



SHIRE OF YORK

NOTICE OF MEETING

Dear Councillors

I respectfully advise that the ORDINARY COUNCIL MEETING will be held in Council Chambers, York Town Hall, on Monday, 18 September, 2017, commencing at 5.00pm.

MEETING AGENDA ATTACHED

Paul Martin

PAUL MARTIN
CHIEF EXECUTIVE OFFICER
Date: 7 September 2017

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

Local Government Act 1995 (as amended)

Part 1 Introductory Matters

1.3. Content and intent

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

Part 2 Constitution of Local Government

Division 2 Local Governments and Councils of Local Governments

2.7 The Role of Council

- (1) The Council —
 - (a) directs and controls the Local Government's affairs; and
 - (b) is responsible for the performance of the Local Government's functions.
- (2) Without limiting subsection (1), the Council is to —
 - (a) oversee the allocation of the Local Government's finances and resources;and
 - (b) determine the Local Government's policies.

Meetings generally open to the public

- 5.1.** (1) Subject to subsection (2), the following are to be open to members of the public —
- (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1) (b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
- (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;

- (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
 - (g) information which is the subject of a direction given under section 23 (1a) of the *Parliamentary Commissioner Act 1971*; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.



Shire of York

G 2.6 PUBLIC QUESTION TIME

Policy Statement

- 1.0 “Public Question Time” will be limited to 15 minutes*. The Council may exercise a discretion to extend the time by resolution if required. If there are questions remaining unasked at the expiration of the time allotted members of the public will be asked to submit their questions in writing to the Chief Executive Officer who will provide a written reply with the response placed in the Agenda of the next Ordinary Meeting of the Council.
- * A minimum of 15 minutes is provided by Regulation 6(1) of the Local Government (Administration) Regulations 1996 (S.5.24 of the Local Government Act 1995)*
- 2.0 Questions may be asked at the Ordinary Council Meeting and any Committee meeting on any matter affecting the Council and the Shire’s operations. Questions submitted to Special Meetings of the Council will be restricted to the subject matter of the meeting.
- 3.0 Each questioner will be limited to two (2) questions. Statements or long preamble are not permitted.
- 4.0 People wishing to ask questions will be encouraged to put their questions in writing or in a prescribed form and submit them to the Chief Executive Officer prior to 10 am on the day of the meeting. This allows for an informed response to be given at the meeting. Oral questions are permitted.
- 5.0 Priority will be given to questions about matters on the agenda for the meeting and which are submitted in accordance with 4.0 above.
- 6.0 Every person who wishes to ask a question must identify themselves and register with a Council Officer immediately prior to the meeting. Subject to 5.0 above questions will be taken in the order in which people register.
- 7.0 Questions containing offensive remarks, reference to the personal affairs or actions of Elected Members or staff, or which relate to confidential matters or legal action will not be accepted. Questions that the Presiding Member considers have been answered by earlier questions at the meeting or earlier meetings may not be accepted.
- 8.0 On receipt of a question the Presiding Member may answer the question or direct it to the Chief Executive Officer to answer. If the question is of a technical nature the Chief Executive Officer may direct the question to a senior technical officer present. If the question requires research it will be taken on notice.
- 9.0 There will be no debate on the answers to questions.

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

Adopted 21 October 2013

Amended 17 September 2015

Amended 23 November 2015

CONTINUED

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

Residential Address: _____
(Required if written response requested)

Council Meeting Date: _____

Item No. Referred To:
(If Applicable) _____

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

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SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL WILL BE
HELD ON MONDAY, 18 SEPTEMBER, 2017, COMMENCING AT
5.00PM IN COUNCIL CHAMBERS, YORK TOWN HALL, YORK

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

1 OPENING

1.1 Declaration of Opening

1.2 Disclaimer

The Shire President advised the following:

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

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

1.3 Standing Orders

1.4 Announcement of Visitors

1.5 Declarations of Interest that Might Cause a Conflict

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

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

1.6 Declarations of Financial Interests

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

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

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

1.7 Disclosure of Interest that May Affect Impartiality

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

Name	Item No & Title

2 ATTENDANCE

- 2.1 Members
- 2.2 Staff
- 2.3 Apologies
- 2.4 Leave of Absence Previously Approved
- 2.5 Number of People in the Gallery at Commencement of the Meeting

3 QUESTIONS FROM PREVIOUS MEETINGS

- 3.1 Response to previous public questions taken on notice
Nil
- 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.*

4.1 Written Questions – Current Agenda

4.2 Public Question Time

5 APPLICATIONS FOR LEAVE OF ABSENCE

6 PRESENTATIONS

- 6.1 Petitions
- 6.2 Presentations
- 6.3 Deputations
- 6.4 Delegates reports

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Minutes of the Ordinary Council Meeting held 28 August 2017

Confirmation

“That the minutes of the Ordinary Council Meeting held 28 August 2017 be confirmed as a correct record of proceedings.”

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

9 OFFICER’S REPORTS

SY108-09/17 –Endorsement of Avon Riverfront Concept Plan

FILE REFERENCE:	WK.PRO.1
APPLICANT OR PROPONENT(S):	Shire of York
AUTHORS NAME & POSITION:	Paul Crewe - Executive Manager, Infrastructure & Development Services
RESPONSIBLE OFFICER:	Paul Crewe - Executive Manager, Infrastructure & Development Services
PREVIOUSLY BEFORE COUNCIL:	SY033-04/17 – Draft Avon Riverfront Concept Plan for Community Consultation
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	A. Avon Riverfront Landscape Concept B. Avon Riverfront Landscape Concept (revised following community consultation) C. Community Submissions

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

Following a period of community consultation, this report seeks Council's endorsement of the Avon Riverfront Concept Plan in accordance with the Shire of York's strategic plan.

Background:

In July 2016, Council resolved to establish an Avon Park Working Group. This group drafted a Concept Plan (attached as Appendix A) for the Avon Riverfront, which was advertised for a period of 4 weeks.

Following the consultation period, the submissions received were distributed to members of the working group both in full and with a summary attached, the working group then had two meetings and made a number of amendments to the plan. Members who could not attend these meetings were invited to make comments in writing with any proposed changes.

Comments and details:

There were several changes to the revised concept plan attached as (Appendix B) which included the following:

- Relocation of the Soundshell and stage in line with Macartney Street, and centralized in the Park
- The separation of the Skatepark area and the nature play area
- The car-parking was removed adjacent to the Swing-Bridge, additional car-parking was added to Lowe Street.
- The existing rotunda was relocated to the end of the swing bridge, with a proposal to modify this structure which should include interpretive signage and seating.
- Additional car-parking was added along Lowe street, which now remains 2-way but incorporates "traffic calming" devices along its length.
- Change the location of the Skate Park to the corner of Glebe and Lowe Streets to be further away from existing residents. The working group felt that the activation of the Riverfront for this activity was suitable.

The Group also made several recommendations to Council including:

- officers to investigate the feasibility of a pump track within close proximity to park.
- all trails lead to the park.
- drainage & revegetation on east side river bank.
- improve river quality as part of the project

- relocate the RV's from the central core of the park (preferably to the coffee carriage area)
- incorporate native gardens to the landscaping
- Macartney Street one way & Lowe Street to have calming devices.
- Avon park should include interpretive signage and information which includes both Indigenous and heritage history
- infrastructure to provide for future community events.
- improve access ways into park and to town centre
- overflow parking – could be moved to the other side of the river at swing bridge
- carry concept of Avon Terrace bin interpretive signage into Avon Park
- upgrade the toilet block

These recommendations and changes are now presented to Council for their consideration. Officers are also recommending a traffic management report be undertaken regarding the changes to traffic movements on Macartney Street.

Officers are working on a funding partnership programme for the implementation of the Avon Riverfront Concept Plan which may include funding agreements from different bodies to ensure the implementation of the plan to be realized.

Implications to consider:

- **Consultative**
The working group and Councillors have been informed of the working group's progress and the concept plan was published for public comment for a period of 4 weeks. A summary of the public consultation comments was given to the working group and has been attached as "Appendix C"
- **Strategic**
The development of this concept plan is in accordance with the Shire's Strategic Community Plan.
- **Policy related**
The Working Group was established and meetings were conducted in accordance with G 2.5 *Reference Groups*.

All community consultation was undertaken in accordance with G2.9 *Community Engagement and Consultation* policy.

- **Financial**
Endorsing this Concept plan has no effect on the 2017/18 budget, the implementation of the plan will be subject to a further Council report.
- **Legal and Statutory**
Nil
- **Risk related**
Reputational - Should the Council not proceed with a concept plan for the Avon Riverfront it may cause concern within the community that the work undertaken by the working group was not valued and the Council is not observing the Strategic Plan.
- **Workforce Implications**
Nil

Voting Requirements:
Absolute Majority Required: No

OFFICER RECOMMENDATION:

“That Council:

- 1. *Endorses the revised Avon Riverfront concept plan.***
- 2. *Formally thanks the members of the Avon Park Working group for their participation and commitment to the project.”***

SY109-09/17 – Future York Heavy Haulage Route/York Bypass Options Study – Public Comment and Preferred Alignment Option

FILE REFERENCE:	TR.RDT 4
APPLICANT OR PROPONENT(S):	N/A
AUTHORS NAME & POSITION:	Colleen Thompson, Consultant Planner
RESPONSIBLE OFFICER:	Paul Crewe, Executive Manager Infrastructure and Development Services
PREVIOUSLY BEFORE COUNCIL:	19 September 2016 and 26 November 2016
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	<ul style="list-style-type: none">A. Heavy Haulage Route Options MapsB. Community Alignment Assessment Workshop NotesC. Main Roads Drop-In Sessions NotesD. Community Consultation FlyerE. Schedule of Submissions

Nature of Council's Role in the Matter:

- Advocative

Purpose of the Report:

This report presents Council with the outcomes of public consultation undertaken on the Future York Heavy Haulage Route/York Bypass route options study, and recommends nomination of a preferred option for consideration by Council.

Background:

The Shire of York, Main Roads and the Wheatbelt Development Commission are undertaking a planning study to identify a preferred option for a heavy freight corridor around the York townsite. A map of these options is attached at Appendix A.

Council considered this matter at their meetings on 19 September 2016 and 28 November 2016 and resolved the following:

"That Council:

- 1. Notes that Wheatbelt Development Commission has provided funding to Main Roads to identify a route corridor/envelop for a future potential Bypass/Heavy Haulage Route for York.*
- 2. Requests the Chief Executive Officer to work with Main Roads and Wheatbelt Development Commission to:*
 - (a) Prepare a draft Terms of Reference for the Working Group for the project and present this to Council for consideration.*
 - (b) Prepare a draft Community Engagement Plan for the project for Councils consideration."*

and

"That Council"

- 1. Endorses the Terms of Reference for the York Bypass/Heavy Haulage Working Group as attached at Appendix 1.*
- 2. Appoints members to the York Bypass/Heavy Haulage Working Group in accordance with the Terms of Reference as attached at Appendix 1.*
- 3. Endorses the Stakeholder Engagement and Consultation Plan for the project as attached at Appendix 2."*

Since then, the study has developed and considered options against a range of safety, social, economic, heritage, environmental and constructability criteria. This included four options between CBH and the Chidlow York Road and three options between CBH and York Quairading Road that cross the river.

In line with the endorsed stakeholder engagement and consultation plan, a number of consultation activities have occurred the details of which are outlined further in this report, culminating in a formal advertising period on the options during August 2017.

Comments and details:

The overall purpose of the alignment study is to identify an appropriate alignment for the bypass corridor, enabling a road reservation to be set aside and provide certainty for stakeholders and landowners. These alignments were initially the subject of a community workshop facilitated by Main Roads and the Workshop Notes are attached at Appendix B.

The approach to assessing options included a technical assessment and several drop-in sessions, the notes from these drop-in sessions are attached at Appendix C.

A multi-criteria assessment (MCA) was used to undertake a technical assessment of the options. In a MCA process, criteria reflecting social, environmental, economic and heritage factors are developed. The criteria used in the project were influenced by community feedback provided during a workshop in 2016. Each option is scored against the criteria. Criteria are also weighted to reflect their comparative importance to the decision. Based on the sum of the weighted scores, options are ranked from most to least preferred. The MCA process identified option 1 and option C as the preferred options, based on social, environmental, economic and heritage criteria; option B also performed well based on environmental criteria. Main Roads is in support of options 1 and C as they scored higher on safety, efficiency and constructability criteria.

Public comment

A community consultation flyer was sent out to the community via a letter box drop and mail out. This community consultation flyer is attached at Appendix D.

During the public comment period, 21 submissions were received. These were predominantly from landowners impacted by the various alignments.

A schedule of submissions with a response to comments made by Main Roads is provided in Appendix E.

Themes that endured through several submissions were:

- Concern that the public comment period was the first time impacted residents were directly engaged in the study
- Disagreement that a bypass is necessary when the rail line may be a suitable alternative that would have less impact
- Concerns about property impact, with questions about compensation for loss of land value and other impacts

In response to concerns about insufficient consultation, it should be noted that information on the study was provided in the local paper, newsletters, mail drops and placed on the Shire of York website.

In response to submissions suggesting that rail may be a better option for heavy haulage, Main Roads has stated that rail (Public Transport Authority) land is not available for roads and has to be preserved for future rail use. This response may not alleviate the concerns of some residents that consider investment in rail, rather than road corridors, is a more appropriate response to

heavy haulage in Western Australia. Irrespective of the nominated preferred option for the bypass alignment, it is clear that Main Roads must proactively engage with affected landowners and the community to address concerns that the bypass is essential infrastructure to support York's future and enhance the Town's amenity, and that rail alone is not a viable alternative.

In response to concerns regarding property impacts and loss of value, Main Roads has advised that affected landowners will be compensated at the time of land acquisition.

Of the submissions received, one was opposed to any bypass alignment, and three were opposed to the bypass alignment options involving river crossings. These submissions suggested that rail or existing road infrastructure (particularly in relation to river crossings) presented more appropriate alternatives.

With regard to specific preference or opposition regarding options 1 to 4 between CBH and the Chidlow York Road:

- **Option 1** - five submissions identified option 1 as a preferred option. Two submissions opposed Option 1 on the basis of property impacts – including loss of land value, access impacts, and loss of income.
- **Option 2** - three submissions opposed option 2 for reason of property, environmental, cost, visual and amenity impacts. One submission suggested option 2 might be preferred from a property impact perspective as it is the shortest option.
- **Option 3** - three submissions identified option 3 as the preferred option; one of the submissions suggested proximity to the town is important and businesses may suffer if the bypass is too far away. One submission was opposed to option 3 on the basis of property impacts – including loss of land value, access impacts and loss of income.
- **Option 4** - three submissions identified option 4 as a preferred option; one of these submissions reasoned that option 4 would provide safe access to their property and would utilise existing road infrastructure. One submission was specifically opposed to option 4.

With regard to specific preference and opposition regarding options A to C to cross the Avon River:

- **Option A** – one submission, which was opposed to all river crossings, identified option A as a preferred option if there is no feasible option; this was because it impacts the least number of people. Two submissions were opposed to the option due to property impacts – including loss of land value, access impacts, and loss of income – as well as safety and health impacts from increased traffic.
- **Option B** – three submissions identified option B as a preferred option as it reflected the least environmental impact, and less disruption to residents; one submission identified this option would provide the best access for their business.
- **Option C** – four submissions identified option C as a preferred option; one of these submissions specifically raised their operational requirements as the reason for their support. Two submissions were specifically opposed to the option due to property impacts – including loss of land value, access impacts, and loss of income – as well as specific safety concerns regarding intersection of the bypass alignment with Top Beverley Road.

Preferred option

An option that performs technically well and generally reflects the views of the community is considered most appropriate for the future.

The technical assessment undertaken identified Option 1 as the preferred option between CBH and the Chidlow York Road; Main Roads advised this was also supported by the feedback from early community consultation. Subsequent public comment has identified that there is both opposition and support for the option. Opposition relates to property impacts. This will occur with

any option for the bypass, and submissions provide more support for option 1 than the others. Therefore, option 1 appears to reflect the best balance from a community perspective, as well as reflecting a preferred technical outcome. Therefore, it is recommended that option 1 be nominated as the preferred option between CBH and the Chidlow York Road.

With the river crossings, the technical assessment identified option C as preferred, with option B also rating well against environmental criteria. Consultation outcomes did not give a strong preference between the options, with both options drawing both preference and opposition in submissions. Whilst some community submissions raised safety concerns regarding option C, Main Roads has advised that detailed design can manage these concerns and option C rated more highly on safety criteria than option B. Considering that there is not a clear preference in the community, on a preferred option, on balance the preferred technical option from the Multi Criteria Assessment denotes the most appropriate response. Therefore, it is recommended that Option C be nominated as the preferred option for the river crossing.

Implications to consider:

- **Consultative**

'Drop In' Sessions were held in December 2016 and March 2017 and Main Roads engaged with approximately 40 community members regarding the project.

A Community Forum, designed to gain input from the community regarding the need for a future bypass and feedback on the potential alignment was held at the York Recreation Centre on 29 May 2017. The forum was advertised on local radio, in the local newspaper, via posters in the town and through invitations sent to all mail boxes in York. Fourteen community members attended the forum.

The community confirmed that there is need for a future bypass and provided feedback on the evaluation criteria against which the alignments were assessed. Feedback was also given on the several identified alignments.

The recent public comment period has provided additional opportunity for the community and affected landowners to provide feedback.

- **Strategic**

The overall purpose of the alignment study is to identify an appropriate alignment for the bypass corridor, enabling a road reservation to be set aside and provide certainty for stakeholders and landowners. This will likely influence the current review of the Local Planning Strategy and Scheme being undertaken by the Shire.

- **Policy related**

Consultation on the project was undertaken in accordance with a stakeholder engagement and consultation plan endorsed by Council in accordance with Council Policy G2.9 *Community Engagement and Consultation*.

- **Financial**

The Wheatbelt Development Commission has provided funds to Main Roads to undertake the investigation into the corridor for the proposed bypass/heavy haulage route.

There are no funds identified at this time for construction.

Reservation of private land to protect the corridor from inappropriate development ahead of construction may trigger the requirement for compensation in accordance with the *Planning and Development Act 2005*. The Shire will continue to liaise with Main Roads and the Department of Planning, Land and Heritage to consider the financial implications of this. The review of the local planning strategy will consider the most appropriate

planning mechanisms, to ensure the Shire does not incur land costs associated with state infrastructure.

- **Risk related**

A key risk in the progression of the preferred alignment is related to potential financial implications for the Shire if land is reserved for the preferred alignment through the Shire of York scheme. The local planning strategy review will consider appropriate planning mechanisms to manage this risk.

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION:

“That Council:

- 1. Thanks the community for the input into the project to date including the submissions received on the options for the York Bypass/Heavy Haulage route.***
- 2. Nominates Option 1 and Option C, as shown in Appendix A, as the Shire of York’s preferred alignment for the York Bypass/Heavy Haulage route.***
- 3. Requests the Chief Executive Officer to notify Main Roads of Council’s position.”***

SY110-09/17 – Swearing in Ceremony – Local Government 2017 Elections & Change to October Council Meeting Date

FILE REFERENCE:	OR.ELN.3.5 & ORG.MTG
APPLICANT OR PROPONENT(S):	Shire of York
AUTHORS NAME & POSITION:	Natasha Brennan, Administration & Governance Coordinator
RESPONSIBLE OFFICER:	Suzie Haslehurst – Executive Manager, Corporate and Community Services
PREVIOUSLY BEFORE COUNCIL:	Nil
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Nil

Nature of Council's Role in the Matter:

- Executive
- Legislative

Purpose of the Report:

This report seeks Council approval to change the Ordinary Council Meeting in October from 23 October to 30 October 2017 and to hold a Special Council Meeting to conduct the swearing in ceremony of newly elected members following the 2017 Local Government Elections.

Background:

Previous arrangements for swearing in of newly elected Councillors and the holding of the October Council Meeting has been for the election to be held on the third Saturday, the swearing in ceremony on the following Monday morning and an Ordinary Council meeting in the same afternoon.

Comments and details:

The proposed change of date is to allow newly elected members to be inducted and briefed on the current Council Agenda, following the Local Government Elections held Saturday 21 October 2017.

The proposal submitted for Council's consideration is as follows:

1. Elections held Saturday 21 October 2017, set by statute
2. Agenda reports to be distributed to newly elected members on Saturday evening
3. Special Council Meeting Swearing in ceremony to be conducted at 5.00pm on Monday, 23 October 2017, followed by Induction & Agenda Briefing in the following week.
4. Monday 30 October 2017 Council Meeting at Greenhills, 5.00pm

Moving the October Council Meeting date back one (1) week, will allow newly elected members more time to familiarise themselves with local government processes and procedures and their role as a Councillor, prior to attending their first Council Meeting.

It is important that Councillors have the opportunity to gain maximum knowledge and understanding of any issue presented to the Council on which they must vote. Moving the Council Meeting back will assist with this.

Options:

If the October Council Meeting is not moved back one (1) week, the Council can still conduct the swearing in ceremony on Monday 23 October 2017, followed by the induction & agenda briefing and then hold the October Meeting in Greenhills on the same day being, Monday 23 October 2017 at 5.00pm.

Implications to consider:

- **Consultative**
Nil
- **Strategic**
Theme 5: Strong and Effective Leadership
5.1 Effective & informed governance & decision-making
- **Policy related**
G1.5 *Induction for Councillors*
- **Financial**
Nil
- **Legal and Statutory**

Local Government Act 1995

5.4 *An ordinary or a special meeting of a council is to be held —*

- (a) *if called for by either —*
 - (i) *the mayor or president; or*
 - (ii) *at least $\frac{1}{3}$ of the councillors,*
in a notice to the CEO setting out the date and purpose of the proposed meeting; or
- (b) *if so decided by the council.*

2.29 Declaration

- (1) *A person elected as an elector mayor or president or as a councillor has to make a declaration in the prescribed form before acting in the office.*
- (2) *A person elected by the council as mayor, president, deputy mayor or deputy president has to make a declaration in the prescribed form before acting in the office.*
- (3) *A declaration required by this section is to be taken or made before a prescribed person.*
- (4) *A person who acts in an office contrary to this section commits an offence.*

Penalty: \$5 000 or imprisonment for one year.

Local Government (Constitution) Regulations 1998

13. *Oaths, affirmations and declarations (s. 2.29, 2.42)*

- (1) *For the purposes of sections 2.29 and 2.42 —*
 - [(a), (b) deleted]*
 - (c) *the form of declaration for a mayor, president, deputy mayor, deputy president or councillor is that in Form 7;*
 - (d) *the form of declaration for a commissioner is that in Form 8.*

- **Risk related**
Poor decision making if Councillors are not given enough time to prepare, prior to the Council Meeting.
- **Workforce Implications**
Nil

Voting Requirements:
Absolute Majority Required: **No**

OFFICER RECOMMENDATION:

“That Council:

- 1. Decides to hold a Special Council Meeting to conduct the Swearing in Ceremony and Election of the Shire President and Deputy Shire President at 5.00pm Monday 23 October 2017.***
- 2. Notes the Chief Executive Officer will commence an Induction Programme and Agenda Briefing Session for the newly elected Councillors during the week commencing Monday 23 October 2017.***
- 3. Changes the date of the October Ordinary Council Meeting from 23 October 2017 to 30 October 2017 at Greenhills.***
- 4. Requests the Chief Executive Officer to advertise the change of date accordingly.”***

SY111-09/17 – Update of Council Policies

FILE REFERENCE:	OR.CMA.4
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:	28 January 2015 22 February 2015 24 October 2015
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	A. Draft Alcohol and Other Drugs Policy B. Revised Procurement Policy C. Final Draft Social Media Policy D. Draft Internal Control Policy E. Draft Legislative Compliance Policy

Nature of Council's Role in the Matter:

- Legislative
- Review

Purpose of the Report:

This report seeks Council's consideration and adoption of five policies that have been either drafted, advertised or updated.

Background:

A key mechanism for the Council to direct the Shire organisation and provide guidance to the community is through the adoption of policies which set out courses or principles of action. The development and management of Council policy is an ongoing process. It is important that the Council policies are kept up to date on a regular basis.

Council's role to determine the policies of the Local Government is set out in Section 2.7 of the *Local Government Act 1995*. Major policy development work was undertaken in 2016 and Council adopted a package of policies that were aimed at representing good governance practices in guiding decision-making and operational matters and establishing appropriate standards of governance and probity.

As policies require review or new policies are developed, these are presented to Council for consideration and adoption.

Comments and details:

Draft Alcohol and Other Drugs Policy

The effects of both alcohol and other drug use during and outside of work hours can have a significant negative impact on workplace health, safety and productivity. As a risk management strategy and in order to meet the Shire's obligations with regards to occupational health and safety, it is proposed that Council adopts an Alcohol and Other Drugs Policy for the Shire of York. This was an issue raised in the Shire's Workforce Plan.

Officers have drafted a policy for Council's consideration which is attached at Appendix A to this report. The policy has been developed with regard to similar policies developed by a number of other local governments as well as information provided by LG People and LGIS. The draft policy has been distributed to all Shire staff for comment and once adopted, the policy will be supported by internal operating procedures for implementation.

The Policy allows the Shire to reserve the right to conduct random testing (either blanket or targeted) as well as 'for cause' testing where impairment due to the use of alcohol or other drugs is suspected.

F1.2 Procurement Policy

In March 2017, Moore Stephens conducted a review in accordance with Regulation 17 of the *Local Government (Audit) Regulations 1996* (the Review). One of the issues raised in the Review relates to Council's policy *F1.2 Procurement* (referred to as the Purchasing Policy in the Review) with a focus on consistent probity and assessment for all procurement and contract variations and extensions. Officers are proposing to amend the policy to reflect the improvements suggested by Moore Stephens

Furthermore, when the latest iteration of this policy was adopted, the Shire's organisational structure included a Works Manager with responsibility for authorising payments up to \$10,000 in accordance with Policy F1.2. It was determined not to fill this position in the short term when the incumbent resigned in February this year. The revised policy proposes to remove this authority and is attached at Appendix B for Council's consideration and adoption.

G2.8 Social Media Policy

At the OCM held 24 July 2017, it was resolved:

That Council:

- 1. Approves G 2.8 Social Media Policy as attached at Appendix A to this agenda for public advertising for a period of four (4) weeks; and*
- 2. Requests the Chief Executive Officer to report back to Council."*

The draft policy was placed on the Shire's website and information included in the Shire's page in the Community Matters. No submissions were received. Therefore, this report requests Council to adopt the draft policy without amendment as attached at Appendix C to this report.

F1.1 Revenue Collection

When Council reviewed and adopted its new tranche of policies in 2016, there was a desire to ensure that recovery of outstanding debts was undertaken with a degree of sympathy for ratepayers that had experienced financial hardship. Therefore, the following was included in the policy:

"that account is taken of the circumstances of people with debt owing to the Shire and every attempt is made to structure payments in a way that ensures repayment but minimises distress before instituting external debt collection or recovery of debt, provided that the debtor is judged to be acting in good faith".

The Shire has therefore entered into a number of payment arrangements in accordance with the policy. However, this has resulted in a number of debtors proposing such small repayment amounts that, due to interest accrued and subsequent rates issued, the initial debt is unable to be recovered and the amount outstanding continues to increase. This makes it difficult for the Shire to recover the outstanding amounts and therefore decrease the amount of outstanding rates and sundry debts owed to the Shire.

In a separate report included in this agenda, officers are seeking Council's approval to award a tender for the Shire's debt collection services. It is proposed that once the contract is awarded, officers work with the agency appointed to review the Shire's policies and procedures with regard to debt collection to improve the rate of recovery of outstanding rates and sundry debts.

Draft Internal Control Policy and Legislative Compliance Policy

Contained within the minutes of the Audit Committee meeting presented to Council at the August OCM, was the review undertaken by Moore Stephens in accordance with Regulation 17 of the *Local Government (Audit) Regulations 1996* and a proposed Risk Improvement Plan. In the review, it was noted that no policy on internal controls or legislative compliance had been adopted by Council. These were both rated as "high" risk issues by Moore Stephens.

In consultation with the Risk Working Group – an internal working group consisting of officers across the organisation – officers have developed a draft Internal Control policy as attached at Appendix D to this report and a Draft Legislative Compliance policy as attached at Appendix E for Council's consideration and adoption.

Options:

Council could choose not to adopt the abovementioned policies. However, as outlined previously, the development and management of Council policy is an ongoing process and it is important that the Council policies are kept up to date on a regular basis.

Furthermore, the Shire's Audit Regulation 17 Review has identified that certain Shire policies require review and update.

Implications to consider:

- **Consultative**

Shire staff have been consulted regarding the proposed Alcohol and Other Drugs Policy. Limited feedback has been received but the general consensus is that this is a positive step in ensuring the safety and well-being of staff as long as the principles of the policy are applied consistently across the organisation. The Australian Services Union also provided feedback which suggested a number of changes. However, officers are confident that the internal procedures to be developed in order to implement this proposed policy will address some of the suggestions made by the union.

The Internal Control Policy and Legislative Compliance Policy have been developed with the input of the Risk Working Group.

The proposed new policies have also been developed with regard for similar policies of other local governments including;

- Shire of Jerramungup
- Shire of Busselton
- Shire of Broome
- Shire of Mundaring
- Shire of Toodyay
- Shire of Plantagenet

- **Strategic**

The Shire's Strategic Community Plan includes outcomes that relate effective governance as follows:

Theme 5: Strong and Effective Leadership

5.1 *Effective and informed governance and decision-making*

5.4 *Open and accountable systems*

- **Policy related**
 - F1.1 Revenue Collection*
 - F1.2 Procurement*
 - G2.8 Social Media*
 - Proposed H1.1 Alcohol and Other Drugs*
 - Proposed G4.7 Internal Control*
 - Proposed G4.8 Legislative Compliance*
- **Financial**

The adoption of an Alcohol and Other Drugs Policy will have some financial implications relating to the testing to be undertaken by a qualified service provider.
- **Legal and Statutory**

Local Government Act 1995

2.7 Role of Council

- (2) *Without limiting subsection (1), the council is to —*
- (a) oversee the allocation of the local government's finances and resources; and*
 - (b) determine the local government's policies.*

- **Risk related**

The continual review and improvement of Council policy is in itself a risk management strategy aimed at mitigating risks to the Shire's reputation, finances and operations as well as the health and well-being of Shire staff and the broader community.
- **Workforce Implications**

The establishment of a Facebook page will have resource implications. The CEO will manage the engagement of the page within budget allocations made by Council.

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION:

"That Council

- 1. *Adopts the following new policies of Council as attached to this report:***
 - a) H1.1 Alcohol and Other Drugs***
 - b) G2.8 Social Media***
 - c) G4.7 Internal Control***
 - d) G4.8 Legislative Compliance***
- 2. *Adopts the amended policy F1.2 Procurement as attached to this report.***
- 3. *Requests the Chief Executive Officer to update Council's Policy Manual accordingly."***

SY112-09/17 – Shire of York Age-Friendly Community Plan

FILE REFERENCE:	AS.QTN.8; OR.CMA.2.7
APPLICANT OR PROPONENT(S):	Shire of York
AUTHORS NAME & POSITION:	Suzie Haslehurst – Executive Manager, Corporate and Community Services
RESPONSIBLE OFFICER:	Suzie Haslehurst – Executive Manager, Corporate and Community Services
PREVIOUSLY BEFORE COUNCIL:	22 May 2017 24 June 2017
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	A. Draft Age-Friendly Community Plan B. Consultation Report

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

This report presents the draft Age-Friendly Community Plan for Council's consideration and adoption.

Background:

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

While the initial grant conditions stipulated a completion date of 30 June 2017, officers applied for and received an extension to 31 October 2017.

Following a Request for Quotation process, *Localise* was engaged to develop an Age-Friendly Community Plan for the Shire of York and the following process was agreed.

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

In May 2017, Council established the Age-Friendly Community Plan Reference Group and in June 2017, it was resolved:

“That Council:

1. *Thanks those members of the community who expressed interest in joining the Age-Friendly Community Plan Reference Group;*

2. *Appoints Cr Heaton and Cr Ferro to the Age-Friendly Community Plan Reference Group along with the following community members;*
 1. *Ms Maisie Tomkins*
 2. *Mr Geoff Feddersen*
 3. *Mr Kevin Trent*
 4. *Ms Gwen Gentle*
 5. *Ms Liz Christmas*
 6. *Ms Jean Anderson*
 7. *Ms Glenys Krieg*
 8. *Dr Duncan Steed*
3. *Requests the Chief Executive Officer to update the Terms of Reference for the Age-Friendly Community Plan Reference Group and notify members accordingly.*
4. *Appoints Cr Walters as Deputy to Crs Heaton and Ferro."*

Localise has now completed all of the agreed stages in the process and the Draft Age-Friendly Community Plan is presented for Council's consideration.

Comments and details:

The project included a comprehensive community engagement plan to encourage participation and to inform the development of the Plan. This included a Seniors Satisfaction Survey completed by 95 residents, 2 x community focus group sessions which were poorly attended and a combined service provider/community focus group session attended by 18 participants. A total of 119 people participated in the combined engagement activities. A Consultation Report is attached at Appendix B to this report.

A meeting of the Age-Friendly Community Plan Reference Group was held on 21 August 2017 where members discussed the generally low participation rate in the engagement process and the following observations were made;

- the timing of the project did not coincide with the deadline for the Shire's only (monthly) print media outlet;
- notices placed on public noticeboards need to be larger and more numerous;
- more thought needs to be given to how seniors are engaged (ie more traditional methods as opposed to online communications);
- there are lingering trust issues for some residents and the Shire needs to continue working to overcome these issues by being responsive to feedback provided by the community.

Nevertheless, at the briefing with Councillors held later on 21 August, *Localise* representatives confirmed that the highest levels of dissatisfaction centred on health and community services (ie hospital, medical treatment) and transport and movement. These findings are consistent with the responses received during the Community Survey undertaken in February of this year.

Councillors were asked to provide some direction regarding the priorities for action based on the findings of the consultation which informed the final draft Plan prepared by *Localise*.

Proposed actions in the Draft Plan are grouped into the major pillars suggested by the World Health Organisation as follows;

- Health and community services with Council's focus proposed to be on advocating for a local GP.
- Outdoor spaces and buildings – the provision of and signage for public toilets in the CBD as the highest priority.
- Transport and movement – improvements to and maintenance of the footpath network.
- Housing – issues relating to maintenance and/or modifications for seniors and availability of options.

- Sport and recreation – this area was considered by most respondents as a low-medium priority.
- Social participation – accessibility of Council chambers was noted and suggestions to improve accessibility have been proposed.
- Respect and inclusion – accessible communication remains a high priority
- Civic participation and employment – increasing access to volunteering opportunities for seniors was seen as a high priority

The Draft Age-Friendly Community Plan was provided to the Reference Group for feedback at a meeting held on 6 September. Generally, the Group was satisfied that the Plan captures the priorities identified through the consultation process and only minor amendments were suggested to the actions which have been incorporated in the final draft.

Implications to consider:

- **Consultative**

As outlined previously. See Appendix B to this report. Given the relatively low participation in the engagement process, officers are proposing that the final draft is publicly advertised for public submissions to provide a further opportunity for community feedback.

- **Strategic**

The development of an Age-Friendly Community Plan is included in the Corporate Business Plan to address the following outcomes in the Shire's Strategic Community Plan 2016-2026 and will inform future investment in this area.

- **Theme 1: A Place to Live**

- 1.2 Older citizens feel valued, safe and included, and that their wealth of knowledge and skills is useful to the community's future.
- 1.4 There are few barriers to people moving safely, freely and easily around the town of York and rural townships and to other communities.
- 1.5 Health, disability and family support services are accessible and locally provided wherever possible.
- 1.6 There is affordable and appropriate housing choice which allows people to stay in the Shire throughout their lives.

The Age-Friendly Community Plan will become an informing document to the Shire's Strategic Community Plan and Corporate Business Plan in accordance with the *Integrated Planning and Reporting Framework*.

- **Policy related**

G 2.5 *Reference Groups*

G 2.9 *Community Engagement and Consultation*

- **Financial**

The Age-Friendly Community Plan will inform annual budget considerations.

- **Legal and Statutory**

Nil

- **Risk related**

There is a risk that given the low engagement participation, the issues identified could be called into question. However, given the experience of the chosen consultants in this field, and the fact that the findings are consistent with the Shire's Community Survey undertaken earlier in the year, officers are confident that the issues raised are relevant.

- **Workforce Implications**

Any actions resulting from the adoption of the Age-Friendly Community Plan will be undertaken within existing staff resources over a period of time.

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION:

“That Council:

- 1. Endorses the Draft Age-Friendly Community Plan for the purposes of public advertising;***
- 2. Requests the CEO to advertise the plan with a closing date of 13 October 2017 for submissions and report to Council any feedback received.”***

SY113-09/17 – York Recreation and Convention Centre – Future Management Model

FILE REFERENCE:	CCP.7
APPLICANT OR PROPONENT(S):	Shire of York
AUTHORS NAME & POSITION:	Suzie Haslehurst, Executive Manager Corporate & Community Services
RESPONSIBLE OFFICER:	Suzie Haslehurst, Executive Manager Corporate & Community Services
PREVIOUSLY BEFORE COUNCIL:	OCM 28 November 2016 SY141-11/16 OCM 27 February 2017 SY14-02/17 OCM 24 April 2017 SY039-04/17 OCM 26 June 2017 SY069-06/17
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	A. Report – SGL Consulting B. YRCC Operating 2012-17

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

This report presents the outcome of work undertaken by SGL Consulting Group and seeks Council's direction regarding the future management of the York Recreation and Convention Centre (YRCC).

Background:

At the OCM held 24 June 2017, it was resolved;

"That Council requests the Chief Executive Officer to:

- 1. Engage SGL Consulting Group to develop and provide an outline of the Goomalling Model outsourced Model 1 and outsourced Model 2 for the YRCC including;*
 - (a) proposed operating details and how each model could work;*
 - (b) financial implications;*
 - (c) the advantages and disadvantages of each model; and*
 - (d) a recommendation of the model that provides the best outcome for the Shire, users and the community.*
- 2. Report back to Council with a recommended course of action and timeline for implementation."*

Following the above resolution, Philip Gray from SGL Consulting Group visited York on 19 and 20 July 2017 and conducted the following;

- Drop-in session: 1-5pm on 19 July at the YRCC
- User Group meeting: 6-7.30pm on 19 July at the YRCC
- Council briefing: 9am on 20 July in Council Chambers

The final report has now been received and is presented to Council for consideration.

Comments and details:

SGL Consulting Group (SGL) has provided a report which outlines the following;

- Introduction and background
- Current Operations including financial information
- Consultation

- Proposed Management Models
- Recommended Model including an implementation plan and timeline

The recommended model is to establish an incorporated association to manage the bar, kitchen and gymnasium facilities at the YRCC. This recommendation was made following consideration of the three models proposed at the June OCM, the feedback received, and an analysis of each model against the following criteria;

- YRCC building operating subsidy provided by Council is reduced
- Sports clubs can generate revenues from YRCC
- An asset management plan for YRCC is implemented which ensures the structural maintenance of YRCC to a standard acceptable to Council
- Competitive neutrality is maintained
- YRCC is maintained and cleaned on a day to day basis to an appropriate standard
- YRCC remains a family friendly community hub
- Sporting club fees for use of Forrest Oval Sporting Precinct are consistent
- The management model is endorsed by the general York community

The above criteria were weighted according to importance based on the feedback received and Council direction.

Officers are supportive of this recommendation for the future management of the YRCC because the option allows for the ongoing provision of a bar and kitchen run by an incorporated association rather than the Shire of York. In this model, the Shire still retains responsibilities for the management, maintenance and cleaning of the site commensurate with general provision of recreation facilities by local government across the State.

It is acknowledged that implementing such a change in management models will take time to achieve if it is to be sustainable. As such, SGL has included as part of the recommendation a timeline for implementation. The timeline proposed by SGL recommends a contract start date of 1 July 2019. This allows the formation and constitution of a York Sports Association (YSA), negotiation of the management contract conditions and a period of joint management by the YSA and the Shire during the 2018/19 financial year.

Officers are supportive of the proposed timeline as it:

- Will provide for time for the association to be established and to build the capacity of the association before it assumes full responsibility.
- Recognises that negotiations between the soon to be formed association and the Shire will need to take place and be finalised prior to the final handover.
- Allows the Shire to investigate the possibility of funding for a Club Development Officer to provide support to the clubs.

SGL has proposed that a working group be established to progress this transition of management models.

It should be noted that at this point in time, the concept of forming an incorporated association has not been formally agreed upon with the sporting and community organisations potentially involved.

On this basis, Officers are recommending the following course of action to Council for consideration:

- Indicate its preferred management model for the future of the YRCC and timeline for implementation as identified in the SGL report.
- Request the Chief Executive Officer to write to the user groups at the YRCC seeking their position with regards to the proposed new management model and timeline.

It is proposed to write to the user groups particularly as they will be required to be part of the association referred to in the SGL report.

Options

Council could prior to making a decision on its preferred management model, advertise the SGL Report for a period of public comment. Officers are not recommending this option as there has been opportunity for public input on the matter.

Implications to consider:

- **Consultative**

- Department of Racing, Gaming and Liquor
- YRCC sporting clubs and other users
- SGL Consulting Group
- Community

If Council wants to implement the recommended management model it would be proposed to establish a working group comprising representatives from the Shire (Elected Members and Officers), user groups of the YRCC and community member(s). It is envisaged a report will be presented to Council in October to consider establishing such a group following receipt of feedback from the user groups on this management model.

- **Strategic**

As discussed previously, a review of the YRCC management has been included as a strategic priority in Year One of the *Corporate Business Plan 2016-2020* adopted by Council in May 2016.

- **Policy related**

The review process has and will, consider the following policies of Council;

- C 1.3 *Community Funding*
- CP 1.4 *Local Government Resource Sharing*
- F 1.2 *Procurement*
- G 1.10 *Workforce and Human Resources*
- G 2.9 *Community Engagement and Consultation*
- G 3.2 *Fraud, Corruption and Misconduct Prevention*
- G 4.3 *Financial Planning and Sustainability*
- G 4.5 *Asset Management*
- G 4.6 *Risk Assessment and Management*

- **Financial**

The operating subsidy for the YRCC budgeted for 2017/18 is \$213,000. While officers will be undertaking a review of operations during 2017/18, this level of subsidy is expected to continue until the proposed contract start date. At this time, it is anticipated that the operating costs of the centre will be reduced due to;

- Volunteers performing some of the bar and kitchen functions currently undertaken by paid staff
- Reduction of the constraints of the *Local Government Act 1995* and generous Enterprise Bargaining Agreement conditions.

However, the Shire has a responsibility to provide sport and recreation facilities for the community. Therefore, it is expected that the Shire will continue to contribute to the operation of the precinct and the centre. The details of this subsidy will form part of the negotiations of the management contract.

- **Legal and Statutory**

Nil

- **Risk related**

The sporting clubs have expressed concerns regarding the capacity of the clubs to operate the YRCC. This is acknowledged and the proposed timeline is recommended in order to mitigate this risk. In addition, the following actions will assist in this area;

- officers working with the clubs to develop a Volunteer Management Strategy
- the Shire investigating funding from the Department of Local Government, Sport and Cultural Industries for a Club Development Officer
- ensuring that a comprehensive and up to date operating manual is available at the time of handover.

- **Workforce Implications**

The Shire will need to take into account its obligations under the *Shire of York Inside Staff Enterprise Agreement 2016* and the *Fair Work Act 2009*. Officers will need to administrate and provide significant input into the working group once it is established.

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION:

“That Council;

- 1. Receives the report prepared by SGL Consulting regarding the management of the York Recreation and Convention Centre;***
- 2. Agrees to the recommended management model and associated timeline for the bar, kitchen and gymnasium facilities as outlined in the SGL Report;***
- 3. Requests the CEO to write to the user groups of the YRCC seeking their position on the proposed new management model and associated implementation timeline as outlined in the SGL Report by Friday 13 October 2017.”***

SY114-09/17 – Councillors Professional Development for the Period April – September 2017

FILE REFERENCE: OR.CLR.2
APPLICANT OR PROPONENT(S): N/A
AUTHORS NAME & POSITION: Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL: Nil
DISCLOSURE OF INTEREST: Nil
APPENDICES: A. Reports from Councillors

Nature of Council's Role in the Matter:

- Review

Purpose of the Report:

The purpose of this report is to formally present Council with reports from Councillors on any Professional Development events attended within the last 6 months.

Background:

Council policy *G 1.2 Councillors: Professional Development* requires the following:

6. Report Back

- 6.1 *Within 30 days of attending a Professional Development event of more than one day duration, the Councillor must submit an individual or combined report for inclusion on the Council agenda. It must identify major points of interest for the Shire and where relevant comment on any future relevance for the training program.*

Comments and details:

Attached to this report is a copy of reports received by the Chief Executive Officer from Councillors attendance at Local Government Week 2017.

Options:

Nil

Implications to consider:

- **Consultative**
Nil
- **Strategic**
Nil
- **Policy related**
This item addresses the reporting requirements of Council Policy *G 1.2 Councillors: Professional Development*.
- **Financial**
Nil
- **Legal and Statutory**
Nil
- **Risk related**

Nil

- **Workforce Implications**
Nil

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION:

“That Council notes the individual reports from Councillors attached to this agenda item in accordance with Policy G 1.2 Councillors Professional Development.”

SY115-09/17 – Proposed Christmas Decorations 2017

FILE REFERENCE: CS.CEV.8
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: 22 August 2016
24 October 2016
DISCLOSURE OF INTEREST: Nil
APPENDICES: A. 2017 Proposed Additional Christmas Images for Banners and Card

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

This report presents for Council's consideration the proposed Christmas Decorations for Christmas 2017.

Background:

To provide input into the Christmas Decorations in 2016 Council established a Christmas Decorations Working Group. This group provided recommendations to Council at its Ordinary Council Meeting, 24 October 2016 and resolved the following:

"That Council:

- 1. Approves the concepts developed by the Christmas Decorations Working Group as outlined in the agenda report including the following:*
 - Main street banners to be purchased and designed utilising images from the Residency Museum Christmas card collection*
 - Purchase of bin panels designed using the Residency Museum Christmas card theme, with bin replacement costs to be allocated to the beautification of York project.*
 - Christmas Tree purchase and installation at the York Courthouse complex recessed area.*
 - Installation of three life sized Christmas cards at Settlers courtyard, Imperial Hotel grassed area and the Heritage Wagon.*
 - Laser lighting rebate available to all businesses who wish to purchase and install laser lighting for the purpose of shopfront decorating, to the rebate value of \$50.00*
 - Best Decorated Business Competition for all businesses in the Shire including a perpetual trophy*
 - Children's Christmas walk encouraging children and their families to look and find designated animals and locations within the York CBD*
- 2. Thank the working group for their time and contribution and looks forward to the concept being future developed for the 2017 Financial Year."*

The decorations and initiatives as resolved above by Council were installed throughout November and remained on display throughout January 2017.

Officers met with working group members twice following the 2016 Christmas period to evaluate the community's response and satisfaction levels regarding the installation of the new Christmas Decorations.

Below is a summary of the feedback received:

What worked well

- The unique heritage theme chosen for the life-sized Christmas cards, banners, and bin surrounds
- Addition of new bin surrounds along Avon Terrace
- Addition of new banners along Avon Terrace continuing the heritage theme
- Placement of the life-sized Christmas card on the Heritage Wagon
- Purchase of the Community Christmas Tree, decorations, and its location in the centre of town
- The interactivity for the public that the Christmas card on Avon Terrace near Settlers House offered.
- High number of entries received for the Best Decorated Business Competition
- The incentives offered through the business laser lighting rebate scheme.

Opportunity for Improvements

- To improve the visual appeal and public accessibility of the Christmas Card located at the Imperial Hotel. It is proposed the card could be relocated this year.
- To increase lead in times to effectively advertise the Children's Christmas Walk for residents and visitors to participate.
- To coincide the turning on of the Community Christmas tree lights with the Christmas Festival, organised by the Volunteer Workers Organisation, held on Saturday 2 December ,2017. Council has previously provided funding through the Community Funding Program for an expansion of the Children's Christmas Party this year to include the Christmas Festival. It is proposed that turning on the lights this year occurs as part of this community celebration held on Saturday 2 December 2017.

Comments and details:

Following the successful response received by the community, it is recommended that the existing decorations purchased in 2016 be installed again for the 2017 Christmas period. The details of these decorations and initiatives are detailed below for Council's consideration:

Main Street Banners Three double sided street banners with images selected from the Residency Museum collection of Christmas cards to be installed on existing street banner poles along Avon Terrace.

Christmas Cards Three life size (approx. 1.8m) Christmas greeting card, replicating images from the Residency Museum collection. Placement of the cards is recommended to again be the Heritage Wagon and entrance to Settlers courtyard. The card previously located at the Imperial Hotel this year be located at the Castle Hotel (facing Avon Terrace)

Bin Surrounds Christmas themed images sourced from the Residency Museum collection to appear on nine bin surrounds along Avon Terrace as per 2016.

Christmas Tree Placement of the 6m Christmas tree with LED lighting at the recess / alcove between the York Courthouse Complex and York Motor Museum as per 2016.

Best Decorated Business Competition The Shire continue to run a Best Decorated Business competition with over 20 businesses entering last year's competition. It is proposed to allocate some of the funds from the budget for prize money. If Council is supportive, it would be recommended that nominations close 3 December. This will ensure that businesses are

decorated to coincide with the Christmas party and allow for judging to occur and prizes presented at the December Ordinary Council meeting.

Business Lighting Main street businesses would be encouraged to purchase and install laser lighting or up lighting to their shopfronts, to add night interest and decoration to Avon Terrace. A rebate of 50% to offset the costs of purchasing and installing the lights would be available on application and proof of receipts provided within the rebate application process. Officers suggest the capped amount of \$50 per application remain. With additional time this year more promotion of this rebate can occur which will hopefully encourage take up of the offer.

Children's Christmas Walk Maps will be available at the Visitors Centre for children and their families to 'look' for a series of local stops in the CBD 'find' the animal hidden at the location to complete the map. Completed entries can be returned to the Visitors Centre with a winner drawn at the Ordinary Council Meeting 19 December.

Given the Shire's significant investment in decorations last year, it is proposed to build upon this theme. Officers recommend the following new decorations be considered by Council for the 2017 Christmas period.

Christmas Card Purchase of one life size (approx. 1.8m) Christmas greeting card, replicating images from the Residency Museum collection, adding to the existing three cards purchased in 2016. Placement of the card is suggested to be outside Barclay Books, along Avon Terrace, providing decorative interest to this end of the main street. Structures and fixings are organised for secure installation of the cards and the appropriate permissions will be obtained where required.

Additional Banners – Purchase of nine double sided street banners with images selected from the Residency Museum collection of Christmas cards to be installed on existing street banner poles along Balladong Street and Great Southern Highway.

Further details on the images proposed to be used can be located at **Appendix 1**. It is proposed to use the most Christmas orientated images from the Residency Museum Christmas card collection as previous years. Officers consider the Christmas card collection continues York unique Christmas theme, which was well received by visitors and residents in the previous year.

Decorative hanging pieces – Working Group members have suggested decorative pieces to be placed along Avon Terrace, under awnings and installed on existing banner poles to create a combination of colour and festivity that would complement the heritage Christmas card imagery. It is proposed that these would be made by the members of the Working Group using materials purchased from the budget allocation. However, considering the current budget restraints including installation costs, Officers suggest the street decorations proposal be considered again in future Christmas decoration proposals unless savings can be made with the procurement of the new decorations proposed.

A detailed budget has been prepared for these items and is outlined further in the report for Councils information.

Summary

The Shire received positive feedback on the decorations and initiatives implemented as part of Christmas in 2016.

The allocation of \$10,000 for new decorations for the 2017 Christmas period has meant that an approach has had to be developed which builds upon the existing theme by being consistent and focused upon the entry to town. These are also considered to achieve increased impact given the proposed location of banners along Henrietta Street and Panmure Road.

Options:

Council has the following options in regard to building upon the theme of decorations from 2016:

- Purchase 4 new life size Christmas cards using the \$10,000 which could be in the CBD and not replace the existing banners along Henrietta Street and Panmure Road. This option has merit as the cards proved most popular through community feedback and is consistent with York's Christmas theme, however does not equally consider the working groups comments or recommendations proposed.
- Not install any new decorations this year and save the \$10,000 for other Shire initiatives. With a significant budget allocated in 2016 and a positive community response to the Christmas decorations and initiatives achieved, Council could resolve to retain the 2017/18 budget allocation and investigate other projects that require potential funding. Equal consideration however should be given to Council's commitment to revitalise Avon Terrace and the level of Community satisfaction received through the delivery of the 2016 Christmas decorations.

Implications to consider:

- **Consultative**

It should be noted that since the inception of the Working Group three members have resigned. This has meant that the last two times the group has attempted to meet a quorum has not been achieved. On these occasions, an informal discussion has taken place with those members present, Councillors and Officers. Officers recommend Council considers the future tenure, membership and purpose of the Christmas Decorations Working Group following the upcoming elections when all Shire Committees and Working Groups are reviewed.

- **Strategic**

The installation of Christmas Decorations continues to support Council's commitment to revitalise Avon Terrace and is identified as an action in the Shire's Corporate Business Plan and priorities from the recent Community Survey. Officers also consider the branding of the additional Christmas orientated images reflect the focus on heritage interpretation the Shire is using as a tourism platform.

- **Policy related**

The Shire's *F1.2 Procurement Policy* will be adhered to in the sourcing of goods and services.

- **Financial**

A budget allocation of \$10,000 through GL 132301 Purchase of Christmas Decorations has been included in the 2017/18 FY budget for additional Christmas Decorations. A detailed budget which identifies materials and shire staff time has been prepared and is included within this report.

Item	Description/Comment	Budget Costs
Children's Christmas walk	Printing of walk maps, prizes, and advertising	\$ 400
Laser lighting	Estimated to be 20 businesses @ \$50 per capped rebate application	\$1,000
Christmas Card	One life sized card custom manufactured including artwork, graphics, and fittings	\$1,800
Banners	9 double sided street banners	\$5,500
Best Decorated Business Competition	Prize money of \$500 for the winner and \$250 for runner up.	\$ 750
Works support to install additional Christmas card	Installation of additional Christmas card purchased	\$ 550
Total costs		\$10,000

In addition to this, works support for the installation and deinstallation of Christmas Decorations by Shire staff can be considered from GL132153. This includes decorations in the street and on the Town Hall and Administration Building.

- **Legal and Statutory**

Officers have liaised with LGIS (Councils insurer) to determine our liability surrounding the purchase and installation of laser lighting by the Shire of York for the use of participating businesses with the following comment received:

The Shire may wish to provide some assistance to these groups/business owners in other ways. I'm not sure if the Shire has something in place like making funding (monetary contribution) available to community groups to assist them financially however this could possibly be a consideration if the Shire wishes. For example: the business owner purchases the decorations, pays for installation – on proof of receipt/purchase to the Shire, some rebate contribution can be offered.

- **Risk related**

Given the positive feedback and impacts upon the development of the brand of York, Officers consider that if Council chooses not to continue to invest in the Christmas Decorations or moved away from the heritage theme, the organisation could be at a reputational risk. On this basis, Officers are recommending a further implementation of the theme in line with budgetary constraints.

- **Workforce Implications**

Workforce implications are incorporated into existing budget allocations.

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION

“That Council in addition to the decorations and initiatives implemented for 2016, approves the following Christmas Decorations to be installed for the 2017 festive season and requests the Chief Executive Officer to;

- a) Purchase one new life size Christmas Card to be installed near Barclays books on Avon Terrace.***
- b) Purchase and install nine new street banners on existing poles along Henrietta Street and Panmure Road.***
- c) Have all decorations and initiatives in place so the turning on of the Christmas lights can occur as part of the Christmas Festival on Saturday 2 December 2017.”***

SY116-09/17 – Financial Report for August 2017

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

Nature of Council's Role in the Matter:

- Legislative
- Review

Purpose of the Report:

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

Background:

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

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

Comments and details:

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

- Monthly Statements for the period ended 31 August 2017
- List of Creditor's Payments
- Corporate Credit Card Transaction Listing

It should be noted that the figures reflected in the following reports in relation to 30 June 2017 and carried forward to 31 August 2017 are an estimate of the end of year position only and are subject to audit adjustments to the 2016/17 Annual Financial Report.

The following information provides balances for key financial areas for the Shire of York's financial position as at 31 August 2017;

Outstanding Rates and Services

Rates were due 28 August 2017. The total outstanding rates as at 31 August 2017 were \$3,978,048 compared to \$6,687,115 as at 31 July 2017.

Previous Years

3 years and over	\$293,470.27	7.38%	of rates outstanding
2 years and over	\$277,079.96	6.97%	of rates outstanding
1 year and over	\$440,896.20	11.08%	of rates outstanding
Total Prior Years outstanding	\$1,011,446.43	25.43%	of rates outstanding
Current Rates	<u>\$2,966,601.63</u>	74.57%	of rates outstanding
Total Rates Outstanding	<u>\$3,978,048.06</u>		

Outstanding Sundry Debtors

Total outstanding sundry debtors as at 31 August 2017 were \$308,882 compared to \$388,672 as at 31 July 2017.

90 days and over	\$281,854.58	91.25%	of sundry debtors outstanding
60 days and over	\$3,628.93	1.17%	of sundry debtors outstanding
30 days and over	\$14,873.08	4.82%	of sundry debtors outstanding
Current	<u>\$8,525.61</u>	2.76%	of sundry debtors outstanding
Total Debtors Outstanding	<u>\$308,882.20</u>		

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

In May 2017, Officers indicated that a report would be presented to Council in June regarding a significant and long-standing debt. Given the complexity of the matter and the significance of the debt, Officers sought further legal advice. This matter is the subject of a confidential report presented to Council at this meeting.

Implications to consider:

- **Legal and Statutory**

Local Government Act 1995

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

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

Local Government (Financial Management) Regulations 1996

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

(1A) *In this regulation —*

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

- (1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —*

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

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

- **Policy**

Policy F1.2 Procurement

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

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION

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

Aug-17	
MUNICIPAL FUND	AMOUNT
Cheque Payments	63,291.79
Electronic Funds Payments	545,151.44
Payroll Debits	254,389.08
Payroll Debits - Superannuation	59,410.74
Bank Fees	1,659.14
Corporate Cards	1,917.03
Fuji Xerox Equipment Rental	236.62
Fire Messaging Service	82.50
TOTAL	926,138.34
TRUST FUND	
Electronic Funds Payments	567.15
Cheque Payments	0.00
Direct Debits Licensing	126,110.55
TOTAL	126,677.70
TOTAL DISBURSEMENTS	1,052,816.04

”

SY117-09/17 – Investments – August 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 August 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 August 2017
- b) Application of Investment Funds
- c) Investment Performance

Implications to consider:

- **Legal and Statutory**

Local Government Act 1995

6.14. Power to invest

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

Local Government (Financial Management) Regulations 1996

19. Investments, control procedures for

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

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

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

- **Policy**

Policy F1.4 *Investment*

Voting Requirements:

Absolute Majority Required: **No**

OFFICER RECOMMENDATION

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

SY118-09/17 – Award of RFT 08-1617 Debt Collection Services

FILE REFERENCE: AS.TEN.59
APPLICANT OR PROPONENT(S): Shire of York
AUTHORS NAME & POSITION: Anneke Birleson - Finance Officer
RESPONSIBLE OFFICER: Suzie Haslehurst - Executive Manager,
Corporate and Community Services
PREVIOUSLY BEFORE COUNCIL: No
DISCLOSURE OF INTEREST: Nil
APPENDICES: Confidential Appendix A – Recommendation Report

The Appendix to this report is confidential in accordance with Section 5.23(2)(e)(iii) as it contains “information about the business, professional, commercial or 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:

This report provides a summary of the submissions received in response to the Request for Tender 08-1617 for the provision of Debt Collection Services in relation to outstanding rates and sundry debts.

Council is requested to consider the recommendations outlined within the Recommendation Report (Confidential Appendix A).

This report seeks Council approval to award the tender to Milton Graham Lawyers.

Background:

A significant proportion of revenue generated by the Shire is from property rates and charges and general fees and charges. The current outstanding amount of rates and charges is approximately \$1.1 million.

Shire of York Finance Policy *F1.1 Revenue Collection*, identifies that the Shire is to ensure timely cashflow and minimise bad debts. In addition, the Shire must ensure that appropriate measures are undertaken to recover outstanding amounts. The recovery of these outstanding debts must be fair, consistent and transparent.

The Shire of York is to outsource its debt recovery process where debt collection activities are to be carried out in accordance with relevant legislation and standards. The Shire has been using AMPAC Debt Collection Services since July 2014 with total expenditure to date of over \$340,000. In order to ensure compliance and best value for money, tenders were sought from suitably qualified tenderers to perform comprehensive debt collection services for the Shire of York for a period of three years. Previously, debt collection services were delivered under a contract arrangement. However, due to the value of the contract officers felt it was necessary to call for tenders.

The Request for Tender 08-16/17 was advertised in the West Australian, through Tenderlink and on the Shire’s website on Saturday 17 June 2017. The Tender closed at 4pm WST on 31 July 2017 and was publicly opened on 1 August 2017.

Comments and details:

The services to be provided under the contract are to include debt collection for outstanding rates and sundry debts.

The period of the contract is to be 36 months from the date of award.

Tender submissions were received from:

- Milton Graham Lawyers
- Professional Collection Services
- Mercantile CPA
- JBS Credit Services
- Credit Solutions
- Austral
- AMPAC Debt Recovery

A panel comprising of the Executive Manager, Infrastructure and Development Services, Finance Manager and Finance Officer undertook an evaluation of the submissions. A copy of all documentation was provided to each member of the tender review panel for evaluation. The evaluation process involved the following methodology:

- Tenders were evaluated using the tendered prices, information provided by tenderers in response to the qualitative criteria specified in the tender documents and such other information the Shire considers necessary in order to evaluate the tenders against the selection criteria.
- A scoring and weighting system was used as part of the assessment of the tendered prices and qualitative criteria, with the objective to allocate points and weightings in accordance with the relative degree of importance that the Shire places on price and each of the qualitative criteria. The extent to which a tender demonstrated greater satisfaction of each of these qualitative criteria resulted in a greater score.
- The tendered prices were then assessed together with the weighted qualitative criteria and the tenders scored and ranked to determine the most advantageous outcome to the Shire of York. The Shire has adopted a best value for money approach to this Request for Tender which means that, although price was a consideration, the tender containing the lowest price was not necessarily the preferred tenderer, nor was the tender ranked the highest on the qualitative criteria.
- The tender required applicants to address the specific selection criteria and complete a pricing schedule for the contract. The following weightings applied to the qualitative criteria and price:

▪ Relevant Experience	20%
▪ Key Personnel Skills and Experience	5%
▪ Tenderer's Resources	5%
▪ Demonstrated Understanding	10%
▪ Price	60%

Options:

Council may choose not to accept the Officer's recommendation and either not award the tender or any part thereof, or award the Tender to an alternative tenderer or panel of tenderers.

Not awarding the tender will result in further delays to effective revenue collection in accordance with Shire of York Policy F1.1. Selection of an alternative tenderer may result in the services provided not being the most advantageous to the Shire.

Implications to consider:

- **Consultative**

The Request for Tender 08-16/17 was advertised in the West Australian, through Tenderlink and on the Shire's website on Saturday 17 June 2017. The Tender closed at 4pm WST on 31 July 2017 and was publicly opened on 1 August 2017.

The referees provided by the top scoring tenders were contacted to enquire about quality of service and costs.

- **Strategic**

The current outstanding amount of rates and charges is approximately \$1.1 million. It is vital that the Shire of York engages the services of an effective debt collection provider to reduce this significant and in some cases, long standing debt.

- **Policy related**

The following Shire of York policies and delegations have been considered during the tender and evaluation process:

- CP 1.3 *Commissioning of Legal Advice*
- CP 1.5 *Compliance*
- F 1.1 *Revenue Collection*
- F 1.2 *Procurement*
- G 2.1 *Comprehensive Complaints Response*
- G 2.2 *Community Access to Information*
- DE5-2 *Tender Evaluation Criteria*
- DE5-5 *Tenders to be invited for Certain Contracts*

- **Financial**

Shire of York Finance Policy F1.1 *Revenue Collection* identifies that the Shire is to ensure timely cashflow and minimise bad debts. In addition, the Shire must ensure that appropriate measures are undertaken to recover outstanding amounts. The recovery of these outstanding debts must be fair, consistent and transparent.

The 2017/18 Municipal Budget includes \$65,000 for debt collection costs. Due to the complex nature of some outstanding debts it is difficult to determine a set cost for these services. As a result, pricing information was received from tenderers not as a total cost, but as a schedule of fees and considered based on those merits.

- **Legal and Statutory**

Local Government Act 1995

6.56. Rates or service charges recoverable in court

- (1) *If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction.*
- (2) *Rates or service charges due by the same person to the local government may be included in one writ, summons, or other process.*

[Section 6.56 amended by No. 84 of 2004 s. 80.]

3.57. Tenders for providing goods or services

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provision about tenders.*

Local Government (Functions and General) Regulations 1996

11. When tenders have to be publicly invited

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150 000 unless subregulation (2) states otherwise.*

- **Risk related**

Debt collection as a process may have a negative impact on the reputation of Council and the Shire administration. However, the negative influence of the debt far outweighs this issue. The Shire of York, in accordance with policy must be seen to be proactive in its collection of outstanding debts.

- **Workforce Implications**

If Council approves the award of the Tender, it is anticipated that in the short term, the time and resources of the Finance Department may be challenging, during the initial set up of the contract and imparting of debt information to the contractor. However, once the handover is complete, Shire staff will have more time to attend to other financial and administrative issues with manageable communication with the contractor.

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION:

“That Council:

- 1. Notes the tender evaluation report for RFT 08-1617 attached as a confidential appendix to this report.***
- 2. Adopts the outcome of the tender evaluation panel's assessment in relation to RFT 08-1617 for Debt Collection Services and awards the tender to Milton Graham Lawyers.***
- 3. Authorises the Chief Executive Officer to execute contract documents for the tendered Debt Collection Services to Milton Graham Lawyers for a period of three years.”***

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11 QUESTIONS FROM MEMBERS WITHOUT NOTICE

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

13 MEETING CLOSED TO THE PUBLIC

13.1 Matters for which the meeting may be closed

SY119-09/17 – Significant and Long Term Outstanding Debt

13.2 Public reading of resolutions to be made public

14 NEXT MEETING

The next Ordinary Meeting of Council will be held on Monday, 30 October, 2017 at 5.00pm at Greenhills Hall, Greenhills.

15 CLOSURE