thereof:

Prior to 4 March 2016, the applicant is to submit a revised acoustic report and management plan for the approval of the Shire of York on the advice of the Department of Environmental Regulation, to be thereafter implemented.

3. Condition 12 of the approval is deleted and the following is inserted in lieu thereof:

Prior to 4 March 2016, the applicant is to submit a revised complaints management procedure for approval by the Shire of York, to be thereafter implemented.

The applicant lodged a revised acoustic report and management plan and complaints procedure with the Shire of York on 3 March 2016 in accordance with the amended conditions of planning consent. Since that time, the Shire has been liaising with the applicant to make additional modifications to the noise management plan. The Shire's officers have also undertake targeted engagement with residents that provided objections to the original noise management plan during the advertising of the application for planning consent in 2015.

### **Comments and details:**

Laurelville Manor is an important business within the Shire of York, supporting the local tourist economy. An important focus is to support local business and the York economy, whilst managing and reducing potential amenity impacts to residents in the immediate area. In reviewing the noise management plan and complaints procedure, Shire officers have focussed on achieving a consultative process by which the operators of Laurelville Manor can engage positively with their neighbours and the Shire over time.

The revised acoustic report and management plan and complaints procedure is included as Appendix A. Key modifications made to the original documents that were submitted with the application for planning consent in 2015 are discussed in the following sub-sections.

### **Objectives**

The revised noise management plan includes confirmation of key objectives. The key objective of the noise management plan is to actively engage with affected properties to address, to the greatest extent possible, the amenity impacts of noise emissions during outdoor reception events. This revision is considered to be an important addition, as it confirms the role of the management plan as a dynamic communication tool over time to promote feedback between residents and operators to inform adaptive approaches to noise management in response to specific issues that may arise.

### **Context of noise emissions and noise limits**

The revised noise management plan includes greater confirmation of the context for the plan. In particular, the plan is supported by an acoustic report prepared by a qualified acoustic consultant. The acoustic report quantifies noise emissions, based on monitoring of a weekend, from Friday 11 December to Monday 14 December, which included a wedding event on the Saturday evening.

The acoustic report concludes that, due to close proximity of neighbouring premises and noise emission levels required for a viable reception event, it is unlikely that reception events can comply with the assigned noise criteria of the *Environmental Protection (Noise) Regulations 1997* (noise regulations). The acoustic report recommends that a noise management plan is prepared to manage noise emissions associated with events, and makes various recommendations – including setting noise limits – which have been incorporated into the noise management plan.

In response to the acoustic report, the noise management plan sets noise limits that represent a level at which noise can be minimised whilst still providing a viable reception environment. The noise management plan also makes additional recommendations in relation to bass reduction and configuration of speakers which can assist in minimising the extent of noise impacts.

It is noted that compliance with the noise regulations can be achieved in two ways. The most common way is through compliance with assigned noise criteria. The alternative approach to comply with the noise regulations is to apply for and be granted an exemption from the noise criteria through approval of a noise management plan. The applicant is investigating the use of an exemption. The current noise management plan will be used as a basis for any exemption application, however an application for an exemption has not been made, and is not the subject of this item. Any consideration or approval of a noise management plan for the purposes of a planning consent does not change the obligations of the applicant to comply with the noise regulations.

Exemptions to the assigned noise criteria of the noise regulations being examined are a Regulation 19B exemption, which provides an exemption from the assigned noise levels subject to a noise management plan for an approved venue for sporting, cultural, or entertainment events, or a Regulation 17 exemption, which is a ministerial exemption from the assigned noise levels subject to a noise management plan. To fit a Regulation 19B exemption, the applicant would need to demonstrate they are a public venue for public events. This may require modification to the special use zone, as is desired by the applicant, to facilitate greater public use of the site. If the operation is not deemed to fit a Regulation 19B exemption, then a ministerial exemption or compliance with the assigned noise levels will be required.

### **Noise management controls/measures**

The revised noise management plan has been restructured to provide a clearer presentation of the noise management measures to be implemented along with the identified noise levels. The plan includes structural noise controls – which are physical measures that create barriers to noise emissions in order to reduce the amount of noise that reaches neighbouring premises – and administrative controls – which are measures that relate to how the venue and functions operate to minimise amenity impacts from noise.

The revised noise management plan introduces a long-term structural measure of a purpose-built facility that will assist in containing noise emissions associated with larger events, removing the need for events to be hosted outdoors in marquees where noise cannot be contained. The noise management plan does not confirm a timeframe for construction of the facility as it is subject to economic conditions. As an interim control, the revised noise management plan proposes a noise wall to be constructed along the front (southern) boundary to alleviate some noise emissions that impact properties to the south. An application development approval for construction of the wall has been received by the Shire of York.

With respect to administrative controls, many of these were included in the original noise management plan. Key revisions include:

- Use of a quality Class 2 sound level meter which will provide more reliable measurements during events, with training in the use of the meter;
- Modified noise measurement procedure to increase the number of locations at which sound is to be measured so that implications of wind direction is accounted for

The revised noise management plan still has some minor gaps in relation to administrative noise controls. These should be addressed by the applicant and include:

- The frequency of noise measurements (proposed 90 minutes) should be modified to every 30 minutes for the first hour of an event to confirm noise limits are being complied with, and also during the latter hours (post 10pm) of an event where the nature of music played may result in different noise levels in a short period of time.
- The applicability of the noise limits to live bands should be confirmed, and bands should be informed of requirements and the need to modify playing tools (e.g. alternative “softer” drumsticks or brushes) or mix settings if noise limits are not being met.

### ***Communication***

The revised noise management plan includes a new section that relates to communication protocols with neighbouring noise sensitive premises. This section includes a range of techniques to provide for ongoing dialogue, communication and mitigations with potentially affected residents.

This section provides a particular benefit as it provides for feedback and discussion of mitigation with individual residents. This enables ongoing refinement and addition of noise management measures overtime to manage the actual amenity impacts that may be experienced by neighbouring properties.

In response to targeted meetings with residents that provided objections to the original noise management plan, additional communication techniques should be included in the noise management plan. These include:

- An initial meeting with affected residents upon approval of the noise management plan, to commence the communication process and share concerns and experiences;
- An offer of a meetings with affected residents following the first two events of a season, to provide an opportunity for feedback on the noise management undertaken, and discuss whether any improvements or adjustments are needed for the remainder of the season; and
- The ability for either the operator or residents to invite the Shire to be a part of meetings and discussions.

### ***Review***

The revised noise management plan includes a revised section that requires regular review and updating. The plan identifies that regular reviews should be undertaken annually, with more frequent reviews undertaken in the event of non-compliance, ongoing complaints, or at the request of the Shire. This revision is considered beneficial as it supports an ongoing, adaptive management approach to managing noise emissions in response to feedback from nearby residences.

### ***Summary – Revised Noise Management Plan***

Whilst large, evening events held at Laureville Manor will cause noise emissions, the revised noise management plan provides an improved framework for ongoing consultation and review to tailor and adapt noise controls over time in consultation with affected neighbours. The revised noise management plan – subject to minor modifications - is therefore considered to represent a sufficient framework to manage amenity within the context of the uses permitted by the special use zone that applies to Lot 1 and 2 Panmure Road.

Irrespective of the development approval process, compliance with the noise regulations is required and the applicant has obligations to achieve compliance through an exemption (for example, if the venue can be considered a public venue or through an exemption provided by the Minister for the Environment), or alternatively through compliance with the assigned noise criteria (which would likely require considerable significant capital investment which may not be practical for the business) if an exemption cannot be obtained. Shire officers are actively engaging with the Department of Environmental Regulation and the applicant in respect of an exemption.

### ***Complaints Management Procedure***

The original application included a complaints management procedure, which included an approach to provide contact details of the operator to all neighbouring premises, and involved the operator visiting premises to measure noise levels, and adjust volumes if exceedances are identified. The procedure identified that if more than 3 unsubstantiated complaints are received from a complainant, then the complainant's premises will not be visited and a "standard noise monitoring measurement" will be taken. The revised complaints management procedure no longer includes these elements. It also clearly recognises that residents are able to make complaints directly to the Shire of York in accordance with the noise regulations.

The revised complaints management procedure encourages any noise complaints to be made directly to Laurelville Manor during an event, and provides for the checking of noise levels against the noise management plan limits. Along with checking noise levels, the revised complaints management procedure includes complaint resolution, by determining what action can be taken to mitigate or resolve the complaint at the time.

The revised complaints management procedure is considered to provide an appropriate framework to manage complaints. It is envisaged that the procedure will work alongside communication actions of the noise management plan to facilitate regular feedback between Laurelville Manor and neighbours.

### **Implications to consider:**

- Consultative

Condition 8 requires that the Shire obtain the advice of the Department of Environmental Regulation in respect of the noise management plan. Conversations with officers of the DER has provided advice in relation to compliance with the noise regulations. DER officers have previously advised the Shire that they would not usually provide advice in relation to matters of amenity in relation to the Shire's local planning scheme. Alternative advice on the noise management plan has been provided by consultants as required.

There is no formal consultation requirement for the consideration of management plans required as conditions of planning consent. However, as three members of the community objected to/raised concerns about the noise management plan at the time of the development application, Shire officers undertook targeted consultation in relation to the revised noise management plan. The following table outlines the feedback received at two meetings. A third meeting will be held prior to the Council meeting, and Councillors will be briefed on the feedback received.

Objector 1	<p>Advised that:</p> <ul style="list-style-type: none"> <li>• They have no issue with the running of the business, their only issue in the past has been noise impacts and visual impacts of the temporary ablutions block</li> <li>• Conditions on operation are necessary to ensure it operates properly</li> <li>• Laurelville Manor brings business to town, and that is important</li> <li>• Since the 2015 approval, they have not had any issues with noise over the summer</li> <li>• If noise levels stay as per those experienced over the 2015-2016 summer, then they will be happy</li> <li>• The long term structure control of a purpose built facility is a great idea. Architectural styling will be important to reflect the heritage value of Laurelville Manor.</li> </ul>
Objector 2	<p>Advised that:</p> <ul style="list-style-type: none"> <li>• They do not believe their key noise concerns will change as long as functions are held in marquees. They do not believe noise emissions can be managed.</li> <li>• A long term purpose built facility is supported, but appears delayed with no commitment to a date for construction. Long-term is not defined, whereas impacts have been experienced since 2011.</li> <li>• Interim noise walls will not address noise issues for properties to the west and north-west.</li> <li>• Better quality sound level meter is supported, however concerned that noise measurements can be manually altered when recorded.</li> <li>• Increased number of noise measurement locations is supported, however 90 minutes between recordings is too long, particularly later in the evening as the noise associated with live bands and DJ sets can change in a small amount of time.</li> <li>• Noted that loud one-off festivals can be accepted, however have an ongoing concern of noise impacts associated with events every weekend.</li> <li>• Support ongoing review and updating of the noise management plan.</li> <li>• Consider the communication section very broad and jargon. Recommended more specific measures, including a meeting straight up to share concerns over time, and meeting after two functions to see how it's going.</li> <li>• Noted that they're not going to ring every time there is background noise, and they would prefer not to cause angst.</li> <li>• Feedback will be important during implementation of the plan.</li> <li>• Suggest that the Shire can be invited by either party to meetings.</li> <li>• Noted that the acoustic report did not measure premises at Herbert Road (east), and that only one event was measured.</li> <li>• Noted that the acoustic report monitored north, south and west only.</li> <li>• Suggest that an item in the complaints management procedure that the operator contacts the complainant to attend their property may be inconvenient and impractical for both parties.</li> </ul>

Objector 3	A meeting was not able to be held at the time this report was prepared. Council will be directly advised of the feedback at a briefing prior to the Council meeting.
------------	--

- Strategic

The Shire of York's 2012 Strategic Community Plan goals are:

*Social*

- *Manage population growth, through planned provision of services and infrastructure.*
- *Strengthen community interactions and a sense of a united, cohesive and safe community.*
- *Build and strengthen community, culture, vibrancy and energy.*

*Environmental*

- *Maintain and preserve the natural environment during growth, enhancing the 'rural' nature of York, and ensuring a sustainable environment for the future.*
- *Support sustainable energy and renewable resource choices.*

*Economic*

- *Build population base through economic prosperity.*
- *Value, protect and preserve our heritage and past.*
- *Grow the economic base and actively support local businesses and service provision.*

The noise management plan specifically relates to the economic elements of the strategic plan by facilitating the continued operation of a local business, as well as the social elements such as strengthening community interactions.

- Policy related

There is no Council policy relevant to the matter.

- Financial

There are no financial implications associated with this proposal.

- Legal and Statutory

Any consideration or approval of a noise management plan for the purposes of a planning consent under the Shire's local planning scheme does not change the obligations of the applicant to comply with the noise regulations. The noise management plan will likely form part of the obligations of the applicant in respect of the noise regulations, and may be further updated to meet that purpose.

- Risk related

This report considers the key economic and social risks relevant to the operation of Laurelville Manor as a reception centre. Economic risks include the loss of a local business if noise impacts cannot be managed and/or noise management measures affect the viability of the business. Social risks relate to the risk of noise emissions significantly impacting on the amenity of neighbouring properties.

**Voting Requirements:**

**Absolute Majority Required:           No**

*Cr Pam Heaton declared a Financial Interest to this item and left the room at 5.15pm*

#### OFFCER RECOMMENDATION

*"That Council:*

- 1. Approve the Laurelville Manor Noise Management Plan for the purpose of Condition 8 of the planning consent issued 13<sup>th</sup> August, 2015 (and as amended by SAT Orders DR No. 322 of 2015 dated 2<sup>nd</sup> March, 2016) for Lot 1 and 2 (#18) Panmure Road, subject to the following modifications:*
  - a) Modification of section 4.6 to include measurements to be taken every 30 minutes for the first hour of an event, and every 30 minutes after 10pm.*
  - b) Modification of section 4.5 to apply the same noise limits and control measures to live music*
  - c) Modification of section 6.1 to include an initial meeting with neighbouring properties upon approval of the noise management plan, an offer of a meeting following the first two events of a season, and the ability for either the operator or neighbouring property to invite the Shire of York to meetings.*
- 2. Request the CEO to engage with the applicant and the Department of Environmental Regulation to explore compliance with the noise regulations through any applicable exemptions.*
- 3. Welcome the receipt of a proposal to initiate a scheme amendment by the applicant to reinstate additional uses as anticipated by Council's adoption of Amendment 53 that would tailor the nature of the premises to a public events venue."*



**RESOLUTION  
090616**

**Moved: Cr Smythe**

**Seconded: Cr Ferro**

***“That Council:***

- 1. *Approve the Laurelville Manor Noise Management Plan for the purpose of Condition 8 of the planning consent issued 13<sup>th</sup> August, 2015 (and as amended by SAT Orders DR No. 322 of 2015 dated 2<sup>nd</sup> March, 2016) for Lot 1 and 2 (#18) Panmure Road, subject to the following modifications:***
  - a) Modification of section 4.6 to include measurements to be taken every 60 minutes during the event***
  - b) Modification of section 4.5 to apply the same noise limits and control measures to live music***
  - c) Modification of section 6.1 to include an initial meeting with neighbouring properties upon approval of the noise management plan, an offer of a meeting following the first two events of a season, and the ability for either the operator or neighbouring property to invite the Shire of York to meetings.***
- 2. *Request the CEO to engage with the applicant and the Department of Environmental Regulation to explore compliance with the noise regulations through any applicable exemptions.***
- 3. *Welcome the receipt of a proposal to initiate a scheme amendment by the applicant to reinstate additional uses as anticipated by Council’s adoption of Amendment 53 that would tailor the nature of the premises to a public events venue.”***

***CARRIED: 5/1***

*Reason – some of the people against the noise were satisfied with the noise levels over the summer months and where happy the applicant will comply.*

*Cr Trevor Randell requested his Vote against the Motion be recorded in the Minutes*

*Cr Pam Heaton returned to the meeting at 5.22pm*



## ***SY062-06/16 – Disability Access and Inclusion Plan (DAIP)***

<b>FILE REFERENCE:</b>	<b>CS.SSP.1</b>
<b>APPLICANT OR PROPONENT(S):</b>	<b>N/A</b>
<b>AUTHORS NAME &amp; POSITION:</b>	<b>Paul Martin, CEO</b>
<b>PREVIOUSLY BEFORE COUNCIL:</b>	<b>N/A</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>N/A</b>
<b>APPENDICES:</b>	<b>Appendix 1 – DAIP</b> <b>Appendix 2 – Progress Report</b>

### **Nature of Council's Role in the Matter:**

Legislative

### **Purpose of the Report:**

Under the Disability Services Act 1993 (amended 2004), public authorities are required to report each year on their progress in implementing their Disability Access and Inclusion Plans (DAIPs).

The Minister for Disability Services uses the information provided to develop a report that showcases the work being done by public authorities across Western Australia, highlighting examples of best practice and demonstrating the value of DAIPs. This report is tabled in Parliament and made available by the Disability Services Commission.

### **Background:**

The Disability Services Act 1993, amended in 2004, requires all local government and selected State Government agencies to develop a Disability Access and Inclusion Plan (DAIP).

DAIPs assist public authorities to plan and implement improvements to access and inclusion across seven outcome areas, in regards to services and events, buildings and facilities, information, quality of service, complaints, consultation processes and employment. These plans benefit people with disability, the elderly, young parents and people from culturally and linguistically diverse backgrounds.

It is noted that the current plan is soon due to expire. It is also therefore recommended that a new plan be developed over the coming 12 months.

### **Comments and details:**

Council is required to submit a progress report to the Disability Services Commission by the 30<sup>th</sup> June 2016.

### **Implications to consider:**

Legal and Statutory

### **Voting Requirements:**

**Absolute Majority Required:**       **No**

**RESOLUTION  
100616**

**Moved: Cr Randell**

**Seconded: Cr Heaton**

***“That Council:***

- 1. Adopt the Disability Access and Inclusion Plan (DAIP) Progress Report for 2015/2016.***
- 2. Request the Chief Executive Officer to present a report to Council to outline the process to develop a new Disability Access and Inclusion Plan (DAIP).”***

***CARRIED: 7/0***

## ***SY063-00/16 – War Memorial Park Heritage Council Application***

### **FILE REFERENCE:**

**APPLICANT OR PROPONENT(S):** Shire of York

**AUTHORS NAME & POSITION:** Carol Littlefair, Curator, Cultural Heritage

**PREVIOUSLY BEFORE COUNCIL:** Briefing paper December 2015

**DISCLOSURE OF INTEREST:** None

### **APPENDICES:**

- Proposed Text draft, York in WW1
- Proposed Text draft, Krupp Gun
- Proposed Krupp Gun shelter design
- Photos of Krupp Gun Surrounds
- Letter, Laura Gray, 30 September 2015
- Letter, Laura Gray, 8 March 2016
- Letter, Sarah Murphy, 7 January 2016
- Extract, Billett, S., War Trophies from the First World War
- Bizzaca, K., Conservation Plan for York War Memorial
- Heritage Council Approval Application

### **Nature of Council's Role in the Matter:**

Executive

### **Purpose of the Report:**

This report requests the support of Council for an Application to the Heritage Council of Western Australia for the approval of the following Works at War Memorial Park, Railway Street, York:

1. Repainting in situ of weathered white lettering on the c.2003 polished granite tablets on War Memorial,
2. The addition of a small, separate low plinth adjacent to, but separate from, the War Memorial to be placed in the grass at the foot of the memorial, recording the names of sixteen WW1 soldiers which are currently missing from the memorial.
3. The reinstatement of the Krupp Gun, a WW1 trophy armament under a purpose built shelter with interpretive bronze plaque.
4. Replacement of Rock with addition of Bronze Bas-Relief of Lawrence McCarthy VC and Bronze plaque commemorating the contribution of all York Service personnel in WW1, with Removal of existing intrusive concrete surround and restoration of existing bronze plaque commemorating Lawrence McCarthy.

### **Background:**

The Shire of York jointly with the York RSL received an Anzac Local Centenary Grant in 2015 to enable the works described in this report, plus others relating to York RSL, to be undertaken.

The process of applying for Heritage Council approval was delayed due to the Len Zuks' contemporary metal sculpture which was on loan to the Shire of York being in situ on this site, contravening the Heritage Listing for this category 1A place "A place of exceptional cultural heritage significance for the Shire of York and the State of Western Australia". With the removal of the Len Zuks sculpture the application can proceed.

**Comments and details:**

This grant was applied for in conjunction with the York RSL who agreed to provide research material with the Shire being the lead applicant in applying for the project, the planning and completion of the works programme and supervision and financial management of the project, including acquittal.

The original intention as defined in the grant application was to house the Krupp Gun at the RSL gardens. At that time the RSL believed they owned the gun, a misapprehension due to the gun having been restored thanks to RSL contributing funding for that process some years ago. The gun is a German WW1 armament which was one of many war trophies distributed throughout the Nation to Local Government Authorities in approximately 1921. These were intended to be permanent public reminders of the cost, in human sacrifice, of obtaining such trophies. This is the piece allocated specifically to York and is therefore in public ownership, the Shire of York being its custodian. [see Extract, Billett, S., War Trophies from the First World War ]

This fact being brought to light plus the RSL having suffered incidents of site vandalism and their concerns about the longevity of their institution has altered the intention of placement.

The original intention as defined in the grant application was to install the bronze bas-relief and plaque on the walls of the Town Hall. Due to its Heritage listing, being a place of National Significance, this is not possible. [See Letter, Laura Gray, 20 September 2015]

Several meetings between the RSL committee, Acting CEO Mark Dacombe, and the Curator, Cultural Heritage took place to discuss this and related matters.

Comment and advice has been sought from the Heritage Council's Regional Heritage Advisor Laura Gray in regard to placement and alternatives for positioning all items under discussion. In particular, suggestions from individuals regarding placement of the bronze bas-relief of McCarthy on the walls of the Town Hall or on the rock outside the York Courthouse Complex were formally raised and dealt with. [See Letter, Laura Gray, 8 March 2016 and Letter, Sarah Murphy, 7 January 2016].

Situating the Krupp Gun at the War Memorial Park is intended to fulfil the original intention behind the placement of the Gun.

During and just post WW1 numerous enemy armaments were collected as war trophies, many of them intended for the planned Australian War Memorial and to distribute around the nation as lasting recognition and reminders of the cost in human sacrifice that had enabled their capture. There was very careful consideration of the placement by the Department of Defence at the time and armaments were allocated, where possible, to places that had strong links with the AIF units that had captured each piece. Each town had to sign an agreement that they would "arrange for the trophy to be permanently housed in a public park, garden or building within the town and be responsible for its preservation and safe custody". [See Billett, R.S., War Trophies of the First World War, Kangaroo Press, 1999].

York was allocated this Krupp Gun and it stood near the War Memorial from 1921 until the effects of decay standing in the open air for eighty years had deteriorated it so badly that it required conservation, being virtually disintegrated. Since then it has been housed in the Shire Depot being brought out only on special occasions, eg Anzac Day.

It is to honour the original agreement that the Shire intends to place this Gun at War Memorial Park under a shelter to protect it from the elements.

When considering the addition of built elements in a heritage setting such as this, the emphasis should be upon the Krupp Gun, which is the focus of the attention. The proposed design is intended to minimise intrusion and let the Gun be a more dominant feature than its housing.

The built elements are pared to the minimum required for the Gun's protection. Instead of a complete concrete floor, three blocks strategically positioned just above the grass surface will provide the base for resting points and secure attachment. The shelter is as simple a structure as possible and the surrounding buildings have been echoed in its design. The white, circular upright posts mirror the circular white posts in the building opposite and the grass edging. The roof pitch, red colour and corrugated material echo several nearby roof structures. The cream colourbond back wall to stop the prevailing wind also colour matches nearby buildings. See photographs.

It is a commonly held fallacy that new structures in a heritage area should 'look like heritage buildings'. This is not necessarily so, the important factor is that they should be sympathetic and in keeping with their surroundings. A pastiche of 'heritage style' seldom works.

The proposed design is the most suitable that can be achieved within the budget allowed; bearing in mind that two further quotes are required [3 quotes when over \$10,000 are required by Shire Purchasing Policy which also emphasises the preference for buying locally].

A transparent back wall [made from the type of material that forms swimming pool surrounds etc] was originally proposed and would be a desirable alternative but not possible within the grant monies as this would raise the cost by approximately \$7000. It would also add the cost of a freestanding plinth [probably approx. [\$500-1000] to hold the Gun's interpretive bronze plaque as nothing could be attached to the rear wall if made of this material.

The professional opinion of the Curator, Cultural Heritage is that the most satisfactory conclusion, conforming with the Conservation Plan for the site, will be to re-install the Krupp Gun to its original placement at War Memorial Park where it stood near the War Memorial Monument for approximately 80 years from c.1921-2000; to add a tablet adjacent to the Monument to include the 16 missing names rather than make any alteration to the Monument and to accommodate the existing plaque to McCarthy, the proposed new bronze bas-relief and additional plaque upon a similar rock in the same position as the current rock, which will be removed along with the intrusive concrete surround.

Keeping all the WW1 memorial items that have demonstrable links, as defined in the Conservation Plan [Bizzaca, 2011] in one location will assist in the public focus of attention upon them, for both local residents and visitors. The additional interpretation will enhance the understanding of York's role in WW1 and the grouped memorials will provide an asset to contribute to heritage tourism as this develops in York in the future.

Due to the inevitable delays to the project an extension of time to acquit the grant until Anzac Day 2017 has been requested and permitted by the Anzac Centenary Local Grants Fund, administered by the Department of Veteran's Affairs. Therefore it is essential that the \$5000 committed as supporting financial contribution by the Shire of York and as yet unspent is carried forward to the year 2016-17.

Should the application to the Heritage Council be approved and the grant extension approved, if Council agrees, the works would be undertaken and completed by ANZAC Day 2017.

#### **Implications to consider:**

- Consultative

Consultation has taken place with the Regional Heritage Advisor, Laura Gray, The York RSL Committee, The National Trust of Western Australia as outlined above.

- Strategic

This project will relate to the new Strategic Community Plan: Revitalisation: Driving the York Economy Forward, in the context of:

- ☐ a programme to use the town's strengths, including heritage
- ☐ revitalisation of the CBD and the mainstreet. This can have a physical aspect and wider.

- Policy related

The Conservation Plan for York War Memorial [Bizzaca, 2011,] is the primary guiding document for decisions relating to this site. It should be considered in the context of Council's Local Planning Policy - Heritage Precincts & Places, 2.2 General policy objectives:

- a) To conserve and protect the cultural heritage significance of the Precincts and Places;
- b) To ensure that new buildings and modifications to existing buildings can be accommodated within the Precincts without adversely affecting the heritage significance and character of the area.

- Financial

The planned Works are grant - funded to \$30,000 with an agreed Shire contribution of \$5000. It is essential that the Shire contribution is carried forward to complete this obligation.

**Voting Requirements:**

**Absolute Majority Required:        No**



## OFFICER RECOMMENDATION

*"That Council:*

1. *Approve the Works outlined:*
  - (a) *Repainting of lettering on War Memorial,*
  - (b) *The addition of a small, separate low plinth adjacent to War Memorial*
  - (c) *Reinstatement of Krupp Gun under a purpose built shelter with interpretive bronze plaque.*
  - (d) *Replacement of Rock with addition of Bronze Bas-Relief of McCarthy VC and Bronze plaque commemorating York in WW1, with Removal of existing intrusive concrete surround and restoration of existing bronze plaque.*
2. *Approve and Support the Application to Heritage Council of Western Australia for the above Works.*
3. *Request the CEO to identify \$5000 Shire of York contribution in the draft 2016/17 Financial year budget as a carry over project."*

## RESOLUTION

**110616**

**Moved: Cr Saint**

**Seconded: Cr Randell**

*"That Council:*

1. *Approve the Works outlined:*
  - (a) *Repainting of lettering on War Memorial,*
  - (b) *The addition of a small, separate low plinth adjacent to War Memorial*
  - (c) *Reinstatement of Krupp Gun under a purpose built shelter with interpretive bronze plaque.*
  - (d) *Replacement of Rock with addition of Bronze Bas-Relief of McCarthy VC and Bronze plaque commemorating York in WW1, with Removal of existing intrusive concrete surround and restoration of existing bronze plaque.*
2. *Approve and Support the Application to Heritage Council of Western Australia for the above Works.*
3. *Request the CEO to identify \$5000 Shire of York contribution in the draft 2016/17 Financial year budget as a carry over project.*
4. *Hold a Workshop on the design of the structure as mentioned in Point 1(c)."*

**CARRIED: 6/1**

*Reason – Application in itself very well presented – would like a Council Workshop to be held on the Structure for the Krupp Gun*

*Cr Tricia Walters requested her Vote against the Motion be recorded in the Minutes*



## ***SY064-06/16 – Summary of Submissions Received on Draft Major Strategic Review Documents***

### **FILE REFERENCE:**

### **APPLICANT OR PROPONENT(S):**

**AUTHORS NAME & POSITION:** Paul Martin, Chief Executive Officer

### **PREVIOUSLY BEFORE COUNCIL:**

**DISCLOSURE OF INTEREST:** Nil

### **APPENDICES:**

- 1. Summary of Schedule of Submissions**
- 2. Copies Of Every Submission Received**

### **Nature of Council's Role in the Matter:**

Executive

### **Purpose of the Report:**

This report presents Council with the submissions received on the draft Strategic Community Plan, draft Corporate Business Plan and draft Long Term Financial Plan for consideration prior to adoption of the final documentation.

### **Background:**

The Shire has done an extensive amount of work over the past 6 months to prepare a draft Strategic Community Plan, draft Corporate Business Plan and draft Long Term Financial Plan for the organisation.

At the Ordinary Council meeting held on 23 May, 2016 Council resolved the following:

*"That Council:*

- 1. Approves the release of the draft Strategic Community Plan, draft Corporate Business Plan, draft Long Term Financial Plan and 4 year Financial Estimates for community consultation (the Chief Executive Officer in consultation with the Shire President be authorised to make any necessary minor editorial changes or additions before publication for consultation)*
- 2. Approves community consultation on the documents to take place for a 4 week period commencing Tuesday 24 May with feedback closing on 21 June 2016.*
- 3. Requests the Chief Executive Officer as part of the community consultation to:*
  - a. provide of the responses to the community consultation input to participants*
  - b. schedule two drop-in sessions where Councillors and relevant staff can be available to meet with members of the community in relation to the draft documents.*
  - c. Make copies of the plans available on the Shires website and at the front counter of the Shire Offices*
  - d. Promote the consultation process in the local paper(s).*
  - e. Create a submission form to assist in people making responses to the plans.*
  - f. Place notices of the consultation period on notice boards.*
- 4. Notes the Chief Executive Officer is undertaking an organisational review and will present a Business Case to Council for consideration."*

Since this time information on the public comment period has been circulated widely, been placed in the local newspaper and uploaded onto the Shire website.

Councillors and the Chief Executive Officer have also held two information sessions during the four week advertising process to be available to answer any questions members of the community may have about the plans or the process.

The public comment period closed at 4pm on Tuesday 21 June 2016.

**Comments and details:**

A total of 14 submissions have been received from the community during the public comment period.

As part of the commitment from the organisation to be more transparent in its operations a copy of every submission received is attached to the agenda for Councillors reference (with the submitters contact details removed).

In addition Officers have prepared a schedule of submissions table. This table attempts to summarise the themes of the submission, provide some comment from Officers on the issues raised and then provides Council with a recommendation for any amendments and/or additions to the major review documents. Officers have attempted to accommodate as many of the suggestions as actions in the Corporate Business Plan as possible. Some of the suggestions are administrative in nature and can be progressed without being reflected in the Corporate Business Plan.

Officers have also recommended two changes to the Corporate Business Plan which is outlined in the attached schedule. One change recommends amending the wording of the York Recreation and Convention Centre review project to better reflect the scope of the work involved. The second relates to a proposed new project being to lobby for the upgrade of the Great Southern Highway(York/Chidlow Road).

One of the main themes of the submissions received from the community indicate a desire from the community to actively work to beautify and improve the look of York and the main street in a timely manner. Officers will be suggesting Council consider an allocation of funds to facilitate this theme as part of the considerations of the 2016/17 Financial Year budget.

**Implications to consider:**

*Strategic*

The Strategic Community Plan, Corporate Business Plan and Long Term Financial plan are the organisations major strategic documents and will guide the direction of the organisation for the coming years.

*Legal and Statutory*

These documents are a requirement of the Department of Local Governments Integrated Planning and Reporting obligations.

**Voting Requirements:**

**Absolute Majority Required:        Yes**

**RESOLUTION  
120616**

**Moved: Cr Walters**

**Seconded: Cr Randell**

***“That Council:***

- 1. Adopts the Strategic Community Plan, Corporate Business Plan and Long Term Financial Plan incorporating the recommendations contained in the attached schedule of submissions.***
- 2. Requests the Chief Executive Officer to incorporate the recommendations in the attached schedule of submissions and make copies of the documents available for the community in hard copy and on the Shire’s website.***
- 3. Requests the Chief Executive Officer to amend the draft Budget for the 2016/17 financial year as required to accommodate any changes as a result of the modifications and present it to Council for consideration.”***

***CARRIED: 7/0***



## ***SY065-06/16 – Policy Review – F1.1 Revenue Collection***

### **FILE REFERENCE:**

### **APPLICANT OR PROPONENT(S):**

**AUTHORS NAME & POSITION:** Paul Martin - CEO

**PREVIOUSLY BEFORE COUNCIL:** No

**DISCLOSURE OF INTEREST:** Nil

**APPENDICES:** Draft Policy – F1.1 Revenue Collection

### **Nature of Council's Role in the Matter:**

Executive

### **Purpose of the Report:**

This report presents the Revenue Collection policy as amended for consideration and adoption by Council.

### **Background:**

One of the key roles of the Council under the Local Government Act 1995 (S2.7) is to determine the policies of the Local Government.

Following discussions around the recently adopted policy F1.1 Revenue Collection, it is necessary to review and update the current policy to incorporate revenue collectible by the Fines Enforcement Registry. At present the policy deals with recovery of rates and service charges and recovery of non-rates charges. It does not, however, consider fines or infringements.

### **Comments and details:**

The scope of the Revenue Collection Policy has remained largely the same except for the inclusion to cover fines and infringements. Due to there not being a policy that addresses fines or infringement debtors, the amended policy provides guidelines to Council for the efficient, effective and economical procedures for debt collection in all areas.

A number of policies developed by other local government authorities were reviewed to ensure that this new policy is consistent with the wider sector.

In summary, the new policy gives guidance to staff and debtors about the processes and obligations each party has. It is fair and equitable ensuring that both ratepayers and debtors who pay on time are not carrying the burden created by those that don't abide by the rules. The policy promotes transparency and good governance as roles and responsibilities are clearly defined.

It is proposed there will be an amnesty period of 60 days giving debtors an opportunity to pay prior to enforcement of the Policy. Following adoption, Council will send letters to those with outstanding fines. The letter will outline the Shire's intentions and give clear advice on the process to be implemented. As at 31 May 2016 there are 29 debtors with outstanding fines owing for greater than 60 days totaling \$20,838.

The recommendation is proposing that Council's policy F1.1 Revenue Collection is amended to include the additional debtors relevant to the Shire of York.

Voting Requirements:  
Absolute Majority Required: No

**RESOLUTION  
130616**

**Moved: Cr Smythe**

**Seconded: Cr Saint**

***“That Council:***

- 1. Adopts the amended Policy F1.1 Revenue Collection as attached for inclusion in the Shire of York Policy Manual.***
- 2. Requests the Chief Executive Officer to provide local public notice of the amended policy.”***

***CARRIED: 7/0***



## ***SY066-06/16 – Financial Report for May 2016***

<b>FILE REFERENCE:</b>	<b>FI.FRP</b>
<b>APPLICANT OR PROPONENT(S):</b>	<b>Not Applicable</b>
<b>AUTHORS NAME &amp; POSITION:</b>	<b>Tabitha Bateman, Financial Controller</b>
<b>PREVIOUSLY BEFORE COUNCIL:</b>	<b>No</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>APPENDICES:</b>	<b>Monthly Statements</b>
	<b>List of Creditors Payments</b>
	<b>Corporate Credit Card Transaction Listing</b>

### **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.

### **Comments and details:**

The Financial Report for the period ending 31 May 2016 is presented for consideration and includes the following;

- Monthly Statements for the period ended 31 May 2016
- List of Creditors Payments
- Corporate Credit Card Transaction Listing

The following information provides balances for key financial areas for the Shire of York's financial position as at 31 May 2016;

#### **Outstanding Rates and Services**

Total outstanding rates as at 31 May 2016 are \$757,799 compared to \$846,639 as at 30 April 2016.

3 Years & over	\$ 134,830	17.79% of rates outstanding
2 Years & over	\$ 58,467	7.72% of rates outstanding
1 Years & over	<u>\$ 141,910</u>	18.73% of rates outstanding
<i>Total Prior Years</i>	<i>\$ 335,208</i>	<i>44.23% of rates outstanding</i>

Current rates	\$ 422,591	55.77% of rates outstanding
---------------	------------	-----------------------------

#### **Outstanding Sundry Debtors**

Total outstanding sundry debtors as at 31 May 2016 are \$437,926 compared to \$399,586 as at 30 April 2016.

90 days & over	\$ 294,534	67.26% of sundry debtors outstanding
60 days & over	\$ 35,152	8.03% of sundry debtors outstanding
30 days & over	\$ 49,806	11.37% of sundry debtors outstanding
Current	\$ 58,434	13.34% of sundry debtors outstanding

### **Voting Requirements:**

**Absolute Majority Required:** **No**

**RESOLUTION  
140616**

**Moved: Cr Ferro**

**Seconded: Cr Heaton**

***“That Council:***

***Receive the Monthly Financial Report and the list of payments drawn from the Municipal and Trust accounts for the period ending 31 May 2016 as summarised below:***

<b>MUNICIPAL FUND</b>	<b>AMOUNT</b>
<b>Cheque Payments</b>	<b>24,596.25</b>
<b>Electronic Funds Payments</b>	<b>392,954.13</b>
<b>Payroll Debits</b>	<b>174,246.66</b>
<b>Payroll Debits - Superannuation</b>	<b>43,312.30</b>
<b>Bank Fees</b>	<b>555.83</b>
<b>Corporate Cards</b>	<b>1,428.89</b>
<b>Viva Energy - Fuel Cards</b>	<b>0.00</b>
<b>Fire Messaging Service</b>	<b>118.36</b>
<b>TOTAL</b>	<b>637,212.42</b>
<b>TRUST FUND</b>	
<b>Electronic Funds Payments</b>	<b>4,644.95</b>
<b>Cheque Payments</b>	<b>451.00</b>
<b>Direct Debits Licensing</b>	<b>116,644.45</b>
<b>TOTAL</b>	<b>121,740.40</b>
<b>TOTAL DISBURSEMENTS</b>	<b>758,952.82</b>

***CARRIED: 7/0***

## ***SY067-06/16 – Investments – May 2016***

**FILE REFERENCE:** FI.FRP  
**APPLICANT OR PROPONENT(S):** Not Applicable  
**AUTHORS NAME & POSITION:** Tabitha Bateman, Financial Controller  
**PREVIOUSLY BEFORE COUNCIL:** No  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** Investment Portfolio

### **Purpose of the Report:**

To report to Council the balance of investments held by the Shire of York as at 31 May 2016.

### **Background:**

The investment policy 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 31 May 2016
- b) Application of Investment Funds
- c) Investment Performance

### **Voting Requirements:**

**Absolute Majority Required:** No

### **RESOLUTION**

**150616**

**Moved: Cr Saint**

**Seconded: Cr Ferro**

***“That Council:***

***Receive the Shire of York Investment Portfolio attached to this report.”***

***CARRIED: 7/0***



***Declaration of Interest –***

***Cr Jane Ferro – Impartial Interest – Member of the CRC***

***Cr Denese Smythe – Impartial Interest – Member of CRC Committee and Financial Member***

***Cr Denese Smythe – Impartial Interest – Financial Member of The York Society***

***Cr Heather Saint – Impartial Interest – Member of the CRC***

***Cr Pam Heaton – Impartial Interest – Secretary of CRC Committee***

***Cr Tricia Walters – Impartial Interest – Financial Member of the CRC***

***Elected Members Declaring an Impartial Interest individually read - ...'As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly'.***

***SY068-06/16 – Sponsorships and Funding Requests***

<b>FILE REFERENCE:</b>	<b>FI.DON</b>
<b>APPLICANT OR PROPONENT(S):</b>	<b>Various</b>
<b>AUTHORS NAME &amp; POSITION:</b>	<b>Paul Martin, Chief Executive Officer</b>
<b>PREVIOUSLY BEFORE COUNCIL:</b>	<b>N/A</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Cr Jane Ferro – Impartial Interest Cr Denese Smythe – Impartial Interest Cr Heather Saint Cr Pam Heaton Cr Tricia Walters</b>
<b>APPENDICES:</b>	<b>Schedule of Funding Requests</b>

**Nature of Council's Role:**  
**Executive**

**Purpose of the Report:**

Council is requested to consider funding submissions received from community groups, individuals and event organisers. The 2015/16 requests are to be considered in line with remaining funds from the 2015/16 budget and the 2016/17 requests, for inclusion in the 2016/17 Budget.

**Background:**

Each year Council makes a number of contributions by way of donations to various groups that operate within the York Shire. Some contributions are for ongoing programs that the Shire contributes to each year and others are for "one-off" projects, which are known as non-recurrent projects.

Included in Council's Annual Budget is a number of recurrent funding requests for financial assistance with projects that benefit the community. Organisations receiving this type of funding are not required to submit applications. In addition to the regular sponsorships, local community groups and organisations may, from time to time throughout the financial year, apply for funding for assistance with 'one-off' projects or events. At present, the Chief Executive Officer has delegated authority to approve contributions up to \$500.00.

**Comments and details:**

Council's Community Funding Policy C1.3 and Sponsorship of Tourism Events Policy C1.4 have been developed to recognise the important role that community and sporting organisations play in developing vibrant communities. In addition to this, they seek to support and promote a strong and involved community through the sponsorship of events, projects, services or other activities in an equitable and accountable way.

Local community organisations are a vital component of the local economy, as in many cases they provide the lifestyle type activities that attract individuals, families and businesses to a community, improving the overall diversification and market size of the local economy. They provide the social framework of any community and without this type of financial support from the Council; many are not able to function effectively.

In order to consider the applications received Officers have prepared a schedule of funding submissions which is attached at Appendix 1 for Councillors review. This schedule includes details of the amount request and comment from Officers on the merits of considering the request. The schedule also identifies the funding source to be used.

Copies of the applications received have been circulated previously to Councillors as a confidential attachment. Councillors have workshopped these submissions with staff which has informed the Officer recommendation.

Officers are also recommending that Council carry forward unspent funds in the 2015/16 Financial Year budget from Tourism funds in order to enable support for the requests received. This has been done in an attempt to support as many festivals as possible as part of a deliberate strategy to improve the economic environment within York.

It is envisaged that during the course of the coming year Officers will work with the major festivals and events to establish multiyear funding agreements to cover funding of these events into the future. These will be designed to provide certainty for the Shire, the applicant and the community in an attempt to see the events grow in size and numbers.

The funding proposed this year also includes a number of either new events or events returning to York which Officers are encouraging Council to support.

As can be seen for many of these events the support from Council is a mixture of cash and in-kind. Officers are also recommending that Council delegate authority to the Chief Executive Officer to negotiate this balance within the budget approved.

There are two other funding requests which is considering at this time, namely a request from the York Hockey Club which is the subject of another report on this agenda; and a request from the York Football Club which will be presented as a separate report to a future Council meeting.

#### **Implications to consider:**

##### *Policy related*

Acquittals for the funding allocated will be required as per the Community Funding Policy C1.3 and Sponsorship of Tourism Events Policy c1.4.

##### *Financial*

The financial implications of these applications are detailed in the Schedule of funding requests.

#### **Voting Requirements:**

**Absolute Majority Required:**           **Yes**

## OFFICER RECOMMENDATION

*"That Council:*

1. *Requests the Chief Executive Officer to include the estimated surplus from unspent Tourism funds in 2015/16, being \$46,454, as a specific carry forward in the 2016/17 draft budget for future funding requests listed below.*
2. *Approve the following funding requests from remaining funds in the 2015/16 budget;*
  - *Jemma Read* *\$ 500*
  - *Gooder Judder* *\$1,000*
3. *Approve the following funding requests and include in the 2016/17 budget;*
  - *York Golf Club* *\$ 1,000* *Cash only*
  - *York Men's Shed* *\$ 2,954* *Cash only*
  - *York Society* *\$15,750* *Cash only*
  - *York Community Resource Centre* *\$ 1,500* *Inkind support*
  - *The York Festival* *\$15,000* *Cash and inkind*
  - *York Gourmet Food and Wine Festival* *\$15,000* *Cash and inkind*
  - *York Agricultural Show* *\$10,000* *Cash and inkind*
  - *York Motorcycle Festival* *\$15,000* *Cash and inkind*
  - *Avon Valley Writer's Festival* *\$ 2,500* *Cash and inkind*
  - *All Ford Day Cruise* *\$ 2,586* *Inkind support*
  - *Veteran Car Club* *\$ 2,500* *Cash and inkind*
  - *Children's Street Christmas Party* *\$ 6,000* *Cash only*
  - *Medieval Fayre* *\$ 5,000* *Cash and inkind*
  - *Arts and Crafts Awards* *\$ 5,500* *Inkind support*
4. *Delegate authority to the Chief Executive Officer to negotiate the cash and inkind balance with the above applicants where required."*

## OFFICER RECOMMENDATION

Moved: Cr Walters

Seconded:

*Cr Walters moved with a change to the Officer Recommendation to remove The York Society from the funding list.*

*As there was no Seconder the Motion Lapsed*

*“That Council:*

1. *Requests the Chief Executive Officer to include the estimated surplus from unspent Tourism funds in 2015/16, being \$46,454, as a specific carry forward in the 2016/17 draft budget for future funding requests listed below.*
2. *Approve the following funding requests from remaining funds in the 2015/16 budget;*
  - *Jemma Read* *\$ 500*
  - *Gooder Judder* *\$1,000*
3. *Approve the following funding requests and include in the 2016/17 budget;*

• <i>York Golf Club</i>	<i>\$ 1,000</i>	<i>Cash only</i>
• <i>York Men’s Shed</i>	<i>\$ 2,954</i>	<i>Cash only</i>
• <i>York Community Resource Centre</i>	<i>\$ 1,500</i>	<i>Inkind support</i>
• <i>The York Festival</i>	<i>\$15,000</i>	<i>Cash and inkind</i>
• <i>York Gourmet Food and Wine Festival</i>	<i>\$15,000</i>	<i>Cash and inkind</i>
• <i>York Agricultural Show</i>	<i>\$10,000</i>	<i>Cash and inkind</i>
• <i>York Motorcycle Festival</i>	<i>\$15,000</i>	<i>Cash and inkind</i>
• <i>Avon Valley Writer’s Festival</i>	<i>\$ 2,500</i>	<i>Cash and inkind</i>
• <i>All Ford Day Cruise</i>	<i>\$ 2,586</i>	<i>Inkind support</i>
• <i>Veteran Car Club</i>	<i>\$ 2,500</i>	<i>Cash and inkind</i>
• <i>Children’s Street Christmas Party</i>	<i>\$ 6,000</i>	<i>Cash only</i>
• <i>Medieval Fayre</i>	<i>\$ 5,000</i>	<i>Cash and inkind</i>
• <i>Arts and Crafts Awards</i>	<i>\$ 5,500</i>	<i>Inkind support</i>
4. *Delegate authority to the Chief Executive Officer to negotiate the cash and inkind balance with the above applicants where required.”*



**Original Motion to Stand**

**RESOLUTION  
160616**

**Moved: Cr Smythe**

**Seconded: Cr Saint**

***“That Council:***

***1. Requests the Chief Executive Officer to include the estimated surplus from unspent Tourism funds in 2015/16, being \$46,454, as a specific carry forward in the 2016/17 draft budget for future funding requests listed below.***

***2. Approve the following funding requests from remaining funds in the 2015/16 budget;***

- Jemma Read \$ 500***
- Gooder Judder \$1,000***

***3. Approve the following funding requests and include in the 2016/17 budget;***

- |   |                        |                               |
|---|------------------------|-------------------------------|
| <b><i>• York Golf Club</i></b>                      | <b><i>\$ 1,000</i></b> | <b><i>Cash only</i></b>       |
| <b><i>• York Men’s Shed</i></b>                     | <b><i>\$ 2,954</i></b> | <b><i>Cash only</i></b>       |
| <b><i>• York Society</i></b>                        | <b><i>\$15,750</i></b> | <b><i>Cash only</i></b>       |
| <b><i>• York Community Resource Centre</i></b>      | <b><i>\$ 1,500</i></b> | <b><i>Inkind support</i></b>  |
| <b><i>• The York Festival</i></b>                   | <b><i>\$15,000</i></b> | <b><i>Cash and inkind</i></b> |
| <b><i>• York Gourmet Food and Wine Festival</i></b> | <b><i>\$15,000</i></b> | <b><i>Cash and inkind</i></b> |
| <b><i>• York Agricultural Show</i></b>              | <b><i>\$10,000</i></b> | <b><i>Cash and inkind</i></b> |
| <b><i>• York Motorcycle Festival</i></b>            | <b><i>\$15,000</i></b> | <b><i>Cash and inkind</i></b> |
| <b><i>• Avon Valley Writer’s Festival</i></b>       | <b><i>\$ 2,500</i></b> | <b><i>Cash and inkind</i></b> |
| <b><i>• All Ford Day Cruise</i></b>                 | <b><i>\$ 2,586</i></b> | <b><i>Inkind support</i></b>  |
| <b><i>• Veteran Car Club</i></b>                    | <b><i>\$ 2,500</i></b> | <b><i>Cash and inkind</i></b> |
| <b><i>• Children’s Street Christmas Party</i></b>   | <b><i>\$ 6,000</i></b> | <b><i>Cash only</i></b>       |
| <b><i>• Medieval Fayre</i></b>                      | <b><i>\$ 5,000</i></b> | <b><i>Cash and inkind</i></b> |
| <b><i>• Arts and Crafts Awards</i></b>              | <b><i>\$ 5,500</i></b> | <b><i>Inkind support</i></b>  |

***4. Delegate authority to the Chief Executive Officer to negotiate the cash and inkind balance with the above applicants where required.”***

**CARRIED: 6/1**

*Cr Tricia Walters requested that her Vote against the Motion be recorded in the Minutes*



**Declaration of Interest:**

**Cr Denese Smythe – Impartial Interest – My daughter, son-in-law and grandchildren are members of the York Hockey Club**

**Cr David Wallace – Impartial Interest – I am a Life Member of the Club**

**Elected Members Declaring an Impartial Interest individually read - ...'As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly'.**

**SY069-06/16 -I154505 Application for Support**

<b>FILE REFERENCE:</b>	<b>FI DON</b>
<b>APPLICANT OR PROPONENT(S):</b>	<b>York Hockey Club</b>
<b>AUTHORS NAME &amp; POSITION:</b>	<b>Gordon Tester MDS, Paul Martin, CEO</b>
<b>PREVIOUSLY BEFORE COUNCIL:</b>	<b>23 May 2016</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Cr Denese Smythe – Impartial Interest Cr David Wallace – Impartial Interest</b>
<b>APPENDICES:</b>	<b>1. Copy of Correspondence (Copy of financials from the Hockey Club will be circulated as a confidential attachment under separate cover for Councillors information.)</b>

**Nature of Council's Role in the Matter:**

Executive

**Purpose of the Report:**

To provide the information necessary for Council to consider the request for support recently received from the York Hockey Club to host the 2016 Great Southern Hockey Tournament in York.

**Background:**

The York Hockey Club requested a meeting which was conducted on 9 May 2016 with representatives from the York Hockey Club, Shire President Cr David Wallace and the Chief Executive Officer Mr Paul Martin regarding various matters associated with the proposal to host the 2016 Great Southern Hockey Tournament in York.

Following this meeting, on 11 May 2016 Council staff contacted representatives from the York Hockey Club and requested that they meet with staff to discuss matters associated with the proposed event.

On 13 May 2016 Council received a written request for both in kind support and financial support for the proposed sporting event at Forrest Oval in York. A copy of this request is attached as an appendix to this report.

This report was presented to the May Council meeting held on the 23 May 2016 where Council resolved the following:

RESOLUTION  
130516

Moved: Cr Smythe

Seconded: Cr Randell

*"That Council:*

*Defer this item to the June Ordinary Council Meeting or the next Council Meeting.*

**CARRIED: 6/0**

This matter was then discussed at the Councillor workshop regarding funding for Sponsorship requests which is the subject of a separate report on this agenda. In response to questions at the Workshop further details are provided in this agenda item to aid Councillors consideration of this request.

**Comments and details:**

The event is scheduled for Friday 8 July, Saturday 9 July Sunday 10 July 2016.

Due to the number of teams competing it is envisaged that all hockey ovals will be in use as well as the football oval being line marked for hockey fields.

There will be a large number of visitors, estimated to be in excess of 300, to York over this weekend who are associated with this event that will be making use of local accommodation providers or local camping facilities.

The York Hockey Club is requesting Council consider Community Sponsorship and the Waiver of fees for this event.

This request is not considered to be unreasonable as this is a major event on the Hockey calendar that will bring a significant amount of players and visitors to York that have the potential to benefit local businesses with their patronage.

There may be a number of visitors that wish to reside in Caravans or Camper trailers at the Forrest Oval complex on this weekend with the possibility of some patrons sleeping in the Indoor Netball Complex.

Council has condoned these activities in the past when Major Sporting Events scheduled to be held over a weekend in York have taken place.

*Events approval and conditions*

As per other events Officers will consider the application for the event under delegation. In considering the event application the following will be taken into account as per other events:

- The applicant will ensure adequate parking on the site. Officers will be requesting a parking plan as part of the application and event details.
- Emergency Services including access for ambulances and helicopters to the site if needed.
- Insurance details which is confirmed with copies of current insurance certificates.

**Statutory Implications**

The Caravan Parks and Camping Ground Regulations 1997, specifically Regulation 11 states the following:

***Camping other than at a caravan park or camping ground***

- (1) A person may camp —
- (a) for up to 3 nights in any period of 28 consecutive days on land which he or she owns or has a legal right to occupy.

This will require Council to condone the proposal to camp at Forrest oval to convey the legal right to the Patrons of the Great Southern Hockey Tournament to camp at Forrest Oval.

The installation of smoke alarms in the indoor netball court should be undertaken if this building is to be used for temporary sleeping activities.

Non hard wired Smoke Alarms with a 10 year battery life can be obtained for as little as \$39.00 each , at least four of these units should be provided in this building.

The indoor netball stadium may potentially be used as emergency accommodation in times of disaster where the smoke alarms would also be of use.

Providing and installing the smoke alarms would be at Council's expense, however as the smoke alarms are battery operated the installation costs would not be of a substantial nature.

**Policy implications:**

Council's Policy C1.3 Community Funding is relevant to this request.

The Council will consider applications made under the following general heading.

- Projects which encourage general involvement in local activities including sport.

The following general criteria will be used to assess applications:

- the individual or community group is Shire of York based;
- any benefits arising from the activity accrue to the Shire of York community and/or environment in some form;
- proposed events are open to all members of the Shire of York community;
- a proposal, particularly for events, has been well thought through and the application for support is well ahead of any final decision to proceed;

Three types of financial assistance will potentially be available to community groups and community projects for initiatives:

- (a) direct monies paid over;
- (b) waiver of fees;
- (c) In-kind assistance.

Where in-kind assistance and waiver of fees is provided, a \$ value will be placed on the assistance and a record will be kept of the value of the support provided to each applicant.

All successful applicants will be required to report to the Council on their project, event or individual activity on its completion. This acquittal process can occur in the following ways:

- speaking briefly at a Council meeting and providing visual record where appropriate;
- If attendance at the meeting is not possible, sending in a brief report by letter to the Shire President for circulation to all Councilor's.

**Financial Implications**

The following provides an overview of the costs associated with the York Hockey Clubs request for sponsorship as hosts for the Great Southern Hockey Tournament.

It should be noted that the expenses indicated as (In Kind) amounts listed below are in many cases real costs to Council.

Item	Description/Calculation	Amount (estimated)
Additional maintenance of playing field.	This is the Shire staff doing addition work on site to prepare the grounds for the event. This would not normally be a cost passed onto a user of a facility but is a cost for the Shire to prepare the site.	\$1,200
Rubbish Bins	Provision of additional rubbish bins during and post the event	\$261
Venue Hire	Saturday night dinner in YRCC as per the Councils fees and charges proposed for 2016/17 FY.	\$140
Security	Hire of security services for the Saturday evening event at YRCC. This is based upon an estimate of the requirement for security guards given an estimated 500 people will using the licenced area on the Saturday evening. The requirement for security guards is encouraged by the Shire given the number of people estimated to be in attendance. It is normally the responsibility of the hirer to organise security. The final costs of this will ultimately depend upon the number of patrons planned to be in attendance.	\$1,000
Cleaning	Additional cleaning required to clean Hockey Club and Stadium, YRCC toilets and change rooms. The estimate of cost is based upon hourly rates of cleaners.	\$1200
Forrest Oval Hire	3 days hire of oval at \$600 per day as per the Councils fees and charges proposed for 2016/17 FY.	\$1,800
Hire of Stadium for Camping purposes	Fees for this are in accordance with Councils adopted Fees and Charges which is hire for 2 days @ \$300/day	\$600.00
Camping on YRCC grounds	This is estimated at 100 people camping per night for 3 nights at a rate of \$8.50 per person as per the fees and charges.	\$2,550
Total		\$8,751

The Hockey Club are therefore requesting the following from Council:

- \$1,000 cash to cover the costs of providing security services at the YRCC for the Saturday night event.
- An in kind allocation of up to \$7,751 to cover the items identified above.

It is understood that the Hockey Club has been granted an approval for an occasional licence at the site. Not with standing this Officers consider that the Shire could earn conservatively \$4,000 in bar and dinner takings for an event involving a band and a crowd of 500 people.

In accordance with the policy officers are recommending Council require the applicant to acquit the funds received.

Council has three options in regards to this matter:

1. Provide the cash and in-kind amount as requested in the application and in line with the table above.
2. Provide the in-kind allocation only based upon the ability for the Hockey Club to either fund the costs of security itself or source this through additional funding.
3. Decline the application and not provide any support for the event.

Officers are recommending option 2 as it is considered the Hockey Club have an ability to either fund the security from their own resources or obtain sponsorship for this service. Furthermore the amount of security required will depend upon the number of patrons in attendance so the final costs may not be as high as estimated above.

**Voting Requirements:**

**Absolute Majority Required:           No**

**RESOLUTION  
170616**

**Moved: Cr Randell**

**Seconded: Cr Ferro**

***“That Council:***

- 1. In accordance with the provisions of Policy C1.3 Community Funding approve of the York Hockey Clubs request for in kind funding of the hosting of the Great Southern Hockey Tournament on the 8<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup> July, 2016 subject to the following:***
  - In-kind funding limited to \$7,751 (including waiving of fees)***
  - Acquittal process to be in accordance with Clause 8.1 of Community Funding Policy C1.3***
- 2. Permit Camping by patrons of the Great Southern Hockey Tournament at Forrest Oval on Friday 8 July 2016 and Saturday 9 July 2016 in accordance with the provisions of the Caravan parks and Camping Ground Regulations 1997.”***

***CARRIED: 7/0***





## ***SY070-06/16 – Outstanding Rates and Sundry Debtors***

<b>FILE REFERENCE:</b>	<b>FI.DRS, FI.RTS</b>
<b>APPLICANT OR PROPONENT(S):</b>	<b>Various</b>
<b>AUTHORS NAME &amp; POSITION:</b>	<b>Paul Martin, Chief Executive Officer</b>
<b>PREVIOUSLY BEFORE COUNCIL:</b>	<b>No</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>APPENDICES:</b>	<b>(Confidential)</b>
	<b>A. Schedule of Outstanding Rates – Non-Pensioners</b>
	<b>B. Schedule of Outstanding Sundry Debtors</b>
	<b>C. Legal Recovery Process</b>

### **Nature of Council's Role:**

Executive

### **Purpose of the Report:**

This report seeks to:

- provide Council details relating to current outstanding Rates, Services and Sundry Debtors for the period ending 31 May 2016.
- Seek direction from Council regarding the course of actions to be taken against defaulting ratepayers and sundry debtors.
- Confirm Councils decision points in the debt recovery process

### **Background:**

Council has a significant number of outstanding Rates and Sundry Debtors.

Council at its meeting on 23 May 2016 resolved the following:

**RESOLUTION  
140516**

**Moved: Cr Saint**

**Seconded: Cr Walters**

***“That Council:***

- 1. Receive the Monthly Financial Report and the list of payments drawn from the Municipal and Trust accounts for the period ending 30 April 2016 as summarised below:***

<b>MUNICIPAL FUND</b>	<b>AMOUNT</b>
<b>Cheque Payments</b>	<b>53,003.50</b>
<b>Electronic Funds Payments</b>	<b>485,812.05</b>
<b>Payroll Debits</b>	<b>162,893.72</b>
<b>Payroll Debits - Superannuation</b>	<b>41,674.77</b>
<b>Bank Fees</b>	<b>633.43</b>
<b>Corporate Cards</b>	<b>555.75</b>
<b>Viva Energy - Fuel Cards</b>	<b>12.50</b>
<b>Fire Messaging Service</b>	<b>390.28</b>
<b>TOTAL</b>	<b>744,976.00</b>
<b>TRUST FUND</b>	
<b>Electronic Funds Payments</b>	<b>3,155.38</b>
<b>Cheque Payments</b>	<b>0.00</b>
<b>Direct Debits Licensing</b>	<b>136,903.40</b>
<b>TOTAL</b>	<b>140,058.78</b>
<b>TOTAL DISBURSEMENTS</b>	<b>885,034.78</b>

- 2. Request the Chief Executive Officer to bring a report to the June Council Meeting on outstanding Debtors including outlining the strategies which could be implemented to address the large amount of outstanding debt.***

***CARRIED: 7/0***

**Comments and details:**

Attached to this report is a summary of all outstanding debtors and ratepayers.

The documents include recommended strategies for implementation for Councils consideration.

Also presented on this agenda for Councils consideration is a report regarding amending the Revenue Collection Policy to include referral to Fines Enforcement Registry when outstanding.

The sale of property through the debt recovery process is seen as the last resort however, prior to Council being able to go through the 3-year sale process as provided for in the *Local Government Act 1995* they must make all reasonable attempts for collection through the courts. This is outlined in Council's Revenue Collection Policy.

Prior to any future legal action being initiated a list is to be presented to Council for their endorsement to proceed. These milestone decision points presented for Councils consideration in attachment C. This will be done following all attempts to contact the debtor including a final demand letter.

Once legal action is initiated Council recognise that the Chief Executive Officer is to monitor the process and make decisions regarding courses of action, unless there is an issue that requires Council input such as sale of land.

### **Considerations:**

### **Legislative**

### **Subdivision 6 — Actions against land where rates or service charges unpaid**

#### **6.63. Term used: service charge**

In this Subdivision —

*service charge* does not include a service charge imposed under section 6.38(1)(b) on the occupier of land who is not the owner of that land.

#### **6.64. Actions to be taken**

- (1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —
  - (a) from time to time lease the land; or
  - (b) sell the land; or
  - (c) cause the land to be transferred to the Crown; or
  - (d) cause the land to be transferred to itself.
- (2) On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.
- (3) Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.

### **Voting Requirements:**

**Absolute Majority Required:           No**

**RESOLUTION  
180616**

**Moved: Cr Saint**

**Seconded: Cr Smythe**

***“That Council:***

- 1. Note the status and adopt recommendations included in Attachments A and B Outstanding Rates, Services and Sundry Debtors report as at May 2016 and,***
- 2. Adopt the legal recovery process and council decision-making milestones as per Attachment C. Legal Recovery Process.”***

***CARRIED: 7/0***

## ***SY071-06/16 – Closing the Meeting to the Public & Press***

**FILE REFERENCE:**

**APPLICANT OR PROPOENT(S):** Paul Martin, CEO

**AUTHORS NAME & POSITION:** Paul Martin, CEO

**PREVIOUSLY BEFORE COUNCIL:** No

**DISCLOSURE OF INTEREST:** Nil

**Statutory Environment:**

Local Government Act 1995 – Part 5 – Division 2 – Section 5.23:

(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;*

**Voting Requirements:**

**Absolute Majority Required:** No

**RESOLUTION**

**190616**

**Moved: Cr Ferro**

**Seconded: Cr Saint**

***“That Council:***

***Close the meeting to members of the public and the press to deal with a matter affecting an employee or employees.”***

***CARRIED: 7/0***

Note to this Item:

The doors were Closed at 5.45pm



## ***SY072-06/16 – Organisational Review Findings and Recommendations***

**FILE REFERENCE:**

**APPLICANT OR PROPONENT(S):**

**AUTHORS NAME & POSITION:** Paul Martin – Chief Executive Officer

**PREVIOUSLY BEFORE COUNCIL:** Nil

**DISCLOSURE OF INTEREST:** Nil

**APPENDICES:** Organisational Review Business Case (Confidential)

**RESOLUTION**

**200616**

**Moved:** Cr Smythe

**Seconded:** Cr Ferro

***“That Council:***

***Adopts the recommendations contained in the Organisational Review Business Case attached at Appendix 1 to this report.”***

***CARRIED: 7/0***





## ***SY073-06/16 – Opening the Meeting to the Public & Press***

**FILE REFERENCE:**

**APPLICANT OR PROPOENT(S):** Paul Martin, CEO

**AUTHORS NAME & POSITION:** Paul Martin, CEO

**PREVIOUSLY BEFORE COUNCIL:** No

**DISCLOSURE OF INTEREST:** Nil

**Statutory Environment:**

Local Government Act 1995 – Part 5 – Division 2 – Section 5.23:

(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;*

**Voting Requirements:**

**Absolute Majority Required:** No

**RESOLUTION**

**210616**

**Moved: Cr Walters**

**Seconded: Cr Randell**

***“That Council:***

***Open the meeting to members of the public and the press.”***

***CARRIED: 7/0***

Note to this Item:

The doors were Opened at 6.07pm

*One person returned to the Gallery. The Shire President read the Officer Recommendation to the Gallery.*



## 10.NEXT MEETING

### RESOLUTION 220616

Moved: Cr Ferro

Seconded: Cr Randell

*“That Council:*

*holds the next Ordinary Meeting of the Council on Monday, 25<sup>th</sup> July, 2016 at 5.00pm in Council Chambers, York Town Hall, York.”*

**CARRIED: 7/0**

## 11.CLOSURE

*The Shire President thanked everyone for their attendance and closed the meeting at 6.08pm.*