

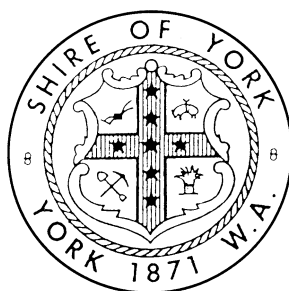
SHIRE OF YORK

**MINUTES OF THE ORDINARY
MEETING OF THE COUNCIL
HELD ON 26 FEBRUARY 2018
COMMENCING AT 5.00PM
IN COUNCIL CHAMBERS
YORK TOWN HALL, YORK**

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SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL HELD ON MONDAY, 26 FEBRUARY 2018, COMMENCING AT 5.00PM IN COUNCIL CHAMBERS, YORK TOWN HALL, YORK

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

1. OPENING

1.1 Declaration of Opening

Cr David Wallace, Shire President, declared the meeting open at 5.00pm.

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

Mr Gordon Marwick – Freeman of Shire of York

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

Nil

2. ATTENDANCE

2.1 Members

*Cr David Wallace, Shire President; Cr Kevin Trent, Deputy Shire President;
Cr Denese Smythe; Cr Heather Saint; Cr Pam Heaton; Cr Jane Ferro; Cr Denis Warnick*

2.2 Staff

Paul Martin, Chief Executive Officer; Bret Howson, Acting Executive Manager Infrastructure & Development Services; Suzie Haslehurst, Executive Manager Corporate & Community Services; Helen D'Arcy-Walker, Council and 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 15 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

Ms Tricia Walters

Could Council please advise whether or not they could be held responsible and liable for any damage or accident that could occur to a person or persons who currently have to walk on the road at Henrietta Street, York due to the poor condition of what constitutes the road shoulder.

This is the main road into and out of York, has two lanes which are used by heavy duty vehicles, school buses, children on their way to school, vehicle, as well as pedestrian from the three B&B's. One shoulder is unstable due to gravel and the other due to sand. The road itself is breaking up and subject to pot holes.

Response provided by the Acting Executive Manager Infrastructure and Development Services as acknowledged in the 18 December 2017 Minutes:

It is strongly suggested that persons do not walk along the road, being Henrietta Street. This is a busy road and should not be used by pedestrians. I would suggest it would be a civil traffic matter should anybody be struck by a vehicle for walking unsafely along Henrietta Street, or unsafely on any public road or street. People are responsible for their own actions if they act in an unsafe manner.

Regarding the road shoulder. The shoulder has been inspected by Shire Officers and found to be in satisfactory condition for pedestrian moments. The verge is wide enough for pedestrians to avoid soft and gravel areas if necessary, the verge is considered stable enough as a satisfactory road verge in a rural townsite.

The Shire is currently reviewing its footpath network, and it is recommended that a concrete footpath be considered along Henrietta Street in the future to improve pedestrian access.

3.2 Response to unasked questions from the previous meeting

Nil

4. PUBLIC QUESTION TIME

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

6.7 Other procedures for question time for the public

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

Public Question Time Commenced at: 5.02pm

- 4.1 Written Questions – Current Agenda
Nil

4.2 Public Question Time

Mr Simon Saint

This question relates to the Shire of York Town Planning Scheme (TPS) No. 2

The car parking requirements set down in schedule 4 of the TPS are myopic, non viable and hopeless in the context of rural towns such as York, where the CBD consists mainly of buildings constructed over 100 years ago and before the invention of the motor car. Given the past subjective use of discretionary power when applying the provisions in schedule 4 and the arbitrary imposition of cash-in-lieu, will Council:

Question 1(a)

Consider deleting these car parking requirements, particularly in relation to:

- (i) Existing buildings, regardless of whether or not they are listed in the municipal inventory of heritage buildings, and
- (ii) Blocks size less than a prescribed square area set by policy?

Question 1(b)

Undertake to draft and adopt a policy in the next financial year to assist in its decision making and lay down clear guidelines for commercial development in relation to:

- (i) The requirement to provide on-site car parking, and
- (ii) The discretionary use of cash-in-lieu of car parking?

Response provided by the Chief Executive Officer

Council is currently developing the next version of the Town Planning Scheme. The car parking requirements including the cash-in-lieu component is being discussed. As yet the Council has not held a workshop to discuss this issue but this will be a matter for Council to consider.

Response provided by the Shire President

Car parking and cash-in-lieu will be considered as part of this.

Mrs Yvonne Dols

Question 1:

Do the Shire realise the importance of retaining ownership of the old library for cultural and art reasons, or will they keep pouring money into the Rec Centre while the rest of the ratepayers go without a venue, which with Peace Park forms a town common and is a worthwhile asset?

Response provided by the Chief Executive Officer

Officers have prepared a Business Plan for the future use of the Old Convert building. Councillors will consider the Business Plan which outlines the options for the future of the building. It is recommended this Business Plan be advertised for a period of six (6) weeks.

Response provided by the Shire President

Council will consider the options at the conclusion of the submission period as we can not pre-empt the decision of Council.

Public Question Time Concluded at 5.07pm due there being no future questions.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Cr David Wallace requested Leave of Absence from 10 March to 2 April 2018.

**RESOLUTION
020218**

Moved: Cr Trent

Seconded: Cr Smythe

“That Council approve Leave of Absence for Cr David Wallace from the 10 March 2018 until the 2 April 2018.”

CARRIED: 7/0

6. PRESENTATIONS

6.1 Petitions
Nil

6.2 Presentations
The Shire President presented a Certificate of Appreciation for 14 years of service for the running of the Senior Citizens Appreciation Day held each year to Mrs Margaret Hewitt.

6.3 Deputations
Andrew Cotterell – White Gum Air Park regarding item SY004-02/18 – Development Application – Recreational Aviation and Five Hangar/Chalets – Lot 2308 Cameron Road, Malebelling

Cr Heaton – Have you offered to buy out next door?

Mr Cotterell – the neighbours have said that they are not selling

Cr Saint – In the documents there is an aerial photograph superimposed over the hangers – there was 6 is there now 7 hangars?

Mr Cotterell – Initially there were 7, one is now deleted.

Cr Saint – The concept plan is not for commercial use. Will this be the case in Stage 2 and 3?

Mr Cotterell – only commercial activity is the flying school. We are not able to make money from the type of aircraft we fly.

6.4 Delegates reports
Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Minutes of the Ordinary Council Meeting held 18 December 2017

Confirmation

**RESOLUTION
030218**

Moved: Cr Smythe

Seconded: Cr Saint

“That the minutes of the Ordinary Council Meeting held 18 December 2017 be confirmed as a correct record of proceedings.”

CARRIED: 7/0

7.2 Minutes of the Annual Electors Meeting held 7 February 2018

As there were no motions for decision in accordance with Sections 5.32 and 5.33 of the *Local Government Act 1995*, the Minutes are presented here for confirmation.

Confirmation

**RESOLUTION
040218**

Moved: Cr Ferro

Seconded: Cr Heaton

“That the minutes of the Annual Electors Meeting held 7 February 2018 be confirmed as a correct record of proceedings.”

CARRIED: 7/0

7.3 Minutes of the Special Council Meeting held 12 February 2018

Confirmation

**RESOLUTION
050218**

Moved: Cr Smythe

Seconded: Cr Trent

“That the minutes of the Special Council Meeting held 12 February 2018 be confirmed as a correct record of proceedings.”

CARRIED: 7/0

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President announced that the Shire has been advised the Joint Development Assessment Panel (JDAP) meeting scheduled for tomorrow, 27 February 2018, has been cancelled by the organisers. The Shire will be notified when they reschedule.

9. OFFICER'S REPORTS

SY002-02/18 – Avon Terrace Proposed Trial of Alfresco Dining Areas

FILE REFERENCE: AV1, HS.ITL.6.1.2
APPLICANT OR PROPONENT(S): Shire of York
AUTHORS NAME & POSITION: Bret Howson, Acting/Executive Manager
Infrastructure and Development Services
RESPONSIBLE OFFICER: Bret Howson, Acting/Executive Manager
Infrastructure and Development Services
PREVIOUSLY BEFORE COUNCIL: 9.2.2 – 20 April 2009
SY000-07/12 - 24 July 2017
DISCLOSURE OF INTEREST: N/A
APPENDICES: Nil

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

To consider a two year trial for alfresco dining spaces at Mad Mo's Café and Botanicalia Café on Avon Terrace, and to request the business owners to submit plans for consultation and approval.

Background:

At the July 2017 Ordinary Council Meeting it was resolved:

"That Council:

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

Comments and details:

In regards to the above resolution item 1

- (a) The business owners/applicant requesting the alfresco space meeting associated costs.*

Officers have discussed the cost arrangement with both the owner of Mad Mo's Café and Botanicalia Café, and they have given written confirmation that they will meet all associated costs.

- (b) Further consultation occurring with the business owners to confirm their ongoing support for the provision of an alfresco space, as a result of (a) above.*

Both owners have agreed to the 2 year trial for a temporary alfresco type structure at their cost should the Council decide on this option.

- (c) If continued support is given by the business owner for an alfresco space, a public consultation period of no less than 21 days being undertaken, and further report being prepared and presented to Council for consideration of submissions.*

As mentioned, Council officers have received continued support and written confirmation that the business owners will meet all associated costs. Therefore if the Council endorses the 2 year trial for Mad Mo's Café and Botanicalia Café, a final consultation process will be held for no less than 21 days, and a final report will be presented to the Council for endorsement.

- (d) If support is indicated by a business owner for a temporary alfresco space, a draft policy to guide their design, construction and process for installation being prepared and presented to Council for consideration.*

At this stage both business owners have indicated that they wish to prepare designs to complement the style of their buildings, and their individual construction and maintenance budgets. This poses a problem for officers when considering the preparation of a draft policy. It is difficult to prepare a policy on this issue without background history specific to the area. There are a number of Local Government Authorities (LGA's) which have policies for alfresco areas, however each of these LGA's has a different situation to York Shire and may not be suited.

It is recommended that each applicant prepares a design plan and management plan for the Shire to consider and approve, prior to any construction. The design plan should be a suitable drawing to scale showing at a minimum the materials, fittings and dimensions. The management plan should be a brief document which at minimum, explains how each business will install, management waste, manage usage from other patrons, secure fittings, details of insurances and after hours usage. These plans will be assessed on an individual nature, with consideration to policies, acts, regulations and history of issues from other LGA's.

Once these the plans have been received and approved by the Shire, officers will carry out the consultation as mentioned above for a period not less than 21 days.

In regards to item 2 of the abovementioned resolution:

- 2. Notes that a review of the relevant provisions relating to alfresco dining within the Shire of York Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law will be undertaken.*

The 2 year trial of alfresco areas at Mad Mo's Café and Botanicalia Café will provide the data and any identified issues required to review relevant provisions relating to alfresco dining within the Shire of York Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.

In regards to item 3 of the above mentioned resolution:

3. *Notes that officers are preparing a report on the outcomes of the six month trial of the increase of the restricted parking hours on Avon Terrace between South Street and Harvey Street from 1 hours to 2 hours."*

It is suggested this item be addressed in a separate report to Council to avoid confusion of subjects and to allow officers to review in conjunction with the alfresco trial and Avon Terrace redevelopment planning.

Options

The Officer's recommendation is for the Council to endorse the conditional approval of a 2 year trial of temporary alfresco spaces for Mad Mo's Café and Botanicalia Café for public consultation, subject to the business operator meeting associated costs, and confirming with business operators that they still wish to proceed with the proposal.

The following options are also available to Council:

1. Do not support the 2 year trial for temporary alfresco areas at Mad Mo's Café and Botanicalia Cafe.
2. Support the 2 year trial for temporary alfresco areas at Mad Mo's Café and Botanicalia Cafe as per the officer's recommendation with conditions which may include:
 - (i) The requirement for business operators to meet costs; and/or
 - (ii) That temporary alfresco spaces may be removed at the end of the trial, or upon written request of the Chief Executive Officer; and/or
 - (iii) That a design and management plan be approved by the Chief Executive Officer prior to installation of any alfresco items.

Implications to consider:

- **Consultative**

A detailed summary of public submissions was presented to Council at the July 2017 Ordinary Council meeting.

Once designs and management plans have been received and considered, officers will hold a consultation process for at least 21 days, before presenting the outcomes and recommendations to Council for final approval.

- **Strategic**

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

- **Financial**

It is the officer's recommendation that temporary alfresco spaces at Mad Mo's Café and Botanicalia Café be supported for consideration, following a period of public consultation and subject to the business operator meeting associated costs.

It is proposed that the Shire of York funds and installs the safe barriers for each temporary alfresco area. At this stage it is proposed to install a traffic bollard at the start and end of each alfresco area, and rubber wheel stops in the parking bay before and after each alfresco area.

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

- **Policy related**

A draft policy with guidelines for design and process for construction and management will need to be prepared for consideration by Council at the end of the 2 year trial period.

- **Legal and Statutory**

Shire of York Parking and Parking Facilities Local Law

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

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

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

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

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

- **Risk related**

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

- **Workforce Implications**

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

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION

“That Council:

- 1. Agrees with the two year trial period for the installation of alfresco dining areas at Mad Mo’s Café and Botanicalia Café on Avon Terrace subject to:*
 - (a) The business owners/applicant requesting the temporary alfresco dining area meeting associated costs; and*
 - (b) The business owners are requested to submit a design plan and a management plan for the temporary alfresco area, and*
 - (c) The owners agreeing to the 2 year trial period, during which, or at the completion of the trial period, the owner may be requested to modify or remove their temporary alfresco structure and/or associated items, and*
 - (d) Further consultation occurring with the business owners to confirm their ongoing support for the provision of a temporary alfresco dining areas, as a result of (a), (b) and (c) above; and*
 - (e) If continued support is given by the business owner for an alfresco space, and once a design plan and a management plan has been received and approved by the Shire, a public consultation period of no less than 21 days being undertaken, and a further report being prepared and presented to Council for consideration of submissions and recommendations.*
- 2. If support is indicated by a business owner for a temporary alfresco space, a draft policy to guide their design, construction and process for installation being prepared during the 2 year trial period and presented to Council for consideration.”*

**RESOLUTION
060218**

Moved: Cr Saint

Seconded: Cr Smythe

“That Council:

- 1. Agrees with the two year trial period for the installation of alfresco dining areas at Mad Mo’s Café and Botanicalia Café on Avon Terrace subject to:***
 - (a) The business owners/applicant requesting the temporary alfresco dining area meeting associated costs; and***
 - (b) The business owners are requested to submit a design plan and a management plan for the temporary alfresco area, and***
 - (c) The owners agreeing to the 2 year trial period, during which, or at the completion of the trial period, the owner may be requested to modify or remove their temporary alfresco structure and/or associated items, and***
 - (d) Further consultation occurring with the business owners to confirm their ongoing support for the provision of a temporary alfresco dining areas, as a result of (a), (b) and (c) above; and***
 - (e) If continued support is given by the business owner for an alfresco space, and once a design plan and a management plan has been received and approved by the Shire, a public consultation period of no less than 21 days being undertaken, and a further report being prepared and presented to Council for consideration of submissions and recommendations.***
- 2. If support is indicated by a business owner for a temporary alfresco space, a draft policy to guide their design, construction and process for installation being prepared during the 2 year trial period and presented to Council for consideration.***
- 3. Notes the cost to the Shire of installing bollards and wheel stops is set at a maximum of \$8,000.”***

CARRIED: 7/0

Reason: To provide clarity on the costs to be incurred by the Shire.

SY003-02/18 – Waste and Recycling Collection Tender for the Shire of York

FILE REFERENCE: AS.TEN.55
APPLICANT OR PROPONENT(S): Shire of York
AUTHORS NAME & POSITION: Bret Howson, Acting/Executive Manager
Infrastructure and Development Services
RESPONSIBLE OFFICER: Bret Howson, Acting/Executive Manager
Infrastructure and Development Services
PREVIOUSLY BEFORE COUNCIL: SY004-02/17 – 27 February 2017
DISCLOSURE OF INTEREST: N/A
APPENDICES: Nil

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

To consider using the tender exempt WALGA preferred supply contract for Waste Collection Goods and Services.

Background:

At the February 2017 Ordinary Meeting of Council it was resolved:

"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."*

Given that the contract is now expired, the most efficient option to ensure compliance is to conduct a Request for Quotation process utilising the Tender exempt WALGA preferred supply contract for Waste Collection Goods and Services. As this is not in accordance with item 4 of the above Council resolution, officers are seeking Council's approval to seek quotations using the WALGA preferred supply contract.

Comments and details:

This process is currently a legal public tender with WALGA for all Local Governments to use. The panel of tenderers under the WALGA contract consists of all of the waste services suppliers in Western Australia, so in effect, the Shire of York calling a separate public tender will result in submissions from the same contractors under the WALGA contract.

The benefits of operating in the WALGA preferred suppliers contract include:

- Tender exempt and compliant regardless of Contract value;

- The pre-qualified panel of suppliers is representative of the market that would respond if the Shire was to go to public Tender;
- WALGA has pre-qualified the panel through a robust public Request for Tender process and evaluation on behalf of its Members;
- Panel compliances including insurances, management of a number of key KPI's and ongoing financial due diligence are managed by WALGA throughout the life of the Contract, removing that Contract Management burden from the Shire;
- A far more streamlined procurement process by way of a Request for Quotation (RFQ) utilising the WALGA E-quote environment, ensuring that the end to end RFQ process is captured and compliant;
- Use of the WALGA developed Conditions of Contract specific to a number of Waste categories including Kerbside and Verge Collection Services, Landfill and Transfer Station Management, Recyclables Processing and Green Waste Processing. WALGA has now invested some \$80,000 in ensuring these Contract Conditions remain contemporary, reflect current and future Waste Legislation, and ensure robust Contractual protection for WALGA Members utilising the preferred supply environment;
- Preferred suppliers are contractually obligated to deliver their best pricing to Members individually on the basis of sector aggregation;
- Assistance with RFQ development and Contract execution from Dale Chapman, Procurement and Category Manager – WALGA Waste Fleet and Consumables categories;
- The reduction of risk associated with conducting a regulated, public Request for Tender process.

There are multiple advantages to operating in the WALGA preferred suppliers contract, least of which is the ability for the Shire to conduct its procurement process and have a contract in place in a fraction of the time it would take to conduct a public Request for Tender.

Options

The officer's recommendation is for the Council to authorise the use of the WALGA preferred suppliers contract for the Shire of York's Waste and Recycling Collection tender.

The following options are also available to Council:

1. Do not support recommendation and endorse officers preparing a public tender for the services. This would add 4 months to the process.
2. Support the officer's recommendation with conditions which may include:
 - (iv) The requirement for supplying and managing a "Tip Shop" ; and/or
 - (v) Separate costing to service the Qualen West and Talbot Hall Areas; and/or
 - (vi) Separate costing/arrangements for the introduction of an organics bin.

Implications to consider:

- **Consultative**

A consultation process has been completed, which will be presented to the Council as per Part 5 of the February 2017 Council resolution.

- **Financial**

The Shire has budgeted for the extension of the current contract, however this tender will provide costing for the 2018/19 budget considerations. This will also include costing for further budget year's consideration.

- **Legal and Statutory**

Section 3.57 of the *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.

Part 4 (Tenders) of the *Local Government (Functions and General) Regulations 1996* require that tenders to be publically invited for such contracts where the estimated costs of providing the total service exceeds \$150,000

Part 11(2) of the *Local Government (Functions and General) Regulations 1996* provides that, Tenders do not have to be publicly invited according to the requirements of this division if:

The good and service is to be obtained through the WALGA Preferred Supplier Program.

- **Risk related**

There is a high risk to the Shire should the Shire of York continue this purchasing outside of a legal contract, due to the ongoing value of works and this issue was identified in the Shires Audit Regulation 17 review.

- **Workforce Implications**

Nil for officer's recommendation.

Voting Requirements:

Absolute Majority Required: No

**RESOLUTION
070218**

Moved: Cr Trent

Seconded: Cr Ferro

"That Council:

- 1. Authorises the Chief Executive Officer to utilise the tender exempt WALGA preferred supply Contract for Waste Collection Goods and Services to request contract submissions for the provision of Waste and Recycling Service for the Shire of York; and**
- 2. Requests the Chief Executive Officer to brief Council on the community consultation, schedule and costing of the provision of Waste and Recycling services prior to report being submitted requesting Council to award the works."**

CARRIED: 7/0

SY004-02/18 - Development Application – Recreational Aviation and Five Hangar/Chalets: Lot 2308 Cameron Road, Malebelling

FILE REFERENCE: CA1.60838
APPLICANT OR PROPONENT(S): Andrew Cotterell
AUTHORS NAME & POSITION: Colleen Thompson, Consultant Planner
RESPONSIBLE OFFICER: Bret Howson, Acting Executive Manager,
Infrastructure & Development
PREVIOUSLY BEFORE COUNCIL: No
DISCLOSURE OF INTEREST: Nil
APPENDICES: A – Application and Site Plans
B – Submissions from Advertising

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 a development application received for proposed recreational aviation use and five hangar/chalets at Lot 2308 Cameron Road, Malebelling.

Subject to conditions, the proposal is considered consistent with the objectives of the General Agriculture Zone of the Shire of York Town Planning Scheme No. 2 and *Planning and Development (Local Planning Schemes) Regulations 2015*. It is therefore recommended to Council that the application be conditionally approved.

Background:

A private airstrip has been located on Lot 2308 Cameron Road for over 37 years. One hangar/chalet to promote short stay accommodation associated with the airstrip was approved on the property in March 2016 and has since been constructed.

An application for development approval on Lot 2308 Cameron Road for the construction of five additional aircraft hangar/chalets was submitted on 31 January 2017. The Shire requested additional information from the applicant on 6 February 2017. Over the course of 2017, information and clarification was requested and provided. This resulted in an amended development application, which included the proposed use of the existing runway by the flight school on the adjacent Lot 8038, with necessary supporting documentation being submitted by the applicant on 31 October 2017.

The application proposes use of the existing airstrip for private recreation and flight school aviation activities and the construction of five additional aircraft hangar/chalets to expand niche aviation-based tourist accommodation on the site.

The application including site plans, elevations and an acoustic report are provided at **Appendix A**.

Comments and details:

Proposed use

The applicant has requested a proposed use of "private recreation" which is defined by the scheme as "land used for parks, gardens, playgrounds, sports arenas, or other grounds for recreation which are not normally open to the public without charge". This use is not listed in the zoning table, therefore requires consideration in accordance with clause 3.2.4 of the scheme whereby the local government may:

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

In accordance with clause 3.2.4(b) of the scheme, the application has been advertised.

The purpose of the proposed private recreation use is to facilitate private recreational aviation by users of the hangar/chalets and use of the existing runway by the flight school that operates from Lot 8038.

The nature of the proposed use, being recreational aviation activities, does not comfortably sit within the definition of private recreation. Further, aviation includes air based activities that present specific management implications. Irrespective, it is noted that recreational aviation activities do not comfortably fit within any of the land use definitions under the scheme and would therefore be defined as a use not listed. In this regard, the necessary statutory process of clause 3.2.4(b) has been followed to enable consideration of the application as a use not listed.

To manage aviation activities on the site, any approval should include conditions that reflect the intended use and exclude operations which go beyond appropriate recreational activities, for example regular commercial flights and tours. A suggested condition that reflects the proposed use for the property that would facilitate the development of hangars/chalets is “land and buildings used for recreational aviation purposes only, including the storage of private aircraft and recreational flying lessons, and are not to include any commercial aviation activities and movements.”

The property is zoned ‘General Agriculture’ by TPS2. The proposed use of recreational aviation can be considered consistent with the objectives of the general agriculture zone set out in clause 4.15.1 of the scheme, in particular:

- (b) *to consider non-rural land uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment*
- (c) *To allow for facilities for tourists and travellers, and for recreation uses.*

Noise management

In Western Australia, the assessment of noise is undertaken using either the *Environmental Protection (Noise) Regulations 1997* or *State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning*. Both the regulations and policy specifically exclude assessment of aircraft noise. The acoustic assessment provided to support the application presents noise criteria based on *Australian Standard (AS) 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction*. The criteria provided are based on a small aerodrome with a small number of civil, non-jet aircraft movements.

The key outcome of the acoustic assessment is that noise modelling for aviation activities on Lot 2308 can meet acceptable noise levels at the nearest sensory receptor, being the dwelling on 50 Russ Retreat, on the basis that there are not more than 30 flights per day. The acoustic assessment also recommends a noise management plan be prepared for the development.

The Shire engaged suitably qualified acoustic and aviation consultants to undertake a peer review of the acoustic assessment. The review identified that the standards used are appropriate to guide acceptable aircraft noise levels. The peer review identified that modelling outcomes are very dependent on certain assumptions regarding aircraft type and future demand, creating potential for acceptable noise impacts to be exceeded should there be noisier aircraft used or a larger number of daily flights – this is also a key concern raised by the residents of 50 Russ Retreat. Flight school operations involve “touch and gos” which simulate landing and take off, in effect presenting the noise impacts of an additional aircraft flight. These important management issues should be regulated through a noise management plan that ensures operations are consistent with the assumptions of the noise modelling.

In summary, noise impacts from private aviation on Lot 2308 can be considered acceptable if operations occur within the parameters of noise modelling undertaken, and additional management techniques are employed such as avoiding taxiing and ground operations in proximity to the residence on 50 Russ Retreat. Hours of operation should also be controlled.

Compliance will be a key issue for noise management of the site. A noise management plan for the operations should provide a basis for compliance monitoring include reporting requirements – such as logs of activity and aircraft type – to be provided to the Shire on a regular basis or in the event of any complaints.

Access

Legal access to Lot 2308 is currently via an easement across various lots linking west to Taylor Road and via the unconstructed Needling Hill Road reserve. The current access way to Taylor Road is not constructed within the legal easement area.

Any additional development on Lot 2308 should be supported by formalised access arrangements.

In a previous development approval issued to Lot 2308, a condition required access via either a constructed road in the Needling Hill Road reserve or an easement via Lot 8038. Neither of these access arrangements have eventuated as an easement has not been successfully agreed with the owner of Lot 8038. The applicant has advised they have a memorandum of understanding in place with the owner of Lot 8038 regarding access, but this is insufficient to provide a permanent, formal access solution for the property.

The only appropriate access arrangement to support increased development on Lot 2308 is through construction of an access road within the Needling Hill Road reserve. This should be a condition of approval to be undertaken prior to the commencement of any construction works. Construction of the road access by the applicant will provide safe access and egress for both construction and operations. The road access will also direct all aviation road traffic in the locality via Cameron Road.

If the applicant is able to negotiate a more formal access arrangement through Lot 8038 then, in accordance with the deemed provisions in the *Planning and Development (Local Planning Schemes) Regulations 2016*, they have the ability to apply to amend conditions of the development approval.

Visual amenity

The proposed hangars/chalets will be visible from the neighbouring property at 50 Russ Retreat.

The proposed hangars/chalets are of zincalume construction with a wall height of 4.25 metres and a roof apex of 6.179 metres. Each has a floor area of 154m², and a 22,000 litre water tank. The utilitarian design is necessary to support the private aviation use and aircraft storage.

The site plan shows a landscaping area of 140 metres by 15 metres to provide a landscaped visual screen for the residence on 50 Russ Retreat. The plan identifies that screening vegetation with a range of species were planted in July 2017. The success of the planting is unknown. A condition of approval should require a landscape plan for this area to confirm the suitability of screening species, and ensure ongoing maintenance and replacement of plants until the screening is established.

Fuel infrastructure

The application refers to a fuel station on the adjoining Lot 8038. No fuel infrastructure is shown on the proposed site plans for Lot 2308, therefore are assumed to not form part of the development application. Any future fuel infrastructure will be subject to separate approval that will consider the environmental and bushfire implications of fuel storage on site. Approval conditions and advice notes should clarify that the approval does not include any fuel infrastructure on site.

North south runway

The proposed site plans include an 'existing' north south runway on Lot 2308. This has been constructed however there is no record of any development approval or planning consent for that runway. There is concern about the location of the proximity of the unapproved runway to the residence on 50 Russ Retreat. This requires further technical consideration and should be excluded from the application at this stage.

The applicant will be advised that the runway is not approved and is to be decommissioned. Any proposed north south runway will require the approval of Council through a future development application.

Future development

The acoustic report includes an appendix that illustrates the future development vision for Lot 2308 as a tourist airpark. The concept plan indicates an intensification of development that is most appropriately addressed through amendment to the scheme, and does not form part of this application. An advice note to the application and limiting the approval to the 5 hangar/chalets is recommended.

Implications to consider:

- **Consultative**

The application was advertised from 3 November 2017 until 27 November 2017.

An objection was received from the owners of the adjacent property. This is provided in Appendix B. Key concerns raised in the submission, including noise impacts, visual impact, hours of operation, and fuel hazards have informed the assessment, and resulted in recommended conditions. Many concerns raised in the objection relate to ongoing compliance, and there will be a need for the Shire to actively ensure compliance of operations and development.

Submissions were received from the following government agencies; however no objections were made:

- Aboriginal Heritage Directorate of the Department of Planning, Lands and Heritage
- Australian Government Civil Aviation Safety Authority
- Department of Health
- Department of Water and Environmental Regulation
- Water Corporation
- Western Power

Agency submissions are provided in Appendix B

- **Policy Implication**

There are no specific policies that influence the application.

- **Strategic Implications**

The proposal, subject to appropriate conditions being implemented is not considered to have an adverse impact on the amenity of the locality and is consistent with the broad objectives of the Shire of York's 2016-2026 Strategic Community Plan.

- **Financial Implications:**

Proposed aviation use on the property, if not appropriately managed, will present impacts to the neighbouring property. The Shire will need to ensure compliance with conditions, particularly around noise management, and this may present potential financial implications.

- **Risk related**

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

- **Workforce Implications**

The Shire will need to actively ensure compliance of operations and development which could impact on existing resources.

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION:

"That Council approves the development application for recreational aviation and five hangar/chalets at Lot 2308 Cameron Road, Malebellington, 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 Plan(s) including any notes placed in red by the Shire and except as may be modified by the following conditions.*
- 3 This approval relates to recreational aviation purposes only, including the storage of private aircraft and flying lessons, and does not include any other commercial aviation activities and movements.*
- 4. The use of the runway strip on Lot 2308 shall not be used for any commercial aviation purposes, including tours and commercial flights.*
- 5. Hours of operation/use of the runway strip on Lot 2308 shall be restricted to occur between 7am and 7pm Monday to Saturday and 9am and 7pm Sundays and Public Holidays.*
- 6. The development approved is to be made available for short stay accommodation with guests temporarily occupying and no guest accommodated for periods totalling more than 3 months in any 12 month period.*
- 7. Prior to the commencement of works, Needling Hill Road is to be constructed in the location shown on the attached plan to the satisfaction of the Shire, at the cost of the applicant.*
- 8. Prior to the commencement of aviation activities on the site, a noise management plan for recreational aviation is to be provided to the Shire for approval, and thereafter implemented. The noise management plan is to include:*
 - Restriction of aircraft types and number of daily flights on the property to comply with the criteria of Australian Standard (AS) 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction. "Touch and gos" associated with flying lessons are to be defined as an individual flight for the purpose of compliance with the criteria.*
 - Delineation of taxiing routes that do not pass the residence on 50 Russ Retreat.*
 - Compliance monitoring and reporting.*
- 9. A landscape plan is to be submitted to the Shire for approval prior to commencement of development. The landscape plan is to identify the location and species of vegetation to be used to screen the proposed buildings from the adjacent residential property. Screening vegetation in the approved landscape plan is to be planted within six months of the approval. Screening vegetation must be maintained in perpetuity to the satisfaction of the Shire.*

10. *Prior to the commencement of works, the following plans or details are to be submitted to the Shire's planning department and approved in writing:*
- 10.1 *Details of a potable water supply, including water balance to demonstrate sufficiency of water tanks.*
- 10.2 *Details of access routes to the units from Needling Hill Road and two car parking bays for each unit (inclusive of one disabled bay). Access ways [including crossover(s)] and parking areas shall be designed and constructed to the satisfaction of the Shire.*
- 10.3 *A bushfire management plan demonstrating maintenance of asset protection zones around the development.*
11. *The approved development shall not be occupied or used until all plans and details required by Conditions 6 and 7 have been implemented to the satisfaction of the Shire.*

ADVICE NOTES:

- Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
- Note 2: Where an approval has so lapsed, no development is to be carried out without the further approval of the local government having first been sought and obtained.
- Note 3: If an applicant is aggrieved by this determination there is a right of appeal under the Planning & Development Act 2005. An appeal must be lodged within 28 days of the determination.
- Note 4: With respect to Condition 7, the current requirement is for construction to a gravel standard. The applicant should liaise with the Shire to confirm construction requirements.
- Note 5: Existing runway 14 shown on the proposed site plans is not approved development. This runway is not to be used and is to be decommissioned. Any future runways on Lot 2308 in addition to runway 09-27 require development approval.
- Note 6: No fuel infrastructure is approved on the site. Any future fuel infrastructure will be subject to separate development approval that will consider the environmental and bushfire implications of fuel storage on site. The applicant is advised that further dangerous goods approvals may be required for bulk fuel storage.
- Note 7: The Landscape Plan should include a plant schedule nominating species, planting distances, numbers, planting sizes, together with the anticipated height of each plant at maturity.
- Note 8: The applicant is advised that this approval relates to recreational aviation use and five hangar/chalets only. Any further development or intensification of aviation and tourist uses on the site may require an amendment to the local planning scheme. The applicant should liaise with the Shire in relation to this matter.
- Note 6: In accordance with the provisions of the Building Act 2011, and Building Regulations 2012, an application for a building permit must be submitted to, and approval granted by the Shire, prior to the commencement of the development hereby permitted.

**RESOLUTION
080218**

Moved: Cr Smythe

Seconded: Cr Ferro

“That Council defer this matter to allow Officers to investigate access options other than opening Needling Hills Road.”

CARRIED: 7/0

Reason – Because of the road access and cost of the development of this road.

***SY005-02/18 – Application to Operate Personal Bee Hive – Lot 132 (151)
North Road, York***

FILE REFERENCE: NO2.11470
APPLICANT OR PROPONENT(S): Graham Robinson
AUTHORS NAME & POSITION: George Johnson, Environmental Health Officer
RESPONSIBLE OFFICER: Bret Howson, Acting Executive Manager
Infrastructure and Development Services
PREVIOUSLY BEFORE COUNCIL: N/A
DISCLOSURE OF INTEREST: N/A
APPENDICES: N/A

Nature of Council's Role in the Matter:

- Quasi-Judicial

Purpose of the Report:

The applicant has applied to the Shire of York for permission to place up to two (2) Bee Hives for personal use on the property situated at Lot 132 (151) North Road, York.

Background:

The property located at Lot 132 (151) North Road, York is 4.0643 hectares with the closest resident being approximately 100m from the proposed Bee Hives.

The applicant wishes to keep up to two (2) Bee Hives on the property at any one time within close proximity to buildings.

A letter was sent to the seven (7) adjoining landowners on 22 November 2017 requesting any feedback on the proposed Bee Hives. No objections to the proposal were received.

Division 7 – Bee Keeping of the *Health Local Laws 2000* states that no person shall keep or permit the keeping of bees anywhere within the district unless approval is given by the Council.

Comments and details:

Officers are unaware of any Bee Hives in close proximity to this location.

Options:

The two options available for this application are either approve the placement of up to 2 Bee Hives at any one time on Lot 132 (151) North Road, York or refuse the Bee Hives from being placed on the property.

The officer recommends that the applicant be granted permission to house two (2) Bee Hives. There is no threat to the environment, it is not detrimental to the well-being of the adjoining neighbours and has no financial impact on Council.

Implications to consider:

- **Consultative**

A letter was sent to the seven (7) adjoining landowners on 22 November 2017 giving 14 days to respond with any objections or comments. No objections were received for the keeping of Bee Hives at Lot 132 (151) North Road, York.

- **Strategic**

Not applicable

- **Financial**

There are no financial implications for the Shire should Council approve the officer recommendation.

- **Policy related**

No current policy

- **Legal and Statutory**

Health Local Laws 2000 - Division 7 - Bee Keeping

Interpretation

6.7.1 *In this Division, unless the context otherwise requires –
"bees" means an insect belonging to any of the various hymenopterous insects of the super family Apoidea and commonly known as a bee.*

Restrictions on keeping of Bees in Hives

- 6.7.2 (1) *A person shall not keep or permit the keeping of bees anywhere within the district unless approval to do so has been given by the Council.*
 (2) *If, in the opinion of an Environmental Health Officer, the approved beehives are causing a nuisance, the Council may direct any bees or approved beehives to be removed.*
 (3) *A person shall comply with a direction within the time specified.*

- **Risk related**

Nil

- **Workforce Implications**

Nil

Voting Requirements:

Absolute Majority Required: No

RESOLUTION

090218

Moved: Cr Trent

Seconded: Cr Smythe

"That Council approves the application to keep a maximum of two (2) Bee Hives at any one time on Lot 132 (151) North Road, York."

CARRIED: 7/0

***SY006-02/18 – Application to Operate Personal Bee Hive – Lot 16 (51)
Penny St, Kauring***

FILE REFERENCE: PE4.3482
APPLICANT OR PROPONENT(S): Evelyn Sefton-Bellion
AUTHORS NAME & POSITION: George Johnson, Environmental Health Officer
RESPONSIBLE OFFICER: Bret Howson, Acting Executive Manager
Infrastructure and Development Services
PREVIOUSLY BEFORE COUNCIL: N/A
DISCLOSURE OF INTEREST: N/A
APPENDICES: N/A

Nature of Council's Role in the Matter:

- Quasi-Judicial

Purpose of the Report:

The applicant has applied to the Shire of York for permission to place up to two (2) Bee Hives for personal use on the property situated at Lot 16 (51) Penny Street, Kauring.

Background:

The property located at Lot 16 (51) Penny Street, Kauring is 2.0234 hectares with the closest resident being approximately 90m from the proposed Bee Hives.

The applicant wishes to keep up to two (2) Bee Hives on the property at any one time within close proximity to buildings.

A letter was sent to the five (5) adjoining landowners on 22 November 2017 requesting any feedback on the proposed Bee Hives. No objections to the proposal were received.

Division 7 – Bee Keeping of the *Health Local Laws 2000* states that no person shall keep or permit the keeping of bees anywhere within the district unless approval is given by the Council.

Comments and details:

Officers are unaware of any Bee Hives in close proximity to this location.

Options:

The two options available for this application are either approve the placement of up to 2 Bee Hives at any one time on Lot 16 (51) Penny Street, Kauring or refuse the Bee Hives from being placed on the property.

The officer recommends that the applicant be granted permission to house two (2) Bee Hives. There is no threat to the environment, it is not detrimental to the well-being of the adjoining neighbours and has no financial impact on Council.

Implications to consider:

- **Consultative**

A letter was sent to the five (5) adjoining landowners on 22 November 2017 giving 14 days to respond with any objections or comments. No objections were received for the keeping of Bee Hives at Lot 16 (51) Penny Street, Kauring.

- **Strategic**

Not applicable

- **Financial**

There are no financial implications for the Shire should Council approve the officer recommendation.

- **Policy related**

No current policy

- **Legal and Statutory**

Health Local Laws 2000 - Division 7 - Bee Keeping

Interpretation

6.7.1 *In this Division, unless the context otherwise requires –*

"bees" means an insect belonging to any of the various hymenopterous insects of the super family Apoidea and commonly known as a bee.

Restrictions on keeping of Bees in Hives

6.7.2 (1) *A person shall not keep or permit the keeping of bees anywhere within the district unless approval to do so has been given by the Council.*

(2) *If, in the opinion of an Environmental Health Officer, the approved beehives are causing a nuisance, the Council may direct any bees or approved beehives to be removed.*

(3) *A person shall comply with a direction within the time specified.*

- **Risk related**

Nil

- **Workforce Implications**

Nil

Voting Requirements:

Absolute Majority Required: No

RESOLUTION

100218

Moved: Cr Trent

Seconded: Cr Heaton

"That Council approves the application to keep a maximum of two (2) Bee Hives at any one time on Lot 16 (51) Penny Street, Kauring."

CARRIED: 7/0

SY007-02/18 – Shire of York Participation in ‘Banners In The Terrace’ Competition

FILE REFERENCE:	OR.1GR5
APPLICANT OR PROPONENT(S):	Shire of York
AUTHORS NAME & POSITION:	Carol Littlefair, Arts & Cultural Heritage Officer
RESPONSIBLE OFFICER:	Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL:	No
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	A. Banners In the Terrace - Information for Councils

Nature of Council’s Role in the Matter:

- Executive

Purpose of the Report:

This report seeks Council approval to participate in the Western Australia Local Government Association (WALGA) ‘Banners In the Terrace’ Competition 2018.

Background:

The competition is an initiative run by WALGA and the City of Perth.

It provides opportunities for communities throughout the State to be represented by banners on St. George’s and Adelaide Terrace during the period 22 July to 4 August 2018 to coincide with the Local Government Convention and Trade Exhibition.

Comments and details:

Expressions of interest to reserve a banner pole are required by 22 March, however the availability of a pole is not guaranteed, as the number of entries generally exceeds the number of poles available. The design must also be accepted. Potential banner designs must be submitted by 27 April and if accepted must be produced and delivered by 29 June 2018.

The aim of the project is to involve the community in the creation of the banner. No corporate advertising is allowed.

5 categories are available:

- Schools- pre-primary to Year 3
- Schools years 4/5/6
- Schools years 7-12
- Community groups
- Professional/digitally designed

All categories may be digitally printed or painted, but the first four categories may not be digitally *designed*. The banner should include Council’s name, easily readable, and imagery should reflect the character and identity of the place. The banner cannot be re-used in York as it will not fit existing York banner poles [a different size]. Although it may be re-entered in subsequent years, it is only likely to be selected if last-minute cancellations occur.

A presence in Perth enhances York’s public profile and sends a positive message about the town. The banners are seen by thousands of people travelling along these routes every day for two weeks. Making the banner involves the community, especially children or young people, in developing a sense of place and community identity, as the banner criteria include identifying the main characteristics of the place it represents. Display and especially, winning the competition enhances community pride.

It is believed that this competition was entered by York in the past.

Results of the banner exposure in the Terraces are difficult to quantify in marketing terms, however, if York were to have a banner displayed, concurrent social media posts publicising York's banner would be quantifiable at no additional cost.

Options:

Options 1&2 are strongly community based. Options 3,4 & 5 vary on a sliding scale from community-based to regarding the project as promotional marketing, especially developing the 'brand' of York in the public consciousness at a subliminal level, without overt corporate advertising.

1. *Invite York District High School to design the banner*

Opportunities: YDHS has a very experienced art teacher and a good track record with undertaking community projects; a good quality outcome is probable.

Challenges: This will be dependent on the suitability of the project for class activities and timetabling; there is not a long lead in time to 27 April [a long lead-in time is often required to schedule in art activities].

2. *Invite a community group to design the banner through a community art workshop*

Opportunities: Such a workshop could be inclusive of all ages/ broader community, or a school holiday programme if run during holidays between 14 -26 April, 2018

Challenges: A community group may not have the expertise available to provide a community art workshop

3. *Run a Shire managed community arts workshop to create the design, engaging an external professional community artist to run the workshop*

Opportunities: Such a workshop could be inclusive of all ages/ broader community, and be run at any weekend day or during school holidays as above up until 26 April. Engaging a professional community artist to lead the design process should ensure a high quality banner design.

Challenges: Shire cultural staff are fully engaged with the set-up of the major Anzac exhibition at this time up until 26 April, so organisation of community involvement may be compromised. Cost of engaging an artist is additional to banner production.

4. *Invite entries from individual artists for the design, [to enter category 5]*

Opportunities: This will provide an opportunity for individual artists to raise their profile and encourage creative development of art within the Shire of York.

A more detailed brief of how the Shire of York's image should be promoted may be possible with this approach.

Challenges: Shire cultural staff are fully engaged with the set-up of the major Anzac exhibition at this time up until 26 April, so organisation of a call for entries may be compromised. It is usual to offer a payment for the selected entry therefore this cost is additional to banner production. Community consultation about the imagery, or artist's work selected can be included; an open and transparent selection procedure will need to be devised and implemented but there is a limited timeframe in which to undertake these actions. There may be a limited response and/or the Shire may not wish to be represented by any of the works put forward, a decision not to put forward an entry after calling for designs would send a very negative message.

5. *Employ a professional design firm for the design, [to enter category 5]*

Opportunities: A detailed brief of how the Shire of York's image should be promoted will be possible with this approach and the branding soon to be developed by a professional design firm [yet to be selected] for the Winter Weekend in York can be reinforced with this method.

Challenges: Likely to be the most expensive option. Community consultation about the imagery/design options can be included but there is a limited timeframe in which to do this; it also generally increases the cost when professional designers have to put forward a range of options/and or/ review concepts. The whole ethos of the banner competition is to involve the community so simply instructing a professional design firm to produce a design to a brief is not in keeping with the spirit of the event.

Comment, all categories: Digital printing of the design, is recommended by the 'Banners In the Terrace' promoters as opposed to direct painting, which is a permissible medium. Officers concur with this recommendation.

Implications to consider:

- **Consultative**

Options 1-3 heavily involve the community, particularly young people, in thinking about and identifying with a sense of place and developing community pride.

This will also be applicable to option 4, especially if local artists submit work for selection. The purpose of the banner competition is to involve local communities in their creation.

- **Strategic**

The project reinforces the community vision set out in the Shire's Strategic Community Plan, particularly: "..... a community that is focused on and works collaboratively to improve and promote the town and the Shire of York as a destination and wonderful place to live"

Especially:

Theme 1 The Place to Live:

1.1 Children and young people feel valued, safe and supported and have a strong sense of York as 'their place'.

1.7 York is known for being a positive, active and involved community.

Theme 2: A Leader in Cultural Heritage and Environment

2.4 Performance and the arts are a strong part of the Shire's image.

Theme 3: Driving the York Economy Forward

3.4 Visitor based economic activity is flexible, self-supporting, resilient, innovative and growing.

3.8 Strong business clusters built around the Shire's strengths are successful and growing.

- **Policy related**

G2.9 Community Engagement and Consultation Policy indicates that Collaborate: [Actively engage] as described in table 1 would be an appropriate level of community consultation for this project.

- **Financial**

The cost of a blank banner by suppliers quoted through the project is up to \$172 + gst *excluding design and printing*.

A compulsory banner case must also be purchased for \$90 inc gst. These are minimum costs., plus any materials used to create the design work in workshops.

Printing costs are variable but based on the costs for York's Christmas banners likely to be in the region of \$400-500. Officers recommend a sum of \$1000 to cover all the above costs.

Shire staff time is variable depending on the option selected.

Options 3,4 & 5 are incrementally more expensive, engaging a community artist at NAVA rates is approximately \$40 per hr, additional staff administration time required at a similar rate, up to approximately \$1000 for professional design of a banner if piggybacked on to previous design work or up to \$2000 if stand-alone.

- **Legal and Statutory**

N/A

- **Risk related**

There is a low reputational risk should the quality of a community-designed banner not reflect the Shire's image aspirations.

- **Workforce Implications**

The organisation of this project comes at a time when existing cultural staff are stretched to maximum capacity due to concurrent the opening of the Anzac exhibition; due to this option 3 and to a lesser degree, options 4 & 5 are not recommended at this time.

Voting Requirements:

Absolute Majority Required: No

RESOLUTION

110218

Moved: Cr Smythe

Seconded: Cr Warnick

"That Council:

- 1. Agrees in principle to participate in the Banners In the Terrace Competition.***
- 2. Requests the Chief Executive Officer to approach York District High School offering financial assistance to a maximum of \$1,000 should they agree to participate.***
- 3. In the event that the YDHS chooses not to participate, requests the Chief Executive Officer to:***
 - a] seek participation by a local community group***
 - b] negotiate the financial assistance to be provided to a maximum of \$1,000***
- 4. Notes that if a participation partner is not found, officers will discuss participation with potential partners for next year."***

CARRIED: 7/0

SY008-02/18 –Request by Hesperian Press for Support to Print a Book on the Early Colonial History of York

FILE REFERENCE:	F1.DON
APPLICANT OR PROPONENT(S):	Peter Bridge, Hesperian Press
AUTHORS NAME & POSITION:	Carol Littlefair, Arts & Cultural Heritage Officer
RESPONSIBLE OFFICER:	Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL:	No
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	A. Covering letter requesting support and printing quote from Hesperian Press
	B. Brief Biographical note about author, Rodger James Jennings and comment from Professor Jim Cameron
	C. Sample chapter of manuscript
	D. Information about Hesperian Press, drawn from http://www.hesperianpress.com/index.php/abouthp

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

To submit for Council's consideration a request from Hesperian Press for financial support to publish a book, 'York - Over the Hills [working title] a history of the first fifty years of settlement in York.

Background:

Peter Bridge of Hesperian Press has requested financial support from the Shire of York of \$6,000 to publish a scholarly work on the history of the early colonial settlement of York. The book is compiled from an original manuscript written by the late Rodger Jennings, whose children are now wishing to publish the work, with the aim of publishing in April 2018.

Comments and details:

As a short peer review note from Professor Jim Cameron, co-author of 'The Australind Journals of Marshall Waller Clifton 1840-1861' a finalist in the State Library of Western Australia WA History Award 2010 as part of the Western Australian Premier's Book Awards, points out:

"It reads exceptionally well, and because he [the author] works so closely with original sources, remains reasonably current. It is quite rich in useful information that doesn't date. But the reader will need to know that it was written no later than [probably] 1990 and so doesn't reflect the scholarship or the focus of scholarship since then".

Officers consider this is a fair assessment. It is particularly relevant to the author's phraseology used in sections of the book that refer to Aboriginal people.

Officers have discussed this point with Hesperian Press and have been informed that it is the intention of the family to publish the work 'as is' i.e. unedited and this view is supported by Hesperian Press. Hesperian recommends an explanatory introduction that makes clear the date of writing and therefore the language used being reflective of the time the manuscript was written, rather than a contemporary editing process. This could be similar to the advice provided by the State Library of Western Australia in their search engines and publications:

“Users are advised that this catalogue contains names and images of deceased people. Please be aware that certain words, terms or descriptions may be culturally sensitive and may be considered inappropriate today, but may reflect the period in which they were written.”

In accordance with the Shire’s Strategic Community Plan 2.1 *Aboriginal culture is respected and showcased under the guidance of the Aboriginal community,*

Officers recommend that any financial support of the book should be dependent upon consultation with suitable representative/s of the Ballardong Noongar community to provide an advice preface or editing that is satisfactory to both the Ballardong Noongar community and Council.

Preliminary discussions have taken place with Dr Marion Kickett, Director of Curtin University’s Centre for Aboriginal Studies to formally involve the York Noongar community in consultative matters. Although these discussions are only at a preliminary stage, Dr. Kickett is a local York Ballardong Noongar woman and leading academic and would be an appropriate person to whom to refer the matter. Any costs of such consultation should be the responsibility of Hesperian Press.

Should financial support be dependent on an editing process, therefore involving increased production costs, Hesperian Press will bring this to the attention of the author’s family.

Although references are not included in the sample chapter, the work contains copious extracts from original documents, which appear to be referenced in numeric style, usually being cited in chapter endnotes.

Hesperian Press has a sound track record of publishing Western Australian history books especially those of special interest and /or limited demand with an emphasis on historical works and non-fiction ‘which show the character of Australian people and their country’. [see Appendix 4]. The proposed work is likely to have a limited market, being a valid but not contemporary piece of research. However it will be the first work published on the general history of York, apart from specific-topic publications.

Of relevance to this request is another request for book support which is due to be submitted for financial year 2018-19 by author Pamela Statham-Drew who is currently compiling a documentary History of York book, which will provide an overview of York’s history from early settlement to present day through documents. This work is scheduled to be published in September 2018 and has been undertaken in partnership with the York Society, which celebrates its 50 year Anniversary in 2018. Officers consider that the two books are likely to be complimentary and appeal to different audiences. A separate report will be submitted to Council once a formal request for support has been received. If only one book can be supported, Officers recommend that preference is given to the book support proposal next financial year from Pamela Statham-Drew, as preliminary discussions and liaison with that author and the York Society have taken place over the last year, whereas the Hesperian Press request has not been the subject of any prior liaison.

Options:

1. Support the publication to the full amount requested [\$6,000]. This amount would enable Hesperian Press to publish the book.
2. Support the publication to half the amount requested [\$3,000] for two reasons: support in full from the limited Town Promotions budget [GL132102] would prevent other projects from taking place; and as although the content about York’s early colonial history is valid, the style of writing and scholarship is somewhat dated and the book is likely to have a limited market appeal. This amount may or may not be adequate to enable Hesperian Press to publish the book.

3. Do not support the publication as the style of writing and scholarship is somewhat dated and the book is likely to have a limited market appeal.

Implications to consider:

- **Consultative**

Officers recommend that any financial support of the book should be dependent upon consultation with suitable representative/s of the Ballardong Noongar community to provide an advice preface or editing that is satisfactory to both the Ballardong Noongar community and Council.

Preliminary discussions have taken place with Dr Marion Kickett, Director of Curtin University's Centre for Aboriginal Studies to formally involve the York Noongar community in consultative matters through a Memorandum of Understanding with the Curtin Centre. Although these discussions are only at a preliminary stage, Dr. Kickett is a local York Ballardong Noongar woman and leading academic and would be an appropriate person to whom to refer the matter. Any costs of such consultation should be the responsibility of Hesperian Press.

- **Strategic**

Theme 2: A Leader in Cultural Heritage and Environment: To be a place which is renowned for its cultural heritage and the quality of its natural environment, and for the care taken by the community of both.

Particular desired outcomes:

2.1 Aboriginal culture is respected and showcased under the guidance of the Aboriginal community.

- **Policy related**

G2.9 Community Engagement and Consultation Policy indicates that Collaborate: [Actively engage] as described in table 1 would be an appropriate level of community consultation for this project.

- **Financial**

Support to a maximum of \$6,000 is requested from the Town Promotions budget allocation GL 132102.

- **Legal and Statutory**

N/A

- **Risk related**

There is a low reputational risk associated with the support of a somewhat dated work, if a satisfactory advice preface or editing is adopted as a consultative process with appropriate Ballardong Noongar representatives.

If the above process is not followed there is a major reputational risk associated with the financial support of the book.

- **Workforce Implications**

Liaison between the parties involved may, or may not be complex and require input of staff time to reach a satisfactory conclusion. Cultural services staff are at capacity until the Anzac exhibition opening so this could affect the time-sensitivity of the book production, aimed for April 2018.

Voting Requirements:
Absolute Majority Required: No

OFFICER RECOMMENDATION:

“That Council:

- 1. Supports the publication of ‘York - Over the Hills [working title] a history of the first fifty years of settlement in York’ to the amount of \$3,000 with the proviso that an advice preface or editing acceptable to the Ballardong Noongar community and this Council is agreed and implemented in the production of the book*
- 2. Notes that GL132102, the 2017/18 budget allocation to Town Promotions will be used to support this project.*
- 3. Requests the Chief Executive Officer to communicate Council’s decision to Hesperian Press”.*

**RESOLUTION
120218**

Moved: Cr Ferro

Seconded: Cr Saint

“That Council:

- 1. Supports the publication of ‘York - Over the Hills [working title] a history of the first fifty years of settlement in York’ to the amount of \$3,000 with the proviso that an advice preface or editing acceptable to the Ballardong Noongar community and this Council is agreed and implemented in the production of the book*
- 2. Notes that GL132102, the 2017/18 budget allocation to Town Promotions will be used to support this project.*
- 3. Requests the Chief Executive Officer to communicate Council’s decision to Hesperian Press.*
- 4. Requests that the Shire of York to be recognized in the publication.”*

CARRIED: 7/0

Reason – To ensure acknowledgement of the Shire contribution

SY009-02/18 – York Winter Weekend Event Proposal

FILE REFERENCE:	CS.CEV / FI.DON
APPLICANT OR PROPONENT(S):	Shire of York
AUTHORS NAME & POSITION:	Esmeralda Harmer, Events Economic Development Officer
RESPONSIBLE OFFICER:	Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL:	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 for the Shire to coordinate a winter celebration event over the long weekend in June 2018.

This report also outlines the proposed activity, event partnerships and budgets for Council's consideration.

Background:

Council considered at its meeting in February 2017 *Item SY010 – 02/17 Priorities for Events in York* report which detailed Officers intentions to explore and attract an additional major event to the York Calendar.

Council resolved;

"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."*

Since this time Officers have developed the following;

- Partnerships with West Cycle Inc to deliver the Family Festival of Cycling in September 2017. The event attracted over 100 competitors and increased patron numbers to the York Agricultural Show which occurred on the same weekend. Partnerships with West Cycle have continued and discussions to host the National Junior Cycling Championships in York of August this year are currently being explored.
- Delivery of the Perth International Jazz Festival (PIJF) in York in May 2017.

Following the PIJF in York event, Officers presented to Council *Item SY100-08/17 Evaluation of Perth International Jazz Festival York Event* in which Council resolved to support the development of a broader music festival in York which included Jazz elements. Officers see the York Winter Weekend as such an event.

In May 2017, Council considered *Item SY049 – 05/17 Sponsorship of Tourism Events* and resolved to support Nature Play WA to deliver their event in York. The proposal included activities designed to engage children, youth and their families in unstructured play and outdoor recreation. Following this resolution, Officers met with Nature Play representatives to scope out the event and proposed dates for consideration.

Nature Play sought initially to host the event in September 2017 to capitalise on York's wildflowers and peak visitation period. Further discussions identified a nature-based event in the winter months could be a better fit for the event and provide activity over York's quieter months. The dates confirmed were June 2 & 3, 2018 to coincide with the WA Day long weekend.

It was recognised that no other nature play themed festival is offered in WA at this time of the year. Further development offered the option to combine existing nature-based activity with the Shire's key event partners to include music / entertainment and community-based involvement, essentially becoming an entire weekend of winter related activity aimed at kids/youth and families. The Shire could take ownership of such an event through coordinated assistance from event partners.

With a limited budget available to support additional activities, grant applications to the Department of Local Government & Communities were sought and presented to Council in *Item SY089-07/17 Acceptance of Youth Activities Grant Funds for Nature Play WA Festival*.

Since this time, additional funding from Healthway has also been received and given consideration in the midyear budget review process for this event proposal.

Officers then approached Perth International Jazz Festival (PIJF) in a deliberate effort to combine these elements into the music program. A positive response from PIJF was received and Officers now await music content proposals for consideration.

Programmed over two days, it is proposed the Shire would coordinate event partners and activities to occur under the York Winter Weekend event program. Opportunities to promote other events occurring at this time would be included in the York Winter Weekend marketing such as the ANZAC centenary exhibition, Art Exhibition opening and the York Races on the Monday public holiday.

A culmination of these efforts is now presented to Council as the Winter Weekend in York event for consideration.

Comments and details:

The following table details an event program suited to the youth and family's demographic for Council's consideration;

Saturday & Sunday 2 June	Activity	Description	Location
Nature Play	Mud obstacle course	Six stations including rope climbs, mud trenches and tunnels	Adjacent to Shell Service Station
	Cubby Building	Collaborative cubby building with fabric and natural materials.	Adjacent to Shell Service Station
	Open fire pits	Damper cooking classes, marshmallow toasting.	Corner of Avon Terrace & South Street
Monsterball Amusements	Ice Skating Rink	The opportunity for kids and families to experience skating on an indoor ice rink.	The Nimble Ninepence
PIJF	Street theatre	Roving street performers and family friendly activity.	York CBD venues
After Dark			
VJZoo	Light Projections	Colourful light projections depicting a mix of kid's artworks and iconic scenes of York.	Courthouse Complex
PIJF	Music / Entertainment	Potential to include music on Nature Play site to coincide with the Community Bonfire	Corner of Avon Terrace & South Street
Local guide	Spooky Tours	Walking ghost tour experience based on York's experience.	York CBD buildings
Local Fire Brigades	Community Bonfire	3m x 3m community bonfire and smaller fire pits for whole of community get together.	Corner of Avon Terrace & South Street

Additional activities currently being considered by community groups include;

- kids cooking classes (damper on a stick, fire cooked baked potatoes)
- silent disco in empty main street shops
- youth equipment from youth centre in empty main street shops
- chalk walk stories
- creative workshops such as mosaic, drum beat or painting
- family based paint ball wars

It is suggested the larger activities be offered free of charge and smaller activities supported by community groups become ticketed. York's main street could remain open and activity programmed inside buildings to accommodate the potential for inclement weather. Activity locations would be pinpointed through printed programs, online advertising and other platforms to provide a visual understanding for visitors. These costs have been considered and included in the budget available.

Outdoor activity such as the mud course would be on the block adjacent to the Shell Service station and the community bonfire activities located on the corner of Avon Terrace and South Street. Officers received landowner permission to utilise this area for community-based activity and are working closely with fire and emergency services to ensure the area is safe and accessible to the public. Washdown areas for those participating in mud related activity are also being considered for the site. This location provides good connectivity to CBD businesses and other programmed activities. York Racing will continue event activations on the Monday public holiday with the York Cup at the York Racing Club.

Officers see merit in developing this event into a major annual attraction by growing York's exposure to attract young families. The positive visitor experiences provided through events such as this conveys;

- York as a connected community
- A place of affordable living
- A place where its natural beauty and built heritage is celebrated

Furthermore, Officers aim to;

- Build events in traditionally quiet periods to increase economic stimulus and visitor attraction.
- Provide an authentic rural winter escape for the Perth market.
- Tailor an event specifically for the kids and families demographic.
- Encourage event activity over long weekends to increase York's appeal as an overnight stay destination vs a day trip experience.
- Utilise existing partnerships with Nature play and Perth International Jazz Festival to leverage market exposure and experience.

As economies, environments, and demographics continue to change and evolve, developing locally-driven solutions to these challenges is critical to the long-term vitality of rural communities.

Placemaking opportunities such as visitor experience through events is the key to support the growth of a strong economy, intensifying a sense of connectedness and strengthening the community's existing historical, natural, and cultural assets.

Options:

Council could consider support of the Nature Play event alone as previously committed and choose to activate small events over separate weekends throughout the winter months with grant monies received. Officers do not recommend this option as the impact of the individual activities alone may dilute the overall winter-based theme the event intends to capture.

Implications to consider:

- **Consultative**

Officers have engaged with key partners throughout research and development of this report. Further discussions have taken place internally to assess perceived risks, determine marketing strategies, voluntary capacity to meet demand, and to ensure a robust delivery of activity is achievable. Should Council support the proposal, further consultation with local businesses and the community to determine event involvement will continue.

- **Strategic**

The benefits of a Shire driven event address points raised in Council's adopted Strategic Community Plan regarding Council's priorities over the next four years 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.*
- *Supporting the business community to build its networks*

- **Policy related**

Officers have sought direction from the following policies in the project planning of this event and development of this report;

CP 1.5 Compliance, F1.2 Procurement, G2.9 Community Engagement and Consultation

- **Financial**

A detailed budget has been prepared for these items and is outlined below;

Funding Body	Budget	Activity	Total
Nature Play	10,000	Nature related activities	
	5,000	Shire works support	
Heathway	10,000	Ice rink hire	
	5,000	Community Bonfire	
Department of Local Government Communities	5,000	Kids workshop activities	
GL 132150 Festivals Assistance. Budgeted funds for the 2018 PIJF in York	23,500	Music, light projections, entertainment, and marketing	
Total combined event budget			58,500

Officers seek Council's approval to utilise funds budgeted through the midyear budget review of \$23,500 in GL 132150 - Festivals Assistance for the 2018 York Winter Weekend as detailed in this report.

- **Legal and Statutory**

In accordance with Council's *CP 1.5 Compliance Policy* with regard to town planning approvals, environmental health and emergency management.

- **Risk related**

Advice has been sought from the Shire's insurers LGIS with regard to perceived risks and responsibilities.

- **Workforce Implications**

The proposed event project as outlined above will be undertaken in-house within existing resources. Additional casual staff to assist has been factored into existing budgets which support this event.

Voting Requirements:

Absolute Majority Required: No

**RESOLUTION
130218**

Moved: Cr Ferro

Seconded: Cr Heaton

“That Council:

- 1. Approves the proposed Winter Weekend in York program as detailed in this report.***
- 2. Authorises the Chief Executive Officer to use \$23,500 held in GL 132150 Festivals Assistance for the 2018 York Winter Weekend event as detailed in this report.***
- 3. Notes that the Shire has entered a partnership with Nature Play WA to deliver activity components as part of the Winter Weekend in York event.”***

CARRIED: 7/0

SY010-02/18 – York Motorcycle Festival Multi-Year Funding Proposal

FILE REFERENCE: CS.CEV.19
APPLICANT OR PROPONENT(S): Premiere Events
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: A. 2017 York Motorcycle Festival Acquittal

The Appendix to this item is confidential in accordance with Section 5.23(2)(b) of the Local Government Act 1995 as it contains information regarding the personal affairs of a person and Section 5.23(2)(e)(iii) as it deals with a matter that if disclosed, would reveal the financial affairs of a person.

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 a multi-year funding agreement for the York Motorcycle Festival and the economic benefit to the community of such a proposal. This report outlines the Shire of York's previous involvement with the York Motorcycle Festival and proposed budget allocations to consider a multi-year funding arrangement.

Background:

The York Motorcycle Festival, established by Premiere Events, is a free, family event that celebrates motorcycling as a sport, a leisure activity, and as entertainment for all ages. Now in its sixth year, the York Motorcycle Festival brings a gathering of motorbike related activity to the York community, with all the fun of a family festival.

Over the past three years, the festival has grown in number and size attracting a reported 3,500 visitors in 2016 with an increase to 6,000 visitors in 2017. Main attractions of the Festival now include industry trade displays, food trucks, live music, motorbike stunt shows, and a show & shine competition.

Council at the Ordinary Council Meeting held on 27 June 2016 resolved to support the York Motorcycle Festival to the amount of \$15,000 of cash and in-kind support with a request for the CEO to negotiate the cash and in-kind amounts as required.

As a commercial entity, the York Motorcycle Festival is financed through a mix of stall fees, grant funding, Shire contributions and Premiere Event funds. It is noted that 2016 was the first year the Shire has provided any type of cash assistance to the York Motorcycle Festival and the 2017 acquittal is included as a confidential attachment to this report.

Shire officers have met with Premiere Events to discuss the success of the 2017 Festival and future growth opportunities. Director, Peter Woods has indicated that to ensure the long-term sustainability of the festival, additional funds to assist in managing the festival will be sought.

Officers concur with this approach as it will provide greater opportunity to extend festival inclusions. It also supports Council's strategic direction to develop the festival into a two-day event. Successful funding from the Wheatbelt Development Commission aids this direction and has previously been presented to Council in Item SY066-06/17 – *Acceptance of Grant from Wheatbelt Development Commission for the 2018 York Motorcycle Festival*.

Although these grant funds cannot be guaranteed in each year of the life of a multiyear agreement, Officers do see this as an opportunity for the Shire to take ownership of additional elements to the Festival to promote localised involvement.

Venues such as the York Recreation Centre could become the main activation point for the Saturday extensions of the York Motorcycle Festival and could be managed by the Shire. Activities suggested include pop up stalls, live music, licensed bar, food trucks and camping for Vintage Hill Climb participants and are all currently being explored.

In November 2016, Item SY143-11/16 *Community Funding* resolved to support the Triumph Motorcycle Group event by way of camping provisions and use of Forest Oval. Discussions with the group this year indicate the group is once again seeking the Shire assistance to provide similar support for this year's club ride and logo assembly on Saturday 7 April, 2018.

Officers are now seeking Council's approval to take ownership of these two event aspects and continue the development of these activities to occur under the promotion of the York Motorcycle Festival program. Furthermore, Officers seek Council's approval to continue discussions with Premiere Events to determine clarity of roles and responsibilities ahead of any formal agreements being finalised. It is also suggested that this detail is included in the multiyear agreement offered and presented back to Council for consideration at a later date.

In previous years activities, stunt shows, market stalls and kids activities have been programmed along Avon Terrace and Joaquina St. It was evident through the significant increase in attendance numbers last year that an extension of the festival activations is required for the 2018 event.

Premiere Events has indicated the following additions to the program for the Sunday 15 April event activity;

- Spread the Festival throughout the York CBD to manage high footfall congestion. New locations include markets in Peace Park, staggering trade displays from the Town hall through to McCartney St and Motorcycle parking from the Westpac bank through to Lowe St.
- Offering ticketed tour rides from York and return to local destinations such as Greenhills, Northam, and Beverley. The Ulysses Club of WA has indicated interest in including this as an event available over the Festival weekend.
- Usual activities such as stunt riders, MX demonstrations, show and shine, minikhana, trade displays, markets and kids activities will also be programmed as in previous years.

Comments and details:

Officers have identified the York Motorcycle Festival as one of York's largest events that has grown into a key feature on the WA motorcycle community calendar. It has the capacity and potential to align with the future positioning of York and attract people from Perth and the broader state to visit the town. This is evident through the increase in organised rides that occur outside festival weekends and new partnerships with groups such as the Triumph Motorcycle Group, Avon Valley Motor Museum and Vintage Motorcycle Club WA.

Premiere Events is requesting Council considers contributing \$20,000 of cash per annum to assist the York Motorcycle Festival over a three-year period. The proposed multi-year agreement provides:

- support to grow and develop both festival content and attendances, from a level of certainty multi-year funding provides.
- a sustainable management model to increase the festival in size utilising existing resources.
- opportunities for external funding applications to be made leveraging the multi-year funding support proposed by the Shire particularly with the proposal to move the Festival into a two-day event.
- clarity of roles and responsibilities of each party as the Festival builds
- financial security to engage and book in advance each year, headline acts, stunt riders, and interstate groups to provide new and exciting aspects to the Festival that are consistent with York's image and aspirations.

Officers are recommending Council requests the Chief Executive Officer to negotiate a draft three-year funding agreement with Premiere Events for the York Motorcycle Festival with a number of conditions. Officers have identified as part of the Officer Recommendation some proposed conditions in line with Council's current policies. If Councillors have additional conditions they would like to see included in the draft agreement these should be included in any Council resolution.

The York Motorcycle Festival offers opportunity to further develop the social and community fabric of the town by developing a sense of place and building social and cultural benefits such as community pride, identity, volunteerism, and the general benefit of pulling the town together through partnerships.

Strategically it continues to reinforce York's presence on the festivals 'map' which benefits local vendors, restaurateurs, hoteliers, and proprietors who may indeed make a large portion of their annual income during festival weekends. Planned main street revitalisations can also be a positive economic spin-off highlighted through festival weekends. Appearance improvements made for the York Motorcycle Festival such as window displays, and organised motorcycle rides have year-round benefits and can create stimulus for improved town retailing and service industries both pre and post-event. Although difficult to quantify, these types of outcomes are fundamental in aligning York's presence on the Festival map and considered consistent with the Shire's Strategic Community Plan for the town.

Implications to consider:

- **Consultative**

Officers recommend including in the proposed funding agreement detailed community engagement strategies for festival organisers to consult with local businesses and community organisations/individuals with the potential to attract and increase volunteers.

- **Strategic**

The benefits of a proposed multi-year funding agreement address points raised in Council's adopted Strategic Community Plan regarding Council's priorities over the next four years 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.*
- *Supporting the business community to build its networks.*

- **Policy related** – As detailed in this report, the proposed multi-year funding agreement can be considered under Policy;

C1.3 Community Funding: Donations, Grants, Sponsorship and Waiver of fees Policy, Clause 5.1 Duration of Assistance

- **Financial**

An event budget breakdown and responsibilities for this year's activities that will be promoted under the 2018 York Motorcycle Festival umbrella are detailed below;

Organiser	Activity	Budget	Source	Total
Shire of York	Programming of Saturday additions to the Motorcycle Festival including; Vintage Motorcycle Hill Climb, camping, entertainment, and additional marketing	10,000	Wheatbelt Development Commission Grant Funds	
Shire of York	Triumph Motorcycle Group Logo ride activations – Saturday 7 April. Includes provision for camping, entertainment, venue fees, paid advertising)	5,000	GL 132150 Festivals Assistance	
GL 132150 Festivals Assistance	Premiere Events Management fee for 2018 York Motorcycle Festival activities	20,000	GL 132150 Festivals Assistance	
Total York Motorcycle Festival budget				35,000

Officers seek Council's approval to utilise funds held in GL132150 Festivals Assistance to support the existing 2018 York Motorcycle Festival activities and additional and continue negotiations of a multiyear agreement for future York Motorcycle Festival events.

It is noted that further grant applications have been submitted to Tourism WA – Regional Events Scheme to support the growth of the York Motorcycle Festival beyond 2018. Should funding be successfully received, Officers recommend the proposed multiyear agreement reflect a variation to scope be included to allow provision for any grant funds to be received.

Should Council approve this request, it would represent the largest cash sponsorship provided by the Shire to any commercial entity, with recurrent budget allocations required as part of each yearly budgeting process to honour the multi-year funding arrangement.

Financial Acquittals for the 2017 event have been included as a confidential attachment to this report and will be required for each year of the proposed multi-year agreement in accordance with the *C1.3 Community Funding: Donations, Grants, Sponsorship and Waiver of fees Policy Clause 8, Acquittal*

- **Risk related**

Officers are awaiting advice from the Shire's insurers LGIS with regard to perceived risks and responsibilities.

- **Workforce Implications**

The proposed management of the event aspects by the Shire as outlined in this report will be undertaken in house within the existing resources. Additional casual staff to assist has been factored into existing budgets which support this event.

Voting Requirements:
Absolute Majority Required: No

**RESOLUTION
140218**

Moved: Cr Smythe

Seconded: Cr Ferro

“That Council;

- 1. Receives the acquittal of the 2017 York Motorcycle Festival.***
- 2. Allocates \$5,000 from GL132150 Festivals Assistance for cash and in-kind support of the 2018 Triumph Motorcycle Club ride on Saturday 7 April, 2018.***
- 3. Notes the Wheatbelt Development Commission funding received will be utilised by the Shire to extend Saturday components of the York Motorcycle Festival as detailed in this report***
- 4. Requests the Chief Executive Officer to negotiate a draft Three Year Funding Agreement with the organisers of the York Motorcycle Festival subject to the following conditions:***
 - (a) a maximum of \$20,000 per annum to be provided as a cash contribution to the Festival;***
 - (b) permits and fees related to the Festival be charged separately;***
 - (c) agreement to work with existing partners to incorporate programmed activities into current and future York Motorcycle Festival programs***
 - (d) makes provisions to accept additional funding received by either parties for the York Motorcycle Festival***
 - (e) clarity of roles and responsibilities including insurance liabilities***
 - (f) promotion and acknowledgement of the Shire’s contribution; and***
 - (g) provision of acquittal requirements as per the C1.3 Community Funding: Donations, Grants, Sponsorship, and Waiver of fees Policy.***
- 5. Requests the Chief Executive Officer to present the draft Agreement to Council for consideration prior to execution.”***

CARRIED: 7/0

SY011-02/18 –Potential Relocation of Free RV Parking in Avon Park – Outcomes of Consultation and Recommendation

FILE REFERENCE: CS.CCS.22
APPLICANT OR PROPONENT(S): N/A
AUTHORS NAME & POSITION: Paul Martin, Chief Executive Officer
RESPONSIBLE OFFICER: Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL: 18 September 2017
27 November 2017
DISCLOSURE OF INTEREST: Nil
APPENDICES: A. Submissions received
B. Site Plan

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

This report presents Council with the submissions received during the advertising period regarding the potential relocation of free Recreational Vehicle (RV) Camping in Avon Park for consideration.

Based upon the submissions received Officers are recommending the free RV Camping be relocated to the site adjacent to the Croquet Club on the Avon River but with a higher amenity than previously proposed.

Background:

Council initially identified the relocation of the free RV camping from Avon Park when it developed its Corporate Business Plan in 2016. At this time, an allocation of \$20,000 was identified to facilitate the relocation.

Council then progressed, with community input and consultation, the preparation and adoption of a Concept Plan for the future development of Avon Park.

The amount of \$20,000 was included in the 2017/18 financial year budget to facilitate the relocation once a location was determined.

Council selected the location when it adopted the Avon Park Concept Plan at its meeting on 18 September 2017 where it resolved the following:

"That Council:

- 1. Endorses the revised Avon Riverfront concept plan with the following minor amendments:*
 - a. Labels the:*
 - i. BBQ's*
 - ii. Seating*
 - iii. Shelters on boardwalk*
 - iv. Fitness equipment locations*
 - v. Proposed Jetty location*
 - b. Indicates the existing Shire parking on Lowe Street*
 - c. Includes the words "recommended location" with respect to the Pump track, Dog Park, and RV Parking location.*

2. *Formally thanks the members of the Avon Park working group for their participation and commitment to the project."*
3. *Request the CEO to prepare a site plan detailing the relocation of the RV's to the area of Avon River Foreshore south of Glebe Street using the Stephen Street access with gravel construction of hard stand areas and appropriate low level fencing and drainage to be identified on the plan within the budget allocation.*
4. *Workshop the site plan with Councillors at the October Concept Forum prior to construction in the first half of October.*

However, in response to community feedback, Council resolved to seek public input on the location at its meeting in November where it resolved the following:

"That Council requests the Chief Executive Officer to:

1. *Advertise the two site plans for the proposed relocation of RV's from Avon Park for a period of 4 weeks inviting submissions;*
2. *Present a report to Council on any submissions received for Councils consideration."*

The two site plans for the location known as Monger Reserve and adjacent to the Croquet Club were advertised for a period of four weeks seeking community feedback with submissions closing on 29 December 2017. This included a site plan for the development of the respective RV Areas. The site was only proposed to be developed with a hard gravel stand for RV's to park on.

A total of 28 submissions were received during the comment period. A copy of all submissions received are attached at Appendix A for Councils information and reference.

Comments and details:

The majority of the submissions received were from Caravan Clubs and members objecting the relocation of the free RV Parking from Avon Park. The objection seemed to be centred around the lack of amenity at the proposed new sites.

There was some limited support in the submissions for the site adjacent to the Croquet Club if they had to be moved or to be used as an overflow location. There were no submissions in favour of the Monger Street Reserve.

Based upon the submissions received Officers recommend the limited level of amenity proposed for the relocation may need to be reconsidered if Council wants to progress with the relocation.

Officers remain of the view that Avon Park should be developed in line with the Concept Plan adopted, however propose the following based upon the submissions received:

- The free RV parking be relocated to the site adjacent to the Croquet Club. This site is considered preferred above the Monger Street Reserve site because of the following:
 - o The site provides a visual link with Avon Park and the start of shops on the main street including IGA.
 - o Patrons using this site can still easily access the toilet block in Avon Park.
 - o The site is higher and less likely to be flooded, this is especially important considering the additional amenity proposed as part of this report.

- Water Corporation have provided email approval for use of some of the land under their control which will increase the size of the RV parking area which can be made available, making it a more desirable location. This will need to be confirmed with a licence agreement which is being finalised.
- The neighbours to this site, in particular the Croquet Club are welcoming the location whilst residents located adjacent to the Monger Reserve site remain opposed to the locating RV parking in that reserve.
- A higher level of amenity is provided than previously proposed. Much of the feedback received related to the level of amenity the current site has and the amenity of the proposed locations. On this basis Officers are recommending installing a significantly higher level of amenity than what was initially proposed.

Attached at Appendix B is a site plan recommended for the relocation of the RV Free 24-Hour Camping to the site adjacent to the Croquet Club on Avon River. This camping is proposed to include the following:

- Bitumen sealed rows where RV's can park including curbing
- Grassed strips between bitumen rows.
- Improved drainage of the site
- Solar lighting to be installed for security and amenity
- Provision of a dump point and water tap access as per previous arrangement, albeit in different location.
- The potential to install BBQ's in the future if deemed necessary.

One issue which is not addressed however is the provision of toilets at this site. Although it could be argued that most RV's are self-contained, Officers consider that in the long term toilets should be provided at this site. The Croquet Club is planning to undertake a redevelopment of their site. To this end, Officers are recommending the Shire engages with the Croquet Club to explore joint/shared toilet facilities in the coming years. In the meantime, patrons of the RV parking area can continue to access the toilets in Avon Park.

These additional amenity improvements are designed to address issues raised in the submissions and create a high amenity area which can be used by RV parking and other members of the community to access the Eastern Side of the Avon River.

This additional amenity does however, come at an increased cost than initially budgeted of \$20,000. The estimated costs for the revised concept plan are as follows:

Earthworks and seal	\$25,415
Kerbing	\$12,875
Drainage	\$ 9,000
Landscaping	\$12,670
Lighting/services	\$20,000
TOTAL	\$79,960

This will also result in increased ongoing maintenance costs of mowing and watering the lawn estimated to be in the vicinity of \$24,500 annually.

These works do include strategies to resolve drainage issues flowing from the cemetery into the Avon River. These include installation of large drainage pipes and installation of a Gross Pollutants Trap to improve discharge from the drain into the river.

Officers are also recommending that an Electric Car Recharge Station be placed in this location.

Furthermore, this site may be able to be used as a camping/caravanning area for major events and festivals. The current site is not able to be used for this purpose as many events use Avon Park.

Council will need to determine if this additional investment is warranted to ensure continued visitation of RV's and Caravaners to York.

Objections to the relocation were received from the York Business Association. Officers met with this group to discuss the revised plans with increased amenity. Their advice is that they support the location with the additional amenity proposed.

On this basis, Officers are therefore recommending that Council resolves to relocate the RV's to the land adjacent to the Croquet Club with the additional amenity proposed in the site plan attached at Appendix B.

If Council agrees to this site plan and allocates the funds in the mid-year budget review, Officers are confident that works could be completed by 30 June 2018. This would allow for RV's to be relocated prior to any upgrade of Avon Park occurring in the 2018/19 financial year as identified in Council's draft Corporate Business Plan.

Options:

Council has the following options in regards to this matter:

1. Retain the RV parking in Avon Park as it currently is and redesign the concept plan
2. Provide for a reduced number of RV parking in Avon Park with overflow onto a gravel hard stand at either location. The Avon Park Concept plan would need to be amended to enable this to occur.
3. Select either of the sites with gravel hard stand to relocate the RV's to as part of the community consultation.
4. Agree to relocate the RV parking area to the site selected with the increased amenity proposed as per site plan at Appendix B.
5. Identify a new site for investigation.

Officers are recommending Option 4 as it provides a solution which addresses issues raised in the consultation process regarding amenity and provides a suitable medium to long term solution to the location of RV parking.

Although this revised option results in an increased cost, Officers consider it is a good medium to long-term outcome whilst addressing a number of key issues for this precinct.

Implications to consider:

- **Consultative**

The location of the free 24-hour RV parking has been a topic involving public input on a number of occasions over the past two years. This has included:

- Consultation during the development the Corporate Business Plan in 2016.
- Input from the Avon Park Working Group on relocating the RV's from Avon Park
- Public advertising of the Avon Park Concept Plan which depicted the relocation of RV's from Avon Park
- 4 weeks advertising recently undertaken.

As outlined in this report Officers have also recently obtained further input from caravan clubs and the York Business Association on the revised draft plan.

Feedback from this consultation has been taken into consideration in preparation of this report for Councils consideration.

- **Strategic**

Relocating the RV's and the upgrading of Avon Park are identified in Council's Corporate Business Plan as a major initiative to deliver upon.

Relocation of RV's enables Council to progress with redevelopment of Avon Park in accordance with Corporate Business Plan and Avon Park Concept Plan.

Officers consider the RV's are an important aspect to expenditure in York economy and warrant additional expenditure.

- **Policy related**

Nil

- **Financial**

\$20,000 budgeted this financial year for this purpose. This figure was determined as par to the initial Corporate Business Plan when a site, scoping and costing were not known.

Officers have included the allocation of additional funds to this project as part of the mid year budget review presented to Council as another item on this agenda. If Council agrees to this report it will provide a budget of \$80,000 to undertake the works in accordance with the site plan attached.

- **Legal and Statutory**

Department of Land had previously provided approval for the use of Mongers Reserve for 24 Hour RV parking. Officers have approached the Department of Lands seeking approval for use of this land parcel however the details of the land are so old it is unclear if the land is reserve land or freehold land owned by the Shire.

The Water Corporation have been provided a copy of the proposed site plan and provided verbal and email approval of use of some of their site subject to entering into a licence agreement which is being prepared by Water Corporation. The Water Corporation has plans in the future to install underground emergency overflow tanks for the sewerage pump station on some of this site however there is currently no timeframe associated with this development. Water Corporation are happy with what is proposed but are recommending that no structures to be built on their land. Officers are recommending Council provide the Chief Executive Officer with delegation to negotiate and enter this licence agreement to use this site.

- **Risk related**

The risks of not developing a good medium to long term solution for the 24-hour RV camping could have significant financial impacts upon the economy of York and reputational damage of the York brand.

- **Workforce Implications**

Works can be included in shire workforce and contractors to install prior to the 30 June 2018.

Voting Requirements:

Absolute Majority Required: No

**RESOLUTION
150218**

Moved: Cr Smythe

Seconded: Cr Saint

“That Council:

- 1. Resolves to relocate the 24hour RV Parking from Avon Park to the location adjacent to the Croquet Club on the Avon River as depicted in the site plan attached at Appendix B.***
- 2. Thanks members of the community, businesses and caravan clubs for their input into considering the future location of RV parking in York and requests the Chief Executive Officer to communicate the Council decision for their information.***
- 3. Authorises the Chief Executive Officer to negotiated and enter into a Licence agreement with the Water Corporation for part use of this site.***
- 4. Requests the Chief Executive Officer to construct the new RV 24 hour stop location prior to 30 June 2018.***
- 5. Requests the Chief Executive Officer to liaise with the Croquet Club to explore opportunities for provision of joint toilets on site for Council’s consideration as part of the 2018/19 financial year budget.”***

CARRIED: 7/0

SY012-02/18 – Revised Memorandum of Understanding between the Shire of York and York Racing Inc.

FILE REFERENCE:	CCP.10
APPLICANT OR PROPONENT(S):	N/A
AUTHORS NAME & POSITION:	Paul Martin, Chief Executive Officer
RESPONSIBLE OFFICER:	Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL:	2 July 2015
DISCLOSURE OF INTEREST:	N/A
APPENDICES:	A. Current Memorandum of Understanding between York Racing Inc. and the Shire of York. B. PROPOSED Memorandum of Understanding between York Racing Inc and the Shire of York. C. Confidential – Legal Advice (for Councillors and Senior Staff only).

Appendix C is confidential under Section 5.23 (d) of the Local Government Act 1995 in that it deals with “legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.”

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

Nature of Council’s Role in the Matter:

- Executive

Purpose of the Report:

This report presents Council with a revised Memorandum of Understanding (MOU) between York Racing Incorporated and the Shire of York for consideration.

Officers are recommending Council cancels the existing MOU between the two organisations and enter into the new agreement. The rationale for this is outlined in the report.

Background:

The Shire of York approved writing off outstanding rates owed by York Racing Inc in July 2015. In exchange for writing these rates off the Shire of York was placed on the titles of the State Government land provided to York Racing Inc as a Crown Grant in Trust.

Following on from this, the Shire then entered into an MOU with York Racing for the management of the land and to clarify the relationship between the parties a copy of which is attached at Appendix A.

Council recently considered the lease entered into between York Racing and York Rodeo Pty Ltd. At this meeting Officers identified the challenges with the current MOU and the process which was underway to review it. Council resolved the following in regards to this matter:

“That Council:

- 1. Notes that given the lease between York Racing Inc and York Rodeo Pty Ltd was in place prior to the Shire of York being placed on the titles of the land, Council therefore is not required to comply with Section 3.58 of the Local Government Act 1995.*

2. *Notes York Rodeo Pty Ltd is exercising its first 5-year option, however advises York Rodeo and York Racing that although the Shire agrees to the new rental amount on this occasion any future options exercised will be required to have a market valuation obtained to determine the value of the land and annual rental.*
3. *Request York Racing Inc to arrange a survey (or similar) of the site to the satisfaction of the Minister for Lands (and agreement between York Racing Inc and York Rodeo) at solely their cost by 31 December, 2017.*
4. *Requests the CEO to forward the lease to the Department of Lands to seek Minister for Lands approval.*
5. *Requests the CEO to present a report to Council on revising the existing MOU between York Racing Inc and the Shire of York for how land is managed between the parties by 28 February, 2018."*

Comments and details:

Officers have reviewed the MOU and in liaison with York Racing identified a number of concerns. Legal advice on the MOU has been obtained, a copy of which is attached as a confidential attachment for Councillors information at Appendix C to this report.

The main concerns with the current MOU can be summarised as follows:

1. The structure and wording of the MOU provides a very active role for the Shire of York in the management and operation of the Race-course. This manifests itself in the following ways:
 - a. The proposed establishment of a Board of Management for the site. Although such a group could work at a concept level, in reality the only way it could work is if it was established as a formal Committee of Council with delegated authority to make decisions. This would be a very resource intensive mechanism for limited outcomes.
 - b. The word "partnership" is referred to in the document. Officers are concerned about any indication the Shire of York and York Racing are in partnership for the operations of the race-course or other major events. This could potentially expose the Shire to debts or liabilities of York Racing in the future.
 - c. The MOU required the Shire to approve major purchases and expenses being made by York Racing. This could potentially expose the Shire to risk and liability. There are other mechanisms which could be put into place to monitor the financial sustainability of York Racing without exposing the ratepayers' resources to such risk.
2. The intention to remove the Heritage Status of the site. York Race-course is the oldest inland race-course in the State and as such listed on the State Heritage Register. Officers believe this should be celebrated as an asset and attraction of the site not removed. It is acknowledged that any redevelopment of the site will need to comply with heritage requirements, however this is appropriate for such a site.
3. The MOU has no end or review date. This is not good practice as it doesn't provide any regular opportunity for the parties to review and amend the agreement.

Officers consider the following should be the fundamentals of an agreement between the Shire and York Racing Inc:

1. The main issue is to clarify responsibilities of each party including operation of racing events, insurance, etc. The fundamental basis should be that York Racing is responsible for the operations of the site.
2. The MOU should outline how the parties will work together to consider the management and/or development of the land.

3. The Shire should put mechanisms in place to monitor the financial operations and sustainability of York Racing Inc to ensure as much as possible the ongoing operation of the club.

On this basis, Officers have worked with York Racing Inc and the Shire's lawyers to draft a new MOU for Councils consideration. A copy of this is attached for review at Appendix B to this report.

The main points of the new MOU are as follows:

1. The removal of the requirement to establish a Management Committee.
2. The removal of reference to a partnership.
3. The inclusion of clauses dealing with how the parties will consider issues associated with the management and development of the land.
4. A requirement for York Racing Inc to provide annual financial statements to the Shire of York.
5. A review clause which will see the MOU reviewed by both parties every three years.
6. Clarity that York Racing Inc is not required to continue to pay rates on the site into the future.

York Racing Inc has agreed to the revised MOU and as such it is now presented to Council for consideration.

Options:

Council could continue with the current MOU and progress including establishing a formal committee of Council with appropriate delegations.

If Council wanted other matters investigated or clarified with the draft MOU this could be undertaken prior to formal adoption and endorsement.

Implications to consider:

- **Consultative**
York Racing Inc.
McLeods Barristers and Solicitors
- **Strategic**
The York Race-Course is a strategic land parcel for the Shire of York and the York community. The Shire should be ensuring that it is managed in a way resulting in a good long-term outcome for the community.
- **Policy related**
Nil
- **Financial**
The Shire has incurred legal expenses in reviewing the existing MOU and redrafting a new MOU between the parties.
- **Legal and Statutory**
Nil
- **Risk related**
The major risk associated with the MOU is the responsibility and exposure the Shire has with the current MOU. The revised MOU attempts to strike a balance between interest in the land and sustainable operations of York Racing and financial exposure of the Shire.

- **Workforce Implications**
Nil

Voting Requirements:

Absolute Majority Required: No

**RESOLUTION
160218**

Moved: Cr Ferro

Seconded: Cr Saint

“That Council:

- 1. Formally exits the existing MOU between York Racing Inc and the Shire of York attached at Appendix A.***
- 2. Agrees to enter into the proposed MOU between York Racing Inc and the Shire of York as attached at Appendix B to this report and authorises the Shire President and Chief Executive Officer to engross the documents.”***

CARRIED: 7/0

SY013-02/18 – Business Plan – Future Use of St Patrick’s Convent School – Approval for Advertising

FILE REFERENCE:	CCP.12
APPLICANT OR PROPONENT(S):	N/A
AUTHORS NAME & POSITION:	Paul Martin, Chief Executive Officer
RESPONSIBLE OFFICER:	Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL:	28 November 2016, 26 June 2017
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	A. Business Plan – Future Use of St Patrick’s Convent School B. Preliminary Plan for York Arts Centre from York Arts and Events

Nature of Council’s Role in the Matter:

- Executive

Purpose of the Report:

This report presents Council with the draft Business Plan – St Patrick’s Convent School for consideration if to approve for advertising to provide the community with an opportunity to comment on the future of the building.

Background:

Council at its Ordinary Meeting in November 2016 considered this matter along with other leases and property review matters and resolved the following:

2. Requests the Chief Executive Officer to:

(a) prepare a Business Plan in accordance with the Local Government Act 1995 for the future uses of the Old Convent School and adjacent carpark for Council consideration prior to public consultation.

Following this Officers commenced investigating the matters surrounding the purchase of the building. This process identified a number of irregularities which the Chief Executive Officer considered should be followed up prior to Council determining a use for the building. This was presented to Council at its meeting on 26 June 2017 where Council resolved (in part) the following:

“That Council:

1. Notes that the Chief Executive Officer is referring the process surrounding the purchase of the Old Convent School building to the Public Sector Commissioner and that the Business Plan for the future of this building will not be presented to Council for consideration until this matter is resolved.

Officers referred the manner in which the building was purchased to the Public-Sector Commission who then referred it to the Crime and Corruption Commission. The Crime and Corruption Commission advised the Shire in correspondence received that “no further action will be taken by the Commission.” Further details on this are outlined in the Business Plan attached at Appendix A.

With the Chief Executive Officer formally meeting his obligations under the *Corruption, Crime and Misconduct Act 2003* regarding referral to agencies, the only other opportunity remaining for Council to consider regarding the purchase of the building is legal action against former Commissioner Best. Officers have not investigated this matter or obtained any legal advice on this option at this stage. This is an option for Council to consider and provide direction to Officers if they wish to pursue this matter.

Comments and details:

Officers recommend it is time the Council commenced considering what it would like to do with this building into the future.

Given the lack of community consultation surrounding the purchase of the building Officers are recommending that the community be consulted on what they would like Council to do with the building prior to making a formal decision.

To provide structure to this consultation, and to ensure compliance with the *Local Government Act 1995*, Officers have prepared a Business Plan in accordance with Section 3.59 of the *Local Government Act 1995*. A copy of this Business Plan is attached at Appendix A.

The Business Plan provides information for the community to make an informed submission on what they consider the Shire should do with the building. Officers consider there are three options available for the future of the building and site for Council's consideration as follows:

- Sell the building
- Retain the building for a community use such as a Library and/or Arts/Cultural Centre
- Commercially lease the building.

The details of these options and associated impacts upon the Shire of York and others in the community are outlined in the Business Plan in accordance with the *Local Government Act 1995*.

Attached to the Business Plan are details of the valuation, conservation plan, a copy of the Quantity Surveyors estimate to bring the building up to code be used as a public building and any other relevant information. This information has been included in the Business Plan because:

- It is considered this information is critical to informing the options available to Council and the community for the future of the building and this is more important than returns the Shire might receive.
- Should a member of the community be interested in acquiring the building for use other than for a public building then a lessor scope of works could potentially be implemented.
- Any potential purchaser would likely undertake investigation similar to that undertaken by the Shire and this would be factored into the decision on purchasing the site.

The Business Plan does not recommend or identify a preferred option for the future of the building at this stage. It is proposed to leave this open for the community to make submissions prior to Council making a decision in regard to this matter.

The Local Government Act 1995 requires that the Business Plan be advertised for a period of 6 weeks to provide an opportunity for the community to make submissions. In addition to the standard 6-week advertising process, Officers are proposing two open days occur at the building. These are designed to provide the opportunity for members of the community to inspect and view the building to aid their consideration and submission on the future of the site. Details of these open days are included in the Business Plan and will be promoted widely.

A preliminary plan for the building to be used as an Arts Centre has been received from York Arts and Events Incorporated. A copy of this is attached for Councillors reference at Appendix B. Officers are not proposing to attach this to the Business Plan so it is provided for information at this stage.

Options:

Council could:

- Investigate legal action regarding the purchase of the building prior to advertising the Business Plan for community input.
- Ask Officers to add more options for the future use of the site to the Business Plan prior to advertising.
- Identify Council's preferred option in the Business Plan prior to advertising.

However, Officers are recommending the Business Plan is advertised in its current form to seek community input.

Implications to consider:

- **Consultative**

Officers are recommending the Business Plan is advertised for a period of six weeks in accordance with the *Local Government Act 1995* providing the community an opportunity to make a submission on the future use of the building. All submissions received will then be presented to Council which, after considering any submissions received, will make a decision on the future of the building.

- **Strategic**

Determining the future of this building is an action identified in Council's Corporate Business Plan.

- **Policy related**

Nil

- **Financial**

The financial impacts of the future use of the building are outlined in the Business Plan.

Officers have spent the following in preparation of this business plan:

- \$1,450 on obtaining a Valuation and then a \$1,100 to obtain a second valuation to ensure it was not less than 6 months old at the time of advertising the Business Plan.
- \$3,960 to engage the Quantity Surveyor to prepare the estimate of works required.

- **Legal and Statutory**

Officers are recommending Council considers the future use of this building within the Business Plan framework associated with Section 3.59 of the *Local Government Act 1995*. Such processes are required for land transactions valued at more than \$2 million. As two of the options proposed involve the Shire retaining the building, Officers are of the view that considering the value of the purchase price, costs of improving the building and whole of life costs, this transaction is valued at more than \$2 million to the Shire of York.

It should also be noted that new legislation is being developed by the State Government regarding maintenance and upkeep of Heritage Buildings. This is likely to require the upkeep and maintenance of Heritage Buildings by their owners. This could have significant financial implications on the Shire of York and mean the building cannot be allowed to deteriorate over time.

- **Risk related**

The risk to Council in regard to this item is that it doesn't allow the community sufficient time or information to make an informed submission on the future of the building.

The purchase of this building was very controversial and occurred with no community consultation. On this basis, Officers have proposed to be entirely transparent regarding this matter with the release of valuation and improvement works information and providing opportunity for meaningful community input using the Business Plan process in the *Local Government Act 1995*.

- **Workforce Implications**

The advertising of the Business Plan and review of submissions can be undertaken within existing resources.

Voting Requirements:

Absolute Majority Required: No

**RESOLUTION
170218**

Moved: Cr Smythe

Seconded: Cr Saint

"That Council:

- 1. Approves the draft Business Plan – Future use of St Patrick's Convent School as attached at Appendix A for advertising for a period of 6 weeks to allow the community to make submissions in accordance with the Local Government Act 1995.***
- 2. Notes that two open days will be held at the site during the advertising period to allow the community the opportunity to inspect the building and site prior to making a submission.***
- 3. Requests the Chief Executive Officer to present a report to Council at the end of the advertising period with any submissions received for Council's consideration prior to deciding on the future of the site."***

CARRIED: 7/0

SY014-02/18 – Minor Strategic Review

FILE REFERENCE:	OR.CMA.2.8
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:	27 June 2016 18 December 2017
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	A. Strategic Community Plan 2018-2028 B. Corporate Business Plan 2018-2022 C. Submissions Received

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

This report presents the Strategic Community Plan 2018-2028 and Corporate Business Plan for Council's adoption following a period of public comment.

Background:

At the Ordinary Council Meeting held 18 December 2017, it was resolved:

"That Council:

- 1. Endorses for the purposes of public advertising;
a) the draft Shire of York Strategic Community Plan 2018-2028 as attached at Appendix A to this report;
b) the draft Shire of York Corporate Business Plan 2018-2022 as attached at Appendix B to this report;*
- 2. Requests the Chief Executive Officer call for public comment regarding the amended plans with a closing date of 9 February 2018.*
- 3. Notes that the draft Long Term Financial Plan attached at Appendix C to this report will be reviewed once public comment has been received and the Shire's asset management plans have been finalised.*
- 4. Receives the Progress Reports attached at Appendix D to this report that were considered as part of the Minor Strategic Review."*

Comments and details:

The review was advertised in the Community Matters Newspaper and a media release was distributed. The opportunity to make a submission was also posted on the Shire's social media pages and on the Shire's website.

Two submissions were received. Both submissions are attached at Appendix C to this report for Council's consideration. Officers are not recommending any changes to the reviewed documents as a result of the submissions received. However, Council could, if it wished, include elements of the submissions.

Officers have therefore made minor typographical amendments, but otherwise recommend the documents to Council for adoption as presented at the December Ordinary Council Meeting and as attached to this report.

Options:

Council could choose to undertake further advertising of the revised documents. However, the plans have been advertised for public comment for a period of six weeks. Furthermore, Council has considered the community consultation that has been undertaken since the adoption of the original plan including;

- Planning for industrial land, waste management, alfresco dining
- Strategic plans – Local Planning Scheme, Age-Friendly Community Plan, Avon Park Concept Plan, Cultural Heritage Master Plan
- Emerging issues such as York heavy haulage by-pass, future management of the YRCC, relocation of the Women's Health Hub
- Proposed new policies and local laws, works approvals
- Community Perceptions Survey 2017

Officers are therefore recommending adoption of the documents as attached to this report.

Implications to consider:

- **Consultative**

The draft documents were advertised for public comment for a period of six weeks, closing on 9 February 2018.

- **Strategic**

Theme 1: The Place to Live

Theme 2: A Leader in Cultural Heritage and Environment

Theme 3: Driving the Economy Forward

Theme 4: Building Resilience

Theme 5: Strong and Effective Leadership

- **Policy related**

G4.1 Integrated Planning and Reporting (Planning)

G4.2 Integrated Planning and Reporting (Reporting)

G2.9 Community Engagement and Consultation

- **Financial**

The CBP is designed to deliver on the Vision and Aspirations identified in the SCP. The key assumption that differs from Council's adopted LTFP is an annual rate increase of 3% per annum, as opposed to the original 3.75-4.5%.

Council will need to have regard for this when considering the annual budget.

- **Legal and Statutory**

Local Government (Administration) Regulations 1996

19D. Adoption of plan, public notice of to be given

(1) After the adoption of a strategic community plan, or modifications of a strategic community plan, under regulation 19C, the local government is to give local public notice in accordance with subregulation (2).

(2) The local public notice is to contain —

(a) notification that —

- (i) a strategic community plan for the district has been adopted by the council and is to apply to the district for the period specified in the plan; and*
- (ii) details of where and when the plan may be inspected; or*

- (b) *where a strategic community plan for the district has been modified —*
- (i) *notification that the modifications to the plan have been adopted by the council and the plan as modified is to apply to the district for the period specified in the plan; and*
 - (ii) *details of where and when the modified plan may be inspected.*

- **Risk related**

Regulation 19C(4) of the *Local Government (Administration) Regulations 1996* requires a Local Government to review the current Strategic Community Plan for its district at least once every four years. As the original Strategic Community Plan 2016-2026 was adopted by Council on 27 June 2016, the risk of non-compliance with legislation is low as this review has been undertaken within the four year timeframe and in accordance with the Department of Local Government's guidelines.

- **Workforce Implications**

The revised plans include the allocation of additional resources to facilitate progress in the areas of youth, sport and recreation club development, volunteer management, art and cultural development, access and inclusion and community partnerships.

Voting Requirements:

Absolute Majority Required: **Yes**

**RESOLUTION
180218**

Moved: Cr Heaton

Seconded: Cr Trent

"That Council;

- 1. Adopts the Strategic Community Plan 2018-2028 and Corporate Business Plan 2018-2023 as attached to this report.***
- 2. Requests the Chief Executive Officer to give public notice of the adoption in accordance with Regulation 19D of the Local Government (Administration) Regulations 1996."***

CARRIED BY ABSOLUTE MAJORITY: 7/0

SY015-02/18 – Minutes of Audit Committee Meeting held 12 February 2018

FILE REFERENCE:	FI.FRP.6
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:	No
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	A. Audit Committee Meeting Minutes 12 February 2018

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

To receive the minutes and endorse the recommendations of the Audit Committee Meeting held on Monday 12 February 2018.

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 February 2018, the following items were considered:

- Statutory Mid-Year Budget Review for the 2016/17 Financial Year
- 2017 Compliance Audit Report

Options

Not applicable.

Implications to consider:

- **Consultative**

Nil

- **Strategic**

Theme 5: Strong Leadership and Governance

- 5.1 The Council supported by the administration of the Shire of York, is effective and informed in its decision-making and exhibits good practice in its governance role.
- 5.3 The Shire's finances are sustainable in the short and long-term.
- 5.4 There is a major focus on systems which improve and maintain accountability and transparency.

- **Policy related**

G4.6 *Risk Assessment and Management*

G4.7 *Internal Control*

G4.8 *Legislative Compliance*

- **Financial**
Nil

- **Legal and Statutory**
Local Government (Audit) Regulations 1996

16. *Audit committee, functions of*

An audit committee —

- (a) *is to provide guidance and assistance to the local government —*
 - (i) *as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and*
 - (ii) *as to the development of a process to be used to select and appoint a person to be an auditor;*
- and*
- (b) *may provide guidance and assistance to the local government as to —*
 - (i) *matters to be audited; and*
 - (ii) *the scope of audits; and*
 - (iii) *its functions under Part 6 of the Act; and*
 - (iv) *the carrying out of its functions relating to other audits and other matters related to financial management; and*
- (c) *is to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to —*
 - (i) *report to the council the results of that review; and*
 - (ii) *give a copy of the CEO's report to the council.*

- **Risk related**
Nil

Voting Requirements:

Absolute Majority Required: Yes

**RESOLUTION
190218**

Moved: Cr Trent

Seconded: Cr Warnick

“That Council receives the Minutes of the Audit Committee meeting held on 12 February 2018 and adopts the recommendations of the Audit Committee.”

CARRIED BY ABSOLUTE MAJORITY: 7/0

**RESOLUTION (AUDIT COMMITTEE RECOMMENDATION)
200218**

Moved: Cr Smythe

Seconded: Cr Ferro

“That Council:

- 1. Adopts the completed 2017 Compliance Audit Return, as attached to this report for certification by the Shire President and the Chief Executive Officer in accordance with Regulation 15(2) of the Local Government (Audit) Regulations 1996;***
- 2. Requests the Chief Executive Officer to submit the 2016 Compliance Audit Return to the Executive Director of the Department of Local Government and Communities in accordance with Regulation 15(1) of the Local Government (Audit) Regulations 1996; and***
- 3. In accordance with Section 6.8 of the Local Government Act 1995:***
 - (a) Adopts the Mid-Year Budget Review 2017/18 as attached to this report; and***
 - (b) Requests the Chief Executive Officer to forward the adopted Mid-Year Budget Review 2017/18 to the Department of Local Government and Communities within 30 days of Council’s adoption.”***

CARRIED BY ABSOLUTE MAJORITY: 7/0

SY016-02/18 –Review of Dog Exercise Areas and Certain Places Where Dogs are Prohibited Absolutely

FILE REFERENCE:	RS.ANC.1
APPLICANT OR PROPONENT(S):	Shire of York
AUTHORS NAME & POSITION:	John Goward, Ranger
RESPONSIBLE OFFICER:	Bret Howson, Acting Executive Manager, Infrastructure and Development Services
PREVIOUSLY BEFORE COUNCIL:	N/A
DISCLOSURE OF INTEREST:	N/A
APPENDICES:	A. Circular No.18-2014 Dog Amendment Regulations 2014
	B. Arial Maps of Proposed Dog Exercise Areas
	C. Shire of York Dogs Local Law

Nature of Council's Role in the Matter:

- Legislative

Purpose of the Report:

The purpose of this report is for Council to:

- 1) Set certain areas where dogs are prohibited absolutely.
- 2) Consider possible sites for designated dog exercise areas from the suitable reserves within the York Townsite.
- 3) Consider advising residents of the review being undertaken into suitable dog exercise areas, calling for submissions from residents.

Background:

In May 2014, a Governors Order was published in the Government Gazette that dog exercise areas and prohibited areas published in all local laws throughout the state would cease to be effective on 31 July 2014, and the descriptions would therefore be invalid.

The order requires that all Local Governments set the exercise and prohibited areas by an absolute majority decision of Council. Being an absolute majority means that it is a decision that cannot be delegated.

The order was made as a consequence of the changes to the *Dog Act 1976* in November 2013.

Comments and details:

The resolution must give 28 days local public notice of the prohibited places and exercise area.

The Current Shire of York Dog Local Law as amended 2012 states:

5.1 Places where dogs are prohibited absolutely

- (1) *Subject to section 8 of the Act and section 66J of the Equal Opportunity Act 1984, dogs are prohibited absolutely from entering or being in any of the following places –*
- (a) a public building, unless permitted by a sign;*
 - (b) a theatre or picture gardens;*
 - (c) all premises or vehicles classified as food premises or food vehicles under the Food Act 2008;*
 - (d) a public swimming pool;*
 - (e) a public toilet block or changing room; or*
 - (f) a cemetery, unless otherwise provided for in the local governments local law relating to cemeteries.*

- (2) *If a dog enters or is in a place specified in subclause (1), every person liable for the control of the dog at that time commits an offence.*

Penalty: *Where the dog is a dangerous or restricted breed dog, \$2,000; otherwise \$1,000.*

5.2 Places which are dog exercise areas

- (1) *Subject to clause 5.1 and subclauses (1)(b) and (2) of this clause, for the purposes of sections 31 and 32 of the Act, the following are dog exercise areas –*

(a) *Part Lots 52, 53, 54 and 55 Henrietta Street, York (corner of Barker & Ulster Roads and Henrietta Street);*

- (2) *Subclause (1)(a) does not apply to –*

(a) *an area set aside by a wall or fence as a children's playground, or where there is no wall or fence, an area within 10 metres of the edge of playing equipment or apparatus*

(b) *an area within 10 metres of the edge of a playing field being used for sporting or other activities, as permitted by the local government, during the times of such use;*

(c) *a car park, thoroughfare, access way or right of way;*

Should Council wish to amend or add areas listed in the current Local Law, changes can be made at any time subject to 28 days local public notice

It is recommended that Council takes this opportunity to consider setting one or more of the following reserves as a designated dog exercise area or areas, making a resolution to that effect once the issue has gone out for public submission.

- Part Lots 52, 53, 54 and 55 Henrietta Street, York (corner of Barker & Ulster Roads and Henrietta Street); The current dog exercise area.
- Monger Reserve, Lot 588 South Street, York
- Candice Bateman Park, Lots 161,162,163,164,165,166,167,168,169 Newcastle Street, York (corner of Cowan Road and Newcastle street)

It is recommended that Council makes a resolution setting the following places as where dogs are prohibited absolutely:

Places where dogs are prohibited absolutely

Subject to section 8 of the Act and section 66J of the *Equal Opportunity Act 1984*, dogs are prohibited absolutely from entering or being in any of the following places –

(a) a public building, unless permitted by a sign;

(b) a theatre or picture gardens;

(c) all premises or vehicles classified as food premises or food vehicles under the *Food Act 2008*;

(d) a public swimming pool;

(e) a public toilet block or changing room; or

(f) a cemetery, unless otherwise provided for in the Local Governments Local Law relating to cemeteries.

- (3) *If a dog enters or is in a place specified in subclause (1), every person liable for the control of the dog at that time commits an offence.*

Implications to consider:

Dog exercise areas are public places where dogs (apart from dangerous dogs) are allowed to be off-leash, provided the dog is under the control of a person who is capable of controlling it and who is carrying, and capable of attaching, a suitable leash.

Currently the only designated dog exercise area within the townsite is located on the west side of the river:

Part Lots 52, 53, 54 and 55 Henrietta Street, York (corner of Barker & Ulster Roads and Henrietta Street); The current dog exercise area.

This area is located a substantial distance from residents living on the east side of the river and is not central to the west side of the river.

The Council could take this opportunity to consider specifying a designated dog exercise area on each side of the river.

The positive benefits of a designated dog exercise area each side of the river may result in:

- Reducing the incidents of dogs being walked in public places without being held on lead.
- Dog owners on the east side of the river having closer access to an off the lead dog exercise area to what they now experience.

Options

The three reserves that are considered suitable as designated dog exercise areas are:

- Part Lots 52, 53, 54 and 55 Henrietta Street, York (corner of Barker & Ulster Roads and Henrietta Street); The current dog exercise area.
- Monger Reserve, Lot 588 South Street, York
- Candice Bateman Park, Lots 161,162,163,164,165,166,167,168,169 Newcastle Street, York (corner of Cowan Road and Newcastle street)

Suitable Dog Exercise Areas West of the river:

1. Part Lots 52, 53, 54 and 55 Henrietta Street, York (corner of Barker & Ulster Roads and Henrietta Street); The current dog exercise area. This area has a series of obstacles set up for dogs, however it is highly visible to visitors as they arrive from Perth. This site is not a visually attractive feature. There is also very little shade in this area and it is quite a distance for residents East of the river.
2. Monger Reserve, Lot 588 South Street, York is located immediately off South Street along the river. It is a large tract of grassed bushland, with plenty of shade, ideally suited for exercise for both owners and dogs alike. There is scheme water close by and it is more central than the current Henrietta Street exercise area.

Suitable Dog Exercise Area East of the river:

1. Candice Bateman Park, Lots 161,162,163,164,165,166,167,168,169 Newcastle Street, York (corner of Cowan Road and Newcastle street) The Northern end of Candice Bateman Park has public toilets, a children's playground and a large reticulated grassed area that would be great for a family event exercising the dog with the children being entertained as well. The Southern end is comprised of a large tract of grassed bushland being ideal for walking or jogging with dogs off the lead which would result in great exercise for owners and their dogs.

- **Consultative**

In relation to the proposed dog exercise areas, an advertisement will be placed in local papers for a 28-day advertising period inviting submissions from community members. The public notice will also advise the proposed prohibited areas. A report on any submissions would then be prepared and presented to Council for consideration.

- **Strategic**

1. The place to live 1.7 Positive, active involved community 5. Strong leadership and governance. 5.1 Effective and informed decision making

- **Financial**

Advertising costs associated with placement of the notice in local papers.

- **Policy related**

No current policy, still to be developed.

- **Legal and Statutory**

Dog Act 1976, Section 31 -

(2B) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a place where dogs are prohibited —

(a) at all times; or

(b) at specified times.

(3A) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.

(3B) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place that is under the care, control or management of the local government to be a rural leashing area.

(3C) At least 28 days before specifying a place to be —

(a) a place where dogs are prohibited at all times or at a time specified under subsection (2B); or

(b) a dog exercise area under subsection (3A); or

(c) a rural leashing area under subsection (3B),

a local government must give local public notice as defined in the Local Government Act 1995 section 1.7 of its intention to so specify.

- **Risk related**

Nil

- **Workforce Implications**

Nil

Voting Requirements:

Absolute Majority Required: Yes

OFFICER RECOMMENDATION:

That Council

- 1. In accordance with the Dog Act 1976 s.32(2b) specifies the following places where dogs are prohibited absolutely;*
 - (a) a public building unless permitted by a sign.*
 - (b) a theatre or picture gardens*
 - (c) all premises or vehicles classified as food premises or food vehicles under the Food Act 2008*
 - (d) a public swimming pool, a toilet block or changing room.*
 - (f) a cemetery unless otherwise provided for in the Local Governments Local Law relating to cemeteries.*
- 2. That Council requests the Chief Executive Officer to:*
 - (a) Provide 28 days local public notice be given of the resolved prohibited areas.*
 - (b) Advertise for a period of 4 weeks, inviting submissions that the Council are considering setting new designated dog exercise areas being:*

(West of the river) Monger Reserve, Lot 588 South Street, York.

(East of the river) Candice Bateman Park, Lots 161, 162, 163, 164, 165, 166, 167, 168, 169 Newcastle Street, York (corner of Cowan Road and Newcastle street)
 - (c) Present a report to Council on any submissions received for Councils consideration and determine the future use of the decommissioned dog exercise area."*

**RESOLUTION
210218**

Moved: Cr Trent

Seconded: Cr Heaton

That Council

1. In accordance with the Dog Act 1976 s.32(2b) specifies the following places where dogs are prohibited absolutely;

- (a) a public building unless permitted by a sign.***
- (b) a theatre or picture gardens***
- (c) all premises or vehicles classified as food premises or food vehicles under the Food Act 2008***
- (d) a public swimming pool, a toilet block or changing room.***
- (f) a cemetery unless otherwise provided for in the Local Governments Local Law relating to cemeteries.***

2. That Council requests the Chief Executive Officer to:

- (a) Provide 28 days local public notice be given of the resolved prohibited areas.***
- (b) Advertise for a period of 4 weeks, inviting submissions that the Council are considering setting new designated dog exercise areas being:***

(West of the river) Monger Reserve, Lot 588 South Street, York.

(East of the river) Candice Bateman Park, Lots 161, 162, 163, 164, 165, 166, 167, 168, 169 Newcastle Street, York (corner of Cowan Road and Newcastle street)

- (c) Present a report to Council on any submissions received for Councils consideration and determine the future use of the decommissioned dog exercise area.***
- (d) Advertise to dog owners it is their responsibility to clean up after their dogs using bags provided.”***

CARRIED BY ABSOLUTE MAJORITY: 7/0

Reason: To maintain strict hygiene in the area.

SY017-02/18 – Proposal to Gazette Shire of York Cat Local Law 2017

FILE REFERENCE: RS.ANC.4
APPLICANT OR PROPONENT(S): Shire of York
AUTHORS NAME & POSITION: John Goward, Ranger
RESPONSIBLE OFFICER: Bret Howson, A/Executive Manager
Infrastructure and Development Services
PREVIOUSLY BEFORE COUNCIL: 26 June 2017
DISCLOSURE OF INTEREST: N/A
APPENDICES: A - Comments from the Department of Local
Government, Sport and Cultural Industries.
B - Revised Draft Shire of York Cat Local Law 2017

Nature of Council's Role in the Matter:

- Legislative

Purpose of the Report:

The purpose of this report is to:

1. To consider comments received 10 October 2017 from Michelle Wong, Legislation Officer, Local Government, Department of Local Government, Sport and Cultural Industries after a letter including a copy of the proposed Shire of York Cat Local Law 2017 was sent for consideration of the Minister for Local Government on 11 September 2017;
2. Give notice of the purpose and effect of the Shire of York Cat Local Law 2017;
3. Authorise the Local Law's gazettal in the Government Gazette;
4. Give local public notice, (after gazettal), of the date the Shire of York Cat Local Law 2017 will come into effect; and
5. Authorise the affixing of the Common Seal to the Local Law.

Background:

At its ordinary meeting of 26 June 2017, Council considered the process to make a Shire of York Cat Local Law and resolved:

"That Council:

1. *Endorses for public advertising for a period of six weeks in accordance with Section 3.12(3) of the Local Government Act 1995, the draft Shire of York Cat Local Law as attached.*
2. *Requests the Chief Executive Officer to report back to Council on accordance with Section 3.12(4) of the Local Government Act 1995, once submissions have closed."*

The procedure for making Local Laws requires Council to advertise state wide, advising of its intention to make a Local Law, and invite submissions to be made on the proposed Local Law for a 6 week period. At the closure of the submission period, Council is to consider all submissions before making a Local Law.

An advertisement was placed in the West Australian on 22 July 2017, the Avon Valley Gazette on 21 July 2017, on local advertisement boards and on the Shire website, with the submission period for public comment closing on 4 September 2017. No submissions were received from the public.

Comments were received on 10 October 2017 from Michelle Wong, Legislation Officer, Local Government, Department of Local Government, Sport and Cultural Industries after a letter including a copy of the proposed Shire of York Cat Local Law 2017 was sent for consideration of the Minister for Local Government on 11 September 2017.

After making her recommendations Ms Wong stated the following:

Please note that my comments:

- *have been provided to assist the Shire with drafting matters in relation to the local law;*
- *do not constitute legal advice;*
- *have been provided in good faith for the Shire's consideration; and should not be taken as an approval of content.*
- *The Shire should ensure that a detailed editorial analysis of the proposed local law has been undertaken and that the content of the local law is in accordance with the Shire's policies and objectives.*

Ms Wong made numerous recommended changes to the proposed local law which have now been incorporated into the draft Local Law attached at Appendix B.

The full recommendations for Ms Wong can be viewed in her full email to the Shire of York attached as Appendix A to this report.

Her comments included recommendations in relation to the following clauses of the proposed local law.

1. Clause 1.3 – Transitional
2. Clause 2.2 – Cats for which a permit is required
3. Clause 2.3 – Application for permit
4. Clause 3.2 – Cats to be confined
5. Clause 6 – Abandonment of cats
6. Clause 7.4 – Defence
7. Schedule 1 – B Permit to use premises as a cat management facility

Ms Wong also suggested a number of minor edits to the proposed local law

Comments and details:

While some of the proposed changes are intended to clarify language, a summary of the key points is outlined below:

1. Clause 1.3 – Transitional refers to duplication of the Cat Local law and Health Local Law in relation to the number of cats a person may keep. Technically, an exemption to the number of cats that a person can keep on premises must be sought under both the provisions of the provisions of the Health Local Law and Cat Local Law.
2. Clause 5.2.4 as recommended by Ms Wong to ensure there is no duplication or inconsistency in the requirements an owner of 3 or more cats must comply with.

*The Shire of York Health Local Laws 2007 currently includes the following
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.*

Clause 3.2 *was included in the proposed local law an attempted to ensure that all cats are confined to premises but has subsequently been deleted in accordance with the following advice:*

The Delegated Legislation Committee has formed the view that while the Cat Act permits local laws that prohibit cats absolutely from specified areas, it does not contemplate local laws that:

- *ban cats from all public areas;*
- *place conditions on when a cat may be permitted in a public area; or*
- *attempts to restrict all cats in the district to their owner's premises.*

If this clause isn't removed, the Committee may raise this clause as an issue and request an undertaking to remove it.

Clause 3.2 was not included in the proposed Local Law in accordance with this advice.

Clause 6 – *Abandonment of cats was included in the proposed local law an attempted to Make it an offence to abandon a cat but has subsequently been deleted in accordance with the following advice:*

Section 19(3)(f) of the Animal Welfare Act 2002 legislates on the abandonment of animals including cats. The Animal Welfare Act is enforced by the RSPCA and general inspectors appointed under the Animal Welfare Act.

As provision for the abandonment of cats is covered by the Animal Welfare Act, it is suggested that the Shire remove clause 6 from the local law. The abandonment of cats should be enforced directly under the Animal Welfare Act.

In addition to these changes The Shire of York's adopted fees and charges specifies a fee for an application for a cattery and renewal fee and an at cost fee for euthanizing of a cat, however there is currently no fee or charge for keeping 3 or more cats as proposed in the new local law.

Consultation with nearby Shires has revealed that the Shire of Northam charges \$70 to process an application to keep 3 or more cats whereas the Shire of Mundaring charges \$100. It is recommended that:

The Chief Executive Officer will report back to council to submit a future report for council to consider repealing The Shire of York Health Local Laws 2007-Part 5, Division 2, Clause 5.2.4 as recommended by Ms Wong to ensure there is no duplication or inconsistency in the requirements an owner of 3 or more cats must comply with. Currently, an exemption to the number of cats a person can keep on premises would need to be sought under both the *Health Local Laws* and the *Cat Local Law*.

The Shire of York Health Local Laws 2007 currently includes the following

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.*

Implications to consider:

The purpose of the proposed local law is to provide Council with measures in addition to those under the *Cat Act 2011* to control the keeping and welfare of cats.

The effect of this local law is to: -

- (a) Promote responsible cat ownership;
- (b) Reduce the nuisance to the community caused by cats;
- (c) Limit the damage to and the loss of wildlife caused by cats; and

- **Consultative**

An advertisement was placed in the West Australian on 22 July 2017, the Avon Valley Gazette on 21 July 2017, on local advertisement boards and on the Shire website.

The timeframe for submissions closed on Monday 4 September 2017.

No submissions were received from the general public.

- **Strategic**

Theme 1: The place to live. 1.8 The Shire has a clear, nuisance free and safe living environment.

Theme 5: Strong lead and governance. 5.4 There is a major focus on systems which improve, maintain accountability and transparency.

- **Financial**

Advertising costs associated with placement of the Local Law in the Government Gazette and giving local notice of the date the local law takes effect.

It is recommended that the Shire of York Fees and Charges be amended to include an application permit fee of \$60.00 for the keeping of 3 or more cats on any one premises.

- **Policy related**

No current policy exists however this item is progressing with the development of a Local Law for Cats.

- **Legal and Statutory**

In accordance with s.3.12 of the Local Government Act 1995, the following steps of the process have been carried out:

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2A) *Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to —*
 - (a) *give Statewide public notice stating that —*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*

and

- (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
- (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.

* Absolute majority required.

In accordance with s.3.12 of the Local Government Act 1995, the following steps now need to be carried out:

- (5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
- (6) After the local law has been published in the Gazette the local government is to give local public notice —
 - (a) stating the title of the local law; and
 - (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (c) advising that copies of the local law may be inspected or obtained from the local government's office.
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.
- (8) In this section —

making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

[Section 3.12 amended by No. 1 of 1998 s. 8; No. 64 of 1998 s. 6; No. 49 of 2004 s. 16(4) and 23; No. 26 of 2016 s. 5.]

- s.6.19 and s.1.7 of the Local Government Act 1995 in relation to notice to be given for fees and charges imposed after the adoption of the annual budget

s.6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of — its intention to do so; and the date from which it is proposed the fees or charges will be imposed.

s.1.7. Local public notice

Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be — published in a newspaper circulating generally throughout the district; and exhibited to the public on a notice board at the local government's offices; and exhibited to the public on a notice board at every local government library in the district. Unless expressly stated otherwise it is sufficient if the notice is — published under subsection (1)(a) on at least one occasion; and exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than — the time prescribed for the purposes of this paragraph; or if no time is prescribed, 7 days.

- **Risk related**

If the advice of the Department of Local Government Delegated Legislation Committee is not incorporated into the proposed local law, there is a risk that the local law will fail to be gazetted which could affect the Shires reputation

- **Workforce Implications**

Printing. Staff to police additional cat control restrictions

Voting Requirements:

Absolute Majority Required: **Yes**

OFFICER RECOMMENDATION:

“That Council:

- 1. Notes no submissions were received from the public during the advertising process of the proposed Shire of York Cat Local Law 2017.*
- 2. Resolves to make the Shire of York Cat Local Law 2017, incorporating amendments outlined by the Department of Local Government, in accordance with section 3.12 of the Local Government Act 1995 as attached at Appendix B to this report;*
 - (a) The purpose of which is to adopt the Shire of York Cat Local Law 2017.*
 - (b) The effect of the Shire of York Cat Local Law 2017 is consistent with other legislation.*
- 3. Requests the Chief Executive Officer to:*
 - (a) Publish the Shire of York Cat Local Law 2017, as per (2) above, in the Government Gazette and provide copies of the local law to the Minister for Local Government; and*
 - (b) Forward a copy of the Gazetted Local Law, explanatory memoranda and associated documentation to the Joint Standing Committee on Delegated Legislation for review.*
- 4. Authorises the fixing of the Common Seal of the Shire of York Cat Local Law 2017.*
- 5. Resolves to impose a new fee in the Shire’s fees and charges for “Keeping of 3 or more cats” at an amount of \$60 to take effect from XXXX date.*
- 6. Requests the Chief Executive Officer to provide local public notice of the new fee in accordance with the Local Government Act 1995.”*

**RESOLUTION
220218**

Moved: Cr Trent

Seconded: Cr Smythe

“That Council:

- 1. Notes no submissions were received from the public during the advertising process of the proposed Shire of York Cat Local Law 2017.***
- 2. Resolves to make the Shire of York Cat Local Law 2017, incorporating amendments outlined by the Department of Local Government, in accordance with section 3.12 of the Local Government Act 1995 as attached at Appendix B to this report;***
 - (a) The purpose of which is to adopt the Shire of York Cat Local Law 2017.***
 - (b) The effect of the Shire of York Cat Local Law 2017 is consistent with other legislation.***
- 3. Requests the Chief Executive Officer to:***
 - (a) Publish the Shire of York Cat Local Law 2017, as per (2) above, in the Government Gazette and provide copies of the local law to the Minister for Local Government; and***
 - (b) Forward a copy of the Gazetted Local Law, explanatory memoranda and associated documentation to the Joint Standing Committee on Delegated Legislation for review.***
- 4. Authorises the fixing of the Common Seal of the Shire of York Cat Local Law 2017.***
- 5. Resolves to impose a new fee in the Shire’s fees and charges for “Keeping of 3 or more cats” at an amount of \$60 to take effect from 1 July 2018.***
- 6. Requests the Chief Executive Officer to provide local public notice of the new fee in accordance with the Local Government Act 1995.”***

CARRIED BY ABSOLUTE MAJORITY: 7/0

SY018-02/18 – Minutes of the Access and Inclusion Advisory Committee Meeting held 24 January 2018.

FILE REFERENCE:	OR.CMA.9.1
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:	A. Minutes of the AIAC Meeting 181217 B. Revised Project Plan for the Development of a New DAIP

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

This report presents the minutes of the Access and Inclusion Advisory Committee meeting held 24 January 2018 which are attached at Appendix A to this report.

Background:

At the Ordinary Council Meeting held 27 November 2017, Council appointed the following members to the Access and Inclusion Advisory Committee (AIAC);

- Cr Denese Smythe and Cr Jane Ferro with Cr Heather Saint as a Deputy.
- Ms Liz Christmas – Community representative
- Ms Rosemary Parker – Community representative
- Ms Bev Penny – community representative
- Ms Heather Bates – Alzheimers Australia
- Ms Wendy Hoare – Essential Personnel
- Ms Carolyn Robinson – Senses Australia

The purpose of the Committee is to oversee the development and implementation of the Shire's Disability Access and Inclusion Plan (DAIP) and to provide advice to Council on matters relating to access and inclusion.

Comments and details:

The meeting on 24 January 2018 was the first meeting of the AIAC following the appointment of members. Therefore, the Executive Manager, Corporate and Community Services (EMCCS) opened the meeting and asked members to introduce themselves to the group before calling for nominations for the position of Chairperson.

Ms Bev Penny was elected Chairperson and Cr Smythe was elected Deputy Chairperson.

The Committee considered the proposed timeline for the development of a new DAIP which is required in accordance with Part 28(7) of the *Disability Services Act 1993*. Some minor variations were suggested and the revised Project Plan is attached at Appendix B to this report.

Options:

Council could choose to further amend the revised Project Plan. However, the AIAC considered the Plan at the meeting and changes were proposed as a result of the discussions. These have been incorporated in the revised Plan.

Implications to consider:

- **Consultative**

The Plan proposes two targeted workshops to determine community priorities in relation to disability access and inclusion within the Shire of York. This will inform the development of the draft DAIP which will then be presented to Council for endorsement for public advertising prior to adoption.

- **Strategic**

As outlined in the minutes attached, this matter relates to the following themes of the Shire of York Strategic Community Plan:

Theme 1: The Place to Live

Theme 4: Built for Resilience

- **Policy related**

G2.9 Community Engagement and Consultation

- **Financial**

The development of the DAIP will be completed in-house within existing budgeted resources.

- **Legal and Statutory**

Local Government Act 1995

5.22. Minutes of council and committee meetings

(1) *The person presiding at a meeting of a council or a committee is to cause minutes to be kept of the meeting's proceedings.*

- **Risk related**

The Shire fail to develop a new DAIP or review its current DAIP, it will be in breach of Section 28(7) of the *Disability Services Act*. This risk is mitigated by the development of a new plan.

- **Workforce Implications**

The Executive Manager, Corporate and Community Services is the officer responsible for this Committee of Council.

Voting Requirements:

Absolute Majority Required: No

**RESOLUTION
230218**

Moved: Cr Trent

Seconded: Cr Ferro

“That Council:

- 1. Receives the Minutes of the Access and Inclusion Advisory Committee meeting held on 24 January 2018 and adopts the recommendation of the Committee.***
- 2. Notes the Revised Project Plan as attached to this report.”***

CARRIED: 7/0

**RESOLUTION (COMMITTEE RECOMMENDATION)
240218**

Moved: Cr Ferro

Seconded: Cr Smythe

“That Council endorses the Project Plan for the development of the Shire of York DAIP 2018-23 with minor date changes as discussed.’

CARRIED: 7/0

SY019-02/18 – Outstanding Rates and Charges – Payment Agreements

FILE REFERENCE: FI.DRS.3
APPLICANT OR PROPONENT(S): VARIOUS
AUTHORS NAME & POSITION: Anneke Birleson, Finance Officer
RESPONSIBLE OFFICER: Suzie Haslehurst, Executive Manager Corporate & Community Services
PREVIOUSLY BEFORE COUNCIL: No
DISCLOSURE OF INTEREST: Nil
APPENDICES: A – Table of Application Details (Confidential)

The appendix of this item is confidential in accordance with Section 5.23(2)(b) of the Local Government Act 1995 as it contains information regarding the personal affairs of a person and Section 5.23(2)(e)(iii) as it deals with a matter that if disclosed, would reveal the financial affairs of a person.

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:

The purpose of this report is to provide Council with details regarding payment arrangement applications that the Shire has received, that do not qualify under Delegation DE3-3.

This reports seeks Council's approval to accept the officer recommendations regarding the proposed arrangements as detailed in Confidential Appendix A.

Background:

At the Ordinary Council Meeting held on 27 November 2017, Council resolved to accept a revised Finance Policy F1.1 Revenue Collection.

The policy and Delegation 3-3 authorises the Chief Executive Officer to accept payment arrangements where there are no arrears and the balance will be paid in full by 30 June of the relevant financial year. Any applications outside this scope must be presented to Council for review and acceptance or rejection.

Comments and details:

The Shire has received 18 applications that do not qualify under DE3-3 and therefore, require Council consideration.

Approximately 70 properties are currently in legal proceedings with Milton Graham Lawyers. One of these has made application for a payment arrangement and is subject to this report.

A further 59 properties were referred for the pre-legal debt collection stage, four of which have now applied for a payment arrangement and are subject to this report.

The remaining 13 applications relate to ratepayers that have been making regular payments but had no arrangement in place for this financial year.

Confidential Appendix A details the current debts and a brief reason why the ratepayer cannot meet the requirements of a standard payment arrangement. The table also provides an officer recommendation for each application.

Any application that is approved is subject to the condition where any default will result in legal action for debt recovery without further notice. The debtors are also made aware that interest continues to accrue and that the 2018/19 rates will be added in July.

Each application has been assessed on a case by case basis, taking into consideration people's circumstances, in accordance with policy F1.1 Principle (c).

Following the issue of the 2018/19 rates and charges, the majority of the applicants will need to apply to enter into a new arrangement and the expectation will be that the full amount will be cleared prior to 30 June 2019.

Options:

Council could elect to approve all, a selection of, or none of the officer recommendations. Officers have worked with the applicants regarding their current financial circumstances and ability to pay. One of the principles of the revenue collection policy is that people's circumstances are taken into account.

It will be difficult for the majority of these applicants to pay the full debt by 30 June 2018. Therefore, as the majority of the applicants are making regular payments it would be more productive to encourage payment based on the applications and then make new arrangements once the 2018/19 rates and charges have been levied.

Implications to consider:

- **Consultative**
Officers have liaised with the applicants.
- **Strategic**
Theme 5: Strong Leadership and Governance
5.3 The Shire's public finances are sustainable in the short and long-term.
- **Policy related**
F1.1 Revenue Collection
DE3-3 Agreement as to Payment of Rates and Service Charges
- **Financial**
The total debt associated with all the payment arrangements as at 31 January 2018 is approximately \$63,300.

This represents approximately 3% of the current outstanding debt.

- **Legal and Statutory**

Local Government Act 1995

6.49. Agreement as to payment of rates and service charges

A local government may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.

Shire of York Finance Policy F1.1 Revenue Collection

Principles

- a) *the Shire's cashflow is optimised and bad debts minimised by ensuring timely collection of all revenue owing to the Shire.*
- b) *the recovery of the Shire's revenue is clear, equitable, consistent and transparent.*
- c) *that account is taken of the circumstances of people with debt owing to the Shire.*

- d) *all reasonable action be undertaken to recover revenue before the debt is written off.*
- e) *debt collection activities are in accordance with relevant legislation and standards and credit controls are monitored to minimise potential financial loss.*

- **Risk related**

The Financial Risk is Moderate.

The Likelihood of occurrence is Likely.

The overall Risk rating is High (12).

The risk can be considered acceptable as there is a policy in place to control and manage the risk. Should any of the debtors default on their arrangement, legal action can be taken to recover the due amounts.

- **Workforce Implications**

The scope of this report will have a minor impact on the workforce, relating to ongoing monitoring of payments.

Voting Requirements:

Absolute Majority Required: No

RESOLUTION

250218

Moved: Cr Smythe

Seconded: Cr Saint

“That Council:

- 1. Approves the applications for payment agreements as detailed within Confidential Appendix A, with the condition that any default will result in legal action.***
- 2. Requests the Chief Executive Officer to report back to Council regarding progress after 30 June 2018.”***

CARRIED: 7/0

SY020-02/18 – Financial Report for December 2017

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

Nature of Council's Role in the Matter:

- Legislative
- Review

Purpose of the Report:

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

Background:

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

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

Comments and details:

The Financial Report for the period ending 31 December 2017 is presented for Council's consideration and includes the following;

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

Outstanding Rates and Services

The total outstanding rates as at 31 December 2017 were \$2,512,196 compared to \$2,823,678 as at 30 November 2017.

Previous Years

3 years and over	\$276,590	11.01%	of rates outstanding
2 years and over	\$256,701	10.22%	of rates outstanding
1 year and over	\$316,797	12.61%	of rates outstanding
<u>Total Prior Years outstanding</u>	<u>\$850,087</u>	33.84%	of rates outstanding
Current Rates	<u>\$1,662,108</u>	66.16%	of rates outstanding

Total Rates Outstanding **\$2,512,196**

Outstanding Sundry Debtors

Total outstanding sundry debtors as at 31 December 2017 were \$771,372 compared to \$588,550 as at 30 November 2017.

90 days and over	\$306,768	39.77%	of sundry debtors outstanding
60 days and over	\$139	0.02%	of sundry debtors outstanding
30 days and over	\$243,709	31.59%	of sundry debtors outstanding
Current	<u>\$220,757</u>	28.62%	of sundry debtors outstanding
<u>Total Debtors Outstanding</u>	<u>\$771,372</u>		

In addition to the first claim for Regional Road Group road projects raised in November, the Shire invoiced Main Roads a further \$210,461 for the 2016/17 completed WANDRRA projects. Main Roads paid the Shire \$479,415 on 4 January 2018.

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
260218**

Moved: Cr Smythe

Seconded: Cr Trent

“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 2017 as summarised below:

Dec-17	
MUNICIPAL FUND	AMOUNT
Cheque Payments	64,087.00
Electronic Funds Payments	1,202,534.60
Payroll Debits	173,016.70
Payroll Debits - Superannuation	38,343.74
Bank Fees	852.11
Corporate Cards	1,080.42
Fuji Xerox Equipment Rental	161.41
Fire Messaging Service	82.50
TOTAL	1,480,158.48
TRUST FUND	
Electronic Funds Payments	8,063.33
Cheque Payments	80.00
Direct Debits Licensing	87,096.60
TOTAL	95,239.93
TOTAL DISBURSEMENTS	1,575,398.41

”

CARRIED: 7/0

SY021-02/18 – Investments – December 2017

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

Nature of Council's Role in the Matter:

- Legislative
- Review

Purpose of the Report:

To report to Council the balance of investments held by the Shire of York as at 31 December 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 December 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

270218

Moved: Cr Smythe

Seconded: Cr Saint

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

CARRIED: 7/0

SY022-02/18 – Financial Report for January 2018

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

Nature of Council's Role in the Matter:

- Legislative
- Review

Purpose of the Report:

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

Background:

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

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

Comments and details:

The Financial Report for the period ending 31 January 2018 is presented for Council's consideration and includes the following;

- Monthly Statements for the period ended 31 January 2018
- 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 2018;

Outstanding Rates and Services

The total outstanding rates as at 31 January 2018 were \$2,114,928 compared to \$2,512,196 as at 31 December 2017.

Previous Years

3 years and over	\$274,859.36	13.00%	of rates outstanding
2 years and over	\$255,616.18	12.09%	of rates outstanding
1 year and over	\$307,880.98	14.56%	of rates outstanding
Total Prior Years outstanding	\$838,356.52	39.64%	of rates outstanding
Current Rates	\$1,276,571.84	60.36%	of rates outstanding

Total Rates Outstanding	\$2,114,928.36
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Outstanding Sundry Debtors

Total outstanding sundry debtors as at 31 January 2018 were \$296,321 compared to \$771,372 as at 31 December 2017.

90 days and over	\$276,165.49	93.20%	of sundry debtors outstanding
60 days and over	\$2,587.94	0.87%	of sundry debtors outstanding
30 days and over	\$2,340.74	0.79%	of sundry debtors outstanding
Current	\$15,226.63	5.14%	of sundry debtors outstanding
Total Debtors Outstanding	\$296,320.80		

The level of outstanding debts reduced significantly due to the receipt of MRWA grant funds received during the month.

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
280218**

Moved: Cr Saint

Seconded: Cr Smythe

“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 2018 as summarised below:

Jan-18	
MUNICIPAL FUND	AMOUNT
Cheque Payments	19,033.92
Electronic Funds Payments	334,751.15
Payroll Debits	244,589.41
Payroll Debits - Superannuation	52,217.85
Bank Fees	742.68
Corporate Cards	853.55
Fuji Xerox Equipment Rental	236.62
Fire Messaging Service	343.64
TOTAL	652,768.82
TRUST FUND	
Electronic Funds Payments	669.90
Cheque Payments	0.00
Direct Debits Licensing	116,698.05
TOTAL	117,367.95
TOTAL DISBURSEMENTS	770,136.77

”

CARRIED: 7/0

SY023-02/18 – Investments – January 2018

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

Nature of Council's Role in the Matter:

- Legislative
- Review

Purpose of the Report:

To report to Council the balance of investments held by the Shire of York as at 31 January 2018.

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 2018
- 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

290218

Moved: Cr Heaton

Seconded: Cr Saint

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

CARRIED: 7/0

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

Nil

13. MEETING CLOSED TO THE PUBLIC

13.1 Matters for which the meeting may be closed

RESOLUTION

300218

Moved: Cr Smythe

Seconded: Cr Ferro

***“That Council goes behind closed doors to discuss Item SY024-02/18 in accordance with Section 5.23(2)(b) of the Local Government Act 1995 as it contains information regarding the personal affairs of a person and Section 5.23(2)(e)(iii) as it deals with a matter that if disclosed, would reveal the financial affairs of a person.*”**

CARRIED: 7/0

The Gallery left the meeting at 5.58pm and the doors where closed.

SY024-02/18 – Confidential – Request to Write Off Legal Costs

RESOLUTION

310218

Moved: Cr Heaton

Seconded: Cr Warnick

“That Council rejects the request for the write of legal costs on A2883, totalling \$620.80.”

CARRIED: 7/0

RESOLUTION

320218

Moved: Cr Smythe

Seconded: Cr Trent

“That Council opens the meeting to the public at 6.00pm.”

CARRIED: 7/0

13.2 Public reading of resolutions to be made public

As no one from the Gallery returned to the meeting the Shire President did not read out the Council decision.

14. NEXT MEETING

The next Ordinary Meeting of Council will be held on Monday, 26 March 2018 at 5.00pm in Council Chambers, York Town Hall, York.

15. CLOSURE

The Shire President thanked everyone for their attendance and closed the meeting at 6.01pm.