

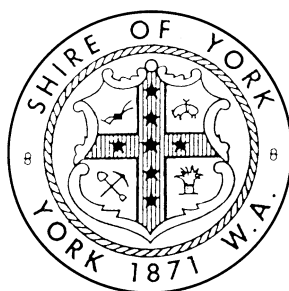
SHIRE OF YORK

**MINUTES OF THE ORDINARY
MEETING OF THE COUNCIL
HELD ON 27 FEBRUARY 2017
COMMENCING AT 5.01PM
IN COUNCIL CHAMBERS,
YORK TOWN HALL, YORK**

Table of Contents

1. OPENING	5
1.1 Declaration of Opening	5
1.2 Disclaimer.....	5
1.3 Standing Orders.....	5
1.4 Announcement of Visitors	5
1.5 Declarations of Interest that Might Cause a Conflict.....	5
1.6 Declarations of Financial Interest.....	5
1.7 Declarations of Interest that May Affect Impartiality.....	5
2. ATTENDANCE	6
2.1 Members.....	6
2.2 Staff.....	6
2.3 Apologies.....	6
2.4 Leave of Absence Previously Approved.....	6
2.5 Number of People in Gallery at Commencement of Meeting.....	6
3. QUESTIONS FROM PREVIOUS MEETING	6
3.1 Response to previous public questions taken on notice	6
3.2 Response to unasked questions from the previous meeting.....	7
4. PUBLIC QUESTION TIME.....	7
4.1 Written Questions – Current Agenda.....	8
4.2 Public Question Time.....	9
5. APPLICATIONS FOR LEAVE OF ABSENCE	10
6. PRESENTATIONS.....	10
6.1 Petitions.....	10
6.2 Presentations.....	10
6.3 Deputations.....	10
6.4 Delegates reports.....	10
7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	11
8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....	11
9. OFFICER'S REPORTS.....	11
SY001-02/17 - P1064 – Proposed Restaurant at Lot 10 (Hse 66) Avon Terrace, York.....	13
SY002-02/17 - Local Planning Scheme and Local Planning Strategy Review	25
SY003-02/17 - Development Assessment Panels – Local Government Member Nominations.....	33
SY004-02/17 – Approval of Advertising, Qualitative Criteria and Calling Tenders for Waste and Recycling Collection for the Shire of York	37
SY005-02/17 – Award of RFT 01/1617 Civil Construction Works	41
SY006-02/17 – Shire of York’s Bushfire Policies and Procedures Manual & Bush Fire Response Plan	49
SY007-02/17 – Approval to Keep More Than Two Cats	51
SY008-02/17 – Invitation to join Avon Regional Organisation of Councils (AROC).....	53
SY009-02/17 – Avon Tourism Annual Membership Fees	59
SY010-02/17 – Priorities for Events in York.....	61
SY011-02/17 – Australian Parachuting Championships Marketing Sponsorship Request ..	71

SY012-02/17 – Review of Community Funding Policy and Recurrent Budget Allocations ..	75
SY013-02/17 – York Festival Multi-Year Funding Proposal	81
SY014-02/17 – Discussion Paper: Review of the York Recreation and Convention Centre	85
SY015-02/17 – Annual Report 2015/16 and Annual Electors’ Meeting	89
SY016-02/17 – Minutes of Audit Committee Meeting held 12 January 2017	93
SY017-02/17 – Financial Report for December 2016	95
SY018-02/17 – Financial Report for January 2017	99
SY019-02/17 – Investments – December 2016	103
SY020-02/17 – Investments – January 2017	105
SY021-02/17 – Write-off Rates Interest	107
10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	111
11. QUESTIONS FROM MEMBERS WITHOUT NOTICE.....	111
12. BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING.....	111
13. MEETING CLOSED TO THE PUBLIC	111
13.1 Matters for which the meeting may be closed	111
13.2 Public reading of resolutions to be made public	111
14. CLOSURE	111



SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL HELD ON MONDAY, 27 FEBRUARY 2017, COMMENCING AT 5.01PM IN COUNCIL CHAMBERS, YORK TOWN HALL, YORK

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

1. OPENING

1.1 Declaration of Opening

Cr David Wallace, Shire President, declared the meeting open at 5.01pm

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 Ferro – SY007-02/17 – Approval to Keep More Than Two Cats

Cr Walters – SY014-02/17 – Discussion Paper – Review of the York Recreation and Convention Centre

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; Suzie Haslehurst, Executive Manager Corporate and Community Services; Paul Crewe, Executive Manager Infrastructure & Development Services; Carly Rundle, Senior Planner; 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 11 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

Questions originally asked at the Ordinary Council Meeting held on 22 February, 2016

Mr Simon Saint

Question 1(a):

Appointment of Commissioner Best in a dual role as the Shire of York visionary consultant

(a) In the Department of Finance - Procurement Practice Guide, it lists the key principles to be observed when engaging consultants. The Department states that it is generally not appropriate to engage consultants; where it is reasonably believed that a conflict of interest could develop or to resource long-term projects or ongoing core activities. Now that Minister Simpson has clarified that he did not authorize Mr Best's appointment as a visionary consultant, who, how and why did the Shire engage this man?

Question 1(b):

(b) Before engaging Mr Best as a visionary consultant, did the Shire obtain any of the following?

- description/objectives of the project and function and boundaries of the consultancy;
- outcomes/deliverables (e.g. reports, recommendations, seminars, workshops);
- project time frame, including milestones, deadlines and completion date;
- project methodologies and management requirements;
- required knowledge, expertise, experience, interpersonal skills;
- costing requirements e.g. fixed cost, daily or hourly rates, incidentals etc;
- proposed payment schedule

Response by Chief Executive Officer

The Shire cannot find any evidence that any of the above was obtained prior to James Best being engaged as Visioning Consultant during his tenure as Commissioner. There are limited Shire records which accurately explain the details associated with this engagement.

Following a detailed investigation into this matter the CEO has referred the engagement of James Best as a Visioning Consultant during his tenure as Commissioner to the Public Sector Commission in accordance with his statutory obligations.

Question 2:

Mr Best's visioning report presented to Council/himself consisted of:

- 21 pages of easily downloadable generic material
- 12 pages of poor quality photographs of post-it notes stuck to A3 paper
- 12 pages of poor quality photocopies of the 12 pages of poor quality photographs
- 1 page advertising a business development meeting at the Castle
- 6 pages of Mr Best's handwritten notes
- 1 page of the 'output' from York business breakfast 5 May 2015

This 'Report' cost nearly \$40,000.00.

- a. Who approved payment of the visioning invoice?
- b. Does Council consider that the ratepayers have got value for their money in regard to Mr Best's visioning program?
- c. Does Council consider that Mr Best's report is satisfactory?

Response by Chief Executive Officer

Mr Graeme Simpson Acting CEO at the time approved the payment.

The report prepared by James Best was used as an informing document as part of the Major Strategic Review.

Council has not had an opportunity to formally determine if value for money was achieved with the report however the payment was made for works completed which generally implies satisfaction with the goods or services received.

- 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 Commenced at: 5.04pm

4.1 Written Questions – Current Agenda

Ms Sandra Paskett

Question 1:

Pages 13 and 14 - there is nearly \$576.7K in employee costs (plus potentially some or all of the activity based costings) referenced for recreation and sport on page 13 – this seems to bear no relation to the salaries specified on Page 14 (\$42.5K). Whilst Page 13 provides that the totals cover the whole of recreation and sport, however I would imagine that most of the spending in this category would be spent at the rec centre. If the amount of \$42.5K is actually correct, where is the other approx. \$530K being spent?

Response provided by the Executive Manager Corporate and Community Services:

As stated on page 12 of the report, Other Recreation and Sport includes all expenditure for parks and gardens as well as for all components of the Forrest Oval Precinct. A detailed budget is prepared annually allocating a large portion of staff hours (generally outside staff) to maintaining Council's parks, gardens and reserves.

The \$576,715 includes staff hours and overheads spent on passive and active recreation (parks, gardens, ovals, gym, YRCC building and grounds and reserves - \$307,589) but also includes the cost of serving meals and refreshments at the YRCC which totalled for the 2015/16 year, \$199,866. In addition to this amount, a portion of the YRCC Manager's hours (when not serving customers) is spent on Administration duties ie. quoting, ordering, maintenance – this is the \$42,000 that is allocated to the administration of sport and recreation at the Forrest Oval precinct.

Question 2:

I was unable to find where interested payments were accounted for in the financial figures – they may be there and I have missed them (I don't think the document is searchable?) - can you advise where they are? If they are there, should they also be included in the financials on page 13 and 14?

Response provided by the Executive Manager Corporate and Community Services:

Interest Expense is included on the Financial Activity by Nature or Type on page 13 and totalled \$107,127 for the 2015/16 year. The figure is not included in the financials presented on Page 14 as it is an aggregated figure incorporating the loans for the precinct rather than specifically the YRCC.

Question 3:

Could they be split?

Response provided by the Executive Manager Corporate and Community Services:

Potentially they could be.

Ms Paskett indicated she would be happy with responses to the remainder of her questions appearing in the Agenda for next month.

4.2 Public Question Time**Mrs Yvonne Dols****Question 1:**

Are the Council aware how difficult it is for small community groups to pay for promotion and publicity of an event they may be organising?

Response provided by the Shire President

Council are aware how difficult it is to obtain funding. This is why we are now endeavouring to stream line the process so people can access these funds.

Mr Bill Cebula**Question 1:**

To dissipate the impression that Council are accused of hiding things, do the Council have an internal audit programme?

Response provided by the Shire President

We need to improve with our auditing. Moore Stephens will be undertaking a full assessment of the current situation and systems will be put in place on their findings.

Ms Sandra Paskett**Question 1**

Waste and Recycling Collection - Due to population increases, and an increasing community recycling focus, and the introduction of kerb side pickups, it is likely that the volumes of waste processed now well exceed the licensing thresholds, compared to the figures provided by the supplier in 2008.

Can the Shire please ensure that independently assessed or audited figures for waste and recycling volumes are included in the tender to ensure that suitably licensed providers respond?

Response provided by the Executive Manager Infrastructure and Development Services:

The Shire of York would be hesitant to engage a consultant to provide “independently assessed or audited figures for waste and recycling volumes” for a number of reasons, these include:

- Volumes of waste are already independently assessed by the Shire of Northam as each truck is weighed as it arrives at the Northam landfill. Shire staff will be able to model these figures to forecast future volumes associated with population growth;
- The number of services (kerbside uplifts) for the Shire of York has already been calculated.

Public Question Time Concluded at 5.17pm.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Pam Heaton requested Leave of Absence from 14-23 March, 2017.

**RESOLUTION
010217**

Moved: Cr Smythe

Seconded: Cr Randell

“That Council approve Leave of Absence for Cr Pam Heaton from 14 March, 2017 to 23 March, 2017.”

CARRIED: 7/0

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 19 December, 2016

Corrections

Confirmation

**RESOLUTION
020217**

Moved: Cr Heaton

Seconded: Cr Ferro

“That the minutes of the Ordinary Council Meeting held 19 December, 2016 be confirmed as a correct record of proceedings.”

CARRIED: 7/0

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

9. OFFICER’S REPORTS

SY001-02/17 - P1064 – Proposed Restaurant at Lot 10 (Hse 66) Avon Terrace, York

FILE REFERENCE: AV1.60399
APPLICANT OR PROPONENT(S): D & T Kozak-Calabrese
AUTHORS NAME & POSITION: Carly Rundle, Senior Planner
RESPONSIBLE OFFICER: Paul Crewe, Executive Manager Infrastructure and Development Services
PREVIOUSLY BEFORE COUNCIL: No
DISCLOSURE OF INTEREST: Nil
APPENDICES:
A – Site Plan
B – Development Plans dated 5 October 2016
C – Amended Development Plans dated 18 January 2017
D – Schedule of Submissions

Nature of Council's Role in the Matter:

- Quasi-judicial

Purpose of the Report:

The purpose of this report is to request Council to make a determination on an application received to construct a new building to be used as a 'Restaurant' at Lot 10 (Hse 66) Avon Terrace, York.

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

Background:

Lot 10 (Hse 66) Avon Terrace is 1,051m² in area and is currently undeveloped vacant land. A Site Plan is provided in **Appendix A**.

A similar application was approved for a proposed 'mixed use development consisting of a shop/office, café and associated car parking' on the property at Ordinary Council Meeting 21 March 2011, subject to conditions. The application proposed the construction of two buildings; an office/shop building; and a restaurant building. A condition of approval required that amended plans be submitted depicting a redesign of the façade demonstrating compliance with the Shire of York's Planning Policy No.3 – Heritage Precincts and Places. The conditions of approval were not met, and this approval has expired.

The proponent has now submitted a new development application to construct one building on the property to be used as a 'Restaurant'. The proposal involves the construction of a 285.83m² building and garage (36m²), together with 13 car parking spaces, inclusive of one disabled space and landscaping. The concept and appearance was similar to the previously approved plans, with the exception that the proposal no longer includes the office/shop building (85.8m²) and the restaurant building is slightly larger in area (previous restaurant building was 212.6sqm). A copy of the development plans submitted with the application is provided in **Appendix B**.

The application was publicly advertised for a period of 14 days ending on the 14 November 2016. Four submissions were received including three from public authorities and one from the Shire's Heritage Advisor.

Following a preliminary assessment of the proposal, concerns were conveyed to the applicant regarding the external appearance of the development and inconsistency with the Heritage Precincts and Places Policy. The applicant has since submitted amended plans (**Appendix C**) in response to these concerns and these amended plans will be the subject of this assessment.

Comments and details:

Development applications are required to be assessed in accordance with the Shire of York’s Local Planning Scheme and Planning and Development (Local Planning Schemes) Regulations 2015 – Deemed Provisions.

Shire of York Town Planning Scheme No. 2 (Scheme)

The property is zoned ‘Residential 40’ and Additional Use No. 9.

The Additional Use No. 9 (A9) allows for the land uses, subject to planning consent being granted by the local government of a shop, office, restaurant, multiple dwelling and a serviced apartment to be considered on the property, in addition to land uses ordinarily permitted on the property. Development requirements for these land uses are to be in accordance with Clause 4.9 (Town Centre Development Requirements) of the Scheme.

The proposed use reasonably falls within the definition of ‘Restaurant’, which in accordance with the A9 designation, may be permitted subject to planning consent being granted. An assessment against the relevant scheme provisions is outlined below.

Cl 4.9 Town Centre Zone

Cl 4.9.1 – Objectives

The proposal is consistent with the objectives of the Town Centre zone, particularly as it will provide additional retail/commercial space of a high standard that will contribute to the amenity of the town centre.

Cl 4.9.2 – Building Setbacks

No specific setbacks apply and has been assessed in accordance with Heritage Precincts and Policy discussed in g) below.

Cl 4.9.3 – Development Requirements

a)	Development shall not exceed two storeys.	Single storey development proposed – complies.
b)	In considering an application for planning consent for a proposed development (including additions and alterations to existing development) in the Town Centre the local government shall have regard to Design Guidelines adopted by the local government; and aspects such as colour and texture of external buildings, bulk and scale, architectural size, function of the building, relationship to surrounding development and impact on any item of heritage significance and other characteristics.	The design guidelines adopted for the precinct are the Heritage Precincts and Places Policy which is discussed further in g) below and guides many of the considerations below. The scale and size of the building is considered compatible with surrounding development.
c)	Landscaping shall complement the appearance of the proposed development and the town centre.	Landscaping proposes to use a mix of citrus trees (lemon and mandarin) and cottage type landscaping (rosemary and burnet rose). These are typical of existing development in the surrounding area and is consistent with recommended landscaping of the Heritage Precincts and Places Policy.

d)	Layout of car parking shall have regard to traffic circulation in existing parking areas and shall be integrated with any existing and adjoining car parking area.	The car parking layout is appropriate and there are no existing adjoining car parking areas requiring integration.
e) & f)	These provisions relate to development of a residential component.	N/A – no residential component proposed.

CI 4.5 – Car Parking Requirements

CI 4.5 and Schedule 4 of the Scheme requires that car parking spaces be provided at a rate of one space for every four seats which an eating area is designed to provide, or twenty five spaces for every 100m² of eating area of there part of, whichever provides the greatest requirements. The internal and alfresco eating area is approximately 93m² in area, which would require 24 bays to be provided on site. The applicant has provided that the eating area with tables and chairs will not accommodate more than 50 persons on site, which based on numbers would require the provision of 12.5 bays onsite (inclusive of one disabled bay). Provided that a condition of approval is included limiting numbers of customers onsite at any time, the provision of 13 bays will provide sufficient car parking on site for 52 persons. The applicant is agreeable to such a condition.

Clause 5.4 Avon River Flood Fringe

The property is located within the Avon River Flood Fringe Area. The Scheme requires applications to be referred to the Department of Water (DoW) for comments, and for habitable buildings to be constructed 500mm above the 100 year ARI flood event level. At the discretion of the local government 300mm may be accepted for non-habitable development when located within a heritage precinct.

DoW has provided that the 100 year ARI flood event will reach a level of approximately 174.6m AHD, and has recommended that the minimum floor level be 0.5m above this, at 175.1m AHD. The applicant has proposed a Finished Floor Level of 175.06m AHD, which is 4cm lower than recommended. The applicant has agreed to amend the FFL to 175.1m AHD and will be included as a condition of approval.

The Scheme also requires that a Section 70A notification be placed on the title advising that part of the land is identified as part of the Avon River Flood Fringe may be subject to inundations, which will be required as a condition of approval.

Clause 5.3 Control of Advertisements

Three signs were proposed as part of the original development plans (**Appendix A**). Only one proposed sign has remained as a result of the amended plans and roof redesign being submitted (**Appendix C**). It is anticipated that the applicant will provide an overall signage plan specifying all signage to be erected onsite as a condition of approval, which will be required to comply with the Heritage Precincts and Places Policy.

Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 – Deemed Provisions Clause 67 – Matters for Consideration (Regulations)

Local government is to give due regard to Clause 67 in the consideration of any planning application. The following are those most relevant to the application (and not already covered above):

- b) The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015*

Omnibus Amendment No. 50 has been advertised and proposes to amend the definition of 'Restaurant' to be consistent with the 'model definitions' in the Regulations. This involves minor amendments to the existing definition, such as amending the use to 'Restaurant/Café', which do not affect the current classification as a 'Restaurant'. Approval of the application will be consistent with orderly and proper planning.

g) any local planning policy for the Scheme Area

The property is located within the York Central Heritage Precinct and Local Planning Policy 3 Heritage Precincts and Places (LPP3) applies. Section 4 relating to commercial development has been considered during assessment.

A preliminary assessment of the plans originally submitted against LPP3 identified a number of concerns with the external appearance of the development, particularly the large signage, parapet on the side and industrial like appearance of the roof form and materials proposed. An amended plan was submitted (Appendix C) in response to these concerns and is the subject of this assessment.

Provision	Comment
<p><u>Scale and Size</u></p> <p>The scale of all commercial development must respect the scale of adjoining and nearby buildings in the street, the surrounding landscape, and the scale of the existing building, in the case of additions, extensions or modifications.</p>	<p>The single storey development is of a scale that is compatible with surrounding development which consists of mostly other single storey buildings.</p>
<p><u>Form</u></p> <p>All commercial development shall respect and maintain the traditional pattern and appearance of the commercial buildings in the Central York Precinct and shall achieve the following criteria (only relevant provisions listed):</p> <p>a) Commercial buildings shall consist of horizontal strips of development broken into a vertical rhythm by the component shops or tenancies and the windows to individual shop fronts or tenancies;</p> <p>b) Large, single use buildings must maintain the appearance of articulated, individual frontages to the street through the use of architectural design features;</p> <p>c) Monolithic buildings with blank street frontages, large scale panel systems and sheet metal cladding are not acceptable; and</p> <p>e) New commercial developments should be simply treated, well-proportioned and detailed, though should not endeavour to copy history types in general.</p>	<p>The amended plans submitted presents a single use building, with traditional pitched roof, contemporary simple verandah fronting Avon Terrace which is sympathetic to surrounding development in the locality.</p> <p>The form of the building is considered compatible with the existing streetscape.</p>

<p><u>Verandahs & Awnings</u></p> <p>New commercial development shall have an awning or verandah over the public footpath of sufficient dimensions to provide effective shade and shelter for pedestrians. The requirement for an awning over a public footpath may be waived where there is no continuous current or proposed streetscape.</p> <p>Awning to be located at first floor height</p> <p>Awning should be simple design and should line with any existing awnings.</p>	<p>A simple contemporary verandah is proposed inside the property boundaries which is considered acceptable given that there is not a continuous or proposed awning on the streetscape for connection with.</p> <p>The awning height is relatively low (2.1m) in comparison to surrounding commercial developments (2.3 – 2.75m). The awning should be increased as far as is practicable so as not to impact the building form and will be addressed as a condition of approval.</p>
<p><u>Compatibility of Building Forms</u></p> <p>All commercial development shall respond to and reinforce the existing characteristics of rooflines in the Precinct as follows:</p> <p>a) Plate and wall heights, roof form, ridge lines, roof slopes and parapet lines shall be consistent with the neighbouring buildings in the streetscape;</p> <p>b) Roof slopes shall achieve a minimum pitch of 25 degrees; and</p> <p>c) All verandahs shall have a minimum pitch of 10 degrees; and</p> <p>d) Commercial buildings may have an articulated front parapet wall as an acceptable alternative to the pitched roof.</p>	<p>The height and form of the proposed building is consistent with surrounding development.</p> <p>The roof pitch and verandah pitch comply with provisions b) and c).</p> <p>A traditional pitched roof is proposed and provision d) is therefore not applicable.</p>
<p><u>Shopfronts and Windows</u></p> <p>New shop fronts should be encouraged to take the form of dado below glazing, with a central or side recessed entry. The entry may be set in a truncated recess.</p> <p>Windows onto the street should not be tinted or treated with reflective film.</p> <p>Views into and out of commercial buildings are to be maximised to create visual interest and to provide for greater security through casual surveillance. A minimum of 80% of all window space of a building facing a public street shall be kept transparent, and not rendered opaque by advertising signage.</p>	<p>Complies – windows on streetscape elevation are appropriate.</p>
<p><u>Siting</u></p> <p>All new commercial development and the extension, addition, alteration or modification of existing commercial buildings, shall maintain a zero setback to the street.</p> <p>Commercial development shall be located parallel to the street and must be built up to the public footpath edge.</p>	<p>The building is built up to the street boundary, with a 3m verandah within the property boundaries.</p> <p>The adjoining building is setback approximately 4m.</p> <p>Setbacks of surrounding development vary in this area from built up to the boundary (Town Hall, commercial stores near Imperial), to 4.5m, 2m and 1m. It is considered that the setback is appropriate for the streetscape.</p>

	The previously approved development was supported with a 0m setback.
<p><u>Car Parking Location</u></p> <p>No car parking bays and parking areas shall be located in front of any building between the building and public footpath.</p>	Complies. Car parking is located at rear provided.
<p><u>Materials</u></p> <p>This section outlines acceptable colours and materials for walls, windows & doors, roof and gutters.</p> <p>Acceptable materials for new commercial buildings and additions, retaining walls, extensions or modifications to existing commercial buildings are as follows:</p>	<p>Proposed materials are consistent with policy and include:</p> <ul style="list-style-type: none"> • Walls include blue board cladding with render look finish, and stone features/cladding which is permitted by the policy. • Windows and doors are proposed to be aluminium framed. This is acceptable provided that colours are acceptable i.e box coating. • Colorbond roof, which in an appropriate colour is acceptable. • Traditional quad like gutters proposed which comply with policy.
<p><u>Colours</u></p> <p>Colours require assessment under the policy, and shall either be consistent with those used in the streetscape (or a contemporary interpretation) or using a colour selected from the heritage range available from the Shire of York office.</p>	<p>Colours/external finishes of stone cladding have not been provided to sufficiently assess against the policy.</p> <p>This can be required as a condition of approval.</p>
<p><u>Paved Areas and Levels</u></p> <p>Footpaths and paved areas in commercial projects, other than rear car parks, are to be brick paved, paved in red asphalt with a laterite aggregate or imprinted concrete in appropriate colours & designs. Tessellated tiles may be appropriate for commercial building in-goes (recessed door entries). Rear car parks not visible from Avon Terrace may be laid in normal hot mix with a grey finish.</p> <p>Every effort should be made in commercial developments to provide a flat (universal) access for pedestrians to and through the front door from the public footpath. Any changes in level should take place inside the building.</p> <p>All development must be sympathetic to the existing land contours and natural features. No more than 500mm of cut or fill may be permitted as part of any commercial development, unless such cut or fill is to match the height and scale of an existing building. Retaining walls shall not exceed a height of 500mm, unless the natural contours of the land prior to development occurring warrant higher retaining walls</p>	<p>Brick paving proposed for driveway and carpark which complies.</p> <p>Polished concrete is proposed within the verandah area, however will be located behind a 600mm high stone wall between columns meaning it will have limited visibility. Colours and finishes will be confirmed as a condition of approval.</p> <p>Disabled access will require a smooth surface for entry and is achievable. This will be provided during building permit stage.</p> <p>The property slopes to the rear down to an existing drainage channel. Fill and retaining is proposed to create a level site for development which will bring this up a level compatible with surrounding development. This involves more than 500mm of fill and retaining in areas however is deemed necessary for development to occur. The rear will only be visible to undeveloped property to the rear owned by the Shire of York. These lots contain a major drainage channel and</p>

	are unlikely to accommodate future development.
<p><u>Fences & Gates</u></p> <p>The provisions permit the use of a colorbond fencing, and discourage the use of limestone.</p> <p>Fencing in front of the building line shall be open in style to allow views to and from the building, however if solid fencing on front and side boundaries in front of the building line is required, it shall not exceed 1200mm in height.</p>	<p>New fencing is proposed to be 1.8m high colorbond which is located in line with the building and 600mm stone clad wall at the street line for the length of the verandah.</p> <p>The proposed fencing complies with the policy.</p>

- 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.*

It is unlikely that the proposal will result in any adverse social issues for the locality and is more likely to have a positive impact through the creation of employment during construction and occupation phases of the development.

- p) *The likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource.*

A drainage plan has been submitted demonstrating that water can be adequately managed on site. Further detail and assessment is required prior to approval and the drainage plan will therefore be conditioned on approval and managed as part of this process.

- 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.*

There are seven trees proposed to be removed as a result of the development (excluding minor regrowth), and at least four of these are native species. Removal of all native species is required to enable the development to progress as proposed and their removal was approved as part of the previous application.

Given the proximity of significant trees to the site proposed to be retained and scale of earthworks proposed, there is a risk that surrounding vegetation could be damaged. A tree protection plan will be required as a condition of development, including measures to ensure that those immediately outside the site are not damaged during the construction process.

- r) *The suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk*

Other than the location of the property within the Avon River Flood Fringe, there are no other risks to consider.

- 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 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.*

Avon Terrace has sufficient capacity to cater for the traffic generated from the development. Ingress and Egress from the site will occur in a safe manner and there are no anticipated safety issues as a result of the development.

- 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.*

Reticulated water, reticulated sewer, telecommunications and power are available to the property. A disabled bay has been provided on the plans, and the building will be required to provide for disabled access. A bike rack has been provided for cyclists and provision for easy access by pedestrians. Adequate provision has been made for bin storage to the rear of the building.

- 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 14 November 2016. 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, Department of Water, Department of Health and the Shire's Heritage Advisor. A submission was received from all authorities which are outlined in **Appendix D**.

Apart from the concerns raised by the Shire's Heritage Advisor regarding the external appearance (which have been addressed as part of the amended plans submitted), there were no objections or issues raised which warrant further discussion.

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.

Policy Implication:

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

Financial Implications:

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

Strategic Implications:

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

- Theme 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.

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.

Voting Requirements:

Absolute Majority Required: No

**RESOLUTION
030217**

Moved: Cr Smythe

Seconded: Cr Randell

“That Council:

Approves the planning application for a proposed Restaurant at Lot 10 (Hse 66) Avon Terrace, 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) dated 18 January 2017 (enclosed), including any notes placed in red by the Shire and except as may be modified by the following conditions.***
- 3. The maximum number of customers onsite at any one time shall not exceed 52 persons.***
- 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 and have been approved in writing:***
 - a) Amended plans being submitted (generally as part of the building permit) addressing the following design changes:***
 - i) The finished floor level shall be a minimum of 175.1m AHD;***
 - ii) The awning height being increased to achieve a minimum clearance of 2.4m, or as otherwise agreed by the Shire.***
 - b) A Drainage Plan;***
 - c) A detailed schedule of colours to be used for all external materials (Advice Note 4);***
 - d) A Tree Protection Plan (Advice Note 5)***
 - e) A notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended), or similar legal instrument, is to be placed on the Certificates of Title of the lot advising that:***

“Part of this land may be subject to inundation during a flood event”.

All costs related to the notification shall be at the cost of the applicant/landowner (Advice Note 6).
 - f) Details of Signage, which shall comply with the Shire’s Local Planning No. 3 Heritage Precincts and Places.***

5. The development hereby approved shall not be occupied or used until all plans, details or works required by Condition(s) 2 and 4 have been implemented and the following conditions have been complied with:

- (i) The parking areas, driveways and points of ingress / egress be constructed and marked, and thereafter maintained to the specification and satisfaction of the Local Government (Advice Note 7).**
- (ii) Landscaping shall be implemented in accordance with the approved Landscape Plan and shall thereafter be maintained to the satisfaction of the shire.**

6. The works undertaken to satisfy Condition(s) 2, 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.

Note 5: The tree protection plan is to identify trees both on and off site which may be affected by construction works of the development. The plan shall detail what measures will be undertaken to ensure protection of the trees during construction and shall include, as a minimum the erection of protective fencing around the trees to be retained, which shall protect root zones. The approved Tree Protection Plan shall be implemented before any of the substantive development is commenced and shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the site.

Note 6: To satisfy condition 4(e) you are required to complete the Section 70A application form and lodge the original copy with the Shire for signing. A copy of the Section 70A application form can be found on the following link:

[https://www0.landgate.wa.gov.au/docvault.nsf/web-new/FREEHOLD_LRFORMS/\\$FILE/FOR_DLI_N1.pdf](https://www0.landgate.wa.gov.au/docvault.nsf/web-new/FREEHOLD_LRFORMS/$FILE/FOR_DLI_N1.pdf)

Once signed by the Shire, the Section 70A will be returned to yourself to be lodged with Landgate. A copy of the lodgement receipt shall be provided to the Shire to satisfy the condition. Please note that if there is an existing notification on the title, providing a copy of the survey plan showing this is sufficient to meet the requirements of this condition.

Note 7: Car parking spaces, access, disabled bay and bike rack shall be required to be constructed, finished and marked in accordance with AS2890.1:2004: Parking Facilities – Off street car parking, AS/NZS 2890.6:2008: Off street parking for people with disabilities and AS2890.3:2015 Bicycle Parking.

Note 8: All food related aspects are to comply with the provisions of the Food Act 2008 and related code, regulations and guidelines. Please contact the Shire's Environmental Health Officer to discuss.

Note 9: 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.

CARRIED: 7/0

SY002-02/17 - Local Planning Scheme and Local Planning Strategy Review

FILE REFERENCE:	PS.TPS.1.1 & PS.TPS.1.2
APPLICANT OR PROPONENT(S):	N/A
AUTHORS NAME & POSITION:	Carly Rundle, Senior Planner
RESPONSIBLE OFFICER:	Paul Crewe, Executive Manager Infrastructure and Development Services
PREVIOUSLY BEFORE COUNCIL:	No
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	A – Scheme Map Area

Nature of Council's Role in the Matter:

- Legislative

Purpose of the Report:

The purpose of this report is for Council to consider:

- Initiating a review of Town Planning Scheme No. 2 by preparing a new Local Planning Scheme No. 3, concurrently with the preparation of the Local Planning Strategy; and
- To review the current consultant's scope and proposal to prepare the Local Planning Strategy before any further works commence to ensure that value for money is being obtained and the scope aligns with the Shire's recently adopted 2016-2026 Strategic Community Plan and 2016-2020 Corporate Business Plan.

Background:

The *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015* (referred herein as the Regulations), requires a local authority to review its Local Planning Scheme within six months of the five year anniversary of the date their Scheme is approved.

The current Shire of York Town Planning Scheme No. 2 (Scheme) was gazetted 17 May 1996, with 28 amendments being made to this document to the current date.

The current Scheme is outdated and requires review to:

- Comply with provisions of the Planning and Development Act 2005, and Regulations;
- Amend provisions to reflect current planning practice;
- Amend provisions to reflect requirements of the recently adopted Regulations, which contain revised Model Provisions for Local Planning Schemes, updated Land Use Definitions and Deemed Provisions; and
- Ensure that scheme provisions and development control remain relevant, in line with best practice, and reflect the community's interests and strategic goals set by the Shire.

It is considered that the changes envisioned to the Scheme will require the preparation of a new Local Planning Scheme No.3. In accordance with Section 72 of the Planning and Development Act and Section 19 of the Regulations, a resolution is required to commence this process, and must be in a form approved the Western Australian Planning Commission.

To support the preparation of a new Local Planning Scheme, the Regulations require a Local Planning Strategy to be adopted. The current Local Planning Strategy was endorsed by the Western Australian Planning Commission 7 August 2007, and amended once on 18 May 2011. The Local Planning Strategy is also outdated containing numerous references to actions which are no longer relevant and requires updating to reflect the Shire's strategic direction and vision as outlined in the recently adopted 2016 - 2026 Strategic Community Plan.

A Local Planning Strategy review was commenced by the Shire in June 2014 to implement the Shire's Corporate Business Plan 2014-2017 which identified the 'review of the local planning strategy and town planning scheme' as an action to be completed.

A consultant's brief was subsequently issued for the 'Review of the York Local Planning Strategy', and six quotes were received in response. Following assessment, a consultant was appointed on 4 June 2014 with an overall proposal of \$48,250 (ex GST). The scope of works accepted relied on the Shire of York taking the role of 'project manager' to follow the project through to final adoption and involved the Shire undertaking a large portion of the stakeholder consultation.

In November 2014, Council then resolved after seeking quotations, to appoint the same consultant to undertake the Strategic Community Plan review. The quotation noted that the consultation process for the Strategic Community Plan would interweave with the process of consultation and background information preparation for the Local Planning Strategy.

Due to a number of staff changes, and particularly in regard to the Local Planning Strategy which required the Shire to drive the project, the project stalled. At the request of the Shire, the appointed consultant then submitted a revised proposal dated 21 August 2015, which essentially amended the scope to appoint the consultant as the 'project managers' including managing the project through to final endorsement by the WAPC and undertaking all stakeholder consultation for an additional fee of \$47,440 (ex GST), bringing the overall project cost to \$95,690 (ex GST). The Shire accepted the amended proposal under delegation.

Due to the overlapping nature of the consultation between the two projects and that the Strategic Community Plan would form a basis for the Local Planning Strategy, the Local Planning Strategy was placed on hold pending the completion of the Strategic Community Plan.

The Shire of York Strategic Community Plan and Shire of York Corporate Business Plan have now been adopted, which has carried through the Local Planning Scheme and Local Planning Strategy review as a priority operating project to be completed by the end of the 2017/18 financial year.

Given the substantial length of time taken to progress the project from the date the original and amended Local Planning Strategy quotes were accepted and reflecting the adoption of the new Strategic Community Plan and Shire of York Corporate Business Plans it is considered that a review of the current consultants scope and accepted proposal occur before any further works commence. The intent of this is to ensure that the agreed scope aligns with the Shire's current strategic direction, needs and achieves value for money, which is the subject of this report.

Comments and details:

From the date of acceptance of the original and amended quote to undertake the Local Planning Strategy review, a number of changes have occurred affecting the underlying scope:

- The 2016-2020 Corporate Business Plan sets a new timeframe for the review of the Local Planning Strategy and Local Planning Scheme to be completed by the 2017/18 financial year. The preparation of a reviewed and adopted public open space policy and drainage plan are also proposed to be completed within the next four years, of which the Local Planning Strategy and Scheme is a key input into planning for these two documents. The current agreed scope covers the Local Planning Strategy only. For both documents to be

finalised within these timeframes, and subsequent documents to be completed, is likely to require the preparation of both documents to occur simultaneously. It is anticipated that the Local Planning Strategy be a priority and once a draft is finalised, preparation of the scheme documents commence. A request for a quotation for the preparation of both documents, as opposed to two different quotations is likely to result in efficiencies being obtained and may provide value for money.

- The Strategic Community Plan 2016 - 2026 was adopted in 2016. Extensive community consultation regarding the future direction for the Shire occurred as part of this process. The consultation undertaken is transferrable as an input to the Local Planning Strategy, reducing the scope of consultation normally required for a Local Planning Strategy. An amended scope regarding consultation could be provided to reflect the consultation that has already occurred providing value for money.
- The Wheatbelt Development Commission has provided funding to Main Roads to identify a Bypass for York which would have significant impacts upon the town and land uses. The use of a consultancy with experience in planning for such routes was not considered as an assessment criteria in the original documents and would render some stakeholder consultation already undertaken as outdated and requiring further work outside the current scope.
- Provision has been made in the 2016/17 budget for an industrial land review. The Shire has commenced this project, by initiating a survey to assist in gauging demand for industrial land, however this requires additional works to occur within and/or in conjunction with the Local Planning Strategy review to determine that identified land for future industrial development is feasible, and also include recommendations on ways to incentivise development of this land which may result in an amended scope being submitted.
- The Council has also now finalised its integrated reporting documents including Strategic Community Plan and Corporate Business Plan which set a direction forward for the community and organisation, not considered in the original proposals submitted in response to the consultants brief. This may influence any consultant's quote and scope submitted.

The current agreed scope represents a fairly standard methodology, which would be sufficient for continued revision of a Local Planning Strategy, although may not fully address the key points for the Shire as listed above requiring additional works currently outside of this scope, and due to the reasons listed above may no longer represent value for money.

It is considered that an opportunity exists for the Shire to request revised quotations in light of the amended scope, and re-assess whether the Shire is receiving best value for money. It is therefore recommended that Council resolves to terminate the current contract and issue a new brief addressing the amended scope above seeking competitive quotations. A revised consultant brief shall be prepared for the review of the Local Planning Strategy and new Local Planning Scheme, but will require itemisation to allow them to be progressed as separate items if necessary. It is anticipated that works on the Scheme would commence once a draft Strategy has been completed. The current consultants will also have an opportunity to submit a response to the brief.

Alternatively Council could choose to:

- Continue to proceed with the current consultants completing the Local Planning Strategy Review in accordance with the existing accepted quote; or
- Retain the current consultant and request to renegotiate the scope and finance.

Implications to Consider:

Consultative:

A consultation strategy will be a deliverable of the consultants brief outlining how consultation will be managed as part of the project. A further requirement will be for the consultant to review and integrate the consultation undertaken as part of the Strategic Community Plan 2016-2020 into the Local Planning Strategy preparation.

Statutory consultation is also a requirement of the Regulations, allowing public comment on draft documents which will then be considered by Council prior to final adoption.

Strategic Implications:

The review of the LPS and Scheme is identified as an action to implement themes of the 2016-2026 Strategic Community Plan and a priority action of the 2016-2020 Corporate Business Plan to be completed by the end of the 2017/18 financial year.

The Local Planning Strategy will guide the strategic land use planning for the Shire of York and will be required to reflect the strategic goals of the 2016-2026 Strategic Community Plan.

Policy Implication:

The adoption of a new Scheme is likely to result in a number of policy implications for the Shire.

Council has also already resolved that a number of local planning policies such as the 'Outbuildings in Residential' zones are to be revised as part of the Scheme review. A new Local Planning Scheme is likely to require a full local planning policy review, as many of the local planning policies support scheme provisions, and will become outdated.

It is not proposed that a full policy review form part of the scope for the brief issued for quotations, as the Shire's current budget allocation is unlikely to extend towards this work being completed. It would also be premature to request a quotation for a local planning policy review when the full scope of policies required will not be confirmed until the Scheme has further progressed to a draft format.

Currently, it is anticipated that Shire officers will undertake the planning policy review, with a view to this being completed to support adoption of the new Local Planning Scheme No. 3.

The Local Planning Strategy and Scheme will also become an input to the preparation of other documents and policies to be delivered as identified in the 2016-2026 Strategic Community Plan and 2016-2020 Corporate Business Plan such as the review of the Public Open policy and Drainage Plan.

Shire of York Policy F1.2 – Procurement will apply to any new request for services issued. It is anticipated that the cost of service will be within the range of \$50,000 to \$150,000, requiring the sourcing of at least three written quotations containing price and specification of goods and services. The evaluation criteria will be included within the brief, and evaluated by a panel to determine best value for money.

Financial Implications:

The current agreed scope with the consultant has a total value of \$95,690 (ex GST). The current payments to date total \$14,396 (ex GST), plus \$12,672 (ex GST) remaining outstanding to be paid. Furthermore, the consultants have provided that the works currently unbilled total \$3,000 (ex GST).

Once outstanding payments are made, the totals would be as follows:

Total Expenditure:	\$30,068 (ex GST)
Remaining of agreed scope:	\$65,622 (ex GST)

The total expenditure (including outstanding payments) to date represents completion of approximately 30% of the agreed scope and the Shire has received the following draft deliverables:

- Gaps Analysis; and
- Background Information and Analysis.

Once outstanding payments are made, the remaining 2016/17 allocated budget to undertake the Strategy and Scheme review (inclusive of the Industrial Land Review allocation of \$20,000) is \$137,300 ex GST.

The officer's recommendation is to seek new competitive quotations for a revised scope with the intent of re-assessing 'value for money' for the services requested. If an alternate consultant is appointed, it is anticipated that there will be an initial scope increase (above the current agreed scope) necessary to allow for a review works already completed. Review costs are expected to be minimal, and it is considered that overall efficiencies and benefits that can be achieved by seeking new competitive quotations will outweigh the initial additional scope increase. It is also noted that given the substantial amount of time that has elapsed since the original and amended quote, the documents already completed may be outdated and are likely to require an element of review regardless of whether the officer's recommendation is accepted or the existing consultant is retained.

Legal and Statutory

The requirements and statutory process for a review of the Scheme and Strategy is set out in the:

- *Planning and Development Act 2005.*
- *Planning and Development (Local Planning Schemes) Regulations 2015.*

The current agreed scopes were accepted via a fee acceptance and authority to proceed letter. No formal contracts were prepared which specify a process for closing of a contract.

Discussions have occurred with the consultant indicating that there is mutual agreement to end the current project subject to the Shire making payment for the works done to date as outlined above. A letter outlining the terms of project closure and terms for both parties to consent to will be prepared should Council resolve to end the current arrangement.

Risk related

Risks have been considered as part of this report. The following have been identified as 'medium' risks requiring additional management and consideration as part of the process.

Risk 1: New quotations exceeding the allocated budget

The revised scope will include the preparation of a new Local Planning Scheme No. 3. Quotes received can be highly variable with previous quotations received to the consultants brief for the Local Planning Strategy review in 2014 ranging from approximately \$40,000 to \$200,000.

Appropriate management strategies have and will be employed to reduce the risk of occurring involving:

- Market research has been undertaken indicating that the preparation of both documents is likely to be within the range of \$100,000 to \$150,000.

- Issuing of a well-defined request for quotation document clearly outlining the requirements to guide consultants on scope and quotations.
- Requiring any submissions of quotes to itemise preparation of the Strategy and Scheme, provide a schedule of rates for each scope and any additional works on top of the scope listed as 'optional' studies/strategies. This will allow for a fair comparison of quotes received, as well as enabling the Shire to assess proposals against what is required by the brief and recommended inclusions against the budget allocation.

Risk 2: Termination of the current agreed proposal.

In absence of a contract or specified process to terminate the current agreed consultant's scope there is a medium term risk associated with ending of the agreement without set terms. It is considered that this risk can be appropriately managed to become a 'low risk' subject the preparation of the 'terms of project closure' letter, to be signed by both the Shire and consultant, agreeing to terminate the project, costs, rights to use of documents etc.

It is considered the above risks can be appropriately managed.

Voting Requirements:

Absolute Majority Required: No

**RESOLUTION
040217**

Moved: Cr Saint

Seconded: Cr Smythe

“That Council:

- 1. Authorises the Chief Executive Officer to terminate the agreement with the consultant’s currently engaged to undertake the Local Planning Strategy review as specified in the accepted scopes dated 14 June 2014 and 21 August 2015.***
- 2. Notes the intent of the Chief Executive Officer to seek new quotations for the preparation of the Scheme in accordance with Shire of York Policy F1.2 Procurement.***
- 3. Pursuant to Section 72 of the Planning and Development Act 2005, requests the Chief Executive Officer to prepare a new Local Planning Scheme No. 3, which will cover the entire Local Government Boundary, and as shown as the Scheme Map Area in Appendix 1, and upon gazettal revokes Town Planning Scheme No. 2.***
- 4. Pursuant to Section 72 of the Planning and Development Act (2005) and Regulations 19 and 20 of the Planning and Development (Local Planning Schemes) 2015, requests the Chief Executive Officer to forward to the Western Australian Planning Commission:***
 - a) A copy of Council’s resolution deciding to prepare a new Local Planning Scheme No. 3, certified by the Chief Executive Officer;***
 - b) A map marked ‘Scheme Map Area’ signed by the Chief Executive Officer, on which is delineated the area of land proposed to be included in the Scheme; and***
- 5. Subject to receiving notification from the Western Planning Commission pursuant to Regulations 19 and 20 of the Planning and Development (Local Planning Schemes) Regulations 2015 requests the Chief Executive Officer to:***
 - a) Publish a notice within the Government Gazette and a newspaper circulating in the district of the Local Government of the passing of the resolution deciding to prepare a Local Planning Scheme No. 3.***
 - b) Forward a copy of the notice to the Local Government of every adjoining district, each licensee under the Water Services Act 2012 likely to be affected by the Scheme, the CEO of the Department of the Public Service principally assisting in the administration of the Conservation and Land Management Act 1984 and each public authority likely to be affected by the Scheme for their recommendations in regards to preparation of the new Local Planning Scheme No. 3.***
 - c) Pursuant to Section 81 of the Planning and Development Act 2005, forward a copy of the notice to the Environmental Protection Authority.”***

CARRIED: 6/1

SY003-02/17 - Development Assessment Panels - Local Government Member Nominations

FILE REFERENCE: PS.GEN.3
APPLICANT OR PROPONENT(S): N/A
AUTHORS NAME & POSITION: Carly Rundle, Senior Planner
RESPONSIBLE OFFICER: Paul Crewe, Executive Manager Infrastructure and Development Services
PREVIOUSLY BEFORE COUNCIL: No
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil

Nature of Council's Role in the Matter:

- Legislative

Purpose of the Report:

The Shire has received correspondence from the Department of Planning advising that the current Development Assessment Panel local government member appointments expire on 26 April 2017. Pursuant to Regulation 26 of the *Planning and Development (Development Assessment Panels) Regulations 2011* (DAP Regulations), the local government is required to nominate four elected members of the Council, comprising two local members and two alternate members to consider DAP applications when required.

It is recommended that Council resolves to nominate two members and two alternate members to the Development Assessment Panel and advises the Minister for Planning accordingly.

Background:

On 1 July 2011, Development Assessment Panels (DAP) came into operation under the DAP Regulations. Each DAP determines development applications that meet set type and value thresholds as if it were the responsible authority under the relevant town planning scheme.

The DAP is required to determine all development applications in excess of \$10 million in value (mandatory DAP application) and optional "opt-in" (determined by DAP at the choice of the applicant) for applications between \$2 million and \$10 million in value (provided they are not development types within the exempt category).

Each DAP comprises five members: three specialist members, one of which is the presiding member, and two local government members.

The Shire of York falls within the area of the Mid-West/Wheatbelt Joint Development Assessment Panel. Local government members are only required to sit on DAP to determine applications relevant to their Local Government, i.e Applications received within the Shire of York.

The current DAP local government members were appointed by resolution at the Shire of York Special Council Meeting dated 19 November 2016 and include:

- Members: Cr Denese Smythe and Cr Jane Ferro
- Alternate Members: Cr Trevor Randell and Cr Heather Saint

The current DAP member appointments expire on 26 April 2017 and the Local Government is required to nominate new members via the online submission process, by 28 February 2017. The local government is requested to nominate two members, and two alternate members.

Following closing date of the nomination period, the Minister will consider and appoint nominees for a three year term, expiring on 26 April 2020. All appointed members will be placed on the local government member register and advised of DAP training dates and times. It is a mandatory requirement, pursuant to the DAP Regulations, that all DAP members attend training before they can sit on a DAP and determine applications.

Local Government members who have previously undertaken training are not required to attend further training, but are encouraged to attend refresher training.

Comments and details:

When selecting nominees, it is advised that a consideration for Council should be that local government elections may result in a change to DAP membership if current councillors, who are DAP members, are not re-elected. If members are not re-elected, the local government may need to re-nominate new members for the Minister's consideration.

The ability for members to attend meetings should also be considered. The frequency of DAP meetings vary as to the volume of applications received, although the Shire of York has previously had a very low rate of applications which fall within the DAP threshold. Meetings are conducted during normal weekday business hours and the majority of meetings would be held within the Shire.

DAP members are entitled to be paid for their attendance at DAP meetings and training, unless they fall within a class of persons excluded from payment. Further details on excluded persons can be found in the Premier's circular – State Government Boards and Committees Circular (2010/02).

Should the Shire fail to nominate four representatives, the Minister has power to appoint two alternative community representatives to ensure local representation is on the panel. The regulations require that these alternate representatives are residents of the local area and have relevant knowledge or experience that, in the opinion of the Minister, will enable them to represent the interests of their local community.

Implications to Consider:

Consultative:

No consultation required.

Strategic Implications:

It is important that Council representatives are elected to participate in the decision making process to reflect the Shire of York's 2016-2016 Strategic Community Plan and community's interests.

Policy Implication:

The recommendation does not result in any policy implications for the Shire.

Financial Implications:

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

Legal and Statutory

The nominations are required under the following legislation:

- Part 11A of the *Planning and Development Act 2005*.
- Regulation 26 of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Risk related

It is considered that there are no medium to high risks associated with the recommendation that warrant further discussion.

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION

Moved: Cr Randell

Seconded: Cr Heaton

“That Council:

- 1. Nominates Councillors Smythe and Ferro as the Shire’s local government members with Councillors Randell and Saint as the alternate local government members to the relevant Development Assessment Panel.*
- 2. Requests the Chief Executive Officer to advise the Minister for Planning of the Shire’s nominees.”*

Motion to Amend

Moved: Cr Saint

Seconded: Cr Smythe

To remove Cr Saint as one of the alternate local government members to the relevant Development Assessment Panel and replace with Cr Walters.

CARRIED: 7/0

The Amendment became the Motion

RESOLUTION

050217

Moved: Cr Randell

Seconded: Cr Heaton

“That Council:

- 1. Nominates Councillors Smythe and Ferro as the Shire’s local government members with Councillors Randell and Walters as the alternate local government members to the relevant Development Assessment Panel.*
- 2. Requests the Chief Executive Officer to advise the Minister for Planning of the Shire’s nominees.”*

CARRIED: 7/0

SY004-02/17 – Approval of Advertising, Qualitative Criteria and Calling Tenders for Waste and Recycling Collection for the Shire of York

FILE REFERENCE:	AS.TEN.55
APPLICANT OR PROPONENT(S):	Shire of York
AUTHORS NAME & POSITION:	Paul Crewe, Executive Manager Infrastructure & Development Services
RESPONSIBLE OFFICER:	Paul Crewe, Executive Manager Infrastructure & Development Services
PREVIOUSLY BEFORE COUNCIL:	N/A
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Assessment Criteria and Weightings

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

Officers are seeking Council approval of a community consultation process and the proposed assessment criteria prior to the advertising of a Tender for Waste and Recycling collection services for the Shire of York.

Background:

The Waste and Recycling Collection contract was awarded to Avon Waste in 2005 for a period of 5 years, and extended for another 5 years by Council in 2010 (in accordance with Council Resolution 111210).

This Contract expired on 1 December 2015, and since then has been on a "rolling agreement" between the Shire of York and Avon Waste in accordance with the existing contract.

Avon Waste currently also holds a separate contract with the Shire of York to operate and maintain the existing York Transfer station. This contract expires 17 September 2017, and as such will be the subject of a further report to Council and not included in the scope of works which form the Waste and Recycling Collection tender.

It is the Officer's intention to seek community consultation over a period of 2 weeks from residents regarding the provision of waste collection services in their area. This may include;

- Kerb side collection for the waste and recycling bins (and possible extension of these services);
- Kerb side collection (green waste);
- Kerb side bulk pick-up;
- The "One free skip bin" to each resident per year arrangement;
- Centrally located "skip bins" to town sites.

Once this information has been collated, it is the Officer's intent to include the requested (and forecasted) services into a Tender document which will include a schedule of rates to provide these services to the York community.

This will allow Councillors to make an informed decision on the fees and charges associated with extending the scope of works and areas of service within the York Shire.

Officers would also like to add the “Kerb side Bulk Pickup” to the schedule of rates to compare costings with Shire staff undertaking this work. Officers are anticipating that it may be more beneficial for the community for the time spent by Shire employees on this task to be spent on maintenance or construction tasks.

Consultative

Since the original contract was formed, the Shire of York has been approached by several members of the community who would like the scope of works included in the contract to be extended to meet the growing needs of an expanding population. This includes pick-up services in Talbot, Greenhills, Mount Hardy and Quellington. The consultation period will provide an opportunity for these and other members of the community to have input into the scope of future waste collection services.

Strategic

N/A

Comment

The (*Local Government Act 1995*) and the (*Local Government (Functions and General) Regulations 1996*) state that tenders are to be publicly invited if the consideration under a contract is expected to be more than \$150,000 and prior to publicly inviting tenders, the Local Government must establish in writing the criteria for determining which tender should be accepted.

Legal and Statutory

- Section 3.57 of Local Government Act 1995 requires [“A local government to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods and services”.] Halics
- Part 4 (Tenders) of the Local Government (Functions and General) Regulations 1996 require that [tenders be publicly invited for such contracts where the estimated cost of providing the total service exceeds \$150,000.]
- Compliance with the Local Government Act 1995 section 3.57 is required in the issuing and tendering of contracts.

Policy

The following Policies of Council have been considered;

- F 1.2 Procurement
- G 2.9 Community Engagement and Consultation
- G 4.3 Financial Planning and Sustainability
- G 4.6 Risk Assessment and Management

Financial

The Shire has budgeted these works in the 2016/17 and 2017/18 financial year.

Options

Council could consider the following alternate options;

- Council may choose to not go to public consultation and Tender existing scope of works, however Officer’s feel that some consultation on the scope should be considered by the community.
- Council may choose not to go to Tender but keep the existing contract “rolling over”, however the Shire is obligated to Tender these works.
- Council may choose to change the qualitative criteria in the Tender.

Voting Requirements:

Absolute Majority Required: No

**RESOLUTION
060217**

Moved: Cr Smythe

Seconded: Cr Ferro

“That Council:

- 1. Notes that the current contract for Waste & Recycling Collection services has expired.***
- 2. Approves a community consultation process to be undertaken by Officers prior to the advertising of the Waste and Recycling collection services;***
- 3. Approves the included assessment criteria and weightings as attached in “Appendix A” in the Tender for the Waste and Recycling collection services.***
- 4. Requests the Chief Executive Officer to invite Public Tenders for the Waste and Recycling collection services;***
- 5. Notes that Council will be briefed on the community consultation, schedule and costing of the provision of Waste and Recycling services and a report will be drafted by the Chief Executive Officer requesting Council to award the Tender.”***

CARRIED: 7/0

SY005-02/17 – Award of RFT 01/1617 Civil Construction Works

FILE REFERENCE: AS.TEN.52
APPLICANT OR PROPONENT(S): Shire of York
AUTHORS NAME & POSITION: Paul Crewe, Executive Manager Infrastructure & Development Services
RESPONSIBLE OFFICER: Paul Crewe, Executive Manager Infrastructure & Development Services
PREVIOUSLY BEFORE COUNCIL: October 2016 – Resolution 041016
DISCLOSURE OF INTEREST: N/A
APPENDICES: Confidential Attachment A – “Recommendation Report”

Attachment A is confidential under Section 5.23 - 2(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".

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

Nature of Council’s Role in the Matter:

- Executive

Purpose of the Report:

Council is requested to consider the tenders received in response to Request for Tender RFT01/1617 for the Civil Construction Works. The tender, which was endorsed by Council, Resolution Number 041016, has now closed and tender submissions have been received and evaluated.

This report summarises the submissions received and recommends that Council separates the scope of works included in the civil construction tender for the 2016/17 financial year into “Works Packages” and awards RFT01/1617 for the Civil Construction Works to a panel of Civil Construction companies as outlined in the attached “Recommendation Report”.

It is also proposed that Council reduces the budgeted transfer into the Road Reserve by \$60,000. Originally \$120,000 was budgeted to be transferred into the road reserve in the absence of a resealing program. With the capital works program now implemented, these sealing works can take place and can facilitate budgeted capital works being 100% complete for this financial year.

Please note that recent storm damage may delay the Shire’s works package (Cut Hill Rd, Top Beverley Rd and Quellington Rd) as immediate rectification works of storm damage may take around 4 to 6 weeks. Officers will investigate contingency strategies to ensure the Shire works are delivered on time and on budget.

Background:

The Shire of York sought tenders from suitably qualified tenderers to undertake Civil Construction Works for the Shire of York. The scope of works was limited to the Capital works only and it was not the intent of the Shire to have Maintenance works (grading, drainage etc.) tendered out.

This tender sought to seek a market test of Civil Construction costs benchmarked against the Shire’s Capital Works budget.

Officers are confident that as discussed in the “Recommendation Report” there are genuine efficiencies both in costs and time through awarding the Tenders to a panel of Civil contractors and have made recommendations to this effect.

Other advantages of awarding the tenders to Civil Construction companies include (but are not limited to);

- All Civil Construction companies recognise the Shire of York's desire to form a "Partnership" agreement with the preferred tenderers and have allowed for construction training and briefings with Shire staff within their budgets if required.
- Depending on the level of Shire staff involvement they are also willing to reduce their quoted prices to a price to be negotiated at time of award.

In line with the Talis Report (May 2016);

- All construction will be to detailed design in accordance with relevant Australian Standards;
- All construction will contain certified or tested materials;
- All construction will be set-out through survey and as-constructed drawings will be presented to the Shire for assessment against the design on completion of the construction; and
- All works are now fully programmed allowing for a systematic approach to pruning, spraying and other ancillary works to the road construction.

The above represents an increased level of service in response to community feedback received and the findings of the Talis report.

If Council endorses the Officer's recommendation, it is anticipated that Shire staff, (when not working with the tendered Civil Construction companies) will now have additional time to attend to maintenance tasks, including road grading, pruning and drainage works. The savings in salaries that have been achieved across the organisation will be used to fund this and the anticipated 4-6 weeks required to mitigate the recent storm damage. Details will be included in the mid-year budget review to be presented to Council in March.

Comments and details:

The tenders were evaluated by Shire staff, and an independent third party engineering consultant (Howson Management Pty Ltd) who had assisted with setting the capital works budget last financial year.

The Recommendation report including an assessment of the qualitative and price considerations has been included in the confidential "Recommendation Report" attached as an appendix.

Tender documents were issued to forty (40) tenderers, and the Shire of York received 4 tenders by the closing date at 2pm on Monday 5 December 2016. It should be noted that many of the tender requests received were from Civil Material supply companies who were looking to supply civil construction materials and not necessarily undertake any civil works.

A copy of all documentation was provided to each member of the tender review panel for assessment. The tender documentation provided for the evaluation process included the following methodology:

- Tenders were evaluated using the tendered prices, information provided by tenderers in response to the qualitative criteria specified in the tender documents and such other information the Shire considers necessary in order to evaluate the tenders against the selection criteria.

- A scoring and weighting system was used as part of the assessment of the tendered prices and qualitative criteria, with the objective to allocate points and weightings in accordance with the relative degree of importance that the Shire places on price and each of the qualitative criteria. The extent to which a tender demonstrated greater satisfaction of each of these qualitative criteria resulted in a greater score.
- The tendered prices were then assessed together with the weighted qualitative criteria and the tenders scored and ranked to determine the most advantageous outcome to the Shire of York. The Shire has adopted a best value for money approach to this Request for Tender which means that, although price will be a consideration, the tender containing the lowest price will not necessarily be accepted, nor will the tender ranked the highest on the qualitative criteria.
- The tender required applicants to address the specific selection criteria as endorsed by Council Resolution 041016 and complete a pricing schedule for the contract. The following weightings applied to the qualitative criteria and price:
 - Relevant Experience 15%
 - Key Personnel Skills and Experience 10%
 - Tenderer's Resources 10%
 - Demonstrated Understanding 5%
 - Price 60%

The tender evaluation was conducted in accordance with the requirements of the tender documents (including the above) and in consultation with the various tenderers it was determined that the most advantageous methodology was for the Shire of York to award the works to a panel of tenderers with the below methodology;

Preliminary Works – (Shire to undertake*)

Capital Works Task	Shire of York	Timeframe	Comments
Construction Works	Survey existing Roads	January 2017	Surveying required for detailed design and would need to be undertaken regardless of who was undertaking the construction works. The Shire should save costs on “management fees” (estimated 10%) by directly engaging the Surveyor.
Construction Works	Commission Detailed designs	January 2017	Detailed design of capital works required to meet relevant Australian Standards.
Construction and re-sealing works	Undertake pruning and preliminary works	January / February 2017	Pruning and other works to take place prior to capital works being carried out.

*These works have already been undertaken

Bitumen Resealing Works

Capital Works Task	Shire of York	Timeframe	Comments
Re-sealing works	RFQ Materials (WALGA Handbook)	February 2017	Purchasing materials directly from suppliers should save the Shire 10% on “administration fees” from the re-sealing contractors, Shire staff will have the stone delivered to site before the contractor mobilises.
Re-sealing works	RFQ Bitumen resealing (WALGA Handbook)	February 2017	RFQ Re-sealing works should demonstrate to Officers the best value for money for the Shire

Roads included in the Bitumen Re-sealing program include

- a. Penny Drive Reseal (SLK 0.25 to 3)
- b. Qualen West road reseal (SLK 6.0 to 9.6)
- c. South Street Asphalt overlay (SLK 0.0 to 0.61)
- d. Spencers Brook Road Final Seal (SLK 1.6 to 3.6)
- e. Talbot Road Final Seal (SLK 8.8 to 9.6)
- f. Top Beverly Road Final Seal (SLK 11.78 to 14.08)
- g. Ulster Road Reseal (SLK 0.0 to 2.52)

Due to the type of plant and equipment required to carry out Bitumen re-sealing works, it is standard practice for Local Governments to have these works tendered or quoted on. In this case rather than go through one of the construction tenderers, and to “Market test” the Tenders received, Officers sought quotes from several re-sealing companies listed in the WALGA handbook to better inform the Capital works budget. Officers are now confident if they engage the Bitumen re-sealing contractor directly, there will be cost efficiencies made.

It is also Officers recommendation for the Shire to undertake the following works as part of the capital works package;

Capital Works tasks – Package 1 – Shire to undertake

Road Construction Works	Timeframe (Scheduled)
Cut Hill Road (SLK 0.1 to 1.08)	March 2017
Top Beverly Road (SLK 9.78 to 11.78)	March / April 2017
Quellington Road Shoulder reinstatements	April / May

Officers have then “separated” the remaining capital works into the following works packages based on the assessment of the tenders.

Capital Works tasks – Package 2 – Tenderer 1 to undertake

Road Construction Works	Timeframe (as tendered)
Talbot Road (SLK 4.4 to 5.9)	March 2017
Quellington Road (SLK 3.6 to 5.6)	February 2017
Spencers Brook Road (SLK 0.0 to 1.6)	March 2017

Gravel re-sheeting works	Timeframe (as tendered)
Wrights Road (SLK 0.28 to 1.93)	March 2017
Talbot Hall Road (SLK 5.37 to 7.37)	May 2017
Piccadilly Road (SLK 1.0 to 3.0)	May 2017
Cameron Road (SLK 0.0 to 2.0)	March 2017
Wambyn Road (SLK 0.0 to 2.0)	March 2017
Gwambygine East Road (SLK 10.7 to 12.7)	March 2017
Duck Pool Road (SLK 0.0 to 2.0)	April 2017

Storm Damage – WANDRRA funded	Timeframe (as tendered)
Waterfall Road (SLK1.43 to 1.51)	April 2017
Waterfall Road (SLK 2.61 to 2.82)	April 2017
Waterfall Road (SLK 3.32 to 3.38)	May 2017
Waterfall Road (SLK 3.84 to 3.94)	May 2017

Capital Works tasks – Package 3 – Tenderer 2 to undertake

Road Construction Works	Timeframe (as tendered)
Berry Brow Road and Great Southern Highway Intersection	March 2017

Storm Damage – WANDRRA funded	Timeframe (as tendered)
Chandos Road (SLK 0.88 to 1.86)	March 2017
Andrews Avenue (SLK 0 to 1)	April 2017
Lennard Road (SLK 0.07 to 0.17)	April 2017
Lennard Road (SLK 0.99 to 1.19)	April 2017
Lennard Road (SLK 1.86 to 2.2)	April 2017
Hammersley Siding road (SLK 5.59 to 6.02)	March 2017
Attfield Road North (SLK 0 to 0.45)	March 2017

Box Culvert Replacement	Timeframe (as tendered)
Waterfall Road Box Culvert Replacement	March 2017

The attached confidential Tender Evaluation and Recommendation report (Attachment A) provides the detailed evaluation outcome.

Implications to consider:

- **Consultative**

RFT01/1617 for the Capital Works was advertised in the West Australian Newspaper (12 November 2016), the Hills / Avon Valley Gazette (11 November 2016) and the Shire's Website.

- **Policy related**

The following Policies of Council have been considered during the tender and evaluation process;

- F 1.2 Procurement
- G 2.9 Community Engagement and Consultation
- G 4.3 Financial Planning and Sustainability
- G 4.5 Asset Management
- G 4.6 Risk Assessment and Management

- **Financial**

The Shire of York's Capital Works Program is composed of funding from various sources and requires an acquittal process which demonstrates to the funding body that the works have been carried out as efficiently as possible.

Due to the varying ways in which the funding bodies grant money to the Shire for capital works, Officers have worked on the most efficient and cost effective way to undertake the Civil works. For example, a condition of the WANDRRA funding, is that the Shire of York (apart from immediate rectification works) is not to be recompensed for any works undertaken by Shire staff on these civil works and therefore must engage the services of a construction company. Other funding has various levels of Shire contributions, (1/3 Shire 2/3 Funded) and some works are solely funded by the Shire of York.

The strategy outlined in the Officers report maximises efficiencies from all funding received and ensures all roads are constructed in a manner as recommended to Local Government Standards and in-line with the Talis Report (May 2016).

As outlined previously, the savings in salaries that have been achieved across the organisation will be used to fund this and the anticipated 4-6 weeks required to mitigate the recent storm damage. Details will be included in the mid-year budget review to be presented to Council in March.

- **Legal and Statutory**

- Section 3.57 of Local Government Act 1995 requires ["A local government to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods and services".] Halics
- Part 4 (Tenders) of the Local Government (Functions and General) Regulations 1996 require that [tenders be publicly invited for such contracts where the estimated cost of providing the total service exceeds \$150,000.]
- Compliance with the Local Government Act 1995 section 3.57 is required in the issuing and tendering of contracts.

- **Risk related**

Outlined below are the identified risks related to the Officer recommendations contained in this report.

Identified Risk	Risk type	Level of Risk	Mitigation
Contractual variations	Budget	Low	Tender Documents are thorough, specification and Administration of the contract will be undertaken in accordance with Local Government standards.
Material failure	Contractual	Medium	All materials will be certified before their use in the capital works program

- **Options**

Council could consider the following alternate options:

- Council may choose not to accept the Officer's recommendation and award the Tender to an alternative tenderer or panel of tenderers. In the view of the Officers this could result in a Tender being awarded to a tenderer that is not most advantageous to the Shire.
- Choose not to accept the Officer's recommendation and not award the tender or any part thereof.

- Chose to maintain the original the budgeted transfer into the Road Reserve of \$120,000 and not the Officers recommendation of \$60,000. Originally \$120,000 was budgeted to be transferred into the Road Reserve in the absence of a resealing program. With the capital works program (including scheduled sealing works) now implemented these sealing works can now take place and can facilitate budgeted capital works being 100% complete for this financial year.
- **Timeline for implementation of Officers Recommendation**
Should Council adopt the Officers Recommendation, it will take approximately 2 weeks to formalise and award the contracts to the relevant Tenderers.

The Tenderers have advised a mobilisation date within approximately 2 weeks of notification allowing all Capital works tendered to be completed this financial year.

Voting Requirements:

Absolute Majority Required: Yes

**RESOLUTION
070217**

Moved: Cr Saint

Seconded: Cr Walters

“That Council:

- 1. Adopts the outcome of the tender evaluation panel’s assessment in relation to Tender Award of RFT01/1617 for the Civil Construction Works;***
- 2. Reduces the budgeted transfer to the Road Reserve to \$60,000 to enable this year’s Capital Works program to be completed in line with the recommendations with the Talis report (May 2016);***
- 3. Notes that any efficiencies in the budgeted amounts for the construction of individual roads will still be spent on the roads for which the funding is intended through Shire staff undertaking ancillary works such as pruning, weed spraying etc.;***
- 4. Chooses not to award Tender prices received for Bitumen re-sealing works, and requests the Chief Executive Officer to manage these works “in-house” with contractors within the WALGA suppliers list; and***
- 5. Authorises the Chief Executive Officer to execute contract documents for the Tendered Civil Works to the following panel (in no particular order) of Civil Construction Contractors;***
 - a. “Stabilised Pavements Australia Pty Ltd” for the amount of \$1,175,525;***
 - b. “Tracc Civil Pty Ltd” for the amount of \$259,214;***
- 6. Notes that due to recent storm damage, works proposed to be undertaken by Shire staff are likely to be delayed.***
- 7. Authorises the Chief Executive Officer to implement contingency strategies in accordance with Council’s policies and delegations, to deliver the Capital Work program on time and on budget.”***

CARRIED: 7/0

SY006-02/17 – Shire of York’s Bushfire Policies and Procedures Manual & Bush Fire Response Plan

FILE REFERENCE: RS.FES.5
APPLICANT OR PROPONENT(S): Shire of York
AUTHORS NAME & POSITION: Troy Granville, Acting Community Emergency Services Manager
RESPONSIBLE OFFICER: Paul Crewe, Executive Manager Infrastructure and Development Services
PREVIOUSLY BEFORE COUNCIL: N/A
DISCLOSURE OF INTEREST: Nil
APPENDICES: Shire of York Bushfire Policies and Procedures Manual.
Shire of York Bush Fire Response Plan.

Nature of Council’s Role in the Matter:

- Executive

Purpose of the Report:

To present the Shire of York’s Bushfire Policies and Procedures Manual and the Bush Fire Response Plan to the Shire of York Council for consideration and adoption.

Background:

The Bushfires Act 1954 mandates the provision and administration of local Bush Fire Brigade services by Local Government to facilitate response and control of fires outside of the gazetted Fire District Town Boundaries within the Shire of York.

The two documents (Shire of York’s Bushfire Policies and Procedures Manual and the Bush Fire Response Plan) seek to formalise the conduct, response and control arrangements of the Shire’s Bush Fire Brigades and delegated officers to comply with the Shire’s responsibilities as directed by the (*Bushfires Act 1954*).

Comments and details:

The Shire of York Bush Fire Response Plan originated from the Bush Fire Advisory Committee in 2007. It was subsequently re-drafted by the Community Emergency Services Manager in 2013 and has been subjected to a comprehensive review by the Acting Community Emergency Services Manager and Department of Fire and Emergency Services Area Officers from the Northam DFES Office to bring it up to its most current format.

The Shire of York Bushfire Policies and Procedures Manual is a relatively new document that has been adapted from similar documents in use by neighbouring shires. It has been prepared to assist the Shire and its brigades by informing and defining the various roles and responsibilities and has been reviewed and endorsed at the October 2016 Annual General Meeting of the Bush Fire Advisory Committee.

Implications to consider:

- **Consultative**

The Bushfire Policies and Procedures Manual was put before the Shire of York Bush Fire Advisory Committee meeting in October 2016 and endorsed by this group.

The Bush Fire Response Plan has been re-drafted and reviewed by the Acting Community Services Manager, DFES Acting Area Officer and DFES Area Officer.

- **Strategic**
These documents serve to reinforce Theme 5 of the Shire of York’s Strategic Community Plan by providing and promoting leadership and governance
- **Policy related**
Local Emergency Management Arrangements
- **Financial**
There are no financial implications of adopting these documents not previously included in the 2016/17 FY budget and endorsed by Council.
- **Legal and Statutory**
The statutory reference is the Bush Fires Act 1954; particularly Sections 35 through 44, 48, 50, 62, 67 and 68.
- **Risk related**
Both documents seek to formalise firefighting risk mitigation strategies such as the wearing of minimum PPE standards, minimum training and skill requirements and expectations, adequate and effective turn out response by crews to a fire and effective command and control to safely manage fire incidents.

Training may also be required to mitigate risks to personal and property and has been included in the attached reports.

Voting Requirements:
Absolute Majority Required: No

**RESOLUTION
080217**

Moved: Cr Saint

Seconded: Cr Heaton

“That Council:

1. ***Adopts the Shire of York’s Bushfire Policies and Procedures Manual and the Bush Fire Response Plan.***
2. ***Requests the Chief Executive Officer to ensure that;***
 - (a) ***the Shire of York Bushfire Policies and Procedures Manual is reviewed by the Bush Fire Advisory Committee on an annual basis and any changes are then subsequently recommended by the Committee for Council’s consideration and approval.***
 - (b) ***the Shire of York Bush Fire Response Plan be reviewed by the Local Emergency Management Committee on an annual basis and any changes included into the Local Emergency Management Arrangements.***
3. ***Authorise the Chief Executive Officer to make minor typographical and editing corrections to the documents prior to distribution.”***

CARRIED: 7/0

Disclosure of Interest – Cr Ferro – Impartial – I am good friends with applicant

Cr Ferro read the Impartiality Declaration - ... With regard to Approval to Keep More Than Two Cats the matter in Item SY007-02/17 I disclose that I have an association with the applicant. The association is we are good friends. 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.

SY007-02/17 – Approval to Keep More Than Two Cats

FILE REFERENCE: RS.ANC.4
APPLICANT: Ms Joy Marshall – 70 Newcastle St, York
AUTHORS NAME & POSITION: John Goward, Ranger
RESPONSIBLE OFFICER: Paul Crewe, Executive Manager Infrastructure and Development Services
PREVIOUSLY BEFORE COUNCIL: N/A
DISCLOSURE OF INTEREST: Cr Ferro - Impartial
APPENDICES: Photographs of Cats

Nature of Council's Role in the Matter:

- Legislative

Purpose of the Report:

To consider an application made by Ms Joy Marshall of 70 Newcastle Street, York to keep more than two cats over the age of 3 months in accordance with the provisions of the Shire of York Health Local Law 2007, Section 5.2.4.1.

Background:

Under the provisions of the Cat Act 2011, Section 79(3) (h) the Shire of York may make Local Laws under this Act limiting the number of cats that may be kept at premises, or premises of a particular type.

A Cat Local Law has not been made in accordance with the provisions of the Cat Act 2011 by the Shire of York at this time. Officers are in the process of drafting a Cat Local Law which will be presented to Council in due course.

However, the Shire of York Health Local Law 2007, Section 5.2.4.1 allows a person to keep more than 2 cats over the ages of 3 months on premises on any land within the District with an exemption in writing from the Council.

Under the provisions of The Cat Act 2011, Division 2 - Local Laws

79. Local Laws

- (3) *Without limiting subsection (1), a local law may be made as to one or more of the following —*
- (a) *the registration of cats;*
 - (b) *removing and impounding cats;*
 - (c) *keeping, transferring and disposing of cats kept at cat management facilities;*
 - (d) *the humane destruction of cats;*
 - (e) *cats creating a nuisance;*
 - (f) *specifying places where cats are prohibited absolutely;*

- (g) *requiring that in specified areas a portion of the premises on which a cat is kept must be enclosed in a manner capable of confining cats;*
- (h) *limiting the number of cats that may be kept at premises, or premises of a particular type;*
- (i) *the establishment, maintenance, licensing, regulation, construction, use, record keeping and inspection of cat management facilities;*
- (j) *the regulation of approved cat breeders, including record keeping and inspection;*
- (k) *fees and charges payable in respect of any matter under this Act.*

The Shire of York Health Local Laws 2007 - Cats

- 5.2.4 (1) *Subject to subsection (6), a person shall not, without an exemption in writing from the Council, keep more than 2 cats over the ages of 3 months on premises on any land within the District.*
- (2) *An owner or occupier of premises may apply in writing to the Council for exemption from the requirements of subsection (1).*
- (3) *the Council shall not grant an exemption under this Section unless it is satisfied that the number of cats to be kept will not be a nuisance or injurious or dangerous to health.*
- (4) *An exemption granted under this Section shall specify -*
- (a) *the owner or occupier to whom the exemption applies;*
 - (b) *the premises to which the exemption applies; and*
 - (c) *the maximum number of cats which may be kept on the premises.*
- (5) *A person who is granted an exemption under subsection (3) may be required by Council to:*
- (a) *provide for each cat kept at or on the premises, a properly constructed shelter with an enclosure complying with the following-*
 - (i) *each shelter shall have a floor area of not less than 0.5 square metres for each cat over the age of 3 months kept or to be kept therein; and*
 - (ii) *the area of the enclosure appurtenant to each shelter shall be not less than 3 times the area of the shelter;*
 - (b) *ensure every shelter and enclosure is situated at a distance of not less than -*
 - (i) *2 metres from the boundary of any lot not owned or occupied by the person by whom the cats are kept;*
 - (ii) *10 metres from any dwelling, church, schoolroom, hall or premises in which food is manufactured, packed or prepared for human consumption;*
 - (c) *keep all shelters, enclosures, yards and grounds in which cats are kept in a clean condition and free from vectors of disease at all times and clean, disinfect or otherwise deal with them as directed by an Environmental Health Officer from time to time.*
- (6) *A person may keep more the 2 cats on premises used for veterinary purposes or as a pet shop.*

This is the second application received by the Shire of York to keep more than the prescribed number of cats, since the Cat Act 2011 came into force in 2013.

Comments and details:

Ms Marshall has owned Sukura and Razzie since they were kittens and Seal since he was 2 years old. Ms Marshall has lived in York for the past 13 years.

The cats are:

- 'Seal' a 9 year old domestic mixed breed, sterilised and microchipped male, grey in colour.
- 'Sakura' a 5 year old domestic mixed breed, sterilised and microchipped female, black in colour.
- 'Razzie' a 4 year old domestic mixed breed, sterilised and microchipped female, black in colour.

All three cats are currently registered until October 2019 with the Shire of York

Implications to consider:

Risk Related:

Keeping of three cats in a town site may impact on the social cohesion of a community if the cats create a nuisance.

Consultative:

The cats are kept inside in a cat enclosure, the only cat allowed outside of the house is Seal. As there have been no known complaints regarding these cats, it is believed that it is unnecessary to conduct a letter drop to assess if neighbors have any objections to the keeping of these cats.

RESOLUTION

090217

Moved: Cr Randell

Seconded: Cr Smythe

“That Council approves an exemption for the keeping of three (3) cats at 70 Newcastle Street, York subject to the following conditions:

- a. That Council has the right to withdraw the exemption if prior to the review period any of the three cats are in contravention of the Cat Act 2011 or the Shire of York Health Local Law 2007;***
- b. That the exemption be reviewed in 12 months' time to ensure that no adverse problems have been experienced as a result of the exemption;***
- c. That the exemption applies only to the cats nominated by the applicant;***
- d. Each cat on the property must be registered with the Shire of York;***
- e. Each cat is microchipped;***
- f. Each cat is sterilized; and***
- g. Upon the death or permanent removal of any of the nominated cats a maximum of two cats only will be permitted to be kept on this property.”***

CARRIED: 7/0

SY008-02/17 – Invitation to join Avon Regional Organisation of Councils (AROC)

FILE REFERENCE:	OR.RDT.1
APPLICANT OR PROPONENT(S):	N/A
AUTHORS NAME & POSITION:	Paul Martin, Chief Executive Officer
RESPONSIBLE OFFICER:	Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL:	N/A
DISCLOSURE OF INTEREST:	N/A
APPENDICES:	Correspondence Inviting Shire of York to Join AROC

Nature of Council's Role in the Matter:

- Advocative
- Executive

Purpose of the Report:

This report presents Council with the opportunity to re-join Avon Regional Organisation of Councils (AROC).

Background:

The *Local Government Act 1995* provides the ability for local government authorities to form Regional Local Governments.

This governance framework was used by the State Government during the amalgamation agenda to encourage Shires to work together either as Regional Transition Groups or Regional Collaborative Groupings of local governments. During this time each local government had to be part of one of these groups. With the amalgamation process now abandoned by the State Government, there is no formal requirement for any local government to be part of any regional local government. Participation in any such arrangement is now purely voluntary.

The Shire of York was part of the Avon Regional Organisation of Councils until it left in 2009.

During the amalgamation process, the Shire of York participated in the SEAVROC (South East Avon Valley Regional Organisation of Councils). The Shire's involvement in this group has been controversial and the SEAVROC has since been disbanded. The Shire of York still holds some funds from the SEAVROC which will be the subject of a separate report to Council on the disbursement of these remaining funds to other local governments who were previous members.

Comments and details:

The Shire of York has been invited to re-join AROC and this matter is now before Council for consideration.

The AROC consists of the following member local government authorities:

- Shire of Chittering
- Shire of Dowerin
- Shire of Goomalling
- Shire of Northam
- Shire of Toodyay
- Shire of Victoria Plains

A copy of the Memorandum of Understanding for the operation of the AROC is attached at Appendix 1 for Councillors' reference. This MOU details Mission, Purpose, Governance and other aspects of the operation of the AROC.

The group has achieved some outcomes over the past few years including:

- Obtaining funding for the construction of aged housing in some member local governments.
- Developing a Regional Waste Plan which provides access to State Government funding associated with waste reduction strategies.

Current initiatives being investigated include:

- A regional recreation plan. This is underway at present and Officers see some merit in the Shire being involved however it is recommended that the Shire of York not actively participate in this plan at this stage due to limited financial and human resources.
- Resource sharing between local governments for Health, Building and Compliance Officers. This is an initiative Officers see merit in investigating given the nature of attracting staff to these roles in local governments the size of York.

The AROC operates on the basis that each member local government has a stake in the funds held in reserve for the organisation and then contributes an amount annually between \$5,000 and \$10,000 for agreed projects and initiatives.

Member local governments can choose to participate in any initiatives being undertaken and contribute financially accordingly. Council would make the determination of what initiatives to participate in when the minutes of meetings are presented to Council after each AROC meeting.

Officers are recommending that Council resolves to re-join the AROC as there are benefits in working with neighbouring local governments to share resources and attract funding particularly targeted at a regional level.

Officers consider that York has much in common with the local governments that constitute the AROC as they are all in an outer urban arc from Perth which will be a main driver of growth for the Shire of York into the future.

The other factor to consider is whether the timing is right for the Shire of York to join AROC. It could be argued that the Shire needs to focus upon getting its own house in order prior to commencing engagement at a regional level. There is some validity to this argument. Council could agree to join but request membership commences sometime into the future. Officers propose that involvement in regional initiatives can be managed on a case by case basis determined by the Council to address this issue.

Officers are recommending Council accepts the invitation to join the AROC but requests the funds to contribute be budgeted in the 2017/18 FY.

Implications to consider:

- Consultative
The Shire President and CEO have attended one of the AROC meetings to assess the merits of joining this group. At this meeting it was advised that the opportunity to re-join AROC would be presented to Council for its determination.
- Strategic
The alignment the Shire has with any regional local government is a major strategic issue for the organisation. Council needs to consider what area it wants the organisation to be aligned to into the future and where it sees benefit for local residents (if at all).

- Policy related
The Shire's Policy *CP 1.4 Local Government Resource Sharing* activity encourages resource sharing with neighbouring local governments to improve service delivery and make effective use of resources for York residents. Joining the AROC is a structured way to explore resource sharing with neighbouring local governments.
- Financial
As indicated in the attached correspondence, if the Shire of York wants to join AROC it needs to contribute the following funds:
 - \$19,625 which is one sixth of the total balance of AROC funds as at 30 June 2016. This is a one off contribution the Shire will be required to make. When the Shire left AROC in 2009 it was paid out its share of funds available.
 - Provide for an annual contribution between \$5,000 and \$10,000 as determined by the group.

The Shire has not budgeted for these funds as part of the 2016/17 financial year. Therefore, Officers are recommending that these funds be budgeted for and paid in the 2017/18 financial year.

The invitation to join also includes an invitation to be part of a Regional Recreation Plan. Officers are proposing that given the timing of this and the current strategic priorities, the Shire of York declines to participate in this activity at this time.

- Legal and Statutory
Section 3.61 of the *Local Government Act 1995* relates to Regional Local Governments.
- Risk related
The main risk Officers envisage for joining the AROC is diverting limited financial and human Shire resources towards regional priorities as opposed to resolving issues locally. This is a factor that will need to be managed on a case by case basis when Council considers whether to participate in regional activities and projects.

Voting Requirements:
Absolute Majority Required: Yes

**RESOLUTION
100217**

Moved: Cr Walters

Seconded: Cr Ferro

“That Council:

- 1. Accepts the invitation to re-join Avon Regional Organisation of Councils (AROC) subject to approval by AROC for the Shire of York to pay its entry fee and annual contributions commencing in July 2017 so these funds can be budgeted as part of the 2017/18 FY.***
- 2. Appoints the Shire President and Chief Executive Officer as the Shire of York Representatives on AROC.***
- 3. Authorises the Shire President and Chief Executive Officer to engross the new Memorandum of Understanding to be developed including the Shire of York.***
- 4. Advises AROC that the Shire of York declines the invitation to be part of a regional recreation strategy at this point in time due to limited financial and human resources available to meaningfully contribute towards this project.***
- 5. Requests the Chief Executive Officer to present a report to Council regarding the finalisation of the accounts and disbursement of any remaining SEAVROC funds held by the Shire of York.”***

CARRIED: 6/1

SY009-02/17 – Avon Tourism Annual Membership Fees

FILE REFERENCE: CS.CEV.6
APPLICANT OR PROPONENT(S): Avon Tourism
AUTHORS NAME & POSITION: Esmeralda Harmer, Community & Economic Development Officer
RESPONSIBLE OFFICER: Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL: Yes – Ordinary Council Meeting 28 November, 2016
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

This report requests that Council approves the GST portion to the payment of \$5,500 resolved in November's Ordinary Council Meeting, for the Shire of York's 2016/17 Annual Membership Fees to Avon Tourism.

Background:

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

“That Council:

- 1. Approves payment of \$5,500 including GST to Avon Tourism Inc for Annual Membership 2016/17.***
- 2. Appoints Cr Ferro as the Shire of York Representative on the Avon Tourism Board.***
- 3. Notes that the improvements and upgrades to the York Visitors Centre can be managed within the existing budget allocations.***

Comments and details:

Officers are now aware that the GST portion of the approved amount was excluded from November 2016 OCM resolution. The payment amount should have been \$5,500 excluding GST (\$6,050 including GST) not \$5,500 including GST as identified above.

Officers in identifying this discrepancy, have not processed the above payment pending consideration by Council of this matter.

Officers are recommending that Council authorises an additional payment of \$550 being the GST portion on the \$5,500 payment for membership above.

Implications to consider:

- Consultative
Officers will continue engaging with Avon Tourism to inform them of the outcome pending Council's decision.
- Strategic
Nil
- Policy related
Nil

- Financial
Included in the 2016/17 adopted budget is an allocation entitled Tourism Membership (GL account 132145) of \$10,000 for payment of annual membership to Avon Tourism. It is suggested the GST component of \$550 requested in this report be costed to this budget allocation.
- Legal and Statutory
Nil
- Risk related

Voting Requirements:
Absolute Majority Required: No

**RESOLUTION
110217**

Moved: Cr Ferro

Seconded: Cr Heaton

“That Council:

- 1. Notes that the resolution at 28 November 2016, Ordinary Council Meeting excluded the GST portion payable for 2016/17 Annual Membership of Avon Tourism.***
- 2. Authorises the Chief Executive Officer to make an additional payment of \$550 for 2016/17 Annual Membership to Avon Tourism to cover the GST component.”***

CARRIED: 7/0

SY010-02/17 – Priorities for Events in York

FILE REFERENCE:	CS.CEV.5
APPLICANT OR PROPONENT(S):	N/A
AUTHORS NAME & POSITION:	Paul Martin, Chief Executive Officer
RESPONSIBLE OFFICER:	Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL:	Nil
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	1. Summary of Event Priorities for York 2. Proposal for Nature Play Festival

Nature of Council’s Role in the Matter:

- Executive

Purpose of the Report:

This report delivers upon an action in Council’s Corporate Business Plan, “Event Review and Promotion.” The report seeks direction from Council on the priorities for new events that Officers can explore and further develop in the Shire of York. These proposals are mapped in the “Summary of Event Priorities for York” attached at Appendix 1.

Background:

An action in the Shire of York Corporate Business Plan for the 2016/17 FY is to review events in the Shire with the objective of increasing the number of events in and promotion of, York.

The Shire of York does not have an adopted Economic Development, Tourism or Events Strategy.

Tourism was identified as an economic development opportunity for York in the Avon Valley Economic Development Strategy undertaken by the Wheatbelt Development Commission in 2013. This strategy recommends that York prepares a Tourism Development Strategy. A draft Tourism Strategy was developed by the Shire in 2013 and advertised for public comment. Two submissions were received and the Shire then decided not to progress with the strategy due to “limited public interest”.

The local government in any area is not entirely responsible for economic development alone, this is joint responsibility held with business owners, tourism associations, and business associations such as chambers of commerce and the community. The chamber of commerce is not active in town and all efforts being made to establish such an organisation are welcomed by Officers.

Officers are recommending at this time that the Shire’s limited resources available to allocate towards economic development initiatives are used to increase the number and scale of events in York rather than to prepare an Economic Development Strategy or Tourism Strategy.

Other economic development priorities and initiatives will also be pursued including:

- New light industrial land as the result of a future bypass being constructed
- Upgrades to Lakes/Chidlow Road to improve access to York.
- Upgrades to Avon Terrace and Avon Park to improve visitor and retail experiences in the CBD.
- Town Hall upgrades to provide for increased performances and productions.
- Investigation into a future caravan park and/or new RV location close to the CBD.
- Improvements to the visitors centre some of which have been made and more to be implemented.
- Improvements in the relationships between the business community and the Shire which is occurring with the quarterly business forums commenced last year.

These initiatives will be the subject of future reports to Council.

Comments and details:

Events are a key element of activation and economic development. If done well, events will:

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

With improvements made recently to how event approvals are provided making it easier for the Shire to work with event organisers, and the proposed infrastructure upgrades outlined above Officers consider it is time to start identifying what new events the Council and community would like to attract to York.

Following a review Officers are proposing the following focus for events in York over the coming years:

- Attract an additional two or three major events to York annually
- Continue to support and work with existing events to increase visitation
- Work to continue to attract major one off events to York
- Establish monthly farmer/growers/artisans markets to provide year round activity and build a brand associated with arts.

Each of these aspects will be explored in detail below.

Additional Major Events

Officers recommend Council needs to consider attracting two or three new major events to York to provide a level of activation required.

With regard to future events to focus upon, Officers recommend that Council considers events that;:

- build upon the unique characteristics of York
- attract visitors not only from Perth but eastern states and eventually overseas.
- appeal to a wide range of demographics and interests
- extend the length of time visitors stay in York
- will have support of the businesses and community in the Shire and region.

The following suggestions are provided for Council's consideration and direction. Not all of these concepts are expected to materialise, however early direction from Council on the priorities Officers should be focused upon will assist in maximising limited resources.

The Perth International Jazz Festival

York has been renowned in the past for its jazz festival. Many people still recall fondly the jazz festivals in York with the event retaining a strong positive brand recognition associated with York.

Officers have considered the concept of re-establishing the Jazz Festival or replacing this with another music event.

Given the brand association with York and the fact that other than Perth and Dunsborough Officers can identify no other jazz festivals occurring in WA, Officers consider it is worth exploring this concept.

Officers recommend Council explores a "satellite" type arrangement with the Perth International Jazz Festival (PIJF) rather than establish a stand alone festival in York.

The benefits of this would include the ability to attract international acts, a professional event organising company engaged to organise and run the event, linking in to an existing governance framework and synergies established between York and Perth.

PIJF is a not for profit incorporated association.

Officers have had discussions with representatives from the PIJF who have provided the following feedback:

- The board is interested in the concept of having York as a satellite event as part of the PIJF. Although approaches have been made from other locations in Perth to hold events as part of the festival, the board wants to explore this concept further.
- It is proposed to start small as part of the 2017 PIJF event in May. If this goes well and works for both parties, then funding opportunities can be explored to grow the event every year into the future.
- The concept of providing transport to and from York is supported by both parties. This could include buses but Officers are also keen to explore the concept of the Hotham Valley Train being used.
- Venues will be determined once initial direction is received from Council and will be finalised by the event company engaged by PIJF.
- PIJF is engaging a professional event organising company to run the festival. It is proposed this company will also be responsible for running all aspects of the event(s) in York.
- PIJF will be responsible for all ticket sales.
- PIJF would be responsible for sourcing artists and marketing of the event generally.
- The event would be held on the same days as the PIJF.

Officers have been in discussions with the PIJF and both parties agree to begin conservatively in 2017 and depending upon how the event is received, review and expand into the future. PIJF has indicated a Shire contribution of \$20,000 plus in-kind support (depending upon if any Shire venues are selected for performances) and accommodation for artists who are required to stay overnight in York to a maximum value of \$3,500 could see the event held in York this year.

If Council is supportive, Officers would negotiate a funding agreement and present it to Council for consideration prior to endorsement.

Council previously considered a report “**Avon Tourism York Request for Seed Funding for 2015 Jazz Festival**” and resolved the following:

RESOLUTION

581114

Moved: Cr Boyle

Seconded: Cr Smythe

“That Council:

- 1. Support Avon Tourism York to hold a York Jazz Festival in 2015.***
- 2. Transfer \$30,000 from account 138160 Community/Economic Development Officer Salaries to account 132150 Festival Assistance.***
- 3. Defer any consideration of the Economic Development Officer until after the completion of the Mid Year Review Process (February 2015).***
- 4. Authorise the A/CEO to provide \$30,000 from account 132150 Festival Assistance York as seed funding for the 2015 York Jazz Festival.***

5. **Authorise A/CEO to pay accounts as and when required up to a value of \$30,000 for a Consultant to prepare grant applications and Start Up Fees for Avon Tourism York – Jazz Festival 2015.**
6. **Requests Minutes and Reports to be presented to Council monthly in accordance with the Project Plan and reporting mechanism to be determined.”**

CARRIED: 5/0

These funds were held in trust and accounts paid towards the event as submitted. However, the event did not proceed and \$23,500 remains unspent and is held in trust by the Shire. Officers are recommending that if Council wants to support this festival proposal, these funds are used as opposed to general municipal funds.

Alternatively, Council could retain these funds in trust and allocate any support it wanted to provide to the PIJF from municipal funds.

Depending on Council's decision, it is proposed that these changes are reflected in the mid-year budget review to be presented to Council in March.

The proposed event as part of PIJF offers a number of benefits for the Shire of York, namely:

- Reinstates the Jazz Festival in York,
- Sees the event as part of a larger professionally operated jazz festival with the ability to attract significant artists and leverage visitation.
- The Shire can manage its limited resource allocation to the festival through a funding agreement.
- Builds the close proximity to Perth for York and provides an opportunity for other satellite events to occur from Perth.

Tourism WA has indicated that in future years, applications for funding could be submitted to for the York component of the event.

The event would be branded Perth International Jazz Festival with events in York.

Officers are recommending Council authorises the CEO to negotiate a funding agreement with the PIJF for the 2017 Jazz Festival in May to a maximum value of \$20,000 cash and \$3,500 in-kind. This draft agreement be presented to Council for approval prior to signing.

If Council agrees to this proposal an evaluation would take place following this year's festival and if successful, a multiyear funding agreement could be developed by both parties.

Music Festival

In an attempt to attract a younger demographic, the Shire could explore the concept of establishing a contemporary music festival in York.

The festival could be located at the Race Course and include an area for camping for patrons.

Officers understand York Racing Inc is developing ideas for a music festival and Officers would like to work with the club to explore this further and potentially develop a concept for Council's consideration.

Cycling Event

Cycling events are increasing in popularity and financial investment around Australia and internationally.

The opportunity for a cycling event in York was first mentioned to the Shire by the Premier as an opportunity during a visit to York last year. Since this time Officers have explored this concept with Tourism WA and Cycle West.

Holding a cycling event in York and the Avon Valley is considered worthy of further investigation due to the following reasons:

- Relatively lower levels of traffic on rural roads compared to the metropolitan area means reduced impact upon other road users and better experience for event participants.
- Perth does not currently have a cycling event similar in nature to that of Tour Down Under held in Adelaide.
- York and the Avon Valley are considered a good area to consider such an event given its proximity to Perth, location of towns in the region and terrain.

Officers have had initial positive discussions with Cycle West and there are a number of options for consideration. These have included the potential for an event this year as part of the winter program of events. Cycle West has also identified the opportunity for a longer term opportunity to hold an international event in York as a lead up to the Tour Down Under in Adelaide.

Officers would like to explore these opportunities further with Cycle West and other key stakeholders and prepare a concept for Council's consideration.

Nature Play Festival

Nature Play WA has approached the Shire about the idea of hosting a Nature Play Festival in York.

A proposal has been received from Nature Play (attached at Appendix 2) and Officers consider it could appeal to young families in York and surrounding areas. It could also provide an opportunity for multi-generational interaction which could be a success given York's demographic profile.

This event would offer a different experience to what is on offer in the region and given close proximity to Perth could attract appeal to a different part of the Perth and regional market.

Officers are recommending this proposal be further refined with Nature Play WA and referred to the 2017/18 draft budget process for Council's consideration. If Council wanted to support this event, it could be undertaken in September 2017.

Assist Existing Events to Grow

The Shire has improved how it supports existing events with a more transparent funding round and the appointment of a Community and Economic Development Officer to work with event organisers. It is proposed that this support continues and any increase to existing events be considered as part of the annual funding process.

Officers consider that the York Motorcycle Festival and York Festival have the potential to continue to grow into large annual events attracting a significant number of people. Council is considering a three-year funding agreement for the York Festival and Officers recommend a similar multiyear funding agreement be considered for the York Motorcycle Festival. These types of agreements provide stability and allow organisers to attract funding and continue to grow events. The Shire of York has been successful in attracting funding for the York Motorcycle Festival in 2018.

The Medieval Fair has operated in York for a number of years. In 2016 the Shire contributed \$5,000 towards the event.

The event organisers met with Officers early in January 2017 indicating they require assistance to continue to deliver the event. They are seeking further support from other community organisations in town and the Shire.

Assistance is sought in the way of marketing and promotion and a greater financial contribution.

Officers see that this event if done well, has the ability to grow to become as significant to the town as the Balingup Medieval Fair.

Officers do not want to see this event removed from the calendar or relocate to another town. However, Officers are aware of the limited resources available to the Shire and the need to maximise the outcome for these resources.

The Shire could take a more active role in co-organising the event. However this will be very resource intensive and Officers consider that the role of the Shire needs to be clear: either a financial contributor towards events or an organiser of events, not necessarily a mixture of the two except for major events which have clear funding agreements in place.

Officers propose that any greater financial contribution is considered through the annual sponsorship process.

Growers/Artisans Markets

Officers have received feedback from a number of business and community members that the idea of a Growers/Artisans Markets could be successful as a tourist attraction for York.

Such events are growing in popularity across the state with a desire for people to access fresh fruit and vegetables. The addition of artisan's products increases the appeal and interest in the events and is considered to add to their sustainability.

These are considered a different offering to the markets already available in Peace Park.

The intention of these markets would be that stall holders are only able to sell items they have grown or made. The concept of combining growers (ie food) with artisans (art pieces) is designed to provide a wide range of diverse and unique offerings.

Officers are recommending to Council that the Shire explores holding these events on a monthly basis on the first Sunday of the month. This may be for a number of months each year or all year round.

Officers propose that the Shire should not be involved in organising these markets long term and that this should be the responsibility of a business or community group. However, it is proposed that the Shire investigates the concept and potentially provides seed funding for these markets to be established.

The following table summarises the proposal for consideration:

Aspect	Proposal	Rationale
Date	1 st Sunday of the month.	This would not conflict with any other similar markets occurring in the region. The first Sunday would also work well for long weekends providing activity to encourage visitors to stay. Sunday is proposed as it is considered a day more likely that people from Perth and the region will travel to York. The markets could operate over the entire 12 months or for a shorter period. This aspect would be explored during the consultation phase if Council wanted to explore the concept further.
Time	10 am – 3 pm	This time is proposed to provide time for visitors from Perth and the region to come to York. Operating over the lunch period also allows for food to be on offer.
Location	Avon Terrace	Closing the main street would provide a different venue from other markets and help establish York's point of difference. Officers would like to consult with the businesses in the main street prior to committing to this location and the exact location in Avon Terrace. Ideally local food businesses could be provided an opportunity for alfresco dining in the street during the markets however, this would need to be investigated.
Entry fee	Small charge to stall holders. Free to people attending.	The charge to stall holders would be in place to recoup some costs associated with the markets including insurance.
Organiser	Ideally a community group	It is proposed to call for expressions of interest from groups and/or businesses to organise the markets. In Northam the Chamber of Commerce organises the markets. York does not have a Chamber of Commerce but there could be other groups interested in running the markets. If this doesn't attract any interest Officers would recommend the Shire considers running the events in the short term.
Financial seed funding	Use funds in the Economic Initiatives account.	Establishing the markets will require seed funding for equipment and an organiser. The budget would be developed over the coming weeks.

Officers recommend that if Council wants to explore the concept of growers/farmers markets in York, the following occurs:

- Expressions of interest are called for community groups and/or businesses to operate the markets with a subsidy provided by the Shire in the initial stages.
- Consultation takes place with local businesses, particularly in Avon Terrace to determine location and how the markets could be leveraged to provide benefit to businesses.
- Officers develop a detailed budget once any expressions of interest are received for Council's consideration.
- Interest be sought from potential stall holders.
- A project implementation plan is developed including commencement date.

Officers would then present a report on the above for Council to consider prior to final determination if they are to proceed.

To achieve this increased level of service, Officers would engage on a casual basis a person with experience in these types of markets to undertake the abovementioned activities. It is proposed these funds would be sourced from the Economic Development Initiatives account.

Summary

This report meets an action in the Corporate Business Plan and has presented Council with a number of options for new events Officers would like to explore and investigate.

This also provides an opportunity for Council, with input from the community, to identify any other event opportunities worthy of investigation.

Officers consider that events if done well, will bring vibrancy and activity to the town. This can grow private sector confidence and investment.

What is proposed as part of this item represents a significant leap forward for Council in the area of economic development and support for events. Although it has a larger resource implication, Officers consider this is warranted at this time to rebuild York's brand and economy.

Implications to consider:

- Consultative
Officers are presenting this report to act as a catalyst for any other organisation or individuals considering establishing events to make contact with the Shire.

Officers as part of investigating the event priorities endorsed by Council, will consult with stakeholders and relevant community members in the development of concepts for further consideration by Council.

Officers have also met with Tourism WA regarding future funding for events in York. This advice has been taken into account in the preparation of this report.

- Strategic
The development of sound, large scale events is seen as a solid economic development pillar for York.
- Policy related
Financial support for any festivals would be considered in accordance with Council's *Sponsorship of Tourism Events Policy C 1.4*.
- Financial
The Shire would need to provide financial support to any new festivals which are attracted to town. This may take the form of cash and/or in-kind support.

Officers consider if the above are investigated and opportunities develop, Council can consider this in accordance with the policy, budget constraints and long term financial plan.

As outlined above Officers are proposing the Council could use the remaining unspent funds which were allocated towards the 2015 Jazz Festival which did not proceed to provide the required financial support for the event this year.

Officers propose utilising the Economic Development Initiatives Account in the short term to investigate and if Council determines to proceed commence the Growers/Artisans Markets.

If all of these events take place it could have implications on Shire resources not only in terms of cash contribution but also Officer time. If the promotion of events is going to be the main economic development initiative for the Shire, the Council might need to consider as part of future budgets splitting the Community and Economic Development Officer role into two and creating a full time Community Development Officer. This concept is being explored in the workforce plan that is currently being developed.

- Legal and Statutory
Any events attracted would still need to comply and be assessed against any statutory policies and legislation.

Voting Requirements:

Absolute Majority Required: No

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

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

SY011-02/17 – Australian Parachuting Championships Marketing Sponsorship Request

FILE REFERENCE: FI.DON
APPLICANT OR PROPONENT(S): Australian Parachute Federation
AUTHORS NAME & POSITION: Esmeralda Harmer, Community & Economic Development Officer
RESPONSIBLE OFFICER: Paul Martin – Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL: No
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

This report seeks Council's approval to provide marketing sponsorship to the Australian Parachute Federation for the National Parachuting Championships to be held in York March 19-26, 2017.

Background:

The Australian Parachute Federation (APF) is the peak body for the administration, regulation, and representation of Australian Sport Parachuting. This is achieved by promoting skydiving and maintaining a high level of safety and by improving the standard of Sport Parachuting to encourage participation and excellence in performance.

The APF is the organisation which controls skydiving and parachuting at most civilian operations across Australia. With the approval of the Civil Aviation Safety Authority (CASA) it sets the standards of operation, conducts competitions, issues licences, certifications and instructor ratings, conducts exams and distributes various publications to keep its members informed of current events and safety standards.

Each year, the APF supports the National Parachuting Championships to determine National Champions in nine disciplines of skydiving. The National Champions are then invited to join the Australian Parachute Team who will subsequently represent Australia at the World Parachuting Championships.

This year, York Skydive has secured the rights to host the National Parachuting Championships.

This report presents Council with the opportunity to collaborate with APF in delivering marketing collateral that presents York to the national and potentially international tourist market.

APF is requesting a one off sponsorship amount of \$5,500 including GST to support costs relating to this project.

Comments and details:

The National Parachuting Championships are being held in York from 19-26 March, 2017 at the York Skydive drop zone located on Spencers Brook Road and is expected to attract more than 600 industry professionals across the eight days of competition in York.

To measure the economic benefit of supporting such a proposal, Officers have collected the following information through discussions with APF, Skydive York and market research for Council's consideration:

- Approximately 300 competitors are expected to attend across the eight days of competition with 80% arriving from interstate and a smaller number visiting from overseas.
- 35 judges, officials and scrutineers will be lodged at accommodation in the York CBD over the eight days of competition.
- Competitors will be accommodated between town lodgings and camping facilities at the York drop zone over the eight days of competition. The flow on economic benefit of this means more people visiting York's cafes, restaurants hotels and attractions.
- Approximately 100 competitors will arrive one week prior to the event dates to attend training camps.

In 2016, the APF engaged an international media company – Skydive TV, that specialises in streaming skydive events to the world. Its audience reach is estimated at 17 million people throughout Australia, New Zealand, the U.S, Europe, and Asia. Skydive TV will be covering the 2017 National Championships.

Other media partners affiliated with APF and Skydive TV include Channel 7 who will be on location to film special presentations specifically for each national event for the purpose of supporting partners and specific to the region where the Nationals are held.

This year, Skydive TV and the APF are proposing a marketing partnership with the Shire of York to the value of \$5,500 including GST.

The value of this proposal includes:

- A social media campaign, using specifically branded pre-promotional videos that promote both the National Championships and the Shire of York. This is for the global audience and streamed through Skydive TV. With no current social media presence, the Shire has the ability to reach a new audience through this medium.
- Shire of York branding during all Skydive TV episodes produced (up to 8 x 30 minute episodes)
- Shire of York branding at the Championships via wind blades/marquee. If Council is supportive of this proposal, it is expected the wind blades will need to be manufactured immediately to be available for use at the event.
- Shire of York logo placement on the winner's podium. The marketing placement of this opportunity will gain state wide exposure through all Channel 7's free to air broadcasts of the National event.
- Potential for the Shire of York logo placement on merchandise produced for the event. To consider this Council could provide in principal support of this opportunity, due to the time constraints required to order the merchandise and make it available at the event.
- Ability to reproduce media marketing content on the Shire's websites including the York Visitors Centre and in the lead up to any major events to promote the town to the region and potential visitors. At present, York has no media marketing content or collateral available for use across existing websites.

Through this marketing partnership, Channel 7 will be on location in York to produce a one hour special about the National event and is planned to broadcast across all Channel 7's free to air channels. The potential to brand the Shire of York within this feature, highlighting York's unique position in the Wheatbelt and significant attractions is considered by Officers substantial value for sponsorship money. This production also feeds through their social media platforms and provides an increased domestic reach to the town.

Implications to consider:

- Consultative
Officers as part of investigating the potential of such a proposal endorsed by Council, will consult with stakeholders and relevant service providers to develop the concept of marketing York to the regional state and potentially international tourism market.
- Strategic
Developing the marketing reach, future media partnerships and increasing economic activity to York are considered fundamental in aligning York's presence on the tourism map and remain consistent with the Shire's economic initiatives and strategic plans for the town.
- Policy related
The Shire does not currently have a policy specific to media relations and/or partnerships. However, Council could consider the guidelines of Policy **C 1.4 Sponsorship of Tourism Events** as it provides direction to support such a proposal.
- Financial
Financial support of \$5,500 including GST for such a proposal could be considered from GL132145 - Area Promotion budget allocation.
- Legal and Statutory
Nil
- Risk related
Nil

Voting Requirements:

Absolute Majority Required: No

**RESOLUTION
130217**

Moved: Cr Smythe

Seconded: Cr Ferro

"That Council:

- 1. Approves the request of \$5,500 including GST to Australian Parachute Federation for marketing sponsorship as presented to Council in this report.***
- 2. Requests the Chief Executive Officer to allocate this sponsorship from GL132145 – Area Promotion budget allocation in the 2016/17 adopted budget."***

CARRIED: 7/0

SY012-02/17 – Review of Community Funding Policy and Recurrent Budget Allocations

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: No
DISCLOSURE OF INTEREST: Nil
APPENDICES: C 1.3 Community Funding: Donations, Grants, Sponsorship and Waiver of Fees with Proposed Amendments

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

This report outlines proposed amendments to the Community Funding Program after a review of the policy and associated documents, and seeks Council's endorsement of the amendments made to the policy. This report also details initiatives recurrently funded by Council and presents options to realign these budget allocations to provide a comprehensively transparent Community Funding program.

Background:

Previously, Officers would consider funding requests on an ad hoc basis, receiving applications throughout the year and presenting them to Council for consideration. To provide clear parameters for Council assistance, sound processes, and clear accountability, the *Community Funding: Donations, Grants, Sponsorship, and Waiver of Fees* policy was developed.

At the Ordinary Council Meeting held 22 March 2016, Council adopted the C1.3 *Community Funding: Donations, Grants, Sponsorship, and Waiver of Fees* policy. The policy provides a framework for considering applications for one off community driven, not for profit activities, including events developed for general community enjoyment.

At that meeting, Council also resolved:

RESOLUTION 060316

Moved: Cr Smythe

Seconded: Cr Walters

"That Council:

- ***Adopts the draft Community Funding Policy as set out in Appendix A.***
- ***That the Council requests the Chief Executive Officer to develop a draft Tourism and Events Support Policy for consideration at the next Ordinary Meeting of the Council to be held on 18 April, 2016."***

CARRIED: 7/0

Following this Council meeting, the C1.4 *Sponsorship of Tourism Events* policy was adopted at the Ordinary Council Meeting, 18 April 2016.

A review following the second round of the Community Funding Program has been undertaken to ensure the current program meets Community expectation and considers additional factors such as aligning recurrently funded budget allocations into the Community Funding program to remain consistent with policy.

Comments and details:

Since the adoption of the C 1.3 *Community Funding: Donations, Grants, Sponsorship, and Waiver of Fees* policy in March 2016, two funding rounds have been opened with a funding pool of cash and in kind to the value of \$132,245 awarded to thirty various groups and organisations.

While processing and assessing the submissions received, Officers have evaluated the effectiveness of the policy, associated forms and received feedback from applicants on the user-friendly nature of the process.

The information collected has assisted to develop components of the review included in this report with Officers recommendations detailed below for Council's consideration;

1. Proposed amendments to the *Community Funding; Donations, Grants, Sponsorship, and Waiver of Fees* policy as detailed in Appendix 1 attached to this report. The suggested amendments relate largely to wording, which aim to provide clarity to applicants and clarify requirements of applications and their alignment to the Shire's strategic objectives.
2. It is proposed the Community Funding program comprise of the following 'pools' available for application as described;
 - Grants & Sponsorship applications of up to \$10,000 opened twice a year
 - Tourism Event sponsorships considered year round with application amounts determined by Council. Requests received need to align to the C1.4 *Sponsorship of Tourism Events* policy, guidelines and relevant legislation.
3. That Quick Response Grant requests that consider funding applications of up to \$1,000 be investigated further. To consider these requests under Chief Executive Officer delegation a policy that reflects Chief Executive Officer delegated authority to grant sponsorship monies or waiver of fees needs to be developed. It is suggested both the policy and functions of the Quick Response Grants be presented to Council in a separate report at a later date.
4. That in-kind components of each funding application be developed as part of the policy updates detailed in Appendix 1. If Council considers adopting the amendments suggested, application forms, guidelines and acquittal reports will be updated to reflect the approved changes.
5. Existing allocations for recurrently funded projects are proposed to be transferred into the Community Funding; Grants & Sponsorship pool. The table below details existing recurrently funded programs included in the 2016/17 budget. Officers suggest the reallocation of these budgets to the Community Funding; Grants & Sponsorship 'pool' will demonstrate a process of equitable access and accountability to funds for application each year. Council has fourteen budgeted allocations considered recurrent for Community, Education and Conservation initiatives and projects.

RECURRENT ITEM	DESCRIPTION	AMOUNT \$
GL 41112 PUBLIC RELATIONS		
	Senior Citizens Appreciation Day	2500
	Community Bus Hire for Companion time and other approved community groups	1200
	Bus hire Youth Holiday Programs	1300
	Seniors Mobility Programs	1250
GL 79163 MEDICAL EXPENSES		
Biannual Men's Health Day	Annual Men's Health Day	1000
GL 69101 EDUCATION EXPENSES		
P&C Hall Hire & Art Exhibition	Art Initiatives	630
YDHS end of year presentations	Sashes and award presentations	2000
YDHS Youth Care	School chaplaincy program	3000
GL 105104 ENVIRONMENTAL CONTROL EXPENSES		
Talbot Brook environmental group	Travel subsidies	500
YDHS National tree day	Conservation initiatives	500
Community projects	Cull control Permits & Licenses	420
Conservation projects	Undefined allocation	2000
TOTAL		16,300

It is noted that recurrent funding for community managed halls and youth specific programs have been excluded from the budgets listed above, however they are considered recurrent.

Officers suggest Council maintains these budgets as they are specific in their nature, enable existing relationships with smaller communities in the York Shire to continue and offer the Shire the potential to activate youth specific programs into the future.

Implications to consider:

- Consultative
Officers have workshopped the proposed amendments to the Community Funding program and attended several debriefs with successful recipients to evaluate the content of the Community Funding program. Information obtained through this consultation has been considered and included in the review of the policy and funding program.

If Council chooses to support the proposed changes, Officers suggest the following community engagement methods to be undertaken with all recurrently funded groups;

- A public information session to provide a comprehensive overview of the adopted policy, guidelines and associated documents for all existing and potential applicants ahead of the next funding round opening.
- Communications with existing recurrently funded organisations to discuss the opportunities and impact of Council's decision. These meetings are suggested to occur as soon as practical to allow ample opportunity for each organisation to consider an application in the March 2017 Community Funding; Grants & Sponsorship funding round.

- Media print and publications outlining the updates to the programs policy, guidelines and forms on the Shire's website and other available avenues for public viewing.
- Strategic

A comprehensive Community Funding policy that provides clear equitable access to funds through the Community Funding program for all residents aligns to the Shire's Strategic Community Plan to:

 - Build relationships with and support community groups and networks
 - Nurture and build social capital to increase community capacity
 - Create a process of continual development and improvement to program processes and service delivery.

In addition, Officers suggest that clearly defined grant pools offer the potential to attract external grants to co-fund specific components of the Community Funding program such as Business Improvements or Tourism Events.

- Policy related

As detailed in Appendix 1 – C 1.3 *Community Funding: Grants & Sponsorship* that Council endorses the suggested amendments with an update to all associated documents once approval has been sought.
- Financial

Community Funding for existing and potential applications including the recurrently funded projects can be considered from the budget allocations in the 2016/17 budget with no changes suggested to the existing structure.

It is proposed the 2017/18 budget will incorporate the suggested changes to the Community Funding program, including the recurrent budget allocations to be combined into the Community Funding: Grants & Sponsorship program.

In preparation of the 2017/18 budget, it is suggested Officers will identify and allocate a percentage of the annual Community Funding budget to be considered for each grant round.

- Legal and Statutory

Nil
- Risk related

If Council supports the reallocation of recurrently funded budgets to the Community Funding program, organisations previously funded through this mechanism will be expected to compete for funding in an open pool of applications. This process causes the potential for the loss of funding previously granted by Shire.

Officers have considered these implications and suggest for accountability and to provide equitable access to available funds for all potential applicants, that the recommendations in this report be considered.

Council could consider under the *C 1.3 Community Funding: Donations, Grants, Sponsorship and Waiver of Fees Policy; Clause 5.1 Duration of Assistance*; support for a project for a maximum period of three years where it considers the project presents major benefits to the community and it is consistent with strategic direction.

Voting Requirements:
Absolute Majority Required: No

**RESOLUTION
140217**

Moved: Cr Ferro

Seconded: Cr Saint

“That Council:

- 1. Adopts the amended C1.4 Community Grants & Sponsorship Program policy as attached at Appendix 1.***
- 2. Requests the Chief Executive Officer to incorporate the existing recurrent budget allocations to community groups in the 2016/17 budget into the Community Grants & Sponsorship Account as part of the draft 2017/18 FY budget for Council’s consideration.***
- 3. Requests the Chief Executive Officer to prepare a delegation for Council’s consideration to allow for approval of Quick Response Grants to be considered during the course of the year.”***

CARRIED: 6/1

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

SY013-02/17 – York Festival Multi-Year Funding Proposal

FILE REFERENCE: FI.DON / CS.CEV
APPLICANT OR PROPONENT(S): The York Festival
AUTHORS NAME & POSITION: Esmeralda Harmer – Community & Economic Development Officer
RESPONSIBLE OFFICER: Paul Martin – Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL: Yes - Ordinary Council Meeting 19 December, 2016
DISCLOSURE OF INTEREST: Nil
APPENDICES: Appendix 1 – The Shire of York and The York Arts & Events Inc Multi Year Draft Funding Agreement

Attachment 1 is confidential under Section 5.23 – 2 (e) 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".

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

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

This report requests Council to consider entering a multiyear funding agreement with the York Festival and the obligations and responsibilities of such an agreement.

Background:

The details of these discussions were presented in a report to Council at the Ordinary Council Meeting held on 19 December 2016 where it was resolved as follows:

"That Council;

- 1. Receives the acquittal of the 2016 York Festival.***
- 2. Requests the Chief Executive Officer to negotiate a draft three Year Funding Agreement with the organisers of the York Festival subject to the following conditions:***
 - (a) the York Festival becoming an incorporated body;***
 - (b) a maximum of \$22,000 per annum to be provided as a cash contribution to the Festival;***
 - (c) any works undertaken by the Shire to be charged as private works;***
 - (d) promotion and acknowledgement of the Shire's contribution; and***
 - (e) provide acquittal requirements as per the C1.3 Community Funding: Donations, Grants, Sponsorship, and Waiver of fees Policy.***
- 3. Requests the Chief Executive Officer to present the draft Agreement to Council for consideration prior to execution."***

Comments and details:

Since this resolution, the York Festival has become incorporated as York Arts and Events Inc (York A&E). Officers have drafted the following in agreement with York A&E Inc to be detailed in the proposed multiyear funding agreement;

- (a) The York Festival has now become incorporated and will be referred to as the York Arts & Events Inc (York A&E).
- (b) A financial schedule detailing how the \$22,000 per year over the life of the agreement to York A&E Inc will be managed.
- (c) Additional services from the Shire to be charged as private works communicated to York A&E Inc.
- (d) A schedule detailing advertising, publicity and how the Shires contribution will be acknowledged.
- (e) Acquittal requirements in accordance with the C1.3 Community Funding: Donations, Grants, Sponsorship and Waiver of fees Policy Clause 8, Acquittal

Officers are recommending Council considers the multiyear funding agreement as attached at Appendix 1.

Implications to consider:

- Consultative
- Strategic
The benefits of a proposed multiyear funding agreement supports Council's Strategic Community Plan priorities which include:
 - *Supporting the establishment and marketing of a calendar of key events to encourage visitors to the Shire. These events will be focused on achieving economic benefit and will sit alongside and complement more community focused events.*
- Policy related
The proposed multiyear funding agreement can be considered under Policy; C1.3 Community Funding; Donations, Grants, Sponsorship and Waiver of Fees

Clause 5.1 Duration of Assistance; The preference will be for provision for support for a year only for each application. In exceptional circumstances the Council may consider support for a project for a maximum period of three years where it considers the project presents major benefits to the community and it is consistent with strategic direction. Consideration must include the cost/benefit of effectively reducing the available funding pool for other applicants over this period.
- Financial
It is expected three payments per year of the multiyear agreement will occur including;
 - First Progress Payment (50%)
 - Second Progress Payment (40%)
 - Final Payment on Acquittal (10%)
- Risk related

Voting Requirements:

Absolute Majority Required: No

**RESOLUTION
150217**

Moved: Cr Smythe

Seconded: Cr Randell

“That Council;

- 1. *Agrees to enter a Multiyear Funding Agreement with York Arts & Events Inc. to the value of \$22,000 (ex GST) per annum as attached to this report at Appendix 1.***
- 2. *Authorises the Shire President and Chief Executive Officer to engross the Shire of York and York Arts & Events Inc Multi Year Funding Agreement as attached to this report at Appendix 1.”***

CARRIED: 6/1

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

Disclosure of Interest – Cr Walters – Impartial – It is common knowledge that I have an FOI regarding the expenditure at the YRCC

Cr Walters read the Impartiality Declaration - ... With regard to Discussion Paper – Review of the YRCC the matter in Item SY014-02/17 I disclose that I have an association with the applicant (or person seeking a decision). The association is – it is common knowledge that I have an FOI regarding the expenditure at the YRCC. 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.

SY014-02/17 – Discussion Paper: Review of the York Recreation and Convention Centre

FILE REFERENCE:	CCP.7
APPLICANT OR PROPONENT(S):	Shire of York
AUTHORS NAME & POSITION:	Suzie Haslehurst, Executive Manager Corporate & Community Services
RESPONSIBLE OFFICER:	Suzie Haslehurst, Executive Manager Corporate & Community Services
PREVIOUSLY BEFORE COUNCIL:	OCM 28 November 2016 SY141-11/16
DISCLOSURE OF INTEREST:	Cr Walters - Impartial
APPENDICES:	1. Review of the York Recreation and Convention Centre Discussion Paper – February 2017 2. Community Engagement Plan – YRCC Review

Nature of Council's Role in the Matter:

- Review

Purpose of the Report:

This report presents a discussion paper regarding the York Recreation and Convention Centre (the Discussion Paper) for Council's consideration and approval for public comment.

Background:

In November 2016, Council approved the process and timeline for the review of the management and operations of the York Recreation and Convention Centre (YRCC) which included the development of a discussion paper to be presented to Council. It was resolved by Council that the discussion paper would be endorsed prior to advertising for public comment and feedback.

Comments and details:

Officers have reviewed all of the documentation relating to the YRCC and analysed its current operations including liquor licensing and competitive neutrality considerations as well as the financial performance of the YRCC. This research has revealed that while the original (and subsequent) intent and purpose of the facility was sound and potentially of considerable benefit to the Shire of York and the region, there was limited community consultation and agreed direction which has resulted in the YRCC failing to realise its full potential to date.

There has been significant public concern regarding the YRCC which has contributed to this. Council's inclusion of a 'review of the YRCC operations' in the Corporate Business Plan for 2016/17 aims to address this and provide a 'line in the sand' to progress the future development of this community facility.

A Discussion Paper which is attached to this report includes the following information;

- An outline of the various documents that were developed to establish a master plan for the precinct and subsequent business cases to support the funding required;
- A review of the rationale for the YRCC liquor licence and competitive neutrality considerations;
- Capital expenditure and the funding sources for the development of the precinct to date;
- Current operations including staffing, financial performance and usage;
- A Strategic Analysis including a brief SWOTC (strengths, weaknesses, opportunities, threats, constraints) analysis and learnings for the future;
- Potential options for the future management of the YRCC; and
- How to make a public submission.

In the interests of complete transparency, Officers have attached as appendices to the Discussion Paper, all of the documents that have been commissioned or developed by the Shire, regardless of whether they have been completed or presented to/adopted by Council. The reason for this is that each document contributes to the historical 'story' of the YRCC and its operations and could inform any decision-making regarding its future management. In addition, detailed financial reports are also attached as an appendix to the Discussion Paper.

It is proposed that Council approves the Discussion Paper for public advertising and comment 6-31 March. During this time, it is suggested that Councillors, Shire officers and representatives of the users of the Forrest Oval Sport and Recreation precinct utilise the Community Bus to visit similar venues within the region which may include but not be limited to;

- Goomalling Sport and Community Centre
- Merredin Regional Community and Leisure Centre
- Kellerberrin Recreation and Leisure Centre
- Narrogin Regional Leisure Centre
- Katanning Leisure and Function Centre
- Freebairn Recreation Centre - Kulin

These venues provide a range of management options and will give key stakeholders the opportunity to gain firsthand information of the opportunities and challenges of each option. This will assist in formulating a recommendation for the future management of the YRCC for Council's consideration.

It is proposed that other interested community members are given the opportunity to attend these site visits by making their own way to and from the destinations. Two or three one day trips are proposed, leaving York early in the morning and returning in the late afternoon. The Shire will not be providing or reimbursing any travel, accommodation, refreshment or meal costs.

Once the public comment period has closed, Officers will prepare a report for Council to determine the preferred management option and present recommendations for its implementation.

Implications to consider:

- Consultative
 - Officers have reviewed the consultation undertaken to date and have also consulted various relevant agencies including;
 - SGL Consulting Group
 - Shire of Karratha
 - Shire of Merredin
 - Shire of Katanning
 - Shire of Kulin
 - Belgravia Leisure

- **Strategic**
As discussed above, a review of the YRCC management has been included as a strategic priority in Year One of the *Corporate Business Plan 2016-2020* adopted by Council in May 2016.
- **Policy related**
The review process has and will, consider the following policies of Council;
 - *C 1.3 Community Funding*
 - *CP 1.4 Local Government Resource Sharing*
 - *F 1.2 Procurement*
 - *G 1.10 Workforce and Human Resources*
 - *G 2.9 Community Engagement and Consultation*
 - *G 3.2 Fraud, Corruption and Misconduct Prevention*
 - *G 4.3 Financial Planning and Sustainability*
 - *G 4.5 Asset Management*
 - *G 4.6 Risk Assessment and Management*
- **Financial**
The financial implication of the review cannot be determined until a decision is made regarding the future management model for the YRCC. The 2016/17 budget includes an amount of \$5,000 which could be used to finalise a business plan for the approved model.
- **Legal and Statutory**
Nil
- **Risk related**
The YRCC has attracted significant community scrutiny since it was opened. This process is intended to reduce the Shire's exposure to risk – financial, operational and reputational, to reduce community conflict regarding the YRCC and to increase its usage.

Voting Requirements:

Absolute Majority Required: No

**RESOLUTION
160217**

Moved: Cr Heaton

Seconded: Cr Smythe

“That Council:

- 1. Approves the Discussion Paper as attached to this report for public comment;**
- 2. Requests the Chief Executive Officer to;**
 - (a) advertise the Discussion Paper inviting public comment from 6 – 31 March 2017 in local print media, via the Shire’s website and on public noticeboards;**
 - (b) invite representatives from the users of the Forrest Oval Sport and Recreation precinct to join Councillors and Shire Officers on site visits to visit similar venues to inform the decision-making process;**
 - (c) advertise a schedule on the Shire’s website one week prior to the proposed visits;**
- 3. Notes that a report will be presented to Council which outlines the public feedback received and based on this and the further information collected, makes a recommendation regarding the future management model of the York Recreation and Convention Centre for Council’s consideration.”**

CARRIED: 6/1

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

SY015-02/17 – Annual Report 2015/16 and Annual Electors’ Meeting

FILE REFERENCE: FI.FRP.2
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: Nil
DISCLOSURE OF INTEREST: Nil
APPENDICES: Appendix 1- Annual Report 2015/16

Nature of Council’s Role in the Matter:

- Legislative

Purpose of the Report:

This report presents the Annual Report, including the Annual Financial Report for Council’s acceptance and seeks Council’s approval to give public notice of the availability of the Annual Report and to advertise the date of an electors’ meeting.

Background:

The Shire is required under Section 5.53 of the *Local Government Act 1995* (the Act), to prepare an annual report for each financial year ending 30 June. The content of the annual report is prescribed by the Act and includes a summary of the Council’s annual activities, including the audited annual financial statements and the auditor’s report for the financial year.

Section 5.27 of the Act requires that the Shire holds an annual electors’ meeting not more than 56 days after the acceptance of the annual report for the previous year.

Comments and details:

The Audited Financial Statements and Auditor’s Report were presented to the Audit Committee at a meeting held on 12 January 2017 which was attended by the Shire’s auditors Macri Partners. The minutes, which are presented to Council as a separate report in this agenda, recommend that Council;

1. *Notes the Interim Audit Management Letter from Macri Partners as attached to this report.*
2. *Accepts the Audit Completion Report and Annual Financial Report for the year ended 30 June 2016.*
3. *Requests the CEO to finalise the annual report and present it to the February Council meeting along with a proposed date for the annual electors meeting.*

The Annual Report is presented for Council’s consideration. Along with the Auditor’s report and Annual Financial Statements, it contains information regarding Council and staff activities during the year, statistics and statutory reporting as required. Officers are recommending that Council accepts the 2015/16 Annual Report in accordance with Section 5.54 of the Act. It is further proposed that an Annual Electors’ meeting is held on Wednesday 22 March 2017 at 5.00pm and that this date is publicly advertised for a period of 14 days.

Implications to consider:

- Consultative
The Act requires the Annual Report to be made publicly available.

- Policy related
 - CP1.5 Compliance
 - F1.3 Significant Accounting Policies
 - G4.2 Integrated Planning and Reporting: (Reporting)

- Legal and Statutory

Local Government Act 1995

5.53. Annual reports

(1) *The local government is to prepare an annual report for each financial year.*

(2) *The annual report is to contain —*

(a) *a report from the mayor or president; and*

(b) *a report from the CEO; and*

[(c), (d) deleted]

(e) *an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and*

(f) *the financial report for the financial year; and*

(g) *such information as may be prescribed in relation to the payments made to employees; and*

(h) *the auditor's report for the financial year; and*

(ha) *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and*

(hb) *details of entries made under section 5.121 during the financial year in the register of complaints, including —*

(i) *the number of complaints recorded in the register of complaints; and*

(ii) *how the recorded complaints were dealt with; and*

(iii) *any other details that the regulations may require; and*

(i) *such other information as may be prescribed.*

[Section 5.53 amended by No. 44 of 1999 s. 28(3); No. 49 of 2004 s. 42(4) and (5); No. 1 of 2007 s. 6.]

5.54. Acceptance of annual reports

(1) *Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*

** Absolute majority required.*

(2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

[Section 5.54 amended by No. 49 of 2004 s. 49.]

5.55. *Notice of annual reports The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.*

5.27. Electors' general meetings

(1) *A general meeting of the electors of a district is to be held once every financial year.*

(2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*

(3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

- Risk related
Compliance – the requirement to accept the Shire’s annual report and to hold an annual electors’ meeting is a legislative obligation. Failure to do so exposes Shire officers and Councillors to significant risk. This report and its appendix mitigates this risk.

Voting Requirements:

Absolute Majority Required: Yes

**RESOLUTION
170217**

Moved: Cr Ferro

Seconded: Cr Randell

“That Council;

- 1. Accepts the Annual Report, incorporating the Annual Financial Report and the Audit Completion Report for the year ended 30 June 2016;***
- 2. Authorises the Chief Executive Officer in consultation with the Shire President to make any necessary minor editorial changes prior to the publication of the Annual Report;***
- 3. Gives local public notice of the availability of the Annual Report; and***
- 4. Authorises the Chief Executive Officer to convene the Annual Electors’ Meeting to be held on Wednesday, 22 March 2017 at 5.00 pm in the Lesser Hall.”***

CARRIED: 7/0

SY016-02/17 – Minutes of Audit Committee Meeting held 12 January 2017

FILE REFERENCE: FI.FRP.6
APPLICANT OR PROPONENT(S): Shire of York
AUTHORS NAME & POSITION: Natasha Brennan, Admin Support Officer
RESPONSIBLE OFFICER: Suzie Haslehurst, Executive Manager Corporate and Community Services
PREVIOUSLY BEFORE COUNCIL: No
DISCLOSURE OF INTEREST: Nil
APPENDICES: Audit Committee Meeting Minutes 12 January 2017

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

To receive the minutes and adopt the recommendations of the Audit Committee Meeting held on Thursday 12 January 2017.

Background:

The minutes of the Audit Committee meetings are provided for Council and community information.

Comments and details:

At the meeting of the Audit Committee held on 12 January 2017, the following items were considered:

- Interim Audit Management Letter
- Audit Completion Report to the Audit Committee for the Year Ended 30 June 2016
- Fraud and Error Assessment
- Subsequent Events
- Annual Financial Report 2015-16
- Financial Statements
- Capital Expenditure
- Ratio Analysis

Implications to consider:

- Consultative
Macri Partners attended the Audit Committee meeting
- Strategic
Nil
- Policy related
Nil
- Financial
Nil

- Legal and Statutory
Local Government Act (Audit) Regulations 1996, Regulation 16
- Risk related
Nil

Voting Requirements:
Absolute Majority Required: No

**RESOLUTION
180217**

Moved: Cr Ferro

Seconded: Cr Heaton

“That Council:

Receives the Minutes of the Audit Committee meeting held on 12 January 2017 and adopts the following recommendations from the Audit Committee:

- 1. Notes the Interim Audit Management Letter from Macri Partners as attached to this report;***
- 2. Accepts the Audit Completion Report and Annual Financial Report for the year ended 30 June 2016; and***
- 3. Requests the Chief Executive Officer to finalise the annual report and present it to the February Council meeting along with a proposed date for the annual electors meeting.”***

CARRIED: 7/0

SY017-02/17 – Financial Report for December 2016

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 31 December 2016 is presented for Council's consideration and includes the following;

- Monthly Statements for the period ended 31 December 2016
- 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 31 December 2016;

Outstanding Rates and Services

Total outstanding rates as at 31 December 2016 are \$2,467,565 compared to \$2,593,661 as at 30 November 2016.

Previous Years

3 years and over	\$180,344.97	7.31%	of rates outstanding
2 years and over	\$134,375.01	5.45%	of rates outstanding
1 year and over	\$329,077.38	13.34%	of rates outstanding
<u>Total Prior Years outstanding</u>	<u>\$643,797.36</u>	26.09%	of rates outstanding
Current Rates	<u>\$1,823,767.42</u>	73.91%	of rates outstanding
<u>Total Rates Outstanding</u>	<u>\$2,467,564.78</u>	100.00%	

Outstanding Sundry Debtors

Total outstanding sundry debtors as at 31 December 2016 are \$342,221 compared to \$330,832 as at 30 November 2016.

90 days and over	\$309,591.42	90.47%	of sundry debtors outstanding
60 days and over	\$6,060.25	1.77%	of sundry debtors outstanding
30 days and over	\$2,949.50	0.86%	of sundry debtors outstanding
Current	<u>\$23,620.26</u>	6.90%	of sundry debtors outstanding
Total Debtors Outstanding	<u>\$342,221.43</u>	100.00%	

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 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
190217**

Moved: Cr Saint

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 31 December 2016 as summarised below:

Dec-16

MUNICIPAL FUND

AMOUNT

Cheque Payments	49,538.21
Electronic Funds Payments	438,573.35
Payroll Debits	173,060.95
Payroll Debits - Superannuation	39,100.18
Bank Fees	1,327.62
Corporate Cards	346.36
Fuji Xerox Equipment Rental	86.20
Fire Messaging Service	998.36
TOTAL	703,031.23

TRUST FUND

Electronic Funds Payments	2,322.11
Cheque Payments	0.00
Direct Debits Licensing	114,580.40
TOTAL	116,902.51

TOTAL DISBURSEMENTS **819,933.74**

”

CARRIED: 7/0

SY018-02/17 – Financial Report for January 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 31 January 2017 is presented for Council's consideration and includes the following;

- Monthly Statements for the period ended 31 January 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 31 January 2017;

Outstanding Rates and Services

Total outstanding rates as at 31 January 2017 are \$1,974,838 compared to \$2,467,565 as at 31 December 2016.

Previous Years

3 years and over	\$177,195.45	8.97%	of rates outstanding
2 years and over	\$131,526.72	6.66%	of rates outstanding
1 year and over	\$321,476.71	16.28%	of rates outstanding
Total Prior Years outstanding	\$630,198.88	31.91%	of rates outstanding
Current Rates	\$1,344,639.38	68.09%	of rates outstanding
Total Rates Outstanding	\$1,974,838.26		

Outstanding Sundry Debtors

Total outstanding sundry debtors as at 31 January 2017 are \$345,649 compared to \$342,221 as at 31 December 2016.

90 days and over	\$315,233.19	91.20%	of sundry debtors outstanding
60 days and over	\$1,106.40	0.32%	of sundry debtors outstanding
30 days and over	\$18,523.05	5.36%	of sundry debtors outstanding
Current	\$10,786.09	3.12%	of sundry debtors outstanding
Total Debtors Outstanding	\$345,648.73		

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
200217**

Moved: Cr Smythe

Seconded: Cr Saint

“That Council receives the Monthly Financial Report and the list of payments drawn from the Municipal and Trust accounts for the period ending 31 January 2017 as summarised below:

Jan-17

MUNICIPAL FUND	AMOUNT
Cheque Payments	10,675.58
Electronic Funds Payments	308,323.04
Payroll Debits	248,121.10
Payroll Debits - Superannuation	55,287.95
Bank Fees	480.45
Corporate Cards	1,163.79
Fuji Xerox Equipment Rental	86.20
Fire Messaging Service	827.64
TOTAL	624,965.75
TRUST FUND	
Electronic Funds Payments	1,743.20
Cheque Payments	0.00
Direct Debits Licensing	110,329.90
TOTAL	112,073.10
TOTAL DISBURSEMENTS	737,038.85

”

CARRIED: 7/0

SY019-02/17 – Investments – December 2016

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: 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 31 December 2016.

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 31 December 2016
- 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
210217**

Moved: Cr Randell

Seconded: Cr Heaton

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

CARRIED: 7/0

SY020-02/17 – Investments – January 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: 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 31 January 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 31 January 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
220217**

Moved: Cr Saint

Seconded: Cr Smythe

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

CARRIED: 7/0

SY021-02/17 – Write-off Rates Interest

FILE REFERENCE: FI.DRS.3
APPLICANT OR PROPONENT(S): Various Ratepayers
AUTHORS NAME & POSITION: Anneke Birleson (Rates Officer)
RESPONSIBLE OFFICER: Suzie Haslehurst, Executive Manager Corporate & 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:

This report seeks to:

- Provide Council with background information in relation to interest that has accrued on rates and charges for a number of properties.
- Seek approval for the interest amounts to be written off.

Background:

Under Section 6.51 of the *Local Government Act 1995*, interest is imposed on any rate, service charge or cost of proceedings to recover any such charge that is overdue. Interest accrues daily at the Council adopted rate of 11% per annum until the balance is paid.

There are a number of reasons why an outstanding balance occurs, and thus interest accrues. Examples are as follows:

Final Instalment Date 2015/16 – Printing Error

The final instalment date on the first notice for the 2015/16 rating year was incorrectly entered in the system as 23 May 2016. It should have been 23 February 2016, in accordance with Council Resolution 230615.

The error was corrected and advertised on the Shire of York website on 17 August 2015. In addition, instalment reminders were sent on 25 January 2016, in accordance with Section 6.41(2)(b) of the *Local Government Act 1995*, being not less than 28 days before the due date.

Property Settlement

All outstanding rates and charges are to be paid at settlement, leaving a balance of zero (\$0.00). Settlement agents are provided rates information through an Account Enquiry, usually lodged through Landgate. From time to time, the balance may not be paid in full or on time, resulting in the accrual of small amounts of interest.

Reference on Direct Bank Transfers

On occasion a direct payment into the Shire of York Municipal Account cannot be identified and therefore can remain unallocated to a property assessment for some time. Depending on when the payment becomes identified, interest may accrue when in fact the ratepayer had made a timely payment.

Comments and details:

The following table identifies properties where the ratepayer has requested the interest be written off. The interest amounts provided are as at 7 October 2016 and may differ at the time of write-off, if approved.

Assessment Number	Background Information	Interest as at 01/02/2017
A7820	Payment was received on 3 October 2016 but remained unidentified due to lack of information of bank transfer reference. The ratepayer contacted the Shire after receiving a letter of intention to proceed with legal action and provided the necessary information to show they had made the payment. Total interest charged excluding 19 days due to late payment.	\$ 50.37
A6760	Instalment payment was made via credit card details on reverse of slip from instalment reminder notice and posted in mail box at the front of the Shire building on the 14 January 2017. However, they were posted into the mailbox leading to a locked box (previously tender box). This was not checked until the ratepayer contacted the Shire regarding no payment coming from their account.	\$ 1.49
A6590	Instalment payment was made via credit card details on reverse of slip from instalment reminder notice and posted in mail box at the front of the Shire building on the 14 January 2017. However, they were posted into the mailbox leading to a locked box (previously tender box). This was not checked until the ratepayer contacted the Shire regarding no payment coming from their account.	\$ 5.32
A6460	Payment was made in full to the incorrect bank account. The ratepayer quickly notified the Shire of the error and paid the amount in full.	\$ 2.97
A60819	Following the sale of a lot and a change to group rating, the pensioner details were not transferred to the new assessment. Consequently, interest and additional charges were incurred since the raising of the 2015/16 rates. Amount for write-off includes admin charge for instalment option (\$30.00) for 2015/16 rates.	\$ 231.10
Estimated Total to be Written Off		\$284.12

Implications to consider:

- Policy related
There is currently no policy or delegation for the write-off of outstanding rates and related charges.
- Financial
The financial implications associated with this item would result in a reduction in income of approximately \$284.12 and is considered immaterial.

Year-to-date interest write-offs approved by Council (excluding specific cases) as at 01/02/2017: \$ 333.38.

- Legal and Statutory
Section 6.12(1)(c) of the *Local Government Act 1995* permits the Council to write off any amount of money, which is owed to the local government.

Voting Requirements:

Absolute Majority Required: Yes

**RESOLUTION
230217**

Moved: Cr Walters

Seconded: Cr Heaton

“That Council approves the write-off of interest accrued for the reasons provided in this report, on the following properties:

- ***A7820***
- ***A6760***
- ***A6590***
- ***A6460***
- ***A60819”***

CARRIED: 7/0

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Cr Walters – could we please have the date of the next meeting and location added to the Agenda. Chief Executive Officer indicated that this will be done. The next Ordinary Council meeting will be held on Monday, 27 March, 2017 at 5.00pm in Council Chambers.

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

Nil

13. MEETING CLOSED TO THE PUBLIC

Nil

13.1 Matters for which the meeting may be closed

13.2 Public reading of resolutions to be made public

14. CLOSURE

The Shire President thanked everyone for their attendance and closed the meeting at 6.02pm.