



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, York on Monday, 25 June 2018, commencing at 5.00pm.

MEETING AGENDA ATTACHED

Paul Martin

PAUL MARTIN
CHIEF EXECUTIVE OFFICER
Date: 15 June 2018

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MISSION STATEMENT
"Building on our history to create our future"

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

PUBLIC QUESTION TIME PROFORMA
CONTINUED

Question(s)

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

Name: _____

Residential Address: _____
(Required if written response requested)

Organization Name: _____
(If presenting on behalf of)

Council Meeting Date: _____

Item No. Referred To: _____
(If Applicable)

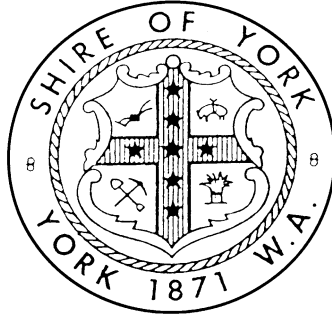
Write your question(s) as clearly and concisely as possible – lengthy questions may be paraphrased.

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, 25 JUNE 2018, COMMENCING AT
5.00PM IN COUNCIL CHAMBERS, YORK TOWN HALL, YORK

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

1 OPENING

1.1 Declaration of Opening

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

Mr Mike Gill
On Behalf of Avon Civil Engineering

Question 1:

I refer to the Executive Summary of the 2016 Talis Report, Section 4.0 Assessment of Risks to Road Users which states: "The failures to implement appropriate road management practices, particularly given the shortfall in required funding, has the potential to pose risks to road users associated with the failure to use detailed design when necessary, appropriate construction methods and a Risk Based Maintenance Strategy to make best use of the available funds. The risks to road users relate to the potential for increased crashes and increased operating costs with lower levels of service from the road system."

My question is to the CEO: Given, that in order to conduct a Risk Based Maintenance Strategy, a Risk Assessment of the road network must be conducted to identify and prioritise risk.

Can you inform me when this road network risk assessment was conducted and by whom was it conducted?

Response provided by the Chief Executive Officer:

The development of draft Asset Management Plans has been largely prepared internally. However they will not be presented to Council for formal adoption until the new EMIDS has had an opportunity to review them.

- 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 May 2018

Confirmation

“That the minutes of the Ordinary Council Meeting held 28 May 2018 be confirmed as a correct record of proceedings.”

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

9 OFFICER’S REPORTS

SY063-06/18 – Local Planning Scheme and Local Planning Strategy

FILE REFERENCE:	PS.TPS.1.3
APPLICANT OR PROPONENT(S):	Shire of York
AUTHORS NAME & POSITION:	Carly Rundle, Senior Planner
RESPONSIBLE OFFICER:	Bret Howson, Acting Executive Manager Infrastructure and Development Services
PREVIOUSLY BEFORE COUNCIL:	SY002-02/17 & SY121-10/17
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	A. Draft Local Planning Strategy & Maps B. Draft Local Planning Scheme No.3 & Maps C. Submissions

Nature of Council's Role in the Matter:

- Legislative

Purpose of the Report:

This report presents the draft Local Planning Strategy and Local Planning Scheme No. 3 to adopt for the purposes of public advertising.

Background:

The current Shire of York Town Planning Scheme No. 2 (Scheme) was gazetted 17 May 1996, with 30 amendments being made to this document to the current date.

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

A Local Planning Scheme (in conjunction with the deemed provisions of the Regulations) is the principal statutory tool for achieving local government's aims and objectives with respect to development within its boundaries.

To support the preparation of a Local Planning Scheme, the Regulations require a Local Planning Strategy to be adopted. The current Local Planning Strategy was endorsed by the Western Australian Planning Commission (WAPC) 7 August 2007 and amended once on 18 May 2011. The purpose of a local planning strategy is to:

- Set the long -term planning directions for the local government
- Apply state or regional planning policy that is relevant to the strategy
- Provide the rationale for zoning of or classification of land under the Local Planning Scheme.

At the Ordinary Council Meeting of 27 February 2017, Council resolved to request the Chief Executive Officer to prepare a new Local Planning Scheme No. 3 and noted that it was the intent of the Chief Executive Officer to seek new quotations for the preparation of the Scheme (and associated Strategy document) in accordance with Shire of York Policy F1.2 Procurement. As a result of the quotation process, GHD has been engaged to prepare a local planning strategy and local planning scheme for the Shire. Council approved the Engagement and Consultation Plan for the project at Ordinary Council Meeting 30 October 2017.

Since that time engagement and consultation has been undertaken in accordance with the approved plan and a draft Local Planning Strategy and Local Planning Scheme is now being presented to Council to adopt for public advertising.

Comments and details:

Draft Local Planning Strategy

The draft Local Planning Strategy contains planning objectives, strategies and actions to meet the future planning and land use needs for the Shire of York for a period of 15 years or more. The community's aspirations for future development within the Shire were informed by the Strategic Community Plan 2018-2028 and further engagement and consultation which is discussed below. Strategies and proposed development provisions are also required to align with State Planning Policy/Strategy and other planning documents with due regard given to local variations where required.

The draft Local Planning Strategy is divided into two parts:

- Part 1 outlines the vision and objectives for the Strategy and key strategic responses to address issues across the Shire. Strategies are summarised into the following categories; rural lands, tourism expansion, York town centre, rural lifestyle, infrastructure, arts and culture, industry and service employment, cultural and historical heritage, natural environment and bushfire risk. Implementation, monitoring and review and strategic land use plans are also provided in Part 1.
- Part 2 provides the background information and analysis that informs the strategy.

The draft Local Planning Strategy is attached at **Appendix A**. The vision and objectives of the Strategy align with the Shire of York Strategic Community Plan 2018-2028.

Some of the key strategies and actions identified include:

- That there is sufficient land already zoned 'residential' to meet development needs of the Shire for the timeframe of the strategy. The strategy identifies that to reduce ad hoc development occurring, no further land should be rezoned to 'residential' which has been reflected in the strategy maps by reducing the area currently identified for future residential;
- Industrial land feasibility was undertaken which identified preferred industrial development areas, as well as identification of a transitional industrial development area for short term needs;
- Identification of the York Bypass preferred alignment as supported by Council;
- Identification of development standards to be incorporated into the scheme, policies and further strategic work to be undertaken;
- Preliminary visual landscape assessment has been undertaken which identifies key routes that need further planning to ensure values are retained and respected by development.
- Encourage arts, culture and tourism development and associated actions.
- A review of the Municipal Heritage Inventory, Heritage List and Heritage Areas is required, as well as a review of policies to encourage innovation and responsive development to heritage values, whilst identifying that there are onerous development requirements in heritage precincts, and appropriate exemptions to remove red tape need to be identified in policy.
- Identifies that increase in density in the town centre would be appropriate to encourage diverse housing choices.

Draft Local Planning Scheme No. 3 (LPS 3)

The draft Local Planning Scheme No. 3 is attached at **Appendix B** and upon gazettal will replace the Shire of York Town Planning Scheme No. 2 as the principle statutory planning tool for controlling land use and development within the Shire. LPS3 has been prepared to be consistent with 'model provisions for local planning schemes' and reflects the adoption of the 'deemed provisions' of the *Planning and Development (Local Planning Schemes) Regulations 2015* and incorporates recommendations as specified in the Local Planning Strategy. The following key changes are incorporated:

- Format, zones and land uses updated for consistency with the 'model provisions' of the Regulations, which includes designating broad purposes to Reserve land;
- Text reflects adoption of the 'deemed provisions' of the Regulations which automatically have effect as part of a Local Planning Scheme and prevail in the event of inconsistency. Draft LPS3 has been amended to delete provisions addressed in the Regulations and remove inconsistencies.
- Zoning table to provide increased certainty and removal of red tape where possible to encourage arts and crafts and tourism uses;
- Amendments to car parking requirements including:
 - Standardised car parking rates within the Regional Centre zone for 'restaurant/café', 'shop', 'fast food outlet', 'office' and similar land uses to reduce red tape associated with 'change of use' which previously had different car parking rates per land use triggering requirement for development approval;
 - Identifying that there are different car parking needs and issues between the regional centre zone and other zones, and providing standards which reflect a lower rate of car parking in the Regional Centre zone;
- Provides discretion to consider keeping of animals in the residential zone, where a lot is over 4,000m² in area;
- Reduces red tape by reducing the need for duplicate approvals under local laws and scheme in some instances;
- Increases the residential density of the regional centre zone from 'R40' to 'R60'
- Identifies key regional facilities such as 'corrective institution' and 'waste disposal facility' as an 'X' use in all zones, requiring a prior scheme amendment for the land use to be considered on a property;
- Consolidates provisions for Rural Residential precincts, and identification of precincts on Scheme maps;
- Identification of the Avon River Flood Fringe as a Special Control Area on the Scheme maps; and
- Expansion of the Regional Centre zone within the 'town centre' precinct as identified by the Strategy.

Summary & Advertising Process

The draft Local Planning Strategy and Local Planning Scheme No. 3 will align the Shire's planning framework with the WAPC'S statutory requirements and Regulations and provides an up to date document which will respond to and guide land use development within the Shire in accordance with legislative requirements, and community objectives and vision, and in accordance with the Shire of York Strategic Community Plan 2018-2028. It is therefore recommended that the draft Local Planning Strategy and Local Planning Scheme No. 3 be adopted for the purposes of advertising.

Following Council approval, and prior to advertising commencing, the WAPC is required to certify that they are satisfied with the draft local planning strategy and local planning scheme to proceed to advertising. The WAPC may direct modifications be undertaken to the Strategy prior to advertising commencing. Referral to the Environmental Protection Authority and Heritage Council of Western Australia will also occur prior to advertising.

After receiving certification from the WAPC, the Regulations require that the local government must advertise the draft local planning strategy and local planning scheme in a form approved by the Commission for public inspection as follows:

- Publish the notice in a newspaper circulating in the scheme area;
- Display a copy of the notice in the offices of the local government;
- Give a copy of the notice to each public authority that the local government considers is likely to be affected by the scheme and strategy;
- Publish a copy of the notice and the draft scheme and strategy on the website of the local government.
- Advertise the draft scheme and strategy as directed by the Commission and in any other way the local government considers appropriate.
- Hard copy of documents to be made available for inspection at the office of the local government and WAPC.
- The period for making submissions on a Local Planning Scheme must not be less than 90 days commencing on day on which the notice is published, or a shorter period as approved by the Commission. The period for making submissions on a Local Planning Strategy must not be less than 21 days on the day on which the notice is published.

The engagement and consultation plan also proposes:

- A community drop in session to provide information or answer any questions there may be on the draft local planning strategy and local planning scheme.
- Advertising by way of social media and media release, as well as direct notification to a consultation list which includes persons who have asked to be directly notified of updates on the project.

At the conclusion of the advertising period, Council is required to consider the submissions and pass a resolution either supporting the Strategy and Scheme with or without modifications, or not support the Strategy and Scheme. After passing a resolution the Strategy and Scheme is to be forwarded to the WAPC to review and provide a recommendation to the Minister for Planning.

Options:

Should Council choose, it could:

1. Refuse to adopt the draft Local Planning Strategy and Local Planning Scheme No. 3 for advertising.
2. Adopt the draft Local Planning Strategy and Local Planning Scheme No. 3 for the purposes of advertising, with amendment.

Implications to consider:

- **Consultative:**

The Engagement and Consultation Plan, approved by Council at Ordinary Council Meeting 30 October 2017 sets out the objectives, nature and methods for community and stakeholder engagement at a macro level to be undertaken at each stage of the project. The Engagement and Consultation Plan built on consultation already undertaken as part of the Strategic Community Plan 2016-2026 and the Community Perceptions Survey undertaken in early 2017.

Consultation has been undertaken in accordance with the approved plan, and feedback from community and stakeholder consultation has informed preparation of the strategy and been incorporated where possible.

A detailed summary of consultation and outcomes undertaken to dated is included in Appendices C, D and E of Part 2 of the draft Local Planning Strategy.

As part of consultation for phase 1, there were a low number of attendees at drop-in sessions. As part of evaluating the effectiveness of consultation, drop in sessions were then shifted to occur in conjunction with community events (markets) where passive feedback from the community could be obtained which resulted in increased participation.

Statutory consultation identified to be undertaken as part of Council resolution 27 February 2017 (where it resolved to prepare a new Local Planning Scheme) and required by the Regulations has also been undertaken which included:

- A notice was published within the Government Gazette 8 December 2017 and a notice placed in the Avon Valley Gazette 10 November 2017 advising of the passing of the resolution to prepare a Local Planning Scheme No. 3.
 - A copy of the notice was forwarded to the Local Government of every adjoining district, each licensee under the Water Services Act 2012 likely to be affected by the Scheme, the CEO of the Department of the Public Service principally assisting in the administration of the Conservation and Land Management Act 1984 and each public authority likely to be affected by the Scheme for their recommendations in regards to preparation of the new Local Planning Scheme No. 3. The letter was dated 16 February 2018 seeking any advice to be provided within 21 days of the date of the letter, and also attached a copy of the Scenario Plans for review. Copies of submissions received are attached in **Appendix C** and submissions have been considered in preparation of the draft Local Planning Strategy and Local Planning Scheme.
 - Referral of the Scheme, pursuant to Section 81 of the *Planning and Development Act 2005*, has been deferred to occur following adoption of the draft documents for the purposes of advertising by Council, to enable sufficient information to be provided to the Environmental Protection Authority for assessment under Section 48 of the *Environmental Protection Act 1986*.
- **Strategic**
The review of the Local Planning Strategy and Scheme is identified as an action to implement themes of the 2018-2028 Strategic Community Plan and a priority action of the 2018-2022 Corporate Business Plan to be finalised and gazetted by in Year 1 (2018-2019).

The draft Local Planning Strategy will guide strategic land use planning for the Shire of York and aligns with the 2018-2028 Strategic Community Plan.

- **Policy implication:**
The draft Local Planning Strategy identifies a number of actions which relate to policy. Actions identify that a review of existing policies to be updated for consistency with new documents will be required and recommends a number of new policies be prepared.
- **Financial:**
The delivery of the Local Planning Strategy and Local Planning Scheme No. 3 has and will be undertaken by GHD as part of the lump sum fee for which Council has allocated a budget.

For Local Planning Scheme No. 3 to have effect, it must be published in the Government Gazette, which will incur a publishing fee per page. Allocation of \$14,700 for the gazettal fees have been included within the draft 2018/19 annual budget for Council consideration.

- **Legal and Statutory:**
 - *Planning and Development Act 2005*
 - *Planning and Development (Local Planning Schemes) Regulations 2015*
 - *Environmental Protection Act 1986*
- **Risk related:**
A 'Green Paper' was recently released for comment which summarises an independent review of the Western Australian planning system commissioned by the Minister for Planning, to identify ways to make it more efficient, open and understandable to everyone. The audit contains a number of recommendations for the planning system which includes recommendations for the format and content of Local Planning Strategies, and format and further standardisation of local planning schemes. In this regard, the risk is that changes to the planning framework may require further modification to adopted documents.

The green paper currently does not propose changes which will have substantial implications for the Shire of York draft Local Planning Strategy, other than formatting. Major changes proposed for Local Planning Schemes include standardisation, removal of red tape for 'low risk land use categories', requirement for local planning policies to receive State approval and creation of a 'consolidated planning scheme'. A timeframe of 18 months or longer is proposed for any changes to have effect, which is considered an unreasonable amount of time to defer adoption of the current Local Planning Strategy and Scheme.

In regard to the above risk, the green paper has been reviewed, and it is considered that the current modifications identified above could be appropriately incorporated as part of a future scheme amendment, which is unlikely to have a substantial impact on the scheme text. As such no further risk management strategies are considered necessary.

- **Workforce Implications:**
The Shire, with support of GHD will manage the process of advertising, implementation of the engagement and consultation plan and liaison with the WAPC.

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION:

“That Council:

- 1. Pursuant to Section 72(1) of the Planning and Development Act 2005, adopts for the purposes of advertising, the draft Local Planning Scheme No. 3 consisting of the Scheme text and Scheme Maps.***
- 2. Adopts the draft Local Planning Strategy for the purposes of advertising.***
- 3. Forwards the draft Local Planning Strategy and Local Planning Scheme No. 3 to:***
 - (i) the Western Australian Planning Commission for assessment and following receipt of certification, requests the Chief Executive Officer to advertise the draft Local Planning Strategy and Local Planning Scheme No. 3 for public comment in accordance with the Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015.***
 - (ii) the Environmental Protection Authority for comment pursuant to Section 81 of the Planning and Development Act 2005.***
 - (iii) The Heritage Council of Western Australia for advice.”***

SY064-06/18 – Municipal Heritage Inventory and Heritage List Review – Engagement and Consultation Plan

FILE REFERENCE: CS.CCS.4
APPLICANT OR PROPONENT(S): Shire of York
AUTHORS NAME & POSITION: Carly Rundle, Senior Planner
RESPONSIBLE OFFICER: Bret Howson, Acting Executive Manager
Infrastructure and Development Services
PREVIOUSLY BEFORE COUNCIL: Nil
DISCLOSURE OF INTEREST: Nil
APPENDICES: A. Engagement and Consultation Plan

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

This report presents the Engagement and Consultation Plan for the Municipal Heritage Inventory and Heritage List Review to Council for approval.

Background:

The Shire's Municipal Heritage Inventory was adopted by Council 22 September 2008.

A local government is required to have a municipal inventory in accordance with Section 45 of the *Heritage of Western Australia Act 1990*, which is an inventory of buildings within its district which in its opinion are, or may become, of cultural heritage significance. The inventory is to be updated annually as required and reviewed every four years after compilation.

Places which are considered as having cultural heritage significance and worthy of built heritage conservation can be included on a Heritage List, adopted under a local planning scheme, which can provide statutory controls for development on buildings or places on the heritage list.

The Shire of York's Town Planning Scheme No. 2, in clause 5.1.2.2, specifies that the Heritage List means the Municipal Inventory, as amended from time to time, prepared by the local government pursuant to Section 45 of the *Heritage of Western Australia Act 1990* (as amended), or such parts thereof described in the heritage list.

The Heritage List is the Municipal Heritage Inventory and is listed in the Shire of York Local Planning Policy No. 3 Heritage Precincts and Places as Appendix A. The policy provides four categories listing places as having either exceptional significance (category 1a), considerable significance (category 1B/2), some/moderate significance (category 3) and little significance (category 4). All categories are within the Heritage List, although it does provide that category 4, places of little significance do not fulfil the criteria for entry in the local Heritage List.

The draft Local Planning Scheme No. 3, being presented to Council to adopt for public advertising proposes to delete clause 5.1.2.2 and in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* it is considered necessary for clarity that the local government adopt a heritage list, which is separate to the municipal heritage inventory. As part of this process, it is appropriate to review the current categories assigned to places, whether there is new information or places that may be worthy of inclusion and review what categories should be retained within the heritage list (thereby giving statutory basis for development controls that may be required for built heritage conservation). A review is also warranted given that it has been well over four years since the date of adoption of the Municipal Heritage Inventory.

Council Policy G2.9 Community Engagement and Consultation, requires that all significant activities undertaken by Council must have an associated community engagement and consultation plan established at the beginning of the relevant process. The Engagement and Consultation Plan attached at **Appendix A** is now presented for Council's consideration.

Comments and details:

The Engagement and Consultation Plan articulates the proposed objectives, nature and methods for community and stakeholder engagement at a macro level at each stage of the project.

The listed objectives for engagement and consultation are to:

- Inform the community and stakeholders of the project;
- Communicate the purpose of the project;
- Provide landowners, community and stakeholders the opportunity to provide information to be considered as part of the review.
- Provide opportunity for the community and stakeholders to provide submissions on draft documents prepared for council's consideration.

The plan follows the International Association of Public Participation (IAP2) public participation spectrum that begins with inform, consult and moves to involve, collaborate and empower; each level involves a different promise to participants in terms of how much influence they have over a decision.

The Municipal Heritage Inventory and Heritage List review, and any associated amendment of Local Planning Policy, is required to comply with statutory requirements of the *Heritage Act of Western Australia 1990*, *Planning and Development Act 2005*, *Planning and Development (Local Planning Schemes) Regulations 2015* and Shire of York Town Planning Scheme No. 2. Therefore, it cannot be promised that the community and stakeholders comments/ submissions will be reflected or accepted in the final documents in all instances. As a result the level of 'participation' will vary between inform and consult

Engagement and Communication activities to meet these objectives and level of participation are set out in Appendix A and is to be undertaken in stages:

1. Preliminary Consultation
2. Statutory Advertising on Draft Documents;
3. Notification.

Options:

Should Council choose, it could resolve to make modifications to the engagement and consultation plan.

Implications to consider:

- **Consultative:**
The engagement and consultation plan set out how the community and stakeholders will be consulted and engaged as part of Municipal Heritage Inventory and Heritage List review.

- **Strategic**

The review of the Municipal Heritage Inventory and Heritage List is necessary to ensure that places and buildings of cultural heritage significance are identified and protected, and the engagement and consultation plan will outline opportunities for community consultation and input into the review.

This is consistent with the Shire of York 2018-2028 Strategic Community Plan summarises community aspirations into themes and particular desired outcomes:

Theme 2: A leader in Cultural Heritage and Environment

To be a place which is renowned for its cultural heritage and the quality of its natural environment, and for the care taken by the community by both.

Particular desired outcomes:

2.2 Public and privately owned heritage buildings are adequately maintained and protected for the future and the Shire leads the way in innovative promotion of the historic character.

2.9 that there is a high level of community involvement in heritage and environmental protection and restoration.

The 2018 – 2022 Corporate Business Plan identifies that an audit of the municipal heritage inventory is to be undertaken.

- **Policy implication:**

The engagement and consultation plan has been prepared in accordance with the requirements of Shire of York Policy G2.9 Community Engagement and Consultation.

In line with the policy, outcomes of consultation will be reported to Council at key decision points including adoption of drafts for public advertising and final adoption.

- **Financial:**

The delivery of the engagement and consultation plan will be undertaken by the Shire of York, with assistance from Heritage Intelligence WA, contracted to provide Heritage Advisor Services.

Heritage Intelligence (WA) commenced the review in 2013, with an agreed scope and to date work has been undertaken on archival research and gathering information to inform the review. The project is now at a stage where community engagement and consultation are required before a draft can be finalised. \$10,000 is proposed to be included in the draft 2018/19 annual budget for Council consideration, which is anticipated to be sufficient for Heritage Advisor Services required to assist in implementation of the Engagement and Consultation plan, and for work required to complete the Municipal Heritage Inventory, Heritage List and any input on associated documents. Although, the budget allocation is also required to allow for other heritage advisor services such as advice for development applications on heritage listed properties and as such may be affected should there be an increase in the level of other heritage advisor services required.

A subsidy was previously available from the State Heritage Office (SHO), which contributed 50% of the cost towards local governments employing heritage advisors for certain services for amounts approved by the SHO. The subsidy was not offered in 2017/18 financial year and the Shire is yet to receive confirmation as to whether a subsidy will be provided in 2018/19. If a subsidy is offered and approved, the Shire's expenditure on the project will be partially offset.

- **Legal and Statutory:**

- *Heritage of Western Australia Act 1990*

Section 45 of the Act specifies:

45. (1) *The Council of a municipality shall compile and maintain an inventory of buildings within its district which in its opinion are, or may become, of cultural heritage significance.*

(2) *The inventory required by subsection (1) shall be compiled no later than 4 years from the commencement of this Act and shall be -*

(a) updated annually; and

(b) reviewed every 4 years after compilation.

(3) *The Council of a municipality shall provide the Council with a copy of the inventory compiled pursuant to this section.*

(4) *The Council of a municipality shall ensure that the inventory required by this section is compiled with proper public consultation.”*

- *Planning and Development (Local Planning Schemes Regulations) 2015*

The deemed provisions in Schedule 2 of the Regulations sets out the process for adoption of a Heritage List and Heritage Areas and the process for adoption or amendment of local planning policies. Both require council to adopt, and public advertising of documents for a minimum of 21 days commencing on the day on which the notice is given. The Regulations require that each owner or occupier that may be affected by a heritage listing be notified and given a period of 21 days on which the notice is served to make submissions, and any other consultation the local government considers appropriate to be carried out.

The Engagement and Consultation plan proposes to allow a 42-day period to make submissions.

- **Shire of York Town Planning Scheme No. 2**

Part 5 – Special Controls, 5.1 Heritage Precincts and Places of Cultural Significance, 5.1.2 Heritage List specifies the following:

5.1.2 Heritage List

5.1.2.1 The local government shall establish and maintain a Heritage List of buildings, objects, structures and places considered by the local government to be of heritage significance and worthy of conservation.

5.1.2.2 For the purposes of clause 5.1, the Heritage List means the Municipal Inventory, as amended from time to time, prepared by the local government pursuant to Section 45 of the Heritage of Western Australia Act 1990 (as amended), or such parts thereof described in the Heritage List.

5.1.2.3 The local government shall keep copies of the Heritage List with the Scheme documents for public inspection during normal office hours.

The draft Local Planning Scheme No. 3, being presented to Council to adopt for public advertising proposes to delete clause 5.1.2.2 and in accordance with the *Planning and Development (Local Planning Schemes) 2015* it is considered necessary for clarity that the local government adopt a heritage list, which is separate to the municipal heritage inventory.

- **Risk related:**

The plan is a document setting out how the community, landowners and stakeholders will be engaged as part of the Municipal Heritage Inventory and Heritage List review.

The plan complies with statutory requirements and will provide certainty to Council and the community of consultation and engagement to be undertaken as part of this process. Submissions and outcomes of consultation will be reported to Council at decision points allowing for any issues that arise as part of consultation to be addressed at this stage. In this regard there are no medium to high risks identified which warrant further discussion.

- **Workforce Implications:**

The engagement and consultation plan will be undertaken within existing staff resources, with support, attendance and input by the Shire's appointed Heritage Advisor.

Any increase in the level of consultation and engagement proposed may require review of the capacity of staff resources to undertake.

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION:

"That Council approves the Engagement and Consultation Plan for the Municipal Heritage Inventory and Heritage List Review attached at Appendix A."

SY065-06/18 – Consideration of Submissions Received During Advertising of Business Plan – Future Use of St Patrick’s Convent School

FILE REFERENCE: CCP.12
APPLICANT OR PROPONENT(S): N/A
AUTHORS NAME & POSITION: Paul Martin, Chief Executive Officer
RESPONSIBLE OFFICER: Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL: 26 February 2018
DISCLOSURE OF INTEREST: Nil
APPENDICES: A. Submissions Received

Nature of Council’s Role in the Matter:

- Executive

Purpose of the Report:

This report presents Council with the submissions received during the advertising process for the Business Plan – Future of St Patrick’s Convent School. The report recommends Council considers the submissions in accordance with the *Local Government Act 1995* and make a decision in regard to the future of this building/site.

Background:

At its meeting on 26 February 2018 Council resolved the following in regard to this matter:

“That Council:

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

As a result of this resolution the following occurred:

- The Business Plan was advertised in The West Australian on Saturday 3 March 2018, Avon Valley Gazette on 2 March 2018 and in the March issue of the York Community Matters.
- Copies of the Business Plan were made available at the front counter of the Administration Building.
- A copy of the Business Plan was placed on the Shire’s website.
- Two drop-in sessions were held, one on Saturday 24 March 2018 and the second on Tuesday 27 March 2018.
- Local Notice was placed on the Notice Board.

The deadline for submissions was 4.30 pm on Monday 16 April 2018.

A total of seven submissions were received during the advertising period. A copy of all submissions received are attached at Appendix A.

It should be noted that a person making one of the submissions subsequently withdrew their submission. Officers have included a copy of the submission made and the subsequent withdrawal for reference. Councillors are encouraged to review and consider the submissions made when determining the future use of the building/site.

Comments and details:

The submissions received alone don't solely provide a clear direction for the future use. Some submissions are in favour of it being retained for a community use whilst others propose selling the building.

Officers have given this issue much consideration over the past months. In deliberating on this matter, the following has been considered:

Arts and Cultural Centre for York

Officers believe that the development of York will in part include a strong Arts and Cultural sector. The Arts and Cultural sector if developed will contribute to the vibrancy, liveability and economic development of York. At some stage in the development of the arts and cultural sector an Arts Centre of some description needs to be considered.

However, Officers are of the view that there are other buildings in the town which could, with some negotiation and/or redevelopment be used for an Arts Centre. These include the following:

- The Town Hall. Council has identified that it would like further works to occur, particularly regarding the back of house facilities including Green Room etc. There is also support for this upgrade with members of the community. Council could consider engaging an architect to prepare a design for the upgrade of the Town Hall to provide these additional spaces as well as an upgrade to the Lesser Hall and surrounding areas to make provision for spaces found in an Arts Centre.
- Old Court House. Although Officers have not had discussions with the National Trust which owns the building, it could potentially be used in some way as an Arts Centre.

Council has identified as part of its Corporate Business Plan that it wishes to undertake the development of an Arts and Cultural Plan during the 2018/19 FY. The cost of developing this plan are included in the draft budget for the 2018/19 FY. One of the first steps of this planning process will be to map all the facilities in town which do or could provide cultural and/arts services.

The Arts and Cultural Plan will also provide a mechanism to consider all issues associated with an Arts Centre in York. If Council chooses to sell the St Patrick's Convent School Officers would be recommending that the Shire actively engages with York Arts and Events and other cultural groups, organisations and interested individuals during this planning process to identify how an Arts Centre could be established in York in the coming years at one or more other venues in town.

Request from York Arts and Events

The submission provided by York Arts and Events asks Council to defer any decision to sell the building for 12 months while YAEI undertakes research and other work to prepare a feasibility study on establishing a Community Arts and Cultural Centre in the building.

Whilst this request could be approved, if Council did defer making a decision there is no guarantee that the feasibility would identify the development of the St Patrick's Convent School as an Arts Centre would be feasible.

Furthermore, it should be acknowledged the Shire does not have the capacity in existing staffing levels to meaningfully contribute to the development and operation of an Arts Centre.

The financial capacity of the Shire

Other submissions received suggested using the building for accommodation and or a community centre and exhibition centre. Any use that is proposed will inevitably require a contribution from Council towards the upgrade and operation of the centre. Given the work that has been done developing draft Asset Management Plans, Officers are concerned about the capacity of the Shire to contribute anything towards the upgrade and maintenance of this asset given the other assets the Shire has to maintain.

If Council wanted to provide the additional 12 months requested by York Arts and Events the financial capacity could be explored further as Asset Management Plans are finalised. Officers are confident however that if Council wanted to retain this building it would need to dispose of other buildings to be able to afford the maintenance and renewal costs of all of its Assets.

This financial capacity could be a different scenario if Council was confident the Shire would increase dramatically in population and rates income over the coming years. Such an increase has not been modelled into the Councils current long term financial plan.

Future options if building is retained

Putting aside the process by which the building was acquired and if the organisation could afford to keep the building and contribute to its upgrade and maintenance, Officers could see merit in the building being retained for a community use.

The building's design, location adjacent to Peace Park and proximity to the main street could provide future Councils with a number of options for use. On this basis, Officers have considered whether disposing of the site at the present time would limit the future options for the Shire.

If Council wanted it could leave the building vacant as it is, undertake essential maintenance and provide that option for future Councils.

However, Officers are taking a financially conservative approach and recommending disposal of the building and site. This will enable the limited resources the Shire has to be allocated to maintaining and renewing the Shire's current assets in line with the draft Shire's Asset Management Plans.

This doesn't preclude the Council considering purchases of other properties in the future if desired. Officers would strongly recommend however that any future purchases are undertaken in a transparent manner with full disclosure and a comprehensive Business Plan and an opportunity for public input and comment prior to any acquisitions taking place.

Options:

Based upon the submissions received Officers consider that Council has the following options:

1. Dispose of the building and site in the 2018/19 financial year.
2. Defer making a decision on the matter allowing York Arts and Events 12 months to undertake a feasibility of the building and site being used for a community purpose being Arts Centre.

Based upon the information available at this stage, Officers are recommending Council determines to dispose of the building in the 2018/19 financial year as outlined in the Business Plan.

Implications to consider:

- **Consultative**

The Business Plan was advertised for a period of 6 weeks during which time the community had the opportunity to make submissions on the options for the future of the site. Two drop-in sessions were conducted on-site to give the community an opportunity to view the building.

- **Strategic**

Council's consideration of this matter will impact on at least three actions in Council's Corporate Business Plan as outlined below.

Strategic Capital Project – Old Convent School – implement the outcomes of the future use review. This is proposed to occur in the 2018/19 financial year.

If Council decided to dispose of the building and site it could be attempted to be sold during the 2018/19 financial year which would be in accordance with this action item.

This report has also referred to the development of an *Arts and Cultural Master Plan*. This is a Strategic Operating Project in Council's Corporate Business Plan to occur in the 2018/19 FY with \$20,000 of Shire resources identified for this initiative. The draft 2018/19 budget reflects this allocation but also identifies sourcing a further \$20,000 in grant funds towards this initiative.

The Corporate Business Plan also identifies upgrades of the Town Hall as a priority over the coming four years with the following initiatives:

- *Strategic Capital Project – Town Hall Upgrades – Stage 2 – acoustics and lighting.* Planning for this upgrade is proposed to occur in the 2019/20 FY with delivery occurring in the 2020/21 FY. A budget of \$60,000 is included for these upgrades with \$30,000 being sourced from external funds.
- *Strategic Operating Project – Town Hall Upgrades – Stage 3: new backstage facilities* is a project identified to occur in the 2019/20 financial year with \$30,000 identified to scope, design and cost this upgrade. However, no capital funds are allocated for implementation of these works at this stage in the next four years of the Corporate Business Plan or long term financial plan.

If Council, following the development of the Arts and Cultural Plan in 2018/19, wanted to upgrade the Town Hall to accommodate more elements typically found in an Arts and Cultural Centre this could potentially be incorporated into the upgrades identified above.

- **Policy related**

G 2.9 *Community Engagement and Consultation*

- **Financial**

The Officer's recommendation to dispose of the St Patrick's Convent School and site has been reflected in the draft 2018/19 budget for Council's consideration.

As at 8 July 2018 the outstanding balance of the loan raised to purchase the building (Loan 67) will be \$458,411. If Council only receives \$400,000 for the sale there will be \$58,000 in principal repayments remaining. Council could decide on a budget amendment at the time and pay the loan out in its entirety saving \$15,557 on associated interest. Should the sale not proceed until late in the financial year, the Shire will be required to pay up to \$73,852 in principal and interest repayments. This amount is included in the draft 2018/19 budget for Council's consideration.

As at 8 July 2019 the outstanding balance for Loan 67 is expected to be approximately \$399,000. The 2018/19 Draft Budget assumes the full proceeds of \$400,000 will be used to repay Loan 67 however, the outstanding balance of the loan and the cost to Council is dependent on the timing of sale as outlined above.

The Shire will incur some costs associated with disposing of the site which are estimated to be in the vicinity of \$20,000 comprising the following items:

- Agent's Fee on \$400,000 - \$14,000
- Settlement Costs - \$2,500
- Marketing - \$1,500
- Legal Advice - \$2,000

These costs have been included in the draft 2018/19 financial year budget for Council's consideration.

- **Legal and Statutory**

Council has been considering this matter in accordance with the provisions of Section 3.59 of the *Local Government Act 1995* given that potentially the transaction could have a financial impact of more than \$2 million on the Shire of York if the Shire elected to retain the building into the future. This process has also provided a framework for assessing options for any community input into decision making.

3.59. *Commercial enterprises by local governments*

(1) *In this section —*

acquire has a meaning that accords with the meaning of **dispose**;

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

land transaction means an agreement, or several agreements for a common purpose, under which a local government is to —

- (a) acquire or dispose of an interest in land; or
- (b) develop land;

major land transaction means a land transaction other than an exempt land transaction if the total value of —

- (a) the consideration under the transaction; and
- (b) anything done by the local government for achieving the purpose of the transaction,

is more, or is worth more, than the amount prescribed for the purposes of this definition;

major trading undertaking means a trading undertaking that —

- (a) in the last completed financial year, involved; or
- (b) in the current financial year or the financial year after the current financial year, is likely to involve,

expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;

trading undertaking means an activity carried on by a local government with a view to producing profit to it, or any other activity carried on by it that is of a kind prescribed for the purposes of this definition, but does not include anything referred to in paragraph (a) or (b) of the definition of **land transaction**.

(2) Before it —

- (a) commences a major trading undertaking; or
- (b) enters into a major land transaction; or
- (c) enters into a land transaction that is preparatory to entry into a major land transaction,

a local government is to prepare a business plan.

(3) The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —

- (a) its expected effect on the provision of facilities and services by the local government; and
- (b) its expected effect on other persons providing facilities and services in the district; and
- (c) its expected financial effect on the local government; and
- (d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56; and
- (e) the ability of the local government to manage the undertaking or the performance of the transaction; and
- (f) any other matter prescribed for the purposes of this subsection.

(4) The local government is to —

- (a) give Statewide public notice stating that —
 - (i) the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction; and
 - (ii) a copy of the business plan may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;

and

- (b) make a copy of the business plan available for public inspection in accordance with the notice.

(5) **After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.**

*** Absolute majority required.**

(5a) A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.

- (6) *If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.*
- (7) *The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.*
- (8) *A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.*
- (9) *A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.*
- (10) *For the purposes of this section, regulations may —*
 - (a) *prescribe any land transaction to be an exempt land transaction;*
 - (b) *prescribe any trading undertaking to be an exempt trading undertaking.*

[Section 3.59 amended by No. 1 of 1998 s. 12; No. 64 of 1998 s. 18(1) and (2).]

In accordance with the section highlighted above, Council is now required to consider the submissions received from the advertising process and decide to proceed or not with what was proposed. This has to be an Absolute Majority decision of the Council.

As one of the options included in the Business Plan was to dispose of the building and site in the 2018/19 financial year and is therefore not considered significantly different to what was proposed. If Council wanted to consider an option for the building and site which was not included in the Business Plan, and therefore may be considered significantly different to what was proposed, it may need to undertake a second Business Plan process.

- **Risk related**

There are a number of risks associated with how Council deals with this matter as outlined below:

- Council must ensure any decision it makes is compliant with the *Local Government Act 1995*. If it is not compliant it may need to undertake the Business Planning process again.
- If Council decides to dispose of the building it may not receive any interest in the building or any tenders may not be at a value Council is willing to accept. This will have to be considered at the time.
- A risk is that Council provides York Arts and Events with a year to investigate the feasibility of the building being an Arts Centre however for whatever reason this doesn't occur or is not finalised. Council could then be criticised for not resolving this matter in a timely period.
- Funding may not be secured for any upgrades to occur which will impact upon the financial contribution required by the Shire.

Based upon the risk assessment above Officers are confident the recommendation to dispose of the building and site represents the least risk to the Shire in the long term.

- **Workforce Implications**

Some of the workforce implications have been outlined in the report. Officers are confident that the Shire has the resources to implement the Officer Recommendation within existing staffing resources.

Voting Requirements:

Absolute Majority Required: Yes

OFFICER RECOMMENDATION:

“That Council:

- 1. In accordance with Section 3.59(5) of the Local Government Act 1995, after considering the submissions received decides to dispose of the St Patrick’s Convent School comprising Lots 25 and 27 South Street York.***
- 2. Requests the Chief Executive Officer to reflect this disposal in the draft 2018/19 financial year budget for Council’s consideration.***
- 3. Requests the Chief Executive Officer to present a report to Council on the disposal options and process for determination.”***

SY066-06/18 – Final Draft Disability Access and Inclusion Plan 2018-2023

FILE REFERENCE:	OR.CMA.9.1
APPLICANT OR PROPONENT(S):	Shire of York
AUTHORS NAME & POSITION:	Suzie Haslehurst – Executive Manager, Corporate and Community Services
RESPONSIBLE OFFICER:	Suzie Haslehurst – Executive Manager, Corporate and Community Services
PREVIOUSLY BEFORE COUNCIL:	SY042-04/18 23 April 2018
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	A. Final Draft Shire of York DAIP 2018-23 B. Submissions Received

Nature of Council’s Role in the Matter:

- Executive

Purpose of the Report:

This report provides Council with the final draft Shire of York Disability Access and Inclusion Plan 2018 – 2023 for adoption and submission to the Disability Services Commission.

Background:

In accordance with the *Disability Services Act 1993 (amended 2004)*, public authorities are required to develop and implement a Disability Access and Inclusion Plan (DAIP) at least every five years that identifies barriers to access and to propose solutions to ensure equitable access to services and facilities for people with disabilities. The Shire of York adopted its current DAIP 2013-18 on 18 February 2013.

Council established an Access and Inclusion Advisory Committee to oversee the development of the Shire’s new DAIP and to provide input into matters relating to access and inclusion within the Shire.

At the Ordinary Council Meeting held 23 April 2018, it was resolved;

“That Council:

- 1. Endorses the Draft Shire of York DAIP 2018-2023 as attached to this report at Appendix A, for public advertising for a period of four weeks.*
- 2. Requests the Chief Executive Officer to present the final Draft Shire of York DAIP 2018-2023 to the Access and Inclusion Advisory Committee for endorsement and recommendation to Council following the public advertising period.*
- 3. Thanks those members of the community that attended the consultation workshops for their input into the Draft Shire of York DAIP 2018-2023.”*

The draft DAIP was advertised for public comment via the Shire’s Community Matters page, on the Shire website and social media outlets and via a targeted mailout requesting feedback from local community members and relevant organisations.

Several unsuccessful attempts have been made to hold a meeting of the AIAC where a quorum was unable to be achieved, mostly due to work commitments of members. Therefore, members of the AIAC were asked to provide their comments via the submission process. The final draft DAIP is now presented directly to Council for endorsement for public advertising.

Comments and details:

Seven submissions were received, two of those from members of the AIAC. The following is a summary of the comments received.

Name	Notes
Rob Garton-Smith York Business Association Inc	<ul style="list-style-type: none">• More consideration is required to avoid costly obligations on businesses occupying heritage buildings• Could Council consider 'softening' of rules when a change of use is considered?
Liz Christmas	<ul style="list-style-type: none">• General access in using a gopher, pram, wheelchair• Truck incident on Henrietta Street• Accessibility mat for strollers, wheelchairs etc for events• Town Hall access issues• Unpaved areas• Footpath Infill• Concerns regarding commitment to and timeframes for proposed actions
Essential Personnel Wendy Hoare	<ul style="list-style-type: none">• DAIP looks good• Outcome 7 is one area EP can assist with.
Marie Forster	<ul style="list-style-type: none">• General support for the Plan• Proposal for a Sensory Garden in Peace ParkSchool carpark sealing of roadSafety of Town Hall stage/performing areaUpgrading public buildings
Wendy Solly	<ul style="list-style-type: none">• Concern about elderly people becoming isolated in their own homes
York Branch RSL Kevin Trent	<ul style="list-style-type: none">• Actions need to be ranked in order of priority• Funds need to be placed in the budget so the actions can be progressed• A timeframe needs to be set for rectifying the deficiencies
York Uniting Church Kevin Trent	<ul style="list-style-type: none">• Commend the Council on the Plan

An accessibility audit of the CBD and tourism precincts and Shire-owned buildings is one of the strategies contained in the DAIP. It is proposed to engage a suitably qualified consulting firm to undertake an audit of the following:

- Footpaths and crossovers, other barriers to mobility
- ACROD/disability parking
- Access and egress to public buildings and amenities

- Wayfinding and signage
- Events

The aims of the audit will be to:

- Review the public buildings, parking and amenities in the Shire of York townsite to identify barriers to disability access and inclusion;
- Develop a list of priorities for action to address issues of non-compliance that will inform asset management planning and annual budgeting processes.
- Provide useful, achievable and practical initiatives to provide real results to improve access and inclusion within reasonable budget limits.

While many of the issues raised in the submissions received will be identified and prioritised for action as part of a proposed accessibility audit of Shire facilities and the CBD to be undertaken in 2018/19, Officers provide the following further comments;

- The audit will take into account heritage values and advice will be sought from the Heritage Council regarding potential improvements in accordance with the Disability Services Act where a change of use is to be considered.
- The Shire is required to comply with relevant legislation (ie Building Code of Australia) 'as far as is practicable' which allows some flexibility with regards to case by case consideration and fit for purpose redevelopment. An action has been added to Strategy 2.1 to reflect this. In the coming twelve months, the Shire will be focussing on compliance matters which will include monitoring of accessibility conditions.
- The proposed accessibility audit will also consider the Shire's completed asset management plans to ensure that areas with identified accessibility issues have been prioritised. An action has been added to Strategy 5.1 regarding the opportunity to provide feedback on the Shire's website.
- Stage 1 of the improvements to the York Town Hall have included installation of handrails to the stage stairs and consideration of other accessibility issues raised. As funding becomes available, further improvements will be implemented.
- Proposals such as a sensory garden, access for isolated seniors/people with a disability and dementia-friendly projects are recommended to be considered on a case by case basis as funding becomes available and as part of the annual budget process. This could be driven by recommendations from the Access and Inclusion Advisory Committee.
- The timeframes for completion of tasks in the Plan have been proposed with regard for current capacity and the resources available. While some actions may be completed earlier than proposed, others may have strategic implications which need to be considered across the Shire. For example, it is proposed to update the information bay at the entrance to town. Therefore, it would be prudent to include access and inclusion updates at this time. While this could mean that actions are not completed as quickly as possible, officers have recommended timelines based on a strategic approach.

Options:

Council could choose not to adopt the revised DAIP as attached to this report. However, it is a legislative requirement for public authorities to develop a new DAIP every five years.

Officers are therefore recommending that Council adopts the revised DAIP as attached to this report for submission to the Department of Communities.

Implications to consider:

- **Consultative**

One of the integral requirements of the DAIP is community consultation. The amendments to the *Disability Services Act (1993, amended 2004)* now make community consultation mandatory.

The **minimum** requirements are that public authorities must call for submissions regarding DAIPs “either generally or specifically in:

- the local area newspaper or printed media
- on the authority’s website.

The draft DAIP was advertised for public comment via the Shire’s Community Matters page, on the Shire website and social media outlets and via a targeted mailout requesting feedback from local community members and relevant organisations.

In addition, the priorities identified in both the the Shire’s Community Perceptions (Markyt) Survey undertaken early in 2017 and the Age-Friendly Community Plan adopted in 2017 have been incorporated into the draft DAIP 2018-2023.

- **Strategic**

Theme 1: A Place to Live

- 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.

Theme 4: Built for Resilience

- 4.6 The town of York has a network of well-maintained and well-integrated, safe and reliable, roads, footpaths and cycle paths.
- 4.8 The town of York and other Shire communities have adequate public health services which are managed in a sustainable way.

- **Policy related**

G2.9 Community Engagement and Consultation

- **Financial**

Financial implications of the proposed actions in the DAIP will need to be considered as part of the annual budget process.

- **Legal and Statutory**

Disability Services Act 1993

28. Disability access and inclusion plans

- (1) *Each public authority must have a disability access and inclusion plan to ensure that in so far as its functions involve dealings with the general public, the performance of those functions furthers the principles in Schedule 1 and meets the objectives in Schedule.*
- (2) *A disability access and inclusion plan must meet any prescribed standards.*
- (3) *A public authority must lodge its disability access and inclusion plan with the Commission —*
 - (a) *if the authority was established before the commencement of the Disability Services Amendment Act 2004, without delay;*
 - (b) *if the authority is established after the commencement of the Disability Services Amendment Act 2004, within 12 months after the day on which it is established.*

- (4) A public authority may amend its disability access and inclusion plan at any time.
- (5) A public authority may review its disability access and inclusion plan at any time.
- (6) After reviewing its disability access and inclusion plan, a public authority must lodge a report of the review with the Commission in accordance with subsection.
- (7) Not more than 5 years is to elapse —
 - (a) between the day on which a public authority first lodges its disability access and inclusion plan with the Commission and the day it lodges a report of a review of the plan with the Commission; or
 - (b) between the lodgement of the report of one review of a plan and the lodgement of the report of another review of the plan.
- (8) After reviewing its disability access and inclusion plan, a public authority may amend the plan or prepare a new plan.
- (9) If at any time a public authority amends its disability access and inclusion plan or prepares a new plan, whether after a review or not, it must lodge the amended or new plan with the Commission as soon as practicable after doing so.
- (10) A public authority must undertake public consultation in accordance with the procedure specified in the regulations when preparing, reviewing or amending a disability access and inclusion plan.

Disability Services Regulations 2004

10. Procedure for public consultation by authorities (s. 28)

- (1) For the purposes of section 28(10) of the Act, a public authority is to undertake consultation in relation to its disability access and inclusion plan by calling for submissions either generally or specifically —

- (a) by notice in a newspaper circulating throughout the State or, in the case of a local government, the district of that local government under the Local Government Act 1995; and
- (b) on any website maintained by or on behalf of the public authority.

- (2) Nothing in subregulation (1) prevents a public authority from also undertaking any other consultation.

- **Risk related**

Should the Shire fail to adopt a new plan, it will be in breach of Section 28 (7) of the *Disability Services Act 1993*. The Officer Recommendation mitigates this risk.

- **Workforce Implications**

The Draft DAIP 2018-2023 incorporates actions that have been assigned to existing and potential future staff. Achievement of these actions will be dependent upon the allocation of resources to implement them including in some cases, a Community Development Officer.

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION:

“That Council:

- 1. Adopts the Shire of York DAIP 2018-2023 as attached at Appendix A to this report.***
- 2. Requests the Chief Executive Officer submit the Shire of York DAIP 2018-2023 to the Department of Communities.***
- 3. Notes that strategies contained in the DAIP will inform the Shire’s annual budget process and any reviews of the Shire’s Strategic Community Plan and Corporate Business Plan.”***

SY067-06/18 – Councillors Professional Development – Wheatbelt Conference

FILE REFERENCE: OR.CLR.2
APPLICANT OR PROPONENT(S): N/A
AUTHORS NAME & POSITION: Paul Martin, Chief Executive Officer
RESPONSIBLE OFFICER: Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL: 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 Trent and Smythe on their attendance at the Wheatbelt Conference 18 held in Jurien Bay on 5-6 April 2018.

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 who attended the Wheatbelt Conference 18.

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*.

The costs covered by the Shire in attending the Conference was in accordance with *Council Policy G 1.2*.

- **Financial**
The costs of attending this Conference was accommodated in the Councillors training budget.
- **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 report in accordance with Policy G 1.2 Councillors Professional Development.”

SY068-06/18 – Request for amendment of Shire of York Cat Local Law 2017

FILE REFERENCE: RS.ANC.4
APPLICANT OR PROPONENT(S): Shire of York
AUTHORS NAME & POSITION: John Goward, Ranger
RESPONSIBLE OFFICER: Bret Howson, A/Executive Manager
Infrastructure and Development Services
PREVIOUSLY BEFORE COUNCIL: 26 February 2018
DISCLOSURE OF INTEREST: N/A
APPENDICES: A - Comments from the Joint Standing Committee on Delegated Legislation.
B - Shire of York Cat Local Law 2017

Nature of Council's Role in the Matter:

- Legislative

Purpose of the Report:

The purpose of this report is to:

1. To consider comments received 17 May 2018 from the Joint Standing Committee on Delegated Legislation (JSCDL) in relation to amendments to the Shire of York Cat Local Law 2017;
2. To consider granting approval for the Shire President to write to the JSCDL confirming that in accordance with the Committees request, that the Shire will progress with the necessary amendments to its recently adopted Shire of York Cat Local Law 2017.

Background:

At its ordinary meeting of 26 February 2018, Council considered the process to make a Shire of York Cat Local Law and resolved the following:

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

6. *Requests the Chief Executive Officer to provide local public notice of the new fee in accordance with the Local Government Act 1995.*"

The local law was gazetted on 16 March 2018. However, following review by the Joint Standing Committee on Delegated Legislation (JSCDL), the Shire of York received advice requesting amendments to this Local Law (Appendix A).

Comments and details:

The advice from the JSCDL requests that the Council of the Shire of York resolves to undertake to the Joint Standing Committee on Delegated Legislation that:

1. *within six months, the Shire will make an amendment local law to:*
 - (a) *amend clause 3.1(3) of the Shire of York Cat Local Law 2017 by deleting the words 'or until the local government withdraws the notice' and replacing them with 'which period shall not exceed 28 days'*
 - (b) *delete clause 6.2 OR, if the Shire wishes to keep clause 6.2, amend clause 6.2 by:*
 - i. *moving the phrase 'the provisions of Division 5 of Part 4 of the Act apply to that decision' to the next line*
 - ii. *deleting the words 'Division 5 of Part 4 of the Act and replacing them with 'Part 9, Division 1 of the Local Government Act 1995'*
 - iii. *inserting the following words immediately after the phrase 'apply to that decision.':*

The person specified in that decision is an affected person for the purposes of Part 9, Division 1 of the Local Government Act 1995.
 - (c) *amend the definition of 'permit in clause 1.4 by deleting 'clause 2.6' and replacing it with 'clause 2.4'*
 - (d) *if the Shire wishes to keep clause 4.3(3), amend the clause by replacing 'identified' with 'unidentified'*
 - (e) *amend clause 6.3(2) by deleting the words 'Section 84' and replacing them with 'section 62'*
 - (f) *amend Schedule 2 by deleting '[Clause 7.3]' and replacing it with '[clause 6.3]'*
 - (g) *amend Schedule 2, item 2 by deleting '2.6(c)' and replacing it with '2.6(l)(e)'*
2. *until the Shire of York Cat Local Law 2017 is amended in accordance with undertaking 1, the Shire will:*
 - (a) *not enforce that local law in a manner contrary to undertaking 1*
 - (b) *where that local law is made publicly available, whether in hard copy or electronic form (including on the Shire's website), ensure that it is accompanied by a copy of these undertakings.*

The JSCDL also requests that the undertakings should be given in the form of a letter signed by the Shire President, not the Chief Executive Officer or other officer of the Shire. This is because, pursuant to section 2.8(l)(d) of the *Local Government Act 1995*, the *'Mayor or President speaks on behalf of the local government to the Parliament of Western Australia'*.

The JSCDL originally requested that the undertakings be provided to the Committee by Friday 8 June 2018 however this deadline has been extended to 30 June 2018 to enable the matter to be considered by Council.

Notice of motion to disallow:

That the Committee also resolved to give a notice of motion in the Legislative Council to disallow the Local Law. The Notice will be given on 17 May 2018.

The reasons for giving notice are to protect the Parliament's right to disallow the Local Law should the Committee recommend disallowance and to provide the Committee with additional time to scrutinize the Local Law and, if necessary, obtain further information. The giving of the notice should not be taken as indicating that the Committee has resolved to recommend disallowance at this stage.

It should be noted that the JSCDL has recently reviewed a number of local laws gazetted by local governments and requested similar amendments.

Implications to consider:

Council may choose not to provide the requested undertaking, however that action risks the Shire of York Cat Local Law 2017 being disallowed in Parliament. The Local Law will then need to be completely remade, which will have a far greater impact than the proposed minor amendments.

Local laws assist a local government in controlling and regulating activities within district boundaries to ensure good governance over matters of municipal concern. The ability to regulate issues and respond to community needs within a local context is a positive contribution to the long term sustainability of the community in terms of health, safety, service provisions, resource management and good governance.

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

The effect of this local law is to: -

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

• **Consultative**

The Local Law was gazetted on 16 March 2018.

An advertisement was placed in the Avon Valley Gazette on 23 March 2018 advising of the purpose and effect of the Local Law and that it would come into operation on 16 March 2018.

The JSCDL has provided the wording for the Council resolution contained in the officer recommendation.

• **Strategic**

Theme 1: The place to live.

1.8 The Shire has a clear, nuisance free and safe living environment.

Theme 5: Strong leadership and governance.

5.4 There is a major focus on systems which improve, maintain accountability and transparency.

• **Financial**

Direct costs associated with this report are limited to staff hours to draft the amendment Local Law, advertising, correspondence and reports, including the preparation of an Explanatory Memoranda for the amendment Local Law. These costs will be borne via budgeted expenditure.

Once adopted the Shire will incur further gazettal costs, as all local laws need to be published in the government gazette. The current gazettal cost for bulk notices is approximately \$268.50 per page, however, as an amendment only, the total gazettal pages will be minimal. The Shire must also give local public notice of the adoption in a publication circulating in the Shire to satisfy the Act requirements following the adoption.

- **Policy related**

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

- **Legal and Statutory**

The Shire will need to give notice, in accordance with the requirements of the Local Government Act 1995, of its intention to make an amendment local law to rectify the matters, this will include state wide adverting with a submission period of six (6) weeks.

- **Risk related**

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

- **Workforce Implications**

Printing. Staff to police additional cat control restrictions.

Voting Requirements:

Absolute Majority Required: Yes

OFFICER RECOMMENDATION

“That Council undertakes to the Joint Standing Committee on Delegated Legislation that:

1. ***Within six months, the Shire will make an amendment local law to:***
 - (a) ***amend clause 3.1(3) of the Shire of York Cat Local Law 2017 by deleting the words 'or until the local government withdraws the notice' and replacing them with 'which period shall not exceed 28 days'***
 - (b) ***delete clause 6.2***
 - (c) ***amend the definition of 'permit in clause 1.4 by deleting 'clause 2.6' and replacing it with 'clause 2.4'***
 - (d) ***amend clause 4.3(3) by replacing 'identified' with 'unidentified'***
 - (e) ***amend clause 6.3(2) by deleting the words 'Section 84' and replacing them with 'section 62'***
 - (f) ***amend Schedule 2 by deleting '[Clause 7.3]' and replacing it with '[clause 6.3]'***
 - (g) ***amend Schedule 2, item 2 by deleting '2.6(c)' and replacing it with '2.6(l)(e)'.
'***
2. ***Until the Shire of York Cat Local Law 2017 is amended in accordance with undertaking 1, the Shire will:***
 - (a) ***not enforce that local law in a manner contrary to undertaking 1***
 - (b) ***where that local law is made publicly available, whether in hard copy or electronic form (including on the Shire's website), ensure that it is accompanied by a copy of these undertakings.***
3. ***Adopts the Shire of York Cat Local Law 2017 incorporating the above amendments and authorises the Shire President to inform the Joint Standing Committee on Delegated Legislation of Council's decision.***
4. ***Authorises the common seal to be affixed to the Shire of York Cat Local Law 2017.”***

SY069-06/18 – York Friendship Club – Palace of the Stars Acquittal & New Event Proposal

FILE REFERENCE:	FI.DON.1
APPLICANT OR PROPONENT(S):	York Friendship Club
AUTHORS NAME & POSITION:	Esmeralda Harmer – Events & Economic Development Officer
RESPONSIBLE OFFICER:	Paul Martin – Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL:	N/A
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	A – Palace of the Stars Acquittal B – Karen McRoberts Proposal for Future Palace of the Stars Event

Nature of Council’s Role in the Matter:

- Executive

Purpose of the Report:

To receive the 2018 Palace of the Stars acquittal as attached to this report and to consider Karen McRoberts’ intention for future Palace of the Stars events.

This report also details the York Friendship Club’s intention to discontinue the multiyear agreement to deliver the 2019 Palace of the Stars event.

Background:

The Palace of the Stars is a ticketed theatrical dinner event, set in the York Town Hall that re-creates York’s era of travelling music hall entertainers. The scripting for the show is based on author, Karen McRoberts’ historical fiction novels of York.

In November 2016, Council allocated \$5,000 of cash and in kind support as part of its Community Funding round to author Karen McRoberts, auspiced by Toodyay Festivals Inc for the inaugural Palace of the Stars event.

Following the April 2017 Palace of the Stars event, Item *SY130-10/17 Palace of the Stars Multiyear Funding Proposal* was presented to Council where Council requested the Chief Executive Officer to negotiate a draft two-year funding agreement with the organisers of the Palace of the Stars event and present the draft agreement to Council for consideration prior to execution.

Shortly after the April 2017 Council meeting, Toodyay Festivals Inc indicated it would no longer be able to auspice the event, with Palace of the Stars event organiser, Ms McRoberts confirming the York Community Resource Centre (YCRC) had agreed to become the new auspicing body. Officers prepared a draft agreement in consultation with the York Community Resource Centre (YCRC) and presented this to Council at its 27 November, 2017 Ordinary Council Meeting.

Ahead of the scheduled meeting, the YCRC advised that, due to their existing public liability and insurance coverages, they were unable to auspice the event and enter the multiyear agreement.

This information was communicated to Ms McRoberts with the recommendation that the 2018 Palace of the Stars event and future multiyear agreements be delayed to allow opportunity for a suitable auspice organisation and committee structure to be sought. Ms McRoberts indicated her intention to continue with the 2018 event and advised the York Friendship Club had agreed to become the new auspice body for the multiyear agreement. Officers reflected the change in

the draft agreement and met with the York Friendship Club to scope the draft funding agreement obligations and responsibilities.

At Council's 27 November, 2017 Ordinary Council Meeting, Council considered Item SY144-11/17 – *Shire of York & the York Community Resource Centre Multiyear Funding Agreement – Palace of the Stars* where it resolved:

"That Council:

- 1. Notes that Toodyay Festivals Inc will no longer auspice the Palace of the Stars event and the York Friendship Club Inc will now be the auspicing body.*
- 2. Agrees to the Multiyear Funding Agreement between the Shire of York and the York Friendship Club Inc as attached at Appendix A providing a maximum of \$15,000 over two years commencing in the 2017/18 financial year.*
- 3. Authorises the Shire President and Chief Executive Officer to engross the agreement on behalf of the Shire of York.*
- 4. Requests the Chief Executive Officer to allocate \$10,000 for the 2017/18 FY from Festivals Assistance GL 132150 and include an amount of \$5,000 in the 2018/19 FY draft budget for Councils consideration."*

Following Council's meeting, Officers met with both the York Friendship Club and Ms McRoberts to execute the multiyear agreement and progress through the event approval process under the new arrangement.

Comments and details:

In March 2018, the Palace of the Stars event was delivered with 58 people attending the Matinee, 88 people attending the evening show and approx. 20 youth participating in the three drama workshops offered.

What worked well:

- Matinee inclusion as part of the 2018 event was well received
- Drama workshops offered to youth were engaging and well attended
- Performers / entertainment programmed was well received
- Venue and facilities for the show were favourable
- According to postcodes obtained through ticket sales, 70% of attendees were local or lived in the region

Lessons learned included:

- Clearer communication lines between the auspicing body and event organiser would be beneficial to the overall event management and delivery
- Improved sound and audio equipment is needed to enable entertainers to be heard clearly by audience members
- The available food and beverages dramatically affected the experience for ticket holders
- Tiered ticket pricing could increase numbers attending, making the event more affordable to a wider range of people.

Officers note the financial support committed by Council through this agreement encouraged the event to become sustainable over time by utilising the initial funds available to increase market exposure, ticket sales, grant opportunities and by lowering the financial risk unproven events face in their development stages. However, given the breakdown in relationship between Ms McRoberts and the York Friendship Club since the event was delivered, the York Friendship Club has returned a portion of the revenue raised to the Shire and wishes to dissolve the

multiyear agreement for the 2019 year. Officers accept this intention in accordance with *Section 13 Variation* of the existing multiyear agreement and receipted the funds returned to the Shire.

Further comments and details regarding the 2018 Palace of the Stars presented by the York Friendship Club, are attached at **Appendix A** for Council's consideration.

Officers have recommended to Ms McRoberts that the 2019 Palace of the Stars event be postponed enabling sufficient time for Ms McRoberts to explore future options for the event including:

- Addressing the lessons learned from both the 2017 & 2018 events and developing strategies to improve these outcomes
- Exploring future management options for the Palace of the Stars delivery
- Researching potential external funding sources to co-fund future events
- Engaging community organisations to increase volunteers and event assistance

Ms McRoberts has sought a new auspicing body and wishes to rename the Palace of the Stars event to *York Gold – York's Autumn Festival of Celebration and Reflection*. Officers have met with Ms McRoberts and the potential new auspice organisation, reiterating the recommendation to take some time to fully scope and develop the governance structures and auspice arrangements. Once these arrangements have been fully developed, Officers recommend Ms McRoberts and the new auspicing body present these plans to Council for consideration.

Officers have collated the documents received regarding the *York Gold – York's Autumn Festival of Celebration and Reflection* proposal and present these to Council as **Appendix B** for consideration.

Implications to consider:

- **Consultative**
In accordance with Council's *G2.9 Community Engagement and Consultation Policy*
- **Strategic**
Nil
- **Policy related**
G2.9 Community Engagement and Consultation Policy, C1.3 Community Funding: Grants & Sponsorship; 5.1 Duration of Assistance
- **Financial**
Council has committed through the existing multiyear agreement \$10,000 from GL 132150 Festivals Assistance. \$5,000 has also been included in the draft 2018/19 financial year budget as per the multiyear funding obligations. The York Friendship Club have also returned \$2,000 of profit made from the event to the Shire which has been transferred back to GL 132150 Festivals Assistance.

Officers recommend this \$7,000 total remain in GL132150 Festivals Assistance for future Community Funding rounds and could be utilised to support applications that may be received through the next round of Community Funding offered.

Should a funding request from Ms McRoberts be received in the interim, Officers suggest this be considered on its merits at that time.

- **Legal and Statutory**
Nil

- **Risk related**

Officers note the event's reputational risk has increased due to the varying amount of auspicing organisation and stakeholder trust in the event. This could impact on future ticket sales and community involvement although Officers rate this risk as minor to moderate. Although this perceived risk is not directly related to the Shire and its involvement, Officers note this risk should bear consideration for future multiyear agreements that may be considered for this event.

- **Workforce Implications**

Nil

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION:

"That Council:

- 1. Receives the Acquittal of the 2018 Palace of the Stars.***
- 2. Notes the York Friendship Clubs wish to dissolve the current multiyear agreement between the York friendship Club and the Shire of York.***
- 3. Invites Ms McRoberts to present to Council future Palace of the Stars event proposals."***

SY070-06/18 – York Agricultural Society Multi-Year Funding Proposal & Agreement

FILE REFERENCE: CS.CEV
APPLICANT OR PROPONENT(S): York Agricultural Society
AUTHORS NAME & POSITION: Esmeralda Harmer, Community & Economic Development Officer
RESPONSIBLE OFFICER: Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL: SY048 – 05/17
DISCLOSURE OF INTEREST: Nil
APPENDICES: A. 2018 York Agricultural Society Draft Multiyear Agreement

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

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

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

Council is requested to consider a multi-year funding agreement for the York Agricultural Society and the benefits to the community of such a proposal. This report outlines the Shire of York's previous involvement with the York Agricultural Society (YAS) and proposed budget allocations to consider a multi-year funding arrangement.

Background:

The York Agricultural Show delivered by YAS is York's longest running community event. Established in 1840, the one-day event was established for the sale and show of stock and wool, to encourage improvement in the breed of sheep in the district.

Now in its 178th year the York Agricultural Show has modernised its inclusions to celebrate agricultural farming, farm machinery and showcase York's farming community including poultry, industry stallholders, community groups and family entertainment.

As a not for profit entity the York Agricultural Show is financed through a mix of stallholder fees, grant funding, Shire contributions and reserve funds held from previous year events. Council has provided a mixture of cash and in-kind contributions to the York Agricultural Society since 2003 for the York Show. The amount of cash and in-kind support has varied each year to include in kind waiver of Shire facilities, cash contributions and Shire works support.

In May 2017, Council considered Item SY048-05/17 – *Community Funding – Grants & Sponsorship Applications* and resolved to support the York Agricultural Show for the amount of \$10,000 of cash and in-kind, including a request for the CEO to include the funding amount in the draft 2017/18 budget.

Since May 2017, the York Agricultural Show has occurred attracting approximately 4,000 people throughout the one-day event. Shire officers met with the YAS post event to evaluate the show's success and discuss future aspirations for the show. Committee members have indicated that a multiyear agreement and lease arrangement would be beneficial to ensure the long-term sustainability of the York Show in its current location.

Officers concur with this approach as it:

- provides surety to the YAS of the show's location for the next three years
- provides leveraging opportunities for YAS to attract external grant funding.
- supports Council's Corporate Business Plan objective to develop positive working partnerships between the Shire and the community built around particular projects.

Officers note that a lease arrangement is currently being developed with the YAS and will be presented to Council at a later date.

Shire Officers, with the assistance of YAS committee members have drafted a proposed multiyear agreement for Council's consideration which details the responsibilities and obligations of each party.

Comments and details:

Officers have identified the York Agricultural Show as York's largest community driven event. This is evident through the increase in community activities and attendance to the York Show in the past two years.

The YAS is requesting Council considers contributing \$10,000 of cash per annum to assist with the presentation of the York Agricultural Show over a three-year period. The proposed multi-year agreement provides:

- support to grow and develop both show content and attendances, from a level of certainty multi-year funding provides.
- opportunities for external funding applications to be made leveraging the multi-year funding support proposed by the Shire.
- clarity of roles and responsibilities of each party
- financial security to engage and book in advance each year, entertainment, fireworks, and provide new and exciting aspects to the York Show that are consistent with York's image and aspirations.

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

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

The draft multiyear agreement is attached as a confidential report at Appendix A for Council's consideration.

Implications to consider:

- **Consultative**

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

- **Strategic**

The benefits of a proposed multi-year funding agreement address points raised in Council's adopted Corporate Business Plan regarding Council's priorities over the next four years which include:

- *Supporting the business community to build its networks.*
- *Developing positive working relationships between the Shire and the community built around particular projects.*
- *Encouraging a positive, active and involved community*

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

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

- **Financial**

In previous years, the Shire has considered financial sponsorship for the York Show from GL 132150 Festivals Assistance. Officers propose this budget be considered for the draft multiyear agreement offered in this report.

The draft multiyear agreement further details the payment schedule for each year of the agreement, with a final payment made on acquittal in accordance with the C1.3 Community Funding: Donations, Grants, Sponsorship and Waiver of fees Policy Clause 8, Acquittal

Should Council approve the proposed multiyear agreement, recurrent budget allocations will be required as part of each yearly budgeting process to honour the multi-year funding arrangement.

- **Risk related**

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

- **Workforce Implications**

The development of the draft multiyear agreement will be undertaken in house within existing resources.

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION

“That Council;

- 1. Agrees to the Multiyear Funding Agreement between the Shire of York and the York Agricultural Society as attached at Appendix A providing \$10,000 ex GST per annum for three years commencing in the 2018/19 financial year.***
- 2. Authorises the Shire President and Chief Executive Officer to engross the agreement on behalf of the Shire of York.***
- 3. Requests the Chief Executive Officer to include allocations of \$10,000 in the 2018/19, 2019/20 & 2020/21 Financial Year draft budgets for Council’s consideration.”***

SY071-06/18 – Outstanding Rates and Charges – Payment Agreements

FILE REFERENCE: FI.DRS.3
APPLICANT OR PROPONENT(S): VARIOUS
AUTHORS NAME & POSITION: Anneke Birleson, Finance Officer
RESPONSIBLE OFFICER: Suzie Haslehurst, Executive Manager Corporate & Community Services
PREVIOUSLY BEFORE COUNCIL: 28 May 2018
DISCLOSURE OF INTEREST: Nil
APPENDICES: A – Table of Application Details (Confidential)

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

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

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

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

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

Background:

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

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

Comments and details:

Council has considered 25 applications since the adoption of the revised revenue collection policy.

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

One application relates to a pensioner, that must enter an arrangement to pay arrears in order to be eligible for a rebate in 2018/19 and defer their rates and Emergency Services Levy (ESL) for 2017/18. Once an agreement is entered into, all payments are to be paid towards charges other than Rates and ESL, to enable deferment.

Two of the applications have no arrears, but the balance will not be cleared prior to 30 June 2018. However, the proposed payments would clear the balances, including the 2018/19 rates and charges by 30 June 2019. Therefore, the recommendation is to approve with an expiry date of 30 June 2019, particularly when considering the current proximity to 30 June 2018.

The final application is from a ratepayer that receives a pension from overseas and is therefore not eligible for any state or national concessions, resulting in financial hardship.

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

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

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

Due to this report being presented at the end of June 2018 it is recommended that the agreements expire on 30 June 2019.

Options:

Council could elect to approve or reject the officer recommendations. Officers have worked with the applicants regarding their current financial circumstances and ability to pay. One of the principles of the revenue collection policy is that people's circumstances are taken into account.

Implications to consider:

- **Consultative**
Officers have liaised with the applicants.

- **Strategic**
Theme 5: Strong Leadership and Governance
5.3 The Shire's public finances are sustainable in the short and long-term.

- **Policy related**
F1.1 Revenue Collection
DE3-3 Agreement as to Payment of Rates and Service Charges

- **Financial**
The total debt associated with the payment arrangements as at 1 June 2018 is \$9,023.46.

This represents approximately 0.7% of the current outstanding debt.

- **Legal and Statutory**

Local Government Act 1995

6.49. Agreement as to payment of rates and service charges

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

Shire of York Finance Policy F1.1 Revenue Collection

Principles

- a) *the Shire's cashflow is optimised and bad debts minimised by ensuring timely collection of all revenue owing to the Shire.*
- b) *the recovery of the Shire's revenue is clear, equitable, consistent and transparent.*
- c) *that account is taken of the circumstances of people with debt owing to the Shire.*
- d) *all reasonable action be undertaken to recover revenue before the debt is written off.*
- e) *debt collection activities are in accordance with relevant legislation and standards and credit controls are monitored to minimise potential financial loss.*

- **Risk related**

The Financial Risk is Minor (2).

The Likelihood of occurrence is Likely (4).

The overall risk rating is Moderate (8).

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

- **Workforce Implications**

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

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION:

"That Council:

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

SY072-06/18 – Financial Report for May 2018

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

Nature of Council's Role in the Matter:

- Legislative
- Review

Purpose of the Report:

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

Background:

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

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

Comments and details:

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

- Monthly Statements for the period ended 31 May 2018
- List of Creditor's Payments
- Corporate Credit Card Transaction Listing

The following information provides balances for key financial areas for the Shire of York's financial position as at 31 May 2018;

Outstanding Rates and Services

The total outstanding rates as at 31 May 2018 were \$1,252,628 compared to \$1,297,577 as at 30 April 2018.

3 years and over	\$257,210.94	20.53%	of rates outstanding
2 years and over	\$237,741.02	18.98%	of rates outstanding
1 year and over	\$281,124.57	22.44%	of rates outstanding
<u>Total Prior Years outstanding</u>	<u>\$776,076.53</u>	61.96%	of rates outstanding
Current Rates	<u>\$476,551.29</u>	38.04%	of rates outstanding
<u>Total Rates Outstanding</u>	<u>\$1,252,627.82</u>		

Outstanding Sundry Debtors

Total outstanding sundry debtors as at 31 May 2018 were \$321,283 compared to \$317,196 as at 30 April 2018.

90 days and over	\$276,990.43	86.21%	of sundry debtors outstanding
60 days and over	\$1,333.85	0.42%	of sundry debtors outstanding
30 days and over	\$30,162.09	9.39%	of sundry debtors outstanding
Current	<u>\$12,796.52</u>	3.98%	of sundry debtors outstanding
<u>Total Debtors Outstanding</u>	<u>\$321,282.89</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.

Implications to consider:

- **Legal and Statutory**

Local Government Act 1995

6.10. *Financial Management Regulations may provide for —*

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

Local Government (Financial Management) Regulations 1996

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

(1A) *In this regulation —*

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

- (1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —*
 - (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*
 - (b) *budget estimates to the end of the month to which the statement relates; and*
 - (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*
 - (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - (e) *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing —*
 - (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and*
 - (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
 - (c) *such other supporting information as is considered relevant by the local government.*
- (3) *The information in a statement of financial activity may be shown —*
 - (a) *according to nature and type classification; or*
 - (b) *by program; or*
 - (c) *by business unit.*
- (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —*
 - (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
 - (b) *recorded in the minutes of the meeting at which it is presented.*
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

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

- **Policy**

Policy F1.2 Procurement

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

Voting Requirements:

Absolute Majority Required: No

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 May 2018 as summarised below:

May-18	
MUNICIPAL FUND	AMOUNT
Cheque Payments	27,248.49
Electronic Funds Payments	628,986.02
Payroll Debits	171,131.35
Payroll Debits - Superannuation	37,296.61
Bank Fees	749.10
Corporate Cards	1,700.85
Fuji Xerox Equipment Rental	236.62
Fire Messaging Service	247.50
TOTAL	867,596.54
TRUST FUND	
Electronic Funds Payments	4,885.65
Cheque Payments	0.00
Direct Debits Licensing	122,287.85
TOTAL	127,173.50
TOTAL DISBURSEMENTS	994,770.04

”

SY073-06/18 – Investments – May 2018

FILE REFERENCE: FI.FRP
APPLICANT OR PROPONENT(S): Not Applicable
AUTHORS NAME & POSITION: Tabitha Bateman, Finance Manager
RESPONSIBLE OFFICER: Suzie Haslehurst, Executive Manager Corporate and Community Services
PREVIOUSLY BEFORE COUNCIL: No
DISCLOSURE OF INTEREST: Nil
APPENDICES: A. 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 May 2018.

Background:

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

Comments and details:

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

- a) Council's Investments as at 31 May 2018
- b) Application of Investment Funds
- c) Investment Performance

Implications to consider:

- **Legal and Statutory**

Local Government Act 1995

6.14. Power to invest

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

Local Government (Financial Management) Regulations 1996

19. Investments, control procedures for

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

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

- (1) In this regulation —

authorised institution means —

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

foreign currency means a currency except the currency of Australia.

- (2) When investing money under section 6.14(1), a local government may not do any of the following —
 - (a) deposit with an institution except an authorised institution;
 - (b) deposit for a fixed term of more than 3 years;
 - (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.”

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

SY074-06/18 -Appointment of Executive Manager Infrastructure and Development Services (EMIDS)

13.2 Public reading of resolutions to be made public

14 NEXT MEETING

The next Ordinary Meeting of Council will be held on Monday, 23 July 2018 at 5.00pm in Council Chambers, York Town Hall, York.

15 CLOSURE