



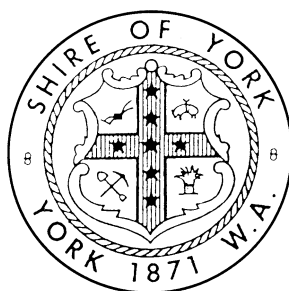
SHIRE OF YORK

**MINUTES OF THE ORDINARY
MEETING OF THE COUNCIL
HELD ON 22 MAY 2017
COMMENCING AT 5.02PM
AT TALBOT HALL, TALBOT**

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SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL HELD ON MONDAY, 22 MAY 2017, COMMENCING AT 5.02PM AT TALBOT HALL, TALBOT

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

Nil

1.4 Announcement of Visitors

Nil

1.5 Declarations of Interest that Might Cause a Conflict

Nil

1.6 Declarations of Financial Interest

Nil

- 1.7 Declarations of Interest that May Affect Impartiality
Cr Heaton – SY047-05/17 – Lease of 26 Barker Street, York

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; Paul Crewe, Executive Manager Infrastructure & Development Services; Suzie Haslehurst, Executive Manager Corporate and Community Services; 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 12 people in the Gallery at the commencement of the meeting

3. QUESTIONS FROM PREVIOUS MEETING

- 3.1 Response to previous public questions taken on notice

Mrs Tanya Richardson

Answers received about outstanding debt from Suzie Hazlehurst (0127733)

Question 1:

Does “fines enforcement referrals” relate to fines, as opposed to non-payment of rates? If so, should that step even apply?

Response provided by the Executive Manager Corporate and Community Services

Yes, that is correct. Referrals of any debt to the Fines Enforcement Registry relates to fines or infringements only. However, historically, some fines were raised through Sundry Debtors, for example, animal related fines or fines related to firebreaks etc.

Question 2:

Suzie has quoted the “process” on numerous occasions throughout her response, but the process doesn’t seem to have any timeliness and/or percentages attached to it. This means it is totally up to the officer’s discretion and level of diligence. Are timelines and/or percentage in reduction of rates applicable?

Response provided by the Executive Manager Corporate and Community Services

All officers are bound by the Code of Conduct and are obliged to adhere to Council’s adopted policies, in this case F1.1 Revenue Collection.

As outlined in the previous response, not all debts are straight forward and many involve complex issues and extensive legal advice, not to mention costs which add to the time required to fully explore each matter. Failing to follow a consistent process could result in prematurely writing off debts or not complying with the relevant Acts. That being said, Council can elect to write off a debt after considering relative factors such as the likelihood of collecting a debt or the costs involved in recovery which could outweigh the initial debt.

Question 3:

For each of the three months prior to my questions (not since or future,) how many of the outstanding debtors were contacted and for which steps in the process was the contact made.

Response provided by the Executive Manager Corporate and Community Services

In accordance with the resolution from the November 2016 Council Meeting which included a total of 91 debtors, Officers took the following actions.

Complex Issues	Required legal action or further investigation.	4
No Action	Required no action due to current payment agreements and promises to pay	18
Contact Made	Officers made contact either by way of letter, phone calls, payment reminders or face-to-face meetings	32
Proposed Write Off/Credit Note	Could not recover debt and considered the debt too low to justify legal action	9
Fines	Shire applied to FER to become a prosecuting authority so that final demand notices could be issued.	28
TOTAL DEBTORS as at 31/10/16		91

In addition;

- the Final Instalment reminders were sent 20/2/2017
- Final instalment notices were sent 10/4/2017

Officers have also developed an internal procedure to complement the adopted policy in relation to Fines Enforcement.

Question 4:

And, for the debts that are three years or more outstanding:

a) How many are there?

Response provided by the Executive Manager Corporate and Community Services

Not including pensioners, there are 26 properties with an outstanding balance in excess of 3 years.

b) Of the following specified steps, how many have been subject to steps 5 and/or 6?

- 1) Review and monthly reporting of outstanding debtors to Council
- 2) Reminders and letters of demand
- 3) Offers to meet with debtors to resolve any issues
- 4) Referral to the Fines Enforcement Registry
- 5) Seeking legal advice and referral to a debt collection agency
- 6) As a last resort, proceeding to legal proceedings which may result in Property Sale or Seizure Orders.

Response provided by the Executive Manager Corporate and Community Services

All of the 26 debtors with an outstanding balance for three years or more have been referred to a debt collection agency at some stage, with the majority proceeding to legal advice or action.

Question 5:

Can you please provide a breakdown re the legal costs incurred (\$186,627)?

Response provided by the Executive Manager Corporate and Community Services

Debt collection charges including legal costs of \$186,627 include but are not limited to; Bailiff costs, Court Lodgement costs, Landgate lodgements costs, Solicitors and Settlement Agents fees not including commission and GST. Currently, the Shire's Debt Collection Agency provides a monthly invoice with the above costs attributed to each Assessment Number. These costs are posted to a single account "Legal Costs" and to break them down further would take quite some time and potentially cost, as officers would request a detailed report from the Debt Collection Agency.

Question 6:

Has each owner at Settlers House been individually notified of outstanding debt

Response provided by the Executive Manager Corporate and Community Services

Each individual owner is notified of their own outstanding debt.

- 3.2 Response to unasked questions from the previous meeting
Nil

4. PUBLIC QUESTION TIME

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

6.7 Other procedures for question time for the public

(1) A member of the public who wishes to ask a question during question time must identify themselves and register with a Council Officer immediately prior to the meeting.

(2) A question may be taken on notice by the Council for later response.

(3) When a question is taken on notice the CEO is to ensure that—

(a) a response is given to the member of the public in writing; and

(b) a summary of the response is included in the agenda of the next meeting of the Council.

(4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to—

(a) declare that he or she has an interest in the matter; and

(b) allow another person to respond to the question.

(5) Each member of the public with a question is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions.

(6) Where a member of the public provides written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.

(7) The Presiding Member may decide that a public question shall not be responded to where—

(a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;

(b) the member of the public uses public question time to make a statement, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or

(c) the member of the public asks a question that is offensive or defamatory in nature, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.

(8) A member of the public shall have 2 minutes to submit a question.

(9) The Council, by resolution, may agree to extend public question time.

(10) Where any questions remain unasked at the end of public question time they may be submitted to the CEO who will reply in writing and include the questions and answers in the agenda for the next ordinary Council meeting.

(11) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.

Public Question Time Commenced at: 5.04pm

4.1 Written Questions – Current Agenda

Mrs Sharon McDonald

Question 1:

Do all events held on Avon Terrace need to get the OK from Business? Ford Day and Triumph Motor Cycle did not ask for my permission as Business Owner 134 Avon Terrace (York Licensed Post Office).

Response provided by the Chief Executive Officer

Consultation occurs with businesses that could potentially be affected by each event's activity. As the York Licensed Post Office is not open over the weekend, the event organisers of both events listed would not have deemed it necessary to engage this particular business. We will in future ask event organisers to consult with the Post Office.

Question 2:

Do all events need a traffic management plan to hold Events on Avon Terrace?

Response provided by the Chief Executive Officer

Not all events require a traffic management plan. If the event proposed is likely to affect the normal flow of traffic (including road closures), a traffic management plan is required as part of the event application.

Question 3:

How much money have we spend/donated/sponsored on events this financial year, cash contributions, In Kind and staff wages?

Response provided by the Chief Executive Officer

The following figures are a breakdown of costs:

Shire Labour, Overheads, Plant –	\$9,188.36
In-Kind Payments -	\$58,143.88
Cash -	\$29,203.50

Total YTD to 22.05.17	\$96,535.74

The figures are from Council's Festival Assistance and Area Promotion budgets and include all events such as Readers & Writers Festival, York Festival, Senior Citizens Appreciation Day, York Motor Show, Australia Day, Children's Christmas Party and Community Funding rounds.

4.2 Public Question Time

Mr Kim Hack

Question 1:

Recently he cut his hand and contacted the York Hospital who informed him to go to Northam Hospital. What does the York Hospital cost this Shire, if anything?

Response provided by the Chief Executive Officer

Included in the budget is a subsidy for housing and a car, this is to help attract a Doctor to the town. The CEO is not aware of any other assistance provided to the Hospital by the Shire.

The Shire President stated that the York Health Advisory Group is working with the Hospital to help attract a Doctor to York.

Mrs Kathy Emin

Question 1:

Where are we at with our Rubbish Collection Submission?

Response provided by the Executive Manager Infrastructure and Development Services

The Contract for our rubbish collection has expired. A survey was put out to the public to see what services the public wished to have included within the scope of works for the new tender. Talbot and other outlying areas have been included in the scope of works based on needs and costs to varying requirements to meet the needs of those communities. A tender will be called and a report will be put to Council for them to make a decision.

Question 2:

What is the time frame for the tender?

Response provided by the Executive Manager Infrastructure and Development Services

The Tender will be advertised in the next 3 or 4 weeks. However, the Tender will be not be awarded until the new financial year.

Public Question Time Concluded at 5.12pm as there were no further questions from the gallery.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PRESENTATIONS

6.1 Petitions
Nil

6.2 Presentations
Nil

6.3 Deputations
Nil

6.4 Delegates reports
Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Minutes of the Ordinary Council Meeting held 24 April 2017

Confirmation

**RESOLUTION
020517**

Moved: Cr Randell

Seconded: Cr Smythe

“That the minutes of the Ordinary Council Meeting held on 24 April 2017 be confirmed as a correct record of proceedings.”

CARRIED: 7/0

7.2 Minutes of the Special Council Meeting held 8 May 2017

Confirmation

**RESOLUTION
030517**

Moved: Cr Smythe

Seconded: Cr Walters

“That the minutes of the Special Council Meeting held 8 May 2017 be confirmed as a correct record of proceedings.”

CARRIED: 7/0

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President thanked the Talbot Community for afternoon tea and the evening meal to follow the Council Meeting.

9. OFFICER'S REPORTS

SY046-05/17 - Delegates & Attendees to the 2017 WA Local Government Convention

FILE REFERENCE:	OR.IGR.5.2
APPLICANT OR PROPONENT(S):	N/A
AUTHORS NAME & POSITION:	Paul Martin, Chief Executive Officer
RESPONSIBLE OFFICER:	Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL:	No
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	1. Convention Event Programme 2. WALGA Professional Development Opportunities

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

To advise Council of the 2017 WA Local Government Convention to be held from 2-4 August for determination of attendees and enabling the appointment of voting delegates for the WALGA Annual General Meeting.

Background:

The WA Local Government Convention is held each year in August at the Perth Convention and Exhibition Centre.

Comments and details:

The Convention and Trade Exhibition is presented specifically for those engaged in the Local Government Sector.

Themed 'Members First', the program reflects WALGA's fresh perspective on how to better understand and respond to the needs of Local Government by focusing on improving Member engagement and service.

The conference sessions aim to support and inform Mayors, Presidents, Elected Members and Chief Executive Officers. Attendance by Directors, Executive Managers and other senior managers is also highly recommended however in the current economic climate it is preferred that only one staff member attends.

WALGA is also offering professional development opportunities in Perth to coincide with the Local Government Convention for Elected Members and Officers.

Implications to Consider:

- **Consultative**
Nil
- **Strategic**
Nil
- **Policy related**
G1.2 – Councillors: Professional Development
G1.3 – Councillors: Travel and Accommodation

- **Financial**

The Convention Registration cost for a full delegate is \$1,475 per delegate. Further costs may be incurred for parking for attendance of the WALGA Annual General Meeting and the Convention Opening Welcome reception to be held at the Perth Convention and Exhibition Centre. Accommodation is \$179 per night per room with a maximum of three night's accommodation required for each delegate and the Shire President requiring a maximum of 4 days accommodation. Meals associated with the conference will be payable by the Shire in accordance with Policy G1.3. The cost of alcohol will not be covered by the Shire.

Inline with last year, it is proposed the Shire pay for the Shire President and Chief Executive Officer to attend the Gala Dinner. If their partners wish to attend that is proposed to be at their own cost.

It is proposed that all additional optional extras such as the Gala Dinner, ALGWA Breakfast, Convention Breakfast and all partner activities are an extra cost to be borne by the Elected Member and their partner in accordance with Policy G1.3. The cost of alcohol is excluded.

- **Legal and Statutory**

Nil

- **Risk related**

Nil

- **Workforce Implications**

The Chief Executive Officer is proposing to attend the Convention.

Voting Requirements:

Absolute Majority Required: No

**RESOLUTION
040517**

Moved: Cr Ferro

Seconded: Cr Saint

“That Council:

- 1. *Authorises the following Elected Members and the Chief Executive Officer to attend the 2017 Local Government Convention as Full Delegates:***

***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
Mr Paul Martin – Chief Executive Officer***

Convention Registration, accommodation and breakfasts to be funded by the Shire in accordance with Policy G1.3. The Shire will not pay for alcohol for any delegate.

The Shire to fund the Shire President and Chief Executive Officer to attend the Gala Dinner on Friday evening. Partner attendance to be funded by the attendee.

- 2. *Appoints the following two delegates to have voting rights at the WALGA Annual General Meeting:***

***Cr Wallace
Cr Smythe”***

CARRIED: 7/0

Disclosure of Interest – Cr Heaton – Impartial – My husband is a volunteer presenter and Committee Secretary

Cr Heaton read the Impartiality Declaration - ... With regard to Lease of 26 Barker Street, York the matter in Item SY047 I disclose that I have an association with the applicant (or person seeking a decision). The association is my husband is a volunteer presenter and committee secretary of York FM. 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.

SY047-05/17 – Lease of 26 Barker Street, York to York Community Radio Inc

FILE REFERENCE:	LE.CNT.1 BA3.31700
APPLICANT OR PROPONENT(S):	York Community Radio Inc
AUTHORS NAME & POSITION:	Natasha Brennan, Senior Administration and Governance Officer
RESPONSIBLE OFFICER:	Suzie Haslehurst – Executive Manager, Corporate & Community Services
PREVIOUSLY BEFORE COUNCIL:	31 May 2012
DISCLOSURE OF INTEREST:	Cr Pam Heaton - Impartial
APPENDICES:	Confidential for Councillors only – Appendix 1 – Draft Lease Document

Appendices 1 is confidential under Section 5.23 – (c) of the Local Government Act 1995 in that it deals with “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting”

Copies have been provided to Councillor’s, the Chief Executive Officer and Executive Managers only.

Nature of Council’s Role in the Matter:

- Executive &
- Review

Purpose of the Report:

The York Community Radio Inc has a lease on its current building and site until 31 March 2017, which is currently in ‘holding over’ until a new lease is negotiated.

This report presents to Council the proposed lease between the Shire of York and York Community Radio Inc.

Background:

This report follows on from the Property Portfolio Review Scope and Status of Shire Leases report that was presented to Council at the Ordinary Council Meeting held 28 November 2016. The Council recommendation (101116 3(b)) requested that officers work with the community groups whose leases remain outstanding and progress these as a matter of priority. This is the first of several lease reviews that will be presented to Council over the coming months.

Meetings have been held with representatives from the York Community Radio Inc and a draft lease was prepared for consideration and forwarded to the Shire’s solicitors.

It is noted that the York Community Radio Inc has had a lease with the Shire since 2007.

The Shire's solicitors have developed a new Standard Community Lease template for use by Community Groups. The lease template was emailed out to Community Groups for consideration in March 2016 with no comments received.

Shire Officers propose using the template for the development and renewal of all the Shire's community leases with adjustments made on a case by case basis.

Comments and details:

York Community Radio Inc has requested a 20 year lease with Council. However, to keep the period in line with Council's other leases currently being drafted, Officers are proposing a five (5) year lease term with an option of a further term of five (5) years.

It should be noted that a Master Plan does not currently exist for the Forrest Oval Precinct. It is recommended that until such time as this is developed, Council does not enter into any long term arrangements that could affect future usage to ensure that all the uses of the site can be appropriately planned and located.

The proposal to lease the building to York Community Radio Inc for a five year period with the option of a further five year term has been made in isolation due to the fact that presently there are no foreseeable plans for any new recreation facilities. Council will need to be flexible if the circumstances change within the next 5 to 10 years.

York Community Radio Inc is actively applying for funding to maintain and extend the existing building (rather than build a new building), and has advised that the following is proposed to be undertaken at no charge to the Shire in the first instance:

- Remove the asbestos shed, the old fence and the mast
- Remove the asbestos from the building and replace it with fibro boards to match the existing cottage
- Remove and replace the verandah posts that are rotten
- Remove, level and replace the verandah floor with new boards
- Landscape the garden in conjunction with the wildflower society

Subsequent proposed works include:

- Insulate the roof space
- Level the floor in the bathroom and bring the bathroom up to code
- Bring electrical wiring up to code
- Refurbish the interior of the cottage

York Community Radio Inc can only source funding once a medium to long term tenure with the Shire is secured.

Proposed Lease Terms

The following lease terms are proposed and have been discussed with York Community Radio Inc (the Lessee).

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

- Insurance required

The Lessee must effect and maintain the following insurances as a minimum;

- public liability of not less than twenty million \$20,000,000;
- contents insurance to cover the Lessees furniture and fixtures
- any applicable employers' insurance (ie workers' compensation insurance
- any insurances to cover any damage and/or theft to the Lessee's property

The Shire shall be responsible for building insurance.

Clause 8.2(b) the Shire will hold insurance for the permanent fixtures, and Clause 11.10 provides that the Lessee is responsible for any excesses.

- Term

A term of five (5) years is proposed commencing on 1 July 2017 and expiring on 30 June 2022, with the option of a further term of five (5) years.

- Maintenance

It is proposed that the York Community Radio Inc is responsible for all day to day maintenance costs (reactive) but the Shire will be responsible for structural repair, except as outlined below:

To alleviate the Lessee's concerns regarding major maintenance and repair and maintenance that the Shire has insurance for, Clause 11.10 provides that if the Shire is covered by insurance for damage or repair (ie storm damage), the Shire will make a claim under its insurance provided that the Lessee pays all excesses. The clause also provides that the Shire is responsible for structural repair of the Premises (ie if the roof fell in), subject always to budgetary constraints and the need to obtain Council approval.

Implications to consider:

- **Consultative**

Representatives from York Community Radio Inc

Shire Officers

McLeod's Barristers & Solicitors

LGIS – Local Government Insurance Service

As a general rule leases will be advertised for public consultation in accordance with Section 3.58 of the *Local Government Act 1995* and/or when they are considered to be of significant public interest or debate. However, Regulation 30 of the *Local Government (Functions and Regulations) Act 1996* provides an exemption where the intended lessee is a not-for-profit entity. As York Community Radio Inc is exempt and has been the only occupier of the building since 2007, public consultation is not considered necessary.

The Property Portfolio Review Scope and Status of Shire Leases report presented to Council on 28 November 2016 advised the community on what was happening with regards to the status of community leases and officers are progressing the Council recommendation accordingly in line with the community leases identified.

A Site inspection was also carried out by Shire Building & Asset Officers.

- **Strategic**

Theme 5: Strong Leadership and Governance

5.1 The Council supported by the administration of the Shire of York is effective and informed in its decision making and exhibits good practice in its governance role.

It should be noted that The Property Portfolio Review recently carried out was also an action in the Shire's Corporate Business Plan.

- **Policy related**

CP1.1 Execution of Documents and Execution of the Common Seal.

CP1.5 Compliance

G2.9 Community Engagement and Consultation

G4.6 Risk Assessment and Management

- **Financial**

There will be a legal cost involved in having the lease reviewed by Shire's solicitors. The legal costs associated with the review of Council leases has been considered in the mid-year budget review.

As outlined above, the peppercorn rental applicable to the lease between Council and the Radio Station has been fixed at \$1.00 (plus GST) per annum.

The Shire is responsible for insuring the building and York Community Radio Inc will be responsible for providing contents insurance.

A site inspection carried out on the building suggests the building is in reasonable condition, with no urgent upgrades considered necessary.

Community sponsorship applications can still be applied for by the York Community Radio Inc, in accordance with the Shire's Policy C1.3 Community Funding.

- **Legal and Statutory**

Local Government (Functions and General) Regulations 1996

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

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

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

(i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and

(ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;

- **Risk related**

The risks associated with renewing this lease is that without a Master Plan for the Forrest Oval Precinct and any future plans, future uses cannot be considered.

As there are no current plans for new facilities on this site Officers are addressing the risk by having consideration for the Shire's Corporate Business Plan and Long Term Financial Plan and proposing a five (5) year lease for new facilities.

- **Workforce Implications**
Nil

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION:

"That Council:

- 1. Agrees to the new lease with the York Community Radio Inc (the Lessee) as attached to this report, for the land and premises at 26 Barker Street York, for a five (5) year period from 1 July 2017 to 30 June 2022, with the option of a further five (5) year term in accordance with the following essential lease terms:*
 - * A term of five (5) years commencing 1 July 2017;*
 - * Option to renew for a further term of five (5) years;*
 - * Peppercorn rental of \$1 per annum;*
 - * No rent reviews;*
 - * Permitted Purpose to be used as a Community Radio Station and uses reasonably ancillary thereto;*
 - * Public Liability Insurance of not less than twenty million (\$20,000,000) to be the responsibility of the Lessee; and*
 - * Repainting of the building upon termination of the Lease.*
- 2. Authorises the Shire President and Chief Executive Officer to engross the lease documentation as per the terms and conditions of the lease; and*
- 3. Requests the Chief Executive Officer to advise the York Community Radio Inc that the building is provided on an 'as is' basis and no funds will be allocated for renewal or upgrade."*

**RESOLUTION
050517**

Moved: Cr Ferro

Seconded: Cr Smythe

“That Council:

- 1. Agrees to the new lease with the York Community Radio Inc (the Lessee) as attached to this report, for the land and premises at 26 Barker Street York, for a ten (10) year period from 1 July 2017 to 30 June 2027, with the option of a further five (5) year term in accordance with the following essential lease terms:***
 - * A term of ten (10) years commencing 1 July 2017;***
 - * Option to renew for a further term of five (5) years;***
 - * Peppercorn rental of \$1 per annum;***
 - * No rent reviews;***
 - * Permitted Purpose to be used as a Community Radio Station and uses reasonably ancillary thereto;***
 - * Public Liability Insurance of not less than twenty million (\$20,000,000) to be the responsibility of the Lessee; and***
 - * Repainting of the building upon termination of the Lease.***
- 2. Authorises the Shire President and Chief Executive Officer to engross the lease documentation as per the terms and conditions of the lease; and***
- 3. Requests the Chief Executive Officer to advise the York Community Radio Inc that the building is provided on an ‘as is’ basis and no funds will be allocated for renewal or upgrade.”***

CARRIED: 7/0

Reason: To give the lessee greater security and the ability to apply for grant funding

SY048-05/17 – Community Funding – Grants & Sponsorship Applications

FILE REFERENCE:	FI.DON
APPLICANT OR PROPONENT(S):	Various
AUTHORS NAME & POSITION:	Esmeralda Harmer, Community Economic Development Officer
RESPONSIBLE OFFICER:	Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL:	N/A
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Confidential for Councillors only – Schedule of Requests & Recommendations

Attachment A is confidential under Section 5.23 – (e) (iii) of the Local Government Act 1995 in that it deals with “information about the business, professional, commercial or financial affairs of a person”

Copies have been provided to Councillor’s, the Chief Executive Officer and Executive Managers only.

Nature of Council’s Role in the Matter:

- Executive

Purpose of the Report:

Council is requested to consider funding applications received from community groups and event organisers in the recent round of Community Funding, for proposed events and activities to take place from July 1, 2017.

This report also seeks Council’s consideration of the financial contributions required to honour these applications and deliberate these amounts within the 2017/18 budgeting process.

A detailed schedule of requests and recommendations is attached as a confidential report for Council’s consideration.

Background:

Members of the York community are involved in a range of activities that support economic and community wellbeing of residents and visitors. The Shire of York supports the collective and economic benefit of such activities and provides financial assistance through the Community Funding application rounds to consider these proposals.

Council’s *C1.3 Community Funding; Grants & Sponsorship* and *C1.4 Sponsorship of Tourism Events* policies are designed to recognise the important role that community and sporting organisations play in developing vibrant communities. In addition, 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.

The reality is that on an annual basis, appeals for support generally outweigh the available funding.

This report seeks Council’s consideration of the applications received through the recent round of community funding and determine the allocations to be made.

Council at the Ordinary Council Meeting held 28 November 2016 resolved as follows:

Original Motion to Stand
RESOLUTION
081116

Moved: Cr Smythe

Seconded: Cr Ferro

"That Council:

1. Approves the following funding requests from remaining funds in the 2016/17 budget:

- | | |
|--|----------------------------|
| • York Community Resource Centre | \$7,838 of cash & in kind |
| • Caravan Club WA | \$2,451 of in kind |
| • Walk to York Inc | \$5,000 of cash |
| • Triumph Motorcycle Group | \$10,000 of cash & in kind |
| • York RSL | \$5,000 of cash & in kind |
| • York Quilters | \$300 of cash & in kind |
| • York Swimming Club | \$450 of cash & in kind |
| • York Bowls Club | \$1,400 of cash |
| • York Youth CARE | \$1,000 of cash & in kind |
| • York Football Club | \$2,916 of in kind |
| • York Pony Club | \$1,500 of cash |
| • Toodyay Festivals
(Palace of the Stars) | \$5,000 of cash & in kind |

2. Requests the Chief Executive Officer to negotiate the cash and in kind balance with the above applicants where required."

CARRIED: 5/0

Comments and details:

The Shire's Community Funding; Grants & Sponsorship second round of funding opened in March 2017 for a period of four weeks and was advertised utilising the following methods;

- Local print media
- Shire's website
- Email distributions networks
- Information sessions held with other potential funding bodies, providing potential applicants with information about the program and an opportunity to ask questions.

Fourteen applications were received by the closing date, with four applications identified as Sponsorship of Tourism Events, in accordance with Council's *C1.4 Sponsorship of Tourism Events* policy.

The four applications have been presented to Council in a Applications for Sponsorship of Tourism Events item, separate to this report.

To consider the remaining ten applications received, Officers have prepared a schedule of requests and recommendations as a confidential attachment for Council's review.

This schedule includes details of funding requested and comment from Officers on the merits of considering each request in accordance with Council's *C 1.3 Community Funding; Grants & Sponsorship policy & guidelines*.

An outline of all applications received is included below;

Proponent	Grant application
Elite Combined Mixed Martial Arts York	Purchase of sporting equipment for the club and storage in the Old Stadium lockable area.
York Friendship Club Inc	Financial support of the 2017 York Medieval Fayre.
York Men's Shed	Funds to purchase a ride on lawn mower for use at the York Men's Shed.
York Agricultural Society	Financial support of the 2017 York Agricultural Show.
She Wears White	Funding to deliver a one day Bridal fashion expo at the York Town Hall.
Anglican Parish of York	Funding support to facilitate a three hour protective behaviours workshop at the YRCC.
Wembley Theatre	Financial support to deliver one matinee pantomime in the York Town Hall.
Senior Citizens York	Financial assistance to facilitate the 2017 Senior Citizen's Appreciation Day in the York Town Hall.
Veteran Car Club – York Branch	Assistance to host the 2017 York Motor Show.
Porsche Club WA	Traffic Management assistance to display vehicles on Avon Terrace as part of their social ride to York event.

In previous years, Council has provided financial management support to the individuals who coordinate the Senior Citizens Appreciation day. Should Council choose to support this event this year, Officers will liaise with the appropriate individuals and Senior Citizens WA to determine how best to auspice this event.

Implications to consider:

- **Consultative**

Officers have workshopped the application process through recent community forums, an information session and a grant writing workshop. It is suggested Officers will continue to work closely with local groups and organisations to encourage interest, determine promotion, voluntary capacity to meet demand, and to ensure a robust delivery of activity is achievable.

In addition to this significant consultation will continue to take place with all businesses within the Shire to encourage involvement, give notice of potential staffing capacities for major events and identify areas for improvement.

- **Strategic**

A focus on building relationships with and supporting community groups and networks are identified areas of priority in the Strategic Community Plan and is identified as an action in the Shire's Corporate Business Plan

- **Policy related**

As per the *C1.3 Community Funding; Grants & Sponsorship Policy*

Clause 3.1 The Council will consider applications made under the following general headings for projects which:

- encourage general involvement in local activities including sport.
- assist a community group to expand their ability to provide support for community and individual health and wellbeing.
- increases community knowledge and understanding of their local built and natural environment.
- are focused on protection and restoration of the Shire's natural environment including the Avon River and the protection and restoration of the built environment.
- events which have been developed for local community enjoyment. Note: these are events not developed to leverage tourism or economic development benefit but having more of a purely community enjoyment focus.
- support for individuals, particularly for youth, who have been selected to be involved in regional, state or national cultural and sporting activities.
- requests by community groups to procure assistance to develop applications for external grants.

- **Financial**

With the 2017/18, budget yet to be adopted, Council is requested to consider the applications as presented and equally measure the financial contributions required to honour such applications.

Proposed budget allocations and recommendations for funding amounts are detailed below;

Event	Amount	GL Account
Elite Combined Mixed Martial Arts York - Equipment purchase	5,000	113167 – Sporting sponsorships
York Medieval Fayre	5,000	132150 – Festival Assistance
York Men's Shed – Ride on mower purchase	3,000	132145 – Area Promotion
York Agricultural Show	10,000	132150 – Festival Assistance
She Wears White Bridal Expo	6,000	132150 – Festival Assistance
Protective Behaviours Workshop	2,850	109158 – Youth
Wembley Theatre	1,800	132102 – Town Promotions
Senior Citizens Appreciation Day	3,000	132145 – Area Promotion
York Motor Show	3,000	132145 – Area Promotion
Porsche Club ride to York	1,500	132145 – Area Promotion
Proposed Budget Allocation Total	\$41,150	

- **Legal and Statutory**

All Council supported events would still need to comply and be assessed against any statutory policies and legislations.

- **Risk related**

Should Council choose to support all the funding applications as detailed in this report, the remaining grant pool funds to consider one off requests throughout the year will need to be considered.

- **Workforce Implications**

It is suggested all resource support and workforce contributions to support these applications where indicated will be managed within the existing budgets detailed in this report.

Voting Requirements:

Absolute Majority Required: No

RESOLUTION

060517

Moved: Cr Randell

Seconded: Cr Walters

“That Council:

1. Approves the following funding requests:

• Elite Combined Mixed Martial Arts	\$5,000 of cash
• York Medieval Fayre	\$5,000 of cash
• She Wears White Bridal Expo	\$6,000 of cash & in kind
• York Men’s Shed	\$3,000 cash
• York Agriculture Society	\$10,000 of cash & in kind
• Anglican Parish of York	\$2,850 of cash & in kind
• Wembley Theatre	\$1,800 of cash & in kind
• Senior Citizens York	\$3,000 of in kind
• Veterans Car Club York	\$3,000 of cash & in kind
• Porsche Club WA	\$1,500 of in kind

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

CARRIED: 7/0

SY049-05/17 – Applications for Sponsorship of Tourism Events

FILE REFERENCE:	FI.DON
APPLICANT OR PROPONENT(S):	Various
AUTHORS NAME & POSITION:	Esmeralda Harmer, Community Economic Development Officer
RESPONSIBLE OFFICER:	Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL:	N/A
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Confidential for Councillors only – Appendix 1 – Schedule of Tourism Sponsorship Requests & Recommendations

Appendices 1 is confidential under Section 5.23 – (e) (ii) (iii) of the Local Government Act 1995 in that it deals with “information that has a commercial value to a person; or information about the business, professional, commercial or financial affairs of a person”

Copies have been provided to Councillor’s, the Chief Executive Officer and Executive Managers only.

Nature of Council’s Role in the Matter:

- Executive

Purpose of the Report:

Council is requested to consider funding applications received in the recent round of Community Funding, identified as requests for Sponsorship of Tourism Events.

As per the Community Funding; Grants & Sponsorship guidelines, the financial amounts requested require consideration through the Shire’s *C1.4 Sponsorship of Tourism Events policy* and as detailed in this report.

This report also requests Council to consider the financial obligations required to honour these applications and deliberate these amounts within the 2017/18 budgeting process.

All applications received are attached as a confidential report for Council’s consideration.

Background:

Council’s C1.4 Sponsorship of Tourism Events policy sets out the parameters for Council support of one off events likely to attract increased economic benefit to the town or to consider requests for significant financial contribution from the Shire.

The Community Funding; Grants & Sponsorship program provides the Shire with a mechanism to support projects or events in their initial establishment (seed sponsorship), support capability to become self - funded or to potentially waive fees for hire and use of Council facilities.

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

RESOLUTION
120217

Moved: Cr Randell

Seconded: Cr Saint

“That Council requests the Chief Executive Officer to:

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

CARRIED: 6/1

Officers continued to develop components of these recommendations with identified stakeholders and received renewed concept proposals from Nature Play WA and West Cycle, which are included within this report and detailed as attached.

Monthly Grower / Artisan Markets are still in concept stages and will be presented to Council at a later date. The Perth International Jazz Festival funding agreement was presented to Council at a Special Council Meeting on 8 May 2017.

In March 2017, the Shire advertised it’s second round of community funding, receiving fourteen applications by the closing date. Four applications received through this funding round can be considered Sponsorship for Tourism Events in accordance with Council’s *C1.4 Sponsorship of Tourism Events Policy and the C1.3 Community Funding; Grants & Sponsorship Guidelines*.

The remaining ten applications have been assessed under *the C1.4 Community Funding; Grants & Sponsorship policy* and are detailed in a separate report to the Sponsorship of Tourism Events item for Council’s consideration.

This report details the applications received and requests Council to determine the financial budget allocations required as part of the 2017/18 budgeting process to support such proposals.

Comments and details:

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

- Attract visitors to York and promote re-visitation
- Renew the brand of York in a positive way for the community and visitors
- Attract and stimulate private sector investment
- Provide stimulus for tourism businesses and all businesses generally.

The following table summarises the applications received for Council's consideration.

For some of these events the support requested from Council is a mixture of cash and in-kind. Detailed budgets associated with each application are included as a confidential attachment to this report.

Proponent	Purpose
New Holland Consort	One Sunday matinee music concert in the York Town Hall in September, celebrating Bach & Telemann Opera.
York Children's Christmas Party	Contribution towards the York Christmas Festival incorporating the Children's Christmas party with additional main street activity and entertainment along Avon Terrace.
Nature Play WA	Assistance to host a Festival of outdoor recreation and unstructured play for Youth and their families in the September school holidays.
West Cycle	Financial assistance to deliver a day and a half "Family Festival of Cycling" event with competition and novelty cycle racing in September / October 2017.

Officers consider that events if done well and with business and community engagement, have the potential to bring vibrancy and activity to the town across the entire calendar year. This in turn stimulates revisitation numbers, increases York's presence as a destination and grows private sector confidence and investment, reinvigorating tourism activity to York.

The applications included in this item represent a significant leap forward for Council in economic development and potential support for events. Although it has a larger resource implication, Officers ask Council to consider the strategic implications to rebuild York's brand and economy equally.

Officers suggest through the Sponsorship of Tourism events and its associated policies, Council support potentially enables York to become a destination to attract investment, build the profile of existing community events and develop a continued sense of social connectivity long after an event has concluded.

Implications to consider:

- **Consultative**

Officers have workshoped concepts with applicants to gain a clear understanding of the proponent's expectations to support each proposal. Pending Council's recommendation, Officers will continue to work closely with all applicants to determine the appropriate level of support from local groups, voluntary associations, assess promotional capabilities and to ensure a robust delivery of activity is achievable.

In addition to this significant consultation will continue to take place with all businesses within the Shire to engage involvement, potential staffing capacities for major events and identify areas for improvement.

- **Strategic**

All applications received meet identified actions in the Corporate Business Plan to;

- Fund from existing budgets, economic development including tourism, marketing, and events.

- Continually develop positive working partnerships between the Shire and the community built around particular projects
- Strengthen the capacity of the Shire administration to undertake and deliver projects, work collaboratively with the community, and understand and meet strategic issues and challenges.

- **Policy related**

As detailed in this report, any large-scale events or festivals would be considered in accordance with Council's *C1.4 Sponsorship of Tourism Events Policy*

- **Financial**

With the 2017/18, financial budget yet to be adopted, Council is requested to consider the applications as presented and equally measure the financial contributions required to honour such applications.

The table below proposes potential GL accounts each application could potentially be funded from.

If Council approve funding the applications in this report for the recommended amounts included in the table below, it is suggested each proposed GL account would be allocated at minimum the proposed amounts to honour these commitments.

Event	Recommended Allocation	Proposed GL Account
Opera Matinee Concert	5,000	GL 132150 Festival Assistance
York Christmas Festival	12,000	GL 132150 Festival Assistance
Nature Play WA	15,000	GL 132150 Festival Assistance
West Cycle "Family Festival of Cycling"	15,000	GL 132150 Festival Assistance

- **Legal and Statutory**

All Council supported events would still need to comply and be assessed against any statutory policies and legislation.

Voting Requirements:

Absolute Majority Required: No

**RESOLUTION
070517**

Moved: Cr Ferro

Seconded: Cr Saint

“That Council:

1. *Approves the following funding requests;*

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

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

CARRIED: 7/0

SY050-05/17 – Shire of York Age-Friendly Community Plan

FILE REFERENCE:	AS.QTN.8; OR.CMA.2.7
APPLICANT OR PROPONENT(S):	Shire of York
AUTHORS NAME & POSITION:	Suzie Haslehurst – Executive Manager, Corporate and Community Services
RESPONSIBLE OFFICER:	Suzie Haslehurst – Executive Manager, Corporate and Community Services
PREVIOUSLY BEFORE COUNCIL:	SY050-05/16 Age-Friendly Communities Local Government Grants Program
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	1. Proposed Timeline for the Development of an Age Friendly Community Plan 2. Draft Terms of Reference – Age- Friendly Community Reference Group

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

This report presents the proposed timeline and process for the development of an Age-Friendly Community Plan for the Shire of York and requests Council to consider the establishment of and Terms of Reference for a Community Reference Group and to call for expressions of interest from community members.

Background:

In May 2016, Council resolved to enter into a grant agreement with the Department of Local Government and Communities (DLGC) for an amount of \$10,000 for the purposes of developing an Age-Friendly Community Plan based on the following DLGC guidelines:

- Establishing a reference group that will guide and support the project, liaise with the Grantor and review the draft reports
- Developing a community profile
- Promoting the project
- Identifying key stakeholders for consultation and establish a focus group
- Facilitating workshops and interviews to ensure that key stakeholders are included and engaged
- Analysing research findings and identify the age-friendly features, barriers and suggestions for improvement against each of following components of the aged-friendly features:
 - Outdoor spaces and buildings
 - Transport
 - Housing
 - Social participation
 - Respect and social inclusion
 - Civic participation and employment
 - Communication and information
 - Community support and health services

An amount of \$19,355 (supported by the \$10,000 grant) was included in the 2016/17 Budget for this purpose.

Comments and details:

AS.QTN.8 was issued to three potential consultants in accordance with the Shire's Policy *F1.2 Procurement*. Two consultants were identified by contacting other local Shires who have a current Age-Friendly Community Plan to see who had assisted in their preparation. The third consultant was identified by referring to Lotterywest's Preferred Consultants Directory.

A written specification was issued with a closing date for submissions of 28 April 2017. One quotation was received. One consultant emailed that she would be unable to do the work within the timeframe required and would therefore not be submitting a quotation and no response was received from the third consultant.

Officers reviewed the proposal received which met all of the requirements of the Request for Quotation. Officers subsequently engaged *Localise* to develop an Age-Friendly Community Plan for the Shire of York.

Localise has extensive experience in designing and delivering effective community engagement and was engaged by the following Wheatbelt local governments to develop Age-Friendly Community Plans:

- Shires of Victoria Plains and Chittering
- Shires of Bruce Rock and Merredin
- Shires of Gingin and Dandaragan
- Shires of Toodyay and Goomalling

In addition, *Localise* (the consultant) was engaged to develop the Wheatbelt Development Commission's Age-Friendly Community Planning Toolkit and Audit Tool and provided training across the Wheatbelt for its delivery. *Localise* has since worked with the Shires of Pingelly and Augusta-Margaret River and the Cities of Armadale and Vincent to develop their Age-Friendly Community Plans.

The project is planned to be implemented in five stages;

Stage 1 – Inception:	establish a Reference Group
Stage 2 – Context:	community profile, review of reports and documentation, prepare briefing material for Reference Group
Stage 3 – Audit	age-readiness review
Stage 4 – Engagement:	Seniors satisfaction survey, focus groups, summary engagement report
Stage 5 – Strategy:	prepare issues and options for workshop with Council, complete strategy and prepare Age-Friendly Community Plan for review and adoption.

Timeline

The Shire's Grant Agreement with the DLGC includes a completion date of 30 June 2017 with an acquittal deadline of 31 July 2017. However, in light of staff resources and competing priorities, officers have requested an extension which has been approved by the DLGC.

It is proposed to extend the date of completion to 30 September 2017 with an acquittal date of 31 October 2017. A timeline is attached at Appendix 1 to this report. This timeline will ensure that appropriate time is allowed to a) establish a community reference group, b) promote the project and c) undertake appropriate community engagement.

Community Reference Group

One of the conditions of the funding received is that the Shire establishes a Community Reference Group to guide and support the project and to provide feedback to the Shire. It is also anticipated that members of the Community Reference Group will be advocates for the project and encourage and promote community participation in the survey and focus groups.

Officers have discussed membership of the Reference Group with the consultant and it is agreed that to achieve the intended outcomes and to operate effectively, an optimal number of members is 6-8 people. It should be noted that the Focus Groups are also intended to be held to provide opportunities for broader input from;

- Seniors and their carers
- Service providers
- Interested community members

Officers have attached a Draft Terms of Reference for the Age-Friendly Community Reference Group at Appendix 2 for Council's consideration.

Council's Policy *G2.5 Reference Groups* requires that where members of a reference group are drawn from the community, the Shire must publicly advertise and call for nominations. Officers propose that a call for nominations is advertised with a closing date of 12 June 2017 and that the nominations received are presented to Council at the June OCM.

Implications to consider:

- **Consultative**
Department of Local Government and Communities
Localise
- **Strategic**
The preparation of an Age-Friendly Community Plan is included as an action in the Shire's Corporate Business Plan for the 2016/17 financial year.
- **Policy related**
F1.2 Procurement
G2.5 Reference Groups
- **Financial**
The following table outlines the financial implications of this project which were adopted as part of the 2016/17 Annual Budget.

Income	Amount	GL account
DLGC Grant	\$10,000	Received in 2015/16 FY
Municipal Funds	\$ 9,555	109148
Total	\$19,555	(Excl GST)
Expenditure		
Consultant Fees	\$17,610	109148
Advertising & engagement costs	\$ 1,945	109148
Total	\$19,555	

- **Legal and Statutory**

Nil

- **Risk related**

Officers identified that there was a potential reputational risk regarding the appointment of *Localise* as the preferred consultant given that the Principal, Mr Mark Dacombe was engaged as the acting CEO of the Shire of York from November 2015 until April 2016. However, given the time that has elapsed, the relevant experience of the consultant and the quality of the proposal, officers are satisfied that this appointment represents the best value for money and outcomes for the community.

- **Workforce Implications**

This project will be undertaken within current workforce resources.

Voting Requirements:

Absolute Majority Required: No

RESOLUTION

080517

Moved: Cr Randell

Seconded: Cr Walters

“That Council:

- 1. *Approves the timeline for the development of the Shire of York’s Age-Friendly Community Plan.***
- 2. *Establishes an Age-Friendly Community Plan Reference Group in accordance with the Terms of Reference as attached at Appendix 2 to this report and requests the Chief Executive Officer to;***
 - (a) *call for expressions of interest from the community for membership of the Age-Friendly Community Plan Reference Group with a closing date of 12 June 2017;***
 - (b) *present the nominations received for the Age-Friendly Reference Group for Council’s consideration.”***

CARRIED: 7/0

SY051-05/17 – Emergency Service Volunteers - Gym Membership Incentive

FILE REFERENCE:

APPLICANT OR PROPONENT(S): Local Emergency Management Committee

AUTHORS NAME & POSITION: Paul Crewe, Executive Manager
Infrastructure and Development Services

RESPONSIBLE OFFICER: Paul Crewe, Executive Manager
Infrastructure and Development Services

PREVIOUSLY BEFORE COUNCIL: N/A

DISCLOSURE OF INTEREST: N/A

APPENDICES: Request for Support from Mark Lloyd

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

This report recommends that as a part of the YRCC Business case review, Officers undertake a feasibility study allowing for existing and new members of York's Emergency and Health Services a free membership to the YRCC Gymnasium.

Background:

This incentive strategy has been developed in an effort to keep the Emergency and Health Volunteer programs in York active.

The volunteering organisations for which this incentive is aimed at includes:

- Volunteer Ambulance Service;
- Volunteer Bush Fire Brigades;
- Volunteer Fire and Emergency Services; and
- Volunteer Fire and Rescue Services,

for the term of their volunteering commitment.

Membership to these organisations is on the decline, and members of the Local Emergency Management Committee (LEMC) have requested Council consider this incentive to encourage existing volunteers to retain their commitments and help inspire members of the public to volunteer for these organisations.

These volunteer services play a valuable role in our community and this gesture by the Shire of York could be relatively simple to orchestrate.

Comments and details:

It is proposed that each volunteer organisation would be able to co-ordinate the administration of this incentive with the Shire. It is envisaged each nominated member of these organisations would be required to pay a bond of fifty dollars (\$50) for the electronic toggle in the same manner as fee-paying members.

Implications to consider:

- **Consultative**

This Incentive strategy will be well communicated by both the Shire and each of the volunteer Health and Emergency Services during recruitment drives.

- **Strategic**

This Incentive strategy has the potential to raise the membership of these vital volunteer services.

This item also meets identified actions in the Corporate Business plan to;

- Provide a positive, active and involved community;
- Develop skills and education opportunities; and
- Continually develop positive working partnerships between the Shire and the Community.

- **Financial**

Each free membership would need to be considered as “in kind support” to the volunteer organisations and recorded as such. It should be considered that each membership given has the value of \$510 per year.

- **Policy related**

Nil

- **Legal and Statutory**

Nil

- **Risk related**

This incentive may set a precedent for other volunteer organisations to nominate themselves for a similar incentive program. The financial losses from a large influx of all volunteer organisations having free access to the gymnasium could represent a considerable loss of income.

- **Workforce Implications**

Nil

- **Options**

Council could consider the following alternative options:

- Council may choose not to offer free membership to the YRCC Gymnasium for Volunteer Emergency and Health organisations.
- Council may choose to offer a “limited time offer” (for example 3,6 or 9 month incentive rather than a length of commitment option.
- Council could offer a “discount rate” for volunteers of these organisations
- Council could choose to offer a number of free memberships per volunteer organisation in consultation with those organisations.
- Council may choose to offer free memberships as “in kind” support to any volunteer who has a commitment to these organisations.

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION:

Moved: Cr Smythe

Seconded: Cr Randell

“That Council requests the CEO as part of the review of the management of the YRCC to investigate and report back on the viability of offering free memberships to Emergency and Health volunteer organisations.”

Proposed Amendment

Moved: Cr Walters

Seconded: Cr Randell

“That Council requests the CEO as part of the review of the management of the YRCC to investigate and report back on the viability of offering free memberships to the following organisations:

- Volunteer Ambulance Service;
- Volunteer Bush Fire Brigades;
- Volunteer Fire and Emergency Services; and
- Volunteer Fire and Rescue Services

CARRIED: 7/0

Amendment Became the Motion

RESOLUTION

090517

Moved: Cr Smythe

Seconded: Cr Randell

“That Council requests the CEO as part of the review of the management of the YRCC to investigate and report back on the viability of offering free memberships to the following organisations:

- Volunteer Ambulance Service;
- Volunteer Bush Fire Brigades;
- Volunteer Fire and Emergency Services; and
- Volunteer Fire and Rescue Services

CARRIED: 7/0

SY052-05/17 – Results of the Financial Management Review undertaken by Moore Stephens

FILE REFERENCE: FI.FRP.8
APPLICANT OR PROPONENT(S): Nil
AUTHORS NAME & POSITION: Suzie Haslehurst – Executive Manager
Corporate and Community Services
RESPONSIBLE OFFICER: Suzie Haslehurst – Executive Manager
Corporate and Community Services
PREVIOUSLY BEFORE COUNCIL: SY131-10/16 24 October 2016
DISCLOSURE OF INTEREST: Nil
APPENDICES:
1. Shire of York Financial Management Review
2. Letter from Moore Stephens

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

This report presents the findings of Moore Stephens following a Financial Management Review of the Shire of York and provides context for several other reports submitted to this meeting relating to financial matters.

Background:

In accordance with Regulation 5 (2) (c) of the Local Government (Financial Management) Regulations 1996, the Chief Executive Officer is required to;

“undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews”.

In October 2016, Council resolved the following (Resolution 171016);

Moved: Cr Saint

Seconded: Cr Ferro

“That Council:

Accepts the recommendations of the Audit Committee as detailed in the Minutes of the Audit Committee Meeting held on Monday, 17 October, 2016 as follows:

1. *ACCEPTS the proposal from Moore Stephens to undertake the package of work as follows:*
 - *Review of Financial Management systems and procedures pursuant to Regulation 5 of the Local Government (Financial Management) Regulations 1996 for the sum of \$7,000*
 - *Review of Risk Management, Internal Control and Legislative Compliance*
 - *Pursuant to Regulation 17 of the Local Government (Audit) Regulations 1996 for the sum of \$10,000*
 - *Undertake the 2016/17 statutory financial audit for the sum of \$20,000*
2. *APPOINTS Moore Stephens as the Shire auditor to undertake the 2016/17 Financial Audit pursuant to Section 7.3 of the Local Government Act 1995*
3. *AMENDS the CEO's KPI related to the submission of the report on Financial Management Systems to 30 June 2016.”*

CARRIED: 7/0

Moore Stephens is a respected accounting and audit firm that has an excellent track record for delivering high quality services to local governments across Western Australia. The largest auditor of local government in the State, Moore Stephens' client list for the year ended 30 June 2016 includes but is not limited to;

City of Albany	Shire of Augusta-Margaret River
Shire of Brookton	Shire of Chittering
Town of Claremont	City of Fremantle
City of Joondalup	Shire of Katanning
Shire of Mundaring	Shire of Northam
Shire of Serpentine-Jarrahdale	City of Subiaco
Shire of Toodyay	Shire of Westonia

Moore Stephens was engaged in November and it was determined that to achieve best value for the money, Moore Stephens would undertake the Financial Management Review (FMR) concurrently with the Shire's statutory interim audit (Interim Audit). It was further determined that the Audit Regulation 17 Review (Reg 17 Review) would commence at the same time.

Moore Stephens commenced this work in March 2017 and officers are now presenting the findings of the FMR for Council's consideration. It should be noted that the results of the Reg 17 Review will be presented to the June OCM and that officers are continuing to work with Moore Stephens on improvements to processes and procedures. The FMR report is attached at Appendix 1 of this report for Council's information.

In addition, officers requested Moore Stephens to undertake some analytics regarding the hospitality operations at the York Recreation and Convention Centre (YRCC). Stocktake records, daily takings, unit costs and gross profit percentage reports were supplied. The findings are provided in Appendix 2 attached to this report.

Comments and details:

Appendix 1 (FMR Report) includes the following;

- Independent Reviewer's Report to CEO
- Objective, scope and overview of findings
- Summary of findings
- An outline of the areas examined along with observations and comments
- Reminders for Shire officers

This report is intended to identify areas for improvement in the Shire's financial management and to provide a benchmark for future reviews.

In the report to the CEO, the reviewer made the following comment;

Based on our work described in this report (which is not an audit), nothing has come to our attention to indicate the Shire of York has not established and maintained, in all material respects, appropriate and effective financial management systems and procedures during the period covered by our review being 1 July 2016 to 28 February 2017.

Notwithstanding, the summary of findings provides clear direction to Shire officers regarding areas for improvement and their risk rating. Some of these improvements have or will be actioned immediately based on risk, others are being reviewed and processes developed. The following table provides the matters noted by Moore Stephens and an outline of the action to date/proposed action for Council's consideration and information.

FINDINGS	RATING	OFFICER RESPONSE / ACTIONS
BANK RECONCILIATIONS		
Bank reconciliations are not reviewed by a senior staff member independent of preparation.	Moderate	New process developed, approved, documented and implemented where the reconciliation is prepared by the Finance Officer and signed by the Financial Manager.
TRUST FUNDS		
Funds held in trust for >10 years with no action.	Minor	Review of all trusts to be undertaken in 2017/18 financial year.
RECEIPTS AND RECEIVABLES		
Two instances where independent review of Sundry debtors reconciliation was not evidenced.	Minor	New process developed, approved, documented and implemented where the reconciliation is prepared by the Finance Officer and signed by the Financial Manager.
Gaps with respect to general cash handling procedures noted.	Moderate	Officers are undertaking a review of all procedures across the organisation with an intended completion date of 31 December 2017.
RATES		
Four instances where independent review of Rates debtors reconciliation was not evidenced.	Minor	New process developed, approved, documented and implemented where the reconciliation is prepared by the Finance Officer and signed by the Financial Manager.
PURCHASES, PAYMENTS AND PAYABLES (INCLUDING PURCHASE ORDERS)		
Noted instances where the supplier invoice did not include appropriate payment authorisation stamp.	Moderate	These instances occurred prior to the adoption of the Shire's reviewed Policy Manual in October 2016. All staff have been inducted and invoices are not paid unless authorised in accordance with the Shire of York Purchasing Policy F1.2
Noted instances where the purchase order did not precede the supplier invoice.	Moderate	Staff have been reminded that purchasing must be in accordance with the Shire of York Purchasing Policy F1.2. Repeated instances will result in authority to purchase being rescinded.
Changes to supplier details:		
- not adequately segregated	Significant	New process developed, approved, documented and implemented a series of checks are undertaken and documented by the Finance Officer then signed off by a senior officer prior to changes being made.
- lack appropriate level of evidence	Significant	Above process includes a form that is completed and attached to supporting documentation, recorded and filed.
PAYROLL		
Audit trail for changes to master file details only reviewed monthly, instead of at every payrun.	Significant	Audit trail is now reviewed and signed off by a senior officer prior to and after, every payrun. Process to be documented.
Noted a number of employee files missing critical information, ie. Signed contracts and Wage review letters.	Moderate	This was also identified during the HR project undertaken during Dec - Apr and progress has been made in this area. This issue will be fully addressed prior to 30 June 2017.
Changes to employee details:		
- not adequately segregated	Significant	New process developed, approved, documented and implemented a series of checks are undertaken and documented by the FO then signed off by a senior officer prior to changes being made.

- lack appropriate level of evidence	Significant	Above process includes a form that is completed and attached to supporting documentation, recorded and filed on the employee's personnel file.
FINANCIAL REPORTS		
Annual financial report was not lodged with the department within 30 days of receiving the auditor's report (albeit only one day late).	Minor	Noted.
Monthly financial reports presented to council missing required information.	Minor	Page 15 of the report acknowledges that this could occur due to information being unavailable immediately subsequent to year end. Officers have confirmed that this was the case.
GENERAL AND COMPLIANCE ISSUES		
Review of reconciliations by a person independent of preparation is not always evidenced.	Minor	New process developed, approved, documented and implemented where the reconciliation is prepared by the Finance Officer and signed by the Financial Manager.
No formal documentation noted in relation to the daily procedures performed by accounting staff.	Minor	Officers are undertaking a review of all procedures across the organisation with an intended completion date of 31 December 2017.

Appendix 2 to this report recommends that, while an analysis of trading operations at the YRCC from 2014 to present did not reveal any unusual fluctuations and that the operational deficit is largely due to employee costs, further review of procedures and controls should be undertaken. It is proposed that officers undertake an internal review of policies, procedures and processes at the YRCC and an improvement action plan is developed and implemented as a short term measure until a decision is made regarding the management of the YRCC.

Implications to consider:

- Consultative**
 Moore Stephens
- Strategic**
 This action was included in Council's Corporate Business Plan and was intended to identify areas for improvement so that Council and the community can have confidence in the quality of the Shire's financial management. It also provides a benchmark for future reviews which are required to be undertaken every four years at a minimum.
- Policy related**
 The Shire's entire Policy Manual has been reviewed by Moore Stephens as part of the FMR, the Interim Audit and the CEO Review.
- Financial**
 As per the resolution outlined above, the accepted fee for this work is \$7,000 (GL 42169). The findings of the FMR did not identify any issues that are likely to significantly impact the Shire's budget. The additional work requested regarding the YRCC attracted a further fee of \$5,164 (GL 113166).

- **Legal and Statutory**

Local Government (Financial Management) Regulations 1996 (as amended)

5. *CEO's duties as to financial management*

(2) *The CEO is to —*

- (a) *ensure that the resources of the local government are effectively and efficiently managed; and*
- (b) *assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and*
- (c) *undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews.*

[Regulation 5 amended in Gazette 31 Mar 2005 p. 1047 and 1053.]

- **Risk related**

The FMR report provides a risk rating for each of the matters identified and a matrix of the rating assessment. As outlined above, officers have actioned those matters rated as 'significant' and action has commenced for all other identified matters.

- **Workforce Implications**

The recommendations from the FMR can be undertaken within existing resources.

Voting Requirements:

Absolute Majority Required: No

**RESOLUTION
100517**

Moved: Cr Saint

Seconded: Cr Walters

“That Council:

- 1. Receives the Financial Management Review undertaken by Moore Stephens in accordance with Regulation 5 (2) (c) of the Local Government (Financial Management) Regulations 1996 as attached to this report.***
- 2. Notes that nothing in the report indicates that the Shire of York has not established and maintained, in all material respects, appropriate and effective financial management systems and procedures during the period of review (1 July 2016 – 28 February 2017).***
- 3. Further notes;***
 - (a) the progress made to date and intended actions in relation to the matters raised in the Financial Management Review.***
 - (b) that notwithstanding the management review currently underway, officers will undertake an internal review of processes and procedures at the YRCC and develop and implement an improvement action plan.***
 - (c) that the outcomes of the Audit Regulation 17 Review will be presented to Council in June.”***

CARRIED: 7/0

SY053-05/17 – Policy – Pensioner Curtilage Rebates

FILE REFERENCE:	FI.RTS.2
APPLICANT OR PROPONENT(S):	N/A
AUTHORS NAME & POSITION:	Anneke Birleson, Finance Officer
RESPONSIBLE OFFICER:	Suzie Haslehurst, Executive Manager Corporate and Community Services
PREVIOUSLY BEFORE COUNCIL:	No
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	<ul style="list-style-type: none">- Letter from Department of Finance- F1.7 Concessions on Commercial and Farming Properties Occupied by Pensioners/Seniors

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

The purpose of this report is to seek Council's consideration and approval for advertising of a proposed Finance Policy 'F.1.7 Concessions on Commercial and Farming Properties occupied by Pensioners/Seniors'.

Background:

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

The Shire of York currently does not have a policy relating to how curtilage rebates are to be calculated. The Office of State Revenue has advised that the Shire of York put a policy in place in respect of the application of Section 28(2) to ensure consistency and fairness.

A rebate can only be claimed on one property and is only applicable to the rates and Emergency Services Levy part of a rates account. To be eligible to make a claim for a rebate, the Act states the applicant must:

- Be the holder of a relevant card issued by the appropriate government department.
- Be the owner or co-owner of the property.
- Occupy the property as their 'ordinary place of residence' on 1 July of the rating year in which the rebate is applied for.

If eligible, the applicant may be entitled to claim a rebate of:

- Up to 50% (subject to an annual maximum amount as set by the State Government) for Pensioners.
- Up to 25% (subject to an annual maximum amount as set by the State Government) for Seniors.

On 25 October 2016, the Shire received correspondence from the Department of Finance requesting the Shire review its pensioner data to ensure rebates are calculated correctly in respect of property curtilage factors (Appendix 1) prior to 30 June 2017.

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

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

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

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

Comments and details:

A number of owner occupiers in the Shire of York have sought to obtain a rebate on a rural or commercial property, where the property is their ordinary place of residence. It is in these cases that Section 28(2) of the Act is relevant.

To establish an equitable solution, the concession options available, as outlined in the procedural manual, must be considered:

1. No concession;
2. a proportionate rebate, based on the area used for residential purposes against that used for commercial or farm (income generating) purposes;
3. a proportionate rebate, by applying an arbitrary curtilage of 2 ha in respect to the residential component of the rated property;
4. a minimum rate or valuation based rate, for example, in the case of hobby farms or where the residence is situated on a distinct identifiable parcel of land that has no commercial use, irrespective of the property size; or
5. a concession based on the total rates levied against the property, notwithstanding that all or part of the property may have some commercial/farm use.

Considering the nature of the affected properties within the Shire of York, options 1, 4 and 5 would be inappropriate and/or inequitable with reasons outlined below.

Option	Considerations
1	Whilst the Shire is not obligated to grant a concession to persons residing on a property used to generate income it could be perceived as inequitable to not apply the concession to the portion of the land area that is solely used for residential purposes by the concession holder.
4	The properties under consideration do not have a distinct parcel of land solely used for the residence.
5	A concession on the total rates levied would be inequitable considering the commercial nature of the properties.

Therefore, the most equitable method is to apply a proportionate rebate based on the area of land used solely for residential purposes (Option 2). However, there may be some difficulty with this when the area used solely for residential purposes may be difficult to determine. In these cases, Option 3 is the most appropriate, using the arbitrary two hectares.

Officers have developed a policy as attached to this report for Council's consideration.

Implications to consider:

- **Consultative**

Consultation was undertaken with officers at the Office of State Revenue to determine the best method applicable to the Shire of York. In addition the following Shires were contacted regarding their processes in relation to this matter;

- Shire of Beverley (no applicable properties reported)
- Shire of Toodyay (full rebate provided)
- Shire of Northam (as proposed by Officers but no policy is in place).

If Council agrees to the Policy being advertised all 16 people affected by this situation will be written to advising of the draft Policy

- **Policy related**

Proposed policy is attached as Appendix 1. It is recommended that this policy is advertised for public comment with a closing date of 12 June 2017 and that any submissions are considered by Council prior to adoption.

- **Financial**

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

- **Legal and Statutory**

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

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

- **Risk related**

The proposed policy reduces the risk of inequality and perceived unfairness across all eligible concession holders.

Voting Requirements:

Absolute Majority Required: No

**REOLUTION
110517**

Moved: Cr Smythe

Seconded: Cr Heaton

“That Council:

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

CARRIED: 7/0

SY054-05/17 - Advertising Proposed General Rates and Minimum Payments for 2017/18

FILE REFERENCE:	FI.BUD1718
APPLICANT OR PROPONENT(S):	Shire of York
AUTHORS NAME & POSITION:	Tabitha Bateman, Finance Manager
RESPONSIBLE OFFICER:	Suzie Haslehurst, Executive Manager Corporate and Community Services
PREVIOUSLY BEFORE COUNCIL:	No
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Nil

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

The purpose of this report is for Council to consider the general rates and minimum rates on rateable property within the Shire proposed for inclusion in the 2017/18 Municipal Budget and seeks approval to publicly advertise this information.

Background:

Council needs to charge rates to raise revenue for the delivery of vital community services and infrastructure, such as roads, footpaths, parks, libraries etc. Each year, as part of the budget process, Council determines the rates and charges for the financial year.

During the budget process Councillors and staff carry out a number of evaluation exercises to help determine what level of rates to charge, such as:

- determining the range and level of services it needs to support the community for example, waste management, facilities maintenance, local roads etc
- deciding how much money is needed to fund services and infrastructure
- establishing how much funding it can expect to receive from the federal and state governments and other income sources
- determining how much money is required from rates and charges to cover the balance of expenditures, and deciding on the best mix of rates and charges to provide these services to the community.

In December 2016, Council endorsed a process and timeline for the preparation and adoption of the 2017/18 Budget. This process included publicly advertising the proposed rate in the dollar amounts for a period of two weeks.

Comments and details:

The adoption of the Corporate Business Plan and Long Term Financial Plan in 2016 proposed an increase to the rates of 3.75% in 2017/18. Following a significant increase in rate revenue brought about by a revaluation of all GRV properties in 2016, Council is sensitive to future rate increases and receptive to the concerns of the community. As a result, officers prepared a number of different budget scenarios which Councillors considered at budget workshops held on 1 and 8 May 2017.

At these workshops, Council considered the following with regard to the draft budget;

- Priorities identified in the Community Scorecard survey including improving leadership and value for money, tourism and economic development initiatives, restoring and enhancing the Avon River and Avon Terrace precincts, better roads, footpaths, cycleways and streetscapes.
- Capital expenditure/asset management priorities including levels of service for roads, renewals and upgrades to infrastructure.
- Opportunities for grant funding to offset capital and operating costs
- Salaries and Administration Tribunal determination of no increases for CEO's and elected members.

In light of these discussions, the draft budget incorporates an increase in general rates of 1.5% for the 2017/18 year and keeping minimum rates at the current levels.

Properties in the Shire of York are rated based on the Gross Rental Value (GRV) or Unimproved Value (UV) of the property. Landgate Valuation Services provided a new GRV for every property in the shire as at 1 July 2016 and does so on a three to five yearly cycle. New UVs are provided annually around May each year. Council is obliged to use these values to establish the 2017/18 rates - which are determined by applying a nominated rate in the dollar to the GRV or UV of each property to set the rates to be levied against each property.

The Minimum Rates (determined to be the minimum equitable cost of servicing lots within the district) is proposed to again remain at the 2015/16 rates being \$1,080.00 for GRV properties and \$1,480.00 for UV properties.

It is proposed that the rate in the dollar for Gross Rental Value (GRV) will increase from \$0.116739 to \$0.118490 for the 2017/18 financial year. The rate in the dollar for Unimproved Value (UV) will increase from \$0.008873 to \$0.009006 for the 2017/18 financial year.

There can be a tendency for ratepayers and others to use the Consumer Price Index (CPI) as the benchmark for any rate increases. The CPI for the March quarter was reported at 1% but represents only some of the costs experienced by local governments. In addition to the CPI, the Local Government Cost Index (LGCI) is also considered which is approximately 2.7%. Again, the LGCI couldn't be used in isolation as the basis for all rate increases.

The reality is that Council often has to consider expansion or upgrades to services and infrastructure to meet the demands of the community. It needs to be highlighted therefore, that rate increases not only include an inflationary element but also reflect the need to increase expenditure to improve service delivery.

In addition, Council must have regard for the Shire's on-going financial viability. It should be noted that the Shire's adopted Long Term Financial Plan indicates an annual rate rise of 3.75% in 2017/18, increasing to an annual rise of 4.5% in 2020/21 to achieve the objectives in the adopted Strategic Community Plan. Therefore, in order to achieve more modest future rate rises, Council will need to make decisions about what can and can't be included in each annual budget to ensure sustainability.

Implications to consider:

- **Consultative**
 - Councillors
 - Landgate Valuation Services

- **Strategic**

When setting the annual rates, Council considers what services and infrastructure are required and considers any strategic implications. The proposed increase for rates in 2017/18 varies from 2016 Corporate Business plan as a result of the recent community survey where residents expressed major concerns over the recent rate increases. In response to the survey, Council reduced the number of new spends in turn, reducing the proposed rate increase.

- **Policy related**

G 2.9 Community Engagement and Consultation.

- **Financial**

This report is provided for information purposes and therefore has no financial implications at this stage. The advertised rates will form part of the 2017/18 Draft Budget to be presented to Council.

- **Risk Related**

While attempting to meet the expectations of the community by keeping rate increases down there can be risk surrounding future sustainability. Keeping the rate increases between the CPI and LGCI could pose future stress Council's ability to maintain a level of service that is satisfactory.

- **Legal and Statutory**

As the Shire does not impose differential rates there is no statutory obligation to advise the proposed rate in the dollar. This is being undertaken in an attempt to be transparent and provide an opportunity to commit.

Local Government Act 1995

6.32. Rates and service charges

(1) *When adopting the annual budget, a local government —*

- (a) *in order to make up the budget deficiency, is to impose* a general rate on rateable land within its district, which rate may be imposed either —*
 - (i) *uniformly; or*
 - (ii) *differentially;*
- (b) *may impose* on rateable land within its district*
 - (i) *a specified area rate; or*
 - (ii) *a minimum payment;**and*
- (c) *may impose* a service charge on land within its district.*

** Absolute majority required.*

(2) *Where a local government resolves to impose a rate it is required to —*

- (a) *set a rate which is expressed as a rate in the dollar of the gross rental value of rateable land within its district to be rated on gross rental value; and*
- (b) *set a rate which is expressed as a rate in the dollar of the unimproved value of rateable land within its district to be rated on unimproved value."*

“6.35. Minimum payment

- (1) *Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.*
- (2) *A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.*
- (3) *In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —*
 - (a) *50% of the total number of separately rated properties in the district; or*
 - (b) *50% of the number of properties in each category referred to in subsection (6), on which a minimum payment is imposed.*
- (4) *A minimum payment is not to be imposed on more than the prescribed percentage of —*
 - (a) *the number of separately rated properties in the district; or*
 - (b) *the number of properties in each category referred to in subsection (6), unless the general minimum does not exceed the prescribed amount.”*

Voting Requirements:

Absolute Majority Required: No

**RESOLUTION
120517**

Moved: Cr Saint

Seconded: Cr Smythe

“That Council:

- 1. *Endorses for public advertising the following proposed rate increases for inclusion in the 2017/18 Municipal Budget;***
 - (a) *General rates representing a 1.5% increase on 2016/17 resulting in the following rate in the dollar amounts:***
 - (i) *Gross Rental Values of property - 11.8490 cents in the dollar***
 - (ii) *Unimproved Values of property - 0.9006 cents in the dollar***
 - (b) *Minimum rates representing a 0% increase on 2016/17 being:***
 - (i) *\$1,080.00 per Gross Rental Value***
 - (ii) *\$1,480.00 per Unimproved Value***
- 2. *Requests the Chief Executive Officer to publicly advertise the proposed rate increases for a period of 14 days.”***

CARRIED: 6/1

Cr Walters requested that her name be recorded as voting against this motion

SY055-05/17 – Sundry Debts – Review of Debts Outstanding for a period in Excess of 90 Days

FILE REFERENCE:	FI.DRS
APPLICANT OR PROPONENT(S):	Various
AUTHORS NAME & POSITION:	Anneke Birleson, Finance Officer
RESPONSIBLE OFFICER:	Suzie Haslehurst, Executive Manager Corporate and Community Services
PREVIOUSLY BEFORE COUNCIL:	No
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Confidential for Councillors only - <ul style="list-style-type: none">• List of outstanding fines for which the period for prosecution has expired.• Background information regarding liability for debt disputes

Appendices 1 and 2 are confidential under Section 5.23 (2) (b) of the Local Government Act 1995 in that it deals with “the personal affairs of any person.”

Copies have been provided to Councillor’s, the Chief Executive Officer and Executive Managers only.

Nature of Council’s Role in the Matter:

- Executive

Purpose of the Report:

- This report seeks to provide Council with background information in relation to a number of outstanding sundry debts that remain outstanding for a period in excess of 90 days.
- To provide Council with recommendations regarding the best options moving forward, following advice from auditors to review the large number of outstanding debts owed to the Shire.
- To seek Council approval for a number of write-offs, where all other options have been considered.

Background:

Officers have been working for sometime to resolve outstanding debts. Recent financial audits and the most recent Financial Management Review the Shire have confirmed the need to take reasonable steps to resolve its current level of outstanding debts. Accordingly, officers have reviewed the outstanding debts and referred to relevant legislation to consider and act on the best options for recovery of such debts.

This report relates to sundry debts where the Shire of York Finance Policy F1.1 Revenue Collection and procedures are not relevant or appropriate and therefore, requires Council approval prior to proceeding with the recommended course of action.

In accordance with Section 6.12 of the *Local Government Act 1995*, Council is empowered to write-off monies owing to the Shire of York by absolute majority.

Council authorisation to write off a bad debt does not stop Council reinstating the debt if future circumstances change and the debt can be collected. This action constitutes responsible financial management as opposed to Council being seen to be tolerant of non-payment of debts.

Comments and details:

As at 30 April 2017 there are a total 63 sundry debtors with outstanding debts owed to the Shire of York for a period in excess of 90 days. The outstanding debts can be grouped into four main categories, three of which require consideration by Council.

Category	Description	Number of Debtors	Amount
1	Debts that have been paid since 30 April, are under a payment arrangement, or are currently being dealt with in accordance with the Shire of York Policy F1.1 Revenue Collection. Twenty six (26) of these are less than a year outstanding.	37	\$54,582.60
2	Unpaid fines where the period for prosecution has expired.	23	\$ 15,695.00
3	Long running disputes with the debtor resulting in no mutually acceptable solution.	2	\$ 2,153.25
4	Legal action has been taken and further consultation with solicitors is required prior to making a recommendation to Council in June 2017.	1	\$252,900.50
Total outstanding amount owed to the Shire for a period in excess of 90 days			\$325,331.35

Category 1 – Managed under current Shire policies and procedures

This category may contain the largest number of debtors but the amounts owed by each debtor are generally low, with a few exceptions. These outstanding debts can be managed using the Shire's Revenue Collection Policy and associated procedures. These debts are not the subject of this report, but have been mentioned for information purposes.

Category 2 – Unpaid Fines

Prior to the Shire registering as a prosecuting authority with the Fines Enforcement Registry (FER), any fines issued by Ranger Services were raised in the debtors system as an outstanding debt to the Shire. The only option available to the Shire was legal action via the debt collection process. The values of each individual debt would not warrant the costs involved with such proceedings, thus leaving a number of these fines outstanding.

This step is no longer appropriate following adoption of the Shire of York Finance Policy F1.1 Revenue Collection, and the Shire becoming a prosecuting authority. Any current and new fines issued are to be monitored through internal Shire procedures and referred straight to FER after the required notice periods.

A number of fines issued within the last few years remain unpaid and the period for commencement of prosecution has expired.

The Statute of Limitations refers to the registration window in which an unpaid infringement can commence prosecutions and be registered at Fines Enforcement Registry (FER). The commencement of prosecution is when the unpaid infringement is lodged with FER.

Generally, commencement of prosecutions must commence within 12 months of the alleged offence, in accordance with Section 21 of the *Criminal Procedures Act 2004*. Therefore, fines relating to the *Dog Act 1976*, the *Cat Act 2011* and the *Bush Fires Act 1954*, must be lodged with FER within 12 months of the offence being committed.

In accordance with Section 21(2) of the *Criminal Procedures Act 2004*, the 12 months applies unless another written law provides otherwise. Section 9.25 of the *Local Government Act 1995* provides that for offences made under this Act prosecution can be commenced within two (2) years after the offence was committed. This would include vehicle related fines, such as parking offences or obstruction of thoroughfares.

Appendix 1 provides a table of the infringements, dating from July 2014 to early 2016, for which the period for prosecution has expired and cannot therefore be registered with FER and for which the Shire has no legal recourse to pursue. There are four occurrences where the amount outstanding does not match the prescribed fee, in accordance with the relevant legislation. In these cases, the debtor initially made a part payment and no further payment has been received. This report seeks Council approval to write off 63 fines totalling a due amount of \$15,695.

Category 3 – Long Running Disputes

On occasion, a debt raised as an invoice is disputed by the debtor. Should it be found that the debt was raised in error it is possible to raise a credit note against the debt without the requirement for Council approval, given that there is supporting evidence and full justification for the credit note. All credit notes are authorised by the relevant Executive Manager.

Council may elect to write-off debts when it becomes clear for various reasons that the customer will never pay. This can occur when the customer goes out of business, is sued by other creditors, or simply challenges the legitimacy of the obligation. Once all legal avenues have been exhausted and payment of the outstanding debt has not been achieved, Council has little recourse other than to write the debt off.

Two outstanding debts have remained unpaid for a number of years, as early as 2009. Appendix 2 provides background information and supporting documentation relating to the disputes. Where these debts may have ordinarily been resolved through a credit note the time period for which these debts have remained unpaid presents valid reason for Council to be involved with reviewing the cases and consider the matters for write-off.

Category 4 – Current Legal Action

The Shire is in the process of seeking legal advice regarding the next step in relation to this large outstanding debt and will be putting a report to Council in June 2017 with a view to resolve the matter prior to the end of the 2016/17 financial year.

Implications to consider:

- **Policy related**

The new Finance Policy F1.1 Revenue Collection adopted in October 2016 clearly identifies the steps that the Shire is to undertake in relation to outstanding debts. There was previously no policy in place.

- **Financial**

The write-off of unpaid infringements, where the period for commencement of prosecution has expired totals \$15,695.00, for a total of 23 sundry debtors. There is no provision in the 2016/17 budget for the write-off of these debts.

If the write-offs for the Category 3 debts are approved the Shire of York will see a loss of income of \$1,243.00 and must absorb the cost of the works carried out at the YRCC amounting to \$ 910.25. These costs have been provided for under GL 39107 leaving a balance of \$346.75.

- **Legal and Statutory**

Section 21 of the *Criminal Procedures Act 2004*

21. When prosecution can be commenced

- (1) *A prosecution of a person for an indictable offence may be commenced at any time, unless another written law provides otherwise.*
- (2) *A prosecution of a person for a simple offence must be commenced within 12 months after the date on which the offence was allegedly committed, unless another written law provides otherwise or the person consents to it being commenced at a later time.*
- (3) *A prosecution is commenced —*
 - (a) *on the day on which a prosecution notice is signed under section 23 by the prosecutor and either a JP or a prescribed court officer; or*
 - (b) *in the case of a prosecution notice signed under section 23 by an authorised investigator alone — on the day on which the notice is lodged with the court in which the prosecution is being commenced, whether or not the notice has been served on the accused.*

Local Government Act 1995

9.25 Prosecutions, time limit for

- (1) *Proceedings for an offence against section 4.85, 4.86, 4.91(1), 5.65, 5.67, 5.69(4), 5.69A(4), 5.70, 5.71, 5.75, 5.76, 5.78, 5.89B, 5.89 or 5.93 may be commenced at any time.*
- (2) *Proceedings for any other offence against this Act may be commenced within 2 years after the offence was committed, but not later.*

Section 6.12 of the Local Government Act 1995

- (1) *Subject to subsection (2) and any other written law, a local government may —*
 - (a) *when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or*
 - (b) *waive or grant concessions in relation to any amount of money; or*
 - (c) *write off any amount of money,*
which is owed to the local government.

** Absolute majority required.*

- (2) *Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*
- (3) *The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*
- (4) *Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.*

- **Risk-related**

Depending on the outcome there is a risk that; (a) some community members could perceive Council to be lenient in their approach to non-payment of debts, or (b) these debts continue to be pursued with no chance of collection resulting in inefficient use of Council resources.

Voting Requirements:

Absolute Majority Required: **Yes**

**RESOLUTION
130517**

Moved: Cr Ferro

Seconded: Cr Smythe

“That Council

- 1. Notes that the period for prosecution has expired for the infringements detailed in Appendix 1 to this report, in accordance with Section 21 of the Criminal Procedures Act 2004 and Section 9.25 of the Local Government Act 1995.***
- 2. Approves the write-off the infringements detailed in Appendix 1 to this report, amounting to \$15,695.00.***
- 3. Approves the write-off of the outstanding debts detailed in Appendix 2 to this report amounting to \$2,153.25.”***

**CARRIED: 7/0
WITH ABSOLUTE MAJORITY**

SY056-05/17 – Financial Report for April 2017

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

Nature of Council's Role in the Matter:

- Legislative
- Review

Purpose of the Report:

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

Background:

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

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

Comments and details:

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

- Monthly Statements for the period ended 30 April 2017
- List of Creditor's 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 30 April 2017;

Outstanding Rates and Services

Total outstanding rates as at 30 April 2017 are \$1,188,230 compared to \$1,269,994 as at 31 March 2017.

Previous Years

3 years and over	\$176,667.33	14.87%	of rates outstanding
2 years and over	\$127,980.17	10.77%	of rates outstanding
1 year and over	\$307,005.45	25.84%	of rates outstanding
Total Prior Years outstanding	\$611,652.95	51.48%	of rates outstanding
Current Rates	\$576,577.18	48.52%	of rates outstanding
Total Rates Outstanding	\$1,188,230.13		

Outstanding Sundry Debtors

Total outstanding sundry debtors as at 30 April 2017 are \$376,131 compared to \$347,799 as at 31 March 2017.

90 days and over	\$326,220.60	86.73%	of sundry debtors outstanding
60 days and over	\$424.90	0.11%	of sundry debtors outstanding
30 days and over	\$2,517.06	0.67%	of sundry debtors outstanding
Current	\$46,968.81	12.49%	of sundry debtors outstanding
Total Debtors Outstanding	\$376,131.37		

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

Implications to consider:

- **Legal and Statutory**

Local Government Act 1995

6.10. *Financial management regulations Regulations may provide for —*

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

Local Government (Financial Management) Regulations 1996

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

(1A) *In this regulation —*

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

- (1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —*
 - (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*
 - (b) *budget estimates to the end of the month to which the statement relates; and*

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

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

- **Policy**

Policy F1.2 Procurement

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

Voting Requirements:

Absolute Majority Required: No

**RESOLUTION
140517**

Moved: Cr Randell

Seconded: Cr Heaton

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

Apr-17

MUNICIPAL FUND	AMOUNT
Cheque Payments	56,704.70
Electronic Funds Payments	590,540.83
Payroll Debits	179,423.18
Payroll Debits - Superannuation	39,633.38
Bank Fees	1,246.40
Corporate Cards	397.80
Fuji Xerox Equipment Rental	161.41
Fire Messaging Service	132.66
TOTAL	868,240.36

TRUST FUND	
Electronic Funds Payments	7,715.44
Cheque Payments	40.00
Direct Debits Licensing	93,794.10
TOTAL	101,549.54

TOTAL DISBURSEMENTS	969,789.90
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”

CARRIED: 7/0

SY057-05/17 – Investments – April 2017

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

Nature of Council's Role in the Matter:

- Legislative
- Review

Purpose of the Report:

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

Background:

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

Comments and details:

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

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

Implications to consider:

- **Legal and Statutory**

Local Government Act 1995

6.14. Power to invest

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

Local Government (Financial Management) Regulations 1996

19. Investments, control procedures for

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

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

- (1) *In this regulation —*

authorised institution means —

- (a) *an authorised deposit-taking institution as defined in the Banking Act 1959 (Commonwealth) section 5; or*
- (b) *the Western Australian Treasury Corporation established by the Western Australian Treasury Corporation Act 1986;*

foreign currency means a currency except the currency of Australia.

- (2) *When investing money under section 6.14(1), a local government may not do any of the following —*
 - (a) *deposit with an institution except an authorised institution;*
 - (b) *deposit for a fixed term of more than 12 months;*
 - (c) *invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;*
 - (d) *invest in bonds with a term to maturity of more than 3 years;*
 - (e) *invest in a foreign currency.*

- **Policy**

Policy F1.4 Investment

Voting Requirements:

Absolute Majority Required: No

RESOLUTION

150517

Moved: Cr Saint

Seconded: Cr Randell

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

CARRIED: 7/0

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

**12. BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING -
Late Item**

RESOLUTION

160517

Moved: Cr Saint

Seconded: Cr Ferro

***“That Council accepts the Development Application: St Johns Ambulance
Redevelopment: Lots 22 and 205 Joaquina Street, York as a Late Item.”***

CARRIED: 7/0

SY058-05/17 – Development Application: St Johns Ambulance Redevelopment: Lots 22 and 205 Joaquina Street, York

FILE REFERENCE: JO1.12191
APPLICANT OR PROPONENT(S): St Johns Ambulance
AUTHORS NAME & POSITION: Carly Rundle, Senior Planner
RESPONSIBLE OFFICER: Paul Crewe, Executive Manager Infrastructure & Development Services
PREVIOUSLY BEFORE COUNCIL: No
DISCLOSURE OF INTEREST: Nil
APPENDICES: A – Site Plan
B – Development Plans

Nature of Council's Role in the Matter:

- Quasi-judicial

Purpose of the Report:

The purpose of the report is to request Council to make a determination on a development application received for the re-development of the St Johns Ambulance building located at Lots 22 and 205 Joaquina Street, York.

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

Background:

Lots 22 and 205 (Hse 14) Joaquina Street are 692m² and 975m² respectively, located within the York town site at the corner of Railway and Joaquina Street (refer Site Plan at **Appendix A**). The properties contain the existing St Johns Ambulance building which consists of covered areas for ambulance parking, training room, offices, storerooms and amenities. St Johns Ambulance provides an essential community service responding to emergency calls, and first aid training.

A fire in August 2016 caused extensive damage to the building and ambulance parking. A development application (Appendix B) has now been received to repair the damage and undertake a wider redevelopment/upgrading of the building to cater for future demands including:

- Increase in overall floor area of 90.8m²;
- Upgrading of amenities and facilities for volunteers;
- Reconstruction and increase in size of ambulance parking area;
- Reconfiguration and extension of training room area and facilities to suit first aid and training needs; and
- Upgrading of facilities designed to accommodate use of the facility as a Major Incident Response Centre, with the ambulance bays and training rooms suitable.

The application also requested that the Council waive relevant fees and charges associated with the project.

The application was publicly advertised for a period of 14 days ending 4.00 pm 12 May 2017. One submission was received from the Heritage Council with no objections to the proposal, and comments received from the Shires Heritage Advisor.

Comments and details:

Development applications are required to be assessed in accordance with the Shire of York's Local Planning Scheme No.2 and Planning and Development (Local Planning Schemes) Regulations 2015 – Deemed Provisions. An assessment against the relevant provisions is outlined below.

Zoning & Land Use

The property is identified as a reserve for 'Public Purpose' and currently used by the St Johns Ambulance as a training centre, to house ambulances and respond to emergency calls.

The Scheme does not provide specific provisions for 'Reserves'. In absence of this, Schedule 1 – Model Provisions for Local Planning Schemes of the *Regulations* provides a guide as to their purpose and specifies the objectives of a 'Public Purpose' reserve as:

“To provide for a range of essential physical and community infrastructure”.

St Johns Ambulance provides an essential community service and facilities for emergency services and its continued operation and location of the site is considered consistent with the intent of the public purpose reserve.

Car Parking

Clause 4.5 of the Scheme requires car parking spaces to be appropriately located and designed, and the number of spaces provided to be as per Schedule 4. Schedule 4 does not specifically address car parking requirements for community/public purpose land uses, and is therefore discretionary.

The applicant has provided that the standard operation of the building involves two persons on site and training courses generally occur once a month from February to November and cater for approximately ten persons.

Car parking spaces are currently provided via a separate entry to the northern part of the lot and via a double garage existing on the site. This is consistent with Local Planning Policy No. 3 Heritage Precincts and Places requiring car parking to be located to the rear. There is space for approximately five bays (or four inclusive of a disabled bay) in the rear parking area and two within the double garage. Ambulance parking will occur in designated bays within the building.

It is considered that the car parking on site is sufficient for operational uses and training days. A car parking plan will be conditioned on approval to accurately assess disabled parking requirements and configuration of parking.

York Central Heritage Precinct

The property is located within the York Central Heritage Precinct and immediately surrounded by a number of buildings to the north and west listed on the State Heritage Register (York Railway Station, York War Memorial and Convent of Mercy and School). Consideration is required to be given to the impact on adjoining heritage listed buildings, as well as Clause 5.1.3 of the Scheme requiring development to be in accordance with an adopted Local Planning Policy setting out objectives and guidelines for development for conservation of heritage values of the heritage precinct. Local Planning Policy No. 3: Heritage Precincts and Places (LPP3) applies and specifically Section 4 relating to commercial development has been considered during assessment, which requires consideration of scale, size, form, siting, external appearance and colours and materials.

The overall form of the proposed development, will be single storey, with a 15 and 22 degree traditional pitched roof which is sympathetic to surrounding development in the locality and a gabled end roof facing Joaquina Street. The pitch of part of the roof is lesser than the minimum 22 degrees required by the policy, however is proposed to be a higher pitch than the existing building (10/15 degree roof pitch), and is supported as it will be relatively consistent with surrounding development.

The policy requires consideration of size and scale, and generally requires that plate, wall heights to be consistent with neighbouring buildings in the streetscape.

The proposed finished floor level will match that of the existing development, and the wall height of the majority of the building will be 2.7m, with the pitch increased to 5.5m, consistent with surrounding development.

The new ambulance parking area has been increased in area, resulting in an 18m long, 3.7m high wall (3.4m to the eaves), containing a gas bottle storage area, and vents presenting as the elevation visible to Railway Street. This is an increase from the previous 8.5m, 3.2m brick wall. The increased height and length of this wall (particularly combined with the existing 3.4m high, 7.5m long outbuilding on this elevation) has potential to appear bulky and present a poor visual outcome to the highly visible elevation to Railway Street that may be out of character with the surrounding heritage values.

It is Officer's recommendation that a redesign of this elevation occur to improve the visual appearance and be consistent with surrounding heritage context. This may involve a potential reduction in height (given that the roller doors are shown at a height of 2.7m, and the pitched roof provides opportunity to redesign for increased internal space if required), treatments to the wall including inclusion of windows, landscaping or improvement in external materials. The applicant has suggested that the use of artwork could provide an improved visual outcome. A redesign of this specific area will be conditioned on approval. Preliminary discussions with the applicant regarding this matter have indicated that there are constraints relating to the length of the building which cannot be reduced, and that there may be constraints with reducing the height. A further issue raised related to the cost of development, and that other suggested amendments such as including windows, will require amendments to the plans incurring further drafting fees, additional engineer's fees if amendments are made to structural portions of the development and potential construction costs that have not been budgeted for.

Should councillors consider that the proposed development will not detrimentally impact on the visual amenity/heritage values of the precinct and surrounding buildings, condition 4(a)(i) requiring the redesign could be removed, or amended.

In terms of siting of the development on the property, the property is located within an area which does not contain retail as the primary use and most surrounding buildings have a setback of 2.5 to 4m. The proposed redevelopment involves a reduced setback from 7.4/8.5m to Joaquina Street to 3.2/3.8m, and a setback of 2/5.9m to Railway Street to 3/10.5m. Proposed setbacks are relatively consistent with surrounding development and are considered appropriate, subject to resolution of the potential amenity issues of the wall facing Railway Street.

Proposed Materials and colours for the development are; roof – zincalume, walls – corrugated iron (Dulux Moxa W GR6), and rendered feature wall (Red Box TR Dulux).



Moxa W GR6



The zincalume roof is considered an acceptable material under the policy, although the use of corrugated iron or colorbond on walls are only considered appropriate for side, rear walls and outbuildings.

The use of corrugated iron as the only wall materials facing Joaquina and Railway Street is likely to appear 'industrial' in appearance, out of character with surrounding development, is inconsistent with policy requirements and is not supported. A condition of approval will be included requiring submission of details of colours and materials schedule to negotiate an alternate material for the walls and/or reduced scale of use of corrugated iron/colorbond. Colours proposed are generally acceptable, although will be given further consideration as a condition of approval.

Signage

One wall sign is proposed as part of the development facing Joaquina street. Signage is required to be assessed in accordance with Clause 5.3 of the Scheme – control of advertisements, and LPP 3 and Local Planning Policy Advertising Signage.

The proposed sign is located on the proposed gable fronting Joaquina Street consisting of a logo and name affixed to the wall. The overall signage is no greater than 1.5m in height and 4m in length, appropriately located. The signage complies with relevant policies in that it is discrete, does not; dominate as a feature of the building, cover architectural details, protrude more than 300mm from the wall or exceed 10% of the building frontage.

Planning and Development (Local Planning Schemes) Regulations 2015

Other relevant provisions, to given due regard in assessment of a proposal within the Regulations Schedule 2 Clause 67 not previously addressed include:

- o) *The amenity of the locality including the following –*
 - i) *Environmental impacts of the development;*
 - ii) *The character of the locality;*
 - iii) *Social impacts of the development.*

Subject to conditions being implemented addressing the elevation to Railway Street, the proposal is not anticipated to detrimentally impact the amenity or character of the locality. The redevelopment is anticipated to have a positive social impact through improvising facilities for essential community services and volunteers that provide these services.

- (p) *any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource.*

Management of stormwater on site will be a condition of approval.

- q) *Whether adequate provision has been made for the landscaping of land to which the application relates and whether any trees or other vegetation on the land should be preserved*

No landscaping has not been proposed as part of the application, and the proposal will require the reduction of some existing minor landscaping facing Joaquina Street. Larger established trees should be maintained as a result of the redevelopment. Landscaping may be proposed by the applicant in response to condition 4(a)(i) addressing the Railway Street elevation.

- t) *The adequacy of –*
 - (i) *the proposed means of access to and egress from the site; and*
 - (ii) *arrangements for the loading and unloading, manoeuvring and parking of vehicles.*

Proposed access to the site, manoeuvring and parking of vehicles is not proposed to be amended and is adequate.

- u) *The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probably effect on traffic and safety.*

The redevelopment is not anticipated to result in an increase in vehicular traffic to the site. regardless of this Joaquina and Railway Street are of a sufficient standard to cater for traffic generated by the development. Ingress and Egress will continue to be as per the existing development, and no safety issue are anticipated.

- v) *The availability and adequacy for the development of the following –*
 - i) *Public transport services;*
 - ii) *Public utility services;*
 - iii) *Storage, management and collection of waste;*
 - iv) *Access for pedestrians and cyclists (including end of trip storage, toilet or storage facilities);*
 - v) *Access by older people and people with a disability.*

The property has access to a reticulated water and sewer connection and the redevelopment plans for disabled access, storage of utilities, and there is adequate space for bin storage to occur onsite. It is unclear whether the existing building is actually connected to the reticulated sewer network, and an advice note will be included notifying of requirements in this regard.

- z) *Any submissions received on the application.*

The application was publicly advertised in the Avon Valley Gazette and referred to all adjoining landowners for comment for a period of 14 days ending on the 12 March 2017. No public submissions were received.

- za) *the comments or submission received from any authority consulted under clause 66.*

The application was referred to the State Heritage Office, and the Shire's Heritage Advisor. The State Heritage Office provided comments 8 May 2017 in regard to the adjoining State Heritage Listed Buildings only, and advised that:

"The proposed development does not significantly impact on the identified cultural significance of Convent of Mercy and School".

The Shire's Heritage Advisor also reviewed the proposal in terms of local heritage provisions and provided the following advice:

"The St John Ambulance facility has occupied this site for some time and I understand that the development is predominantly extending the building across the Railway/Joaquina corner. The plans show the setback from the corner will be greater than existing, but the building will be considerably wider and of greater height and bulk.

The plans indicate that the primary façade to the Railway Terrace is a blank Colorbond clad wall 18.0 metres in length with a gas bottle enclosure and a similarly clad roof with ventilators.

In response, my opinion is that the scale, bulk and treatment of the building with the 18m wall facing Railway Street, is inconsistent with, does not respond to, and will impact the character, scale and form of the immediate context of heritage places and the residential nature immediately opposite in Joaquina Street. Therefore, the proposal is not supported."

A condition will be included on the approval requiring redesign/treatment of this elevation to address potential amenity issues.

Summary

Subject to conditions being implemented as identified above, the proposal is considered consistent with Town Planning Scheme No. 2 and the Planning and Development (Local Planning Schemes) Regulations 2015.

Implications to consider:

- **Consultative**

Appropriate consultation was undertaken as part of the assessment process.

- **Strategic**

The proposal, subject to conditions being implemented, is considered consistent with the Shire of York's 2016-2026 Strategic Community Plan and in particular the following themes and desired outcomes:

Theme 2: A leader in cultural heritage and environment.

2.3 – New development is carried out at a scale and style which retains, is compatible with and does not overshadow the historical feel and heritage character of the town of York and other settlements.

- **Policy related**

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

- **Financial**

The applicant St Johns Ambulance has requested a waiver of associated fees.

Total fees paid associated with the development application were \$2,260.50.

The organisation is a not-for profit group, run mainly by volunteers, and operates to provide essential community and emergency services. The service is necessary and its ongoing operation vital for the community's health and safety.

It is recommended by Officers that Council support its ongoing operation through providing assistance such as waiving of development application fees. Council could choose to not to waive the application fees, which would result in removal of resolution 1.

Legislative power to waive an application fee is provided for by provision 52 the *Planning and Development Regulations 2009* and Section 6.47 of the *Local Government Act 1995*.

Planning and Development Regulations 2009

52. Local government may waive or refund fee

A local government may waive or refund, in whole or part, payment of a fee for a planning service.

Local Government Act 1995

Section 6.47 Concessions

*Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive * a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

**Absolute majority required*

- **Legal and Statutory**

The proposal has been assessed in accordance with the statutory framework set by the Scheme and Regulations.

- **Risk related**

A risk assessment of the proposal has been undertaken, and there were no medium to high risks identified with the proposal that warrant further discussion.

- **Workforce Implications**

No workforce implications anticipated as a result of proposal.

Voting Requirements:

Absolute Majority Required: **Yes**

**RESOLUTION
170517**

Moved: Cr Walters

Seconded: Cr Saint

“That Council:

- 1. Authorises the CEO to waive the application fees associated with this development application.***
- 2. Approves the planning application for the St Johns Ambulance Redevelopment at Lots 22 and 205 (Hse 14) Joaquina Street, York, subject to the following conditions:***
 - 1. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.***
 - 2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plans(s) (enclosed), including any notes placed in red by the Shire and except as may be modified by the following conditions.***
 - 3. Storm water is to be managed onsite to the satisfaction of the local government.***
 - 4. The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the Shire's Planning department (generally as part of the building permit) and have been approved in writing:***
 - (a) Plans or details that satisfactorily address the following required design changes and as may be indicated in red on the Approved Development Plan(s):***
 - (i) Plans or details addressing a redesign of the Railway Street façade to improve the streetscape appearance and reduce bulk of the Ambulance Bay portion of the building.***
 - (b) A Car Parking Plan.***
 - (c) A detailed schedule of materials and colours to be used for external materials (Advice Note 4).***
 - 5. The development hereby approved shall not be occupied or used until all plans, details or works required by Condition(s) 2, 3 and 4 have been implemented and the following conditions have been complied with:***
 - 6. The works undertaken to satisfy Condition(s) 2, 3, 4 and 5 shall be subsequently maintained for the life of the development.”***

ADVICE NOTES:

- Note 1:** If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
- Note 2:** Where an approval has so lapsed, no development is to be carried out without the further approval of the local government having first been sought and obtained.
- Note 3:** If an applicant is aggrieved by this determination there is a right of appeal under the Planning & Development Act 2005. An appeal must be lodged within 28 days of the determination.
- Note 4:** Please be advised that colours are required to comply with the Shire of York Local Planning Policy 3: Heritage Precincts and Places. In this regard, the proposed wall material (corrugated iron) is inconsistent with the policy requirements and will be required to be amended.
- Note 5:** In accordance with the provisions of the Building Act 2011, and Building Regulations 2012, an application for a building permit (including demolition or separate demolition permit) must be submitted to, and approval granted by the Shire, prior to the commencement of the development hereby permitted.
- Note 6:** According to the Watercorp, reticulated sewer has been available to the property since 1998 and the development is required to be connected. If existing onsite effluent systems remain on the property, these will need to be decommissioned, and the local government notified once complete.
- Note 7:** If the use of the building is to hold meetings for training ect, the premises will need to conform to the Public Building Regulations. Please contact the Shire's Environmental Health Officer to discuss further.

***CARRIED: 7/0
WITH ABSOLUTE MAJORITY***

13. MEETING CLOSED TO THE PUBLIC

- 13.1 Matters for which the meeting may be closed
- 13.2 Public reading of resolutions to be made public

14. NEXT MEETING

The next Ordinary Meeting of Council will be held on Monday, 26 June, 2017 at 5.00pm in Council Chambers, York Town Hall, York.

15. CLOSURE

The Shire President thanked the Talbot Community and representatives from St John Ambulance for their attendance and closed the meeting at 5.36pm.