



# SHIRE OF YORK

## Policy Manual

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## Table of Contents

|  |           |
|--|-----------|
| <b>Community Policies</b> .....  | <b>5</b>  |
| C 1.1 FREEMAN OF THE SHIRE OF YORK .....   | 7         |
| C 1.2 AUSTRALIA DAY AWARDS .....   | 10        |
| C1.3 COMMUNITY FUNDING: GRANTS AND SPONSORSHIP POLICY .....                                    | 12        |
| C 1.4 SPONSORSHIP OF TOURISM EVENTS.....   | 18        |
| C1.5 PUBLIC EVENTS IN YORK .....   | 22        |
| <b>Corporate Policies</b> .....  | <b>27</b> |
| CP 1.1 EXECUTION OF DOCUMENTS AND USE OF THE COMMON SEAL .....                                 | 29        |
| CP 1.2 USE OF THE SHIRE OF YORK CREST AND LOGO .....   | 32        |
| CP 1.3 COMMISSIONING OF LEGAL ADVICE .....   | 34        |
| CP 1.4 LOCAL GOVERNMENT RESOURCE SHARING.....  | 36        |
| CP 1.5 COMPLIANCE .....  | 38        |
| <b>Finance Policies</b> .....  | <b>45</b> |
| F1.1 REVENUE COLLECTION.....   | 47        |
| F1.2 PROCUREMENT .....   | 53        |
| F 1.3 SIGNIFICANT ACCOUNTING POLICIES .....  | 61        |
| F1.4 INVESTMENT .....  | 75        |
| F1.5 AUTHORITY TO MAKE PAYMENTS FROM TRUST AND MUNICIPAL FUNDS .....                           | 79        |
| F 1.6 CORPORATE CREDIT CARD POLICY .....   | 81        |
| F 1.7 CONCESSIONS ON COMMERCIAL AND FARMING PROPERTIES OCCUPIED BY<br>PENSIONERS/SENIORS ..... | 86        |
| F 1.8 RATES EXEMPTIONS FOR CHARITABLE PURPOSES.....  | 88        |
| <b>Governance Policies</b> .....   | <b>93</b> |
| G 1.1 CODE OF CONDUCT: COUNCILLORS, COMMITTEE MEMBERS AND EMPLOYEES.....                       | 95        |
| G 1.2 COUNCILLORS: PROFESSIONAL DEVELOPMENT.....   | 112       |
| G 1.3 COUNCILLORS: TRAVEL AND ACCOMMODATION .....  | 115       |
| G 1.4 COUNCIL DELEGATES: ROLES AND RESPONSIBILITIES.....                                       | 119       |
| G 1.5 INDUCTION FOR COUNCILLORS.....   | 123       |
| G 1.6 PROVISION OF GOVERNANCE SERVICES .....   | 126       |
| G 1.7 COUNCILLORS: RECOGNITION OF SERVICE .....  | 128       |
| G 1.8 RECORD KEEPING .....   | 130       |
| G 1.9 PAYMENT OF LEGAL COSTS FOR COUNCILLORS.....  | 136       |
| G 1.10 WORKFORCE AND HUMAN RESOURCES .....   | 141       |
| G 1.11 ORGANISATION STRUCTURE AND DESIGNATION OF SENIOR EMPLOYEES.....                         | 143       |
| G 1.12 CIVIC FUNCTIONS AND HOSPITALITY .....   | 145       |
| G 1.13 ALCOHOL AND OTHER DRUGS.....  | 147       |

# SHIRE OF YORK: POLICY MANUAL

|   |            |
|---|------------|
| G 1.14 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER .....        | 151        |
| G 1.15 ATTENDANCE AT EVENTS POLICY: ELECTED MEMBERS & CEO'S ..... | 154        |
| G 2.1 COMPREHENSIVE COMPLAINTS RESPONSE .....                     | 157        |
| G 2.2 COMMUNITY ACCESS TO INFORMATION .....                       | 166        |
| G 2.3 DISRUPTIVE BEHAVIOUR AT COUNCIL MEETINGS .....              | 171        |
| G 2.4 PETITIONS .....   | 175        |
| G 2.5 REFERENCE GROUPS .....                                      | 178        |
| G 2.6 PUBLIC QUESTION TIME .....                                  | 182        |
| G 2.7 CONDUCT OF COUNCIL FORUMS .....                             | 184        |
| G 2.8 SOCIAL MEDIA .....  | 187        |
| G 2.9 COMMUNITY ENGAGEMENT AND CONSULTATION .....                 | 192        |
| G 2.10 STATE ADMINISTRATIVE TRIBUNAL .....                        | 199        |
| G 3.1 PUBLIC INTEREST DISCLOSURE .....                            | 201        |
| G 3.2 FRAUD, CORRUPTION AND MISCONDUCT PREVENTION .....           | 205        |
| G 4.1 INTEGRATED PLANNING AND REPORTING: (PLANNING) .....         | 208        |
| G 4.2 INTEGRATED PLANNING AND REPORTING: (REPORTING) .....        | 213        |
| G 4.3 FINANCIAL PLANNING AND SUSTAINABILITY .....                 | 215        |
| G 4.4 EXTERNAL GRANTS: PROCUREMENT & MANAGEMENT .....             | 218        |
| G 4.5 ASSET MANAGEMENT .....                                      | 221        |
| G 4.6 RISK ASSESSMENT AND MANAGEMENT .....                        | 225        |
| G 4.7 INTERNAL CONTROL .....                                      | 230        |
| G 4.8 LEGISLATIVE COMPLIANCE .....                                | 232        |
| <b>Town Planning .....</b>  | <b>237</b> |
| HERITAGE PRECINCTS & PLACES .....                                 | 239        |
| RESTRICTION ON BUILDING MATERIALS (PPI) .....                     | 314        |
| SEA CONTAINERS .....  | 316        |
| ADVERTISING SIGNAGE .....   | 321        |
| RETROSPECTIVE PLANNING APPLICATIONS .....                         | 337        |
| OUTBUILDINGS IN RESIDENTIAL ZONES .....                           | 341        |
| RELOCATED SECOND-HAND DWELLINGS .....                             | 346        |
| HERITAGE MANAGEMENT – INTERPRETATIVE SIGNAGE .....                | 352        |
| EXTRACTIVE INDUSTRIES – ROAD MAINTENANCE CONTRIBUTION .....       | 356        |
| DEVELOPER CONTRIBUTIONS FOR ROAD & FOOTPATH UPGRADING .....       | 359        |
| BARN STYLE SHED HOUSES .....                                      | 364        |
| SEAVROC TREE CROPPING .....                                       | 366        |
| TEMPORARY ALFRESCO DINING AREAS .....                             | 380        |
| <b>Miscellaneous Policies .....</b>                               | <b>386</b> |
| VANDALISM OF COUNCIL PROPERTY .....                               | 388        |

# SHIRE OF YORK: POLICY MANUAL

|  |     |
|--|-----|
| GATES ACROSS ROAD RESERVES .....   | 389 |
| WESTERN POWER – DISTRIBUTION POWER LINES CLEARANCES AT ROAD CROSSINGS & OVER LAND<br>..... | 390 |
| ONSITE EFFLUENT DISPOSAL FACILITY.....   | 401 |
| STAFF SUPERANNUATION – WA LOCAL GOVERNMENT SUPERANNUATION PLAN - CONTRIBUTION<br>.....     | 402 |
| TEMPORARY ACCOMMODATION POLICY.....  | 403 |
| CONTRACTOR MANAGEMENT POLICY.....  | 404 |
| VOLUNTEER MANAGEMENT.....  | 405 |

# Community Policies





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## C 1.1 FREEMAN OF THE SHIRE OF YORK

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### **Policy Objective:**

This policy sets out the circumstances under which the Shire of York Council may bestow the title of “Honorary Freeman of the Shire of York” upon individuals who have made an outstanding and exceptional contribution to the Shire or community.

### **Policy Scope:**

This policy covers matters relating to the nomination and conferring of the honour.

### **Policy Statement:**

#### **Introduction**

From time to time members of the York community may demonstrate outstanding commitment and contribution to the Shire or community and it is recognised that this contribution should be acknowledged. The Council will do this by, in special circumstances that meet the criteria of this policy, awarding to an individual the title of “Honorary Freeman of the Shire of York”. The Council will recognise, under appropriate circumstances, individuals who have demonstrated an outstanding contribution. It is the highest honour available to the Shire.

#### **Principles**

- (a) Outstanding contributions should be recognised by the community and the Shire
- (b) The status of the honour should be protected over time.

#### **Provisions**

##### **1. General**

- 1.1 The conferring of the honour of the Freeman of the Shire of York will occur only in rare and exceptional circumstances to maintain both the significance and prestige of the title.
- 1.2 The nominee must have given extensive and distinguished service to the Shire or community in a largely voluntary capacity. The nominee must have made an outstanding contribution to the Shire or community such that the nominee’s contribution can be seen to stand above the contributions made by most other people.
- 1.3 Bestowing the title of Honorary Freeman of the Shire will only be by an absolute majority decision of the Council and in accordance with this policy.

##### **2. Nomination Criteria**

- 2.1 The following shall be taken into account when consideration is being given to the conferring of the title of Honorary Freeman of the Shire of York:
  - (a) the nominee’s exceptional service must be recognised as a matter of public record;
  - (b) the nominee must have lived in, worked or served the Shire of York for a significant number of years

- (c) the nominee must have identifiable and long-standing connections with the community in the Shire of York
- (d) the nominee must have provided long and distinguished service to the local community;
- (e) the nominee's endeavours must have clearly benefited the Shire of York Community;
- (f) the nominee must have demonstrated both outstanding leadership and personal integrity;
- (g) preference shall be given to a person who performs in a voluntary capacity, but this should not preclude the honour being awarded to a person whose dedication and contribution is significantly above that expected from their occupation;
- (h) the contribution to the welfare of the community must involve one or more of the following factors:
  - significant contribution of the nominee's time in serving members of the Community for the improvement of their welfare;
  - the promotion, achievement and/or delivery of community services in which a real personal role and contribution is made;
  - while difficult to define, the contribution must be outstanding in that it can be seen to stand above the contributions of most other persons; and
  - the title shall not be bestowed on anyone who is holding the office of Council Member of the Shire of York.

### **3. Nomination Procedure**

- 3.1 Formal nominations for the honour may only be made by a Councillor of the Shire of York. A Councillor may make a nomination on his or her own cognisance or act as a sponsor for a wider community desire to honour a person.
- 3.2 A nomination for the honour may be submitted at any time provided that the nomination is in writing and clearly addresses the nomination criteria.
- 3.3 The nomination must clearly outline the history of the nominee in chronological order, outlining their history of the community service.
- 3.4 Nominations must be made in the strictest confidence without the nominee's knowledge and be sponsored by a Councillor and supported in writing by at least two other Councillors.
- 3.5 Nominations are to be submitted to the Chief Executive Officer. The Chief Executive Officer will submit a confidential report to a Council Meeting with details of the nomination. The confidential report for the Council Meeting shall be delivered at least two weeks prior to the meeting date to all Councillors.
- 3.6 If a Councillor expresses an objection to the nomination, that Councillor must give their reasons for the objection in writing to the Chief Executive Officer, at least one week before the Council Meeting. The Chief Executive Officer shall submit all objections (together with any other relevant information) to the Council Meeting.
- 3.7 Deliberations on the matter will take place behind closed doors. No record of the nominee's name shall be recorded in the Minutes of the Council Meeting, whether supported or not by the Council
- 3.8 In the event Council approves the nomination, it shall be by an Absolute Majority decision.

3.9 Prior to any announcement, the Chief Executive Officer shall make personal contact with the nominee to confirm their acceptance of the honour.

**4. Entitlements**

- 4.1 Any person declared an Honorary Freeman of the Shire of York:
- (a) may designate themselves as an “Honorary Freeman of the Shire of York”;
  - (b) will be invited to all civic events and functions and be acknowledged as a dignitary;
  - (c) will have their photograph hung in the Shire’s Council Chambers;
  - (d) will be provided with a plaque to commemorate receipt of their Award; and
  - (e) will be conferred at an appropriate civic ceremony for the purpose hosted by the Shire of York.

**5. Limitations on Holders of the Award**

- 5.1 At any one time, a maximum of four living persons only, unless otherwise decided by an Absolute Majority decision of the Council, may hold the title ‘Freeman of the Shire of York’.
- 5.2 For avoidance of doubt, the honour shall not be awarded posthumously.

**6. Personal Conduct**

- 6.1 A person who has been conferred with the honour of “Honorary Freeman of the Shire of York’ shall display high standards of personal conduct and behaviour at all times and shall not bring the Shire of York into disrepute.
- 6.2 The Council reserves the right to cancel the honour, in the event that the holder is convicted of a serious criminal offense or brings the Shire into disrepute. (Any such decision shall be by an absolute majority decision).

**Key Terms/Definitions**

Not Applicable.

**Policy Administration**

|                                   |  |
|-----------------------------------|--|
| Responsible Directorate/Division: | Chief Executive Officer                      |
| Contact Officer Position:         | Chief Executive Officer                      |
| Relevant Legislation:             | Not applicable                               |
| Relevant Delegation:              | Not applicable                               |
| Date Adopted:                     | 22 February 2016                             |
| Reviews/Amendments                | Reviewed 24 October 2016<br>25 November 2019 |



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## C 1.2 AUSTRALIA DAY AWARDS

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### **Policy Objective:**

To ensure there is a clear process available to guide decision-making in relation to Australia Day Awards.

### **Policy Scope:**

This policy relates to all official awards made as part of the Australia Day celebrations.

### **Policy Statement:**

#### **Introduction**

Australia Day is held annually on 26 January and each local government holds a formal ceremony as part of the celebrations. The AUSPIRE – Australia Day Council WA Australia Day Community Citizen of the Year Awards provides for individuals and one community group in each local government area to receive awards. Eligibility criteria and the process are specified by the Western Australia state government but the selection itself is carried under the auspices of the local government. There is discretion available to the local government as to whether a community committee will assist in making the final selection of award recipients.

In addition, the local community, via the local government, may make other awards, adding or changing awards as it sees fit.

This policy sets out the Shire of York's approach to Australia Day awards.

#### **Principles**

- a) Australia Day activities and events are a significant way of celebrating Australian culture, history and nationhood and the Shire of York will conduct ceremonies and events in a way that is inclusive and takes the opportunity to honour local achievements.
- b) Selecting the Awards recipients will involve a community reference group.
- c) Opportunities for locally initiated awards will be supported where appropriate by the Shire of York.

#### **Provisions**

##### **1. Award Types, Nominations and Criteria**

1.1 The Shire of York will make the following awards each year at the formal Australia Day ceremony:

- AUSPIRE – Australia Day Council WA Australia Day Community Citizen of the Year Awards;
- York & Districts Community Bank Branch of Bendigo Bank – Senior Sports Star of the Year Award;

- York & Districts Community Bank Branch of Bendigo Bank – Junior Sports Star of the Year Award; and
- Any other locally initiated awards formally approved from time to time by the Council
- 

- 1.2 The nomination process and criteria to be used in selecting award recipients will be:
- as set out for the Australia Day Community Citizen of the Year by the AUSPIRE - Australia Day Council of Western Australia
  - for locally initiated awards, as approved by the Council and set out the reverse side of the Junior and Senior Sport Star of the Year Awards Nomination Form..

**2. Selection of Recipients**

- 2.1 Proposed recipients of the AUSPIRE – Australia Day Council WA Australia Day Community Citizen of the Year Awards, York & Districts Community Bank Branch of Bendigo Bank Awards and any other locally initiated awards will be identified by Council and referred to the Shire of York Honours Reference Group who will:
- review nominations against selection criteria;
  - make a recommendation in a timely manner on proposed recipients for Australia Day awards to Council, along with a brief summary of the reasons for making the recommendations.

**3. Advice on Awards Categories, Criteria and Awards Processes**

- 3.1 The York Honours Reference Group may from time to time make recommendations to Council on:
- the type of locally initiated awards and recognition it believes should be conferred at the formal Australia Day ceremony;
  - relevant criteria;
  - awards nomination processes.
- 3.2 After consideration, the Council will make a decision on the preferred approach.

**Key Terms/Definitions**

Not Applicable.

**Policy Administration**

|                                   |                                       |
|-----------------------------------|---------------------------------------|
| Responsible Directorate/Division: | Chief Executive Officer               |
| Contact Officer Position:         | Council and Executive Support Officer |
| Relevant Delegation:              | Not applicable                        |
| Date Adopted:                     | 22 February 2016                      |
| Reviews/Amendments                | 24 October 2016<br>25 November 2019   |



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## C1.3 COMMUNITY FUNDING: GRANTS AND SPONSORSHIP POLICY

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### **Policy Objective:**

The Shire of York Community Funding; Grants and Sponsorship Policy sets out the parameters for Council support of initiatives and projects that build the social, cultural, environmental and economic benefit of the Shire.

### **Policy Scope**

This policy applies to all grants, sponsorships and value in kind provisions to enhance social, cultural, economic and environmental outcomes including individuals applying for funding to participate in external activities (e.g. sport, culture and art events). Council may approve grants and sponsorship outside this policy as it sees fit. The policy does not prevent Council providing support for civic functions or one-off events in accordance with the relevant legislation.

It does not apply to:

- large scale events considered under the Sponsorship of Tourism Events Policy;
- support for civic functions;
- community managed halls funded as part of the public halls budget.

### **Policy Statement:**

#### **Introduction**

Grants and sponsorship can play an important role in community development and support active participation in civic life. They empower the community to address issues that matter to them and take the lead on projects to enhance community life.

Grants and sponsorship provides a mechanism for the Shire to support business and economic activity whether through incentives to catalyse or stimulate new or experimental activity, partnering with organisations to deliver business development or assisting groups of businesses to work together for their collective benefit.

The Community Funding; Grants and Sponsorship program sets criteria consistent with relevant Shire strategies governing the Shire's cultural, community, economic and social objectives.

The community, business or individual develops a project idea, assesses its alignment to the Shire's strategic objectives and grant conditions and submits an application for support. If Council approves financial support for the project, a funding agreement sets the expected project outcomes and key performance indicators. This enables the grantee and the Shire to monitor and evaluate the project's success.

The Council will often want to make one-off allocations of support for specific projects individuals and community groups might want to advance. The reality is that on an annual basis, appeals for support generally outweigh the available funding. The Council needs a clear mechanism for allocating funding across competing demands.

In all cases, there is a need for accountability for use of funds by the community. This acquittal process needs to be transparent but also needs to be commensurate with the scale of the funding provided.

Grants and Sponsorship are different from the purchases of services, where the Shire determines the type of project or service it requires and develops a contract to control how this is delivered. This process is covered by the Shire's procurement policy.

This policy sets out the parameters for Council assistance, processes and accountability requirements.

### Principles

- (a) Projects developed by individuals and community groups which contribute to the life, vitality and activity of York, in particular activities which encourage people's involvement, are a valued part of community life.
- (b) Being accountable to the community for the use of public monies is essential but acquittal requirements should be commensurate with the scale of the assistance provided.
- (c) Access to funding should be equitable over time.
- (d) Assistance which involves in-kind support and/or waiver of fees has a value and is a cost to the Shire, such as: a time resource (labour), wear and tear on assets, or a loss of revenue. As such, the financial benefit to community groups and projects of this in-kind support needs to be understood and factored into decisions over time.

### Provisions

#### 1. The Community Fund

- 1.1 The Council will maintain a Community Funding; Grants & Sponsorship budget in the Long Term Financial Plan and Annual Budget which will comprise the available funding pool under this Policy on an annual basis.
- 1.2 The Community Funding budget will be used for:
  - allocation of direct financial support;
  - funding of fees waiver against the revenue requirements for community facilities;
  - re-imburement of Council labour costs and payment of any 'use fee' for any Council equipment where in-kind value is provided by the Council.
- 1.3 If the fund is exhausted before the end of the financial year, this will be notified to the community and applications will be closed for the remaining period.
- 1.4 Should there be a remaining amount at the end of the financial year, the Council may resolve to either:
  - (a) carry over that funding to the following financial year;
  - (b) allocate that funding to an agreed community project or initiative.

#### 2. Applications Process

- 2.1 The Community Funding Grant & Sponsorship program will be advertised for a minimum four-week period for each round.
- 2.2 Applications received within this timeframe, will be considered at the next available Ordinary Council meeting, provided that the application is received fourteen working days before the Agenda is published.
- 2.3 Applicants will be required to fill in a simple application form. This will include providing information on;

- who they are;
  - the nature, goals and mission of their organisation;
  - how the project aligns to Council's strategic objectives
  - the nature of the planned project including advertising, community collaboration and the planned budget,
  - information, where relevant, about experience in managing budgets;
  - how they propose to report back to acquit the project;
  - external funding received for the project, if any, and whether the applicant has previously received assistance from the Community Funding; Grants & Sponsorship program.
- 2.4 Applicants will be encouraged to attend the relevant Council meeting where their application is being considered.
- 2.5 Should an application be received and it is clear that the application is more relevant to another Council budgeted funding pool, the applicant will be contacted to discuss the reassignment to that funding pool application process.

### **3. Categories for Support and Criteria for Decision-making.**

- 3.1 The Council will consider applications made under the following general headings:
- projects which:
    - encourage general involvement in local activities including sport
    - improve collaboration and coordination of community support and services
    - assist a community group to expand their ability to provide support for community and individual health and wellbeing
    - Facilitate inclusion and equitable access to facilities, services, open spaces and activities
    - increases community knowledge and understanding of their local built and natural environment
    - are focused on protection and restoration of the Shire's natural environment including the Avon River and the protection and restoration of the built environment
  - events which increase a sense of belonging, and of being socially connected to the community. Note: these are events not developed to leverage tourism or economic development benefit but having more of a purely community enjoyment focus.
  - support for individuals, particularly for youth, who have been selected to be involved in regional, state or national cultural and sporting activities;
  - requests by community groups to procure assistance to develop applications for external grants.
- 3.2 The Council will not consider the following types of application under this Community Fund:
- applications involving commercial activities;
  - applications for events intended to leverage tourism and economic development benefits. These will be considered under other funding provisions;
  - requests for on-going operating costs;
  - administration costs to deliver the project
  - individual requests for purchase of sports uniforms (team requests will be considered);
  - individual applications for support that do not show parallel efforts to fundraise;
  - retrospective applications;

- more than one application from the same source in any one year.

3.3 The following general criteria will be used to assess applications:

- the individual or community group is Shire of York based;
- any benefits arising from the activity accrue to the Shire of York community and/or environment in some form;
- proposed events facilitate inclusion and equitable access to facilities, services, open spaces and activities
- a proposal, particularly for events, has been well thought through and the application for support is well ahead of any final decision to proceed;

#### **4. Types of Assistance**

4.1 Three types of financial assistance will potentially be available to community groups and community projects for initiatives:

- (a) direct monies paid over;
- (b) waiver of fees;
- (c) value in-kind labour assistance.

4.2 Where value in-kind labour assistance and waiver of fees is provided, a dollar value will be placed on the assistance and costed to the project amount total.

4.3 The setting of values for in-kind assistance will be set through the Annual Budget fees and charges review process.

#### **5. Duration of Assistance**

5.1 The preference will be for provision of project support for the time period indicated in the advertised Grant & Sponsorship round only. In exceptional circumstances the Council may consider support for a project for a maximum period of three years where it considers the project presents major benefits to the community and it is consistent with strategic direction. Consideration must include the cost/ benefit of effectively reducing the available funding pool for other applicants over this period.

5.2 Should the situation arise where the Council sees significant benefit to the community of maintaining support for a project or activity on an on-going basis, it may resolve to consider, via the Integrated Planning and Reporting Framework review cycle or the Annual Budget process, inclusion as a Multi - Year Funding Agreement. Consideration does not imply approval.

#### **6. Level of Funding for Each Application**

6.1 The Council may, in order to maximise the availability of funding to a range of applicants, decide via a Council resolution to impose a maximum financial support limit per application. If it does so, this will be advertised and will be made clear on the application form.

## 7. Rejected Applications to the Community Funding Pool

- 7.1 If an application is rejected the Council will:
- provide the applicant with the reasons why;
  - redirect the application, if the applicant agrees, to another Council funding pool if it is deemed more appropriate for the application.
- 7.2 If the application relates to a matter that might be better considered for budgeted resourcing and the Council directs that it be considered as part of review and budgeting processes, this will be followed up with the applicant. Consideration as part of the budgeting process does not imply approval.

## 8. Acquittal

- 8.1 All successful applicants will be required to report to the Council on their project, event or individual activity on its completion. This acquittal process can occur in the following ways:
- speaking briefly at a Council meeting and providing visual record where appropriate;
  - if attendance at the meeting is not possible, sending in a brief report by letter to the Shire President for circulation to all Councillors.
- Note: attendance to speak at a Council meeting is encouraged for all applicants, especially young people, as a way of learning about Council and Council processes.
- 8.2 The Council may require more extensive acquittal information if the amount provided is significant. Such requirements will be identified as a condition at the time of granting the approval.
- 8.3 Where in exceptional circumstances support up to a three year maximum is provided, the successful applicant must:
- speak annually at the Council meeting to provide an update;
  - provide an annual accompanying written summary of how the financial support was used, progress and final outcomes.

## Key Terms/Definitions

Financial assistance includes:

- direct provision of money
- waiver of fees
- provision of in-kind support (e.g. assistance with lighting, access to Council owned tables and chairs, assistance with transportation)

**Policy Administration**

Responsible Directorate/Division: Executive Manager Corporate and Community Services

Contact Officer Position: Executive Manager Corporate and Community Services

Relevant Legislation:

Relevant Delegation:

Date Adopted: Adopted 21 March 2016

Reviews/Amendments: Reviewed December 2016  
Amendments adopted 28 February 2017  
25 November 2019

Associated Documents: Community Funding Guidelines 2017/18  
Application Form 2017/18



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C 1.4 SPONSORSHIP OF TOURISM  
EVENTS

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**Policy Objective:**

To set out the framework and criteria for determining which tourism events proposals/applications the Council may sponsor.

**Policy Scope:**

This policy applies to all proposals/applications for sponsorship for tourism events.

**Policy Statement:**

**Introduction**

The Shire of York Council has identified that events designed to attract visitors to the Shire, and provide consequent economic benefit to the Shire of York community, are an important part of its economic development strategy. These 'tourism events' are events which have been designed with the intent to attract visitors to the Shire and bring an economic benefit beyond revenue generation for the event organisers.

The Council recognises that showing support through sponsorship is an important mechanism for encouraging community based not-for-profit organisations or commercial entities to invest their time and resources. In doing so, the Council would expect that its sponsorship would be properly acknowledged in any promotional material.

The Council wishes to grow the scale, number and effectiveness of tourism events (in terms of overall economic benefit) over time. It has limited resources available, including for events. To that end, it may use sponsorship as a mechanism to support initial establishment and marketing (seed sponsorship) and may focus on supporting capability to become self-funding over time where that is possible. This will be on a case by case basis.

The Council is also interested in the development of tourism events which are linked to key themes of Shire, such as heritage, arts and the natural environment, and themes and sectors that may from time to time be identified in its economic development strategy.

Community events and activities designed for local community enjoyment will be considered for funding under the Community Funding: Donations, Grants, Sponsorship and Waiver of Fees Policy (C 1.3) and not this policy.

This policy should be read in conjunction with Shire of York requirements for holding of events.

**Principles**

- (a) Sponsorship will be on a case by case basis with levels determined by the overall level of funding available in any one year for dispersal.

- (b) A level of economic benefit (as defined in this policy) must be identified and delivered in order to receive sponsorship.
- (c) Early scan of feasibility, clear business and project planning and an explicit analysis and documentation of expected or proven revenue and/or economic benefits is essential to any tourism event success.
- (d) On-going funding will be determined, in part, by analysis and feedback of identified economic benefits derived from the event, as part of the acquittal process.
- (e) Self-funding capability in the medium and longer term and growth of tourism event activity overall is desirable but levels and extent of funding over time will be determined on a case by case basis.
- (f) Events must be held in the Shire of York.
- (g) Events should add to visitor attraction rather than compete for existing visitors.

## **Provisions**

### **1. Application for Tourism Events Funding**

- 1.1 Applications for sponsorship funding may be made to the Shire at any time but the preference is that applications are made where possible before March in any calendar year so that the Council can consider the application in the context of its annual budget setting processes.
- 1.2 Applicants should provide the following information as part of their application:
  - (a) a description of the proposed event and a project plan with timeline
  - (b) an outline of status as a not-for-profit or commercial/business organisation
  - (c) a budget showing an expenditure breakdown, funding, cashflow and expected revenue
  - (d) expected visitor numbers, including an assessment of visitors from beyond the Shire, and an estimate of visitor growth with an explanation or rationale for numbers
  - (e) probity mechanisms for management of funds
  - (f) a marketing plan
  - (g) past experience in running events, if any
  - (h) how it is proposed to acknowledge Council sponsorship
  - (i) any other information that the applicant considers relevant

### **2. Application assessment criteria**

- 2.1 The following criteria will be used to assess the applications:
  - (a) quality and depth of information provided in relation to the requirements under Clause 1.2
  - (b) potential to attract visitors to the Shire and to the town of York and to encourage overnight stay
  - (c) links to wider heritage and natural environment opportunities where relevant

- (d) opportunities to work with/ include the wider Shire of York community
- (e) the extent to which the event adds/ complements the overall event calendar

### **3. Events Proposals Excluded from Tourism Events Sponsorship**

3.1 The Council will not consider sponsorship for the following from the Tourism Events funding pool:

- (a) Events focused solely on fund raising or revenue raising for a community group or private business which provides no additional economic benefit (as defined in this policy).
- (b) Events which are to be held outside the Shire
- (c) Events which compete with existing community or tourism events. Note: this does not preclude similar kinds of events being held but they must not be held at a time or in a way that undermines the viability of existing events.

3.2 Where an application is made which is more suitable to consideration under the Community Funding Policy, the applicant will be directed to that funding process.

### **4. Acquittal**

4.1 The recipient of sponsorship will be required to provide a written report to Council within three months of the holding of the event, including for each event if the program is for more than one year. Acquittals will be presented to Council as soon as possible after submission. The report must show the following:

- (a) a description of the event and an outline of any modifications to the final product that may have occurred during the course of the event
- (b) estimated visitor numbers and place of origin, along with any information derived from visitors about their views on the event and any information on overnight stays as a result of the event
- (c) any issues that arose in the course of the event and lessons learnt
- (d) implications, if any, for future planned events (if applicable)
- (e) a final financial report and, where a subsequent event is planned, how funding will be carried forward for the next event.

4.2 The Council reserves the right to withdraw sponsorship where there has been any failure to comply with requirements for holding events.

### **5. Acknowledgement of Council Sponsorship**

5.1 Formal acknowledgement of sponsorship will be required of any recipient. The final form of acknowledgement will be negotiated and agreed prior to release of funding.

**Key Terms/Definitions**

Tourism events means: those events which have been designed with the intent of attracting visitors to the Shire or town of York and can show an economic benefit beyond revenue generation for the event organisers.

Economic benefit means one or more of the following:

- (a) direct financial spend in the Shire or York by visitors attending a tourism event which exceeds the level of spend that would normally be expected to occur if that event did not take place;
- (b) local jobs created by the event in the short, medium or long term;
- (c) any multiplier effect derived from the spend occurring under (a) or (b)
- (d) improved profile or marketing of the Shire or the town which can be shown to increase the likelihood of visitors beyond the event itself;
- (e) a financial contribution from the event revenue to the advancement of community projects within the Shire (exceeds by at least two-fold any sponsorship provided by the Shire for the event).

“Sponsorship” is a cash or in-kind contribution to an individual or organisation for a specific purpose or event where the Shire receives public recognition for its contribution in a manner negotiated by both parties and where the recipient will be required to present a financial acquittal to the Shire.

|                                   |  |
|-----------------------------------|--|
| <b>Policy Administration</b>      |  |
| Responsible Directorate/Division: | Chief Executive Officer  |
| Contact Officer Position:         | Chief Executive Officer  |
| Relevant Delegation:              | Nil  |
| Relevant Legislation:             | Not applicable   |
| Date Adopted:                     | 18 April 2016  |
| Reviews/Amendments                | 24 October 2016<br>Replaces Events Support Policy (Feb 2013)<br>25 November 2019<br>16 December 2019 |



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## C1.5 PUBLIC EVENTS IN YORK

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### Policy Objective:

The purpose of this Policy is to provide event organisers with information on the event application and approval process for events to be held in the Shire of York.

The specific objectives of this policy are to;

- a. Promote and encourage events that enhance a wide variety of opportunities to residents and visitors to the Shire of York;
- b. Ensure that the health and safety of persons attending events in the Shire of York is considered in all planning;
- c. Provide an efficient and timely approval process and response in accordance with the Shire of York's Customer Service Charter;
- d. Ensure compliance with regulatory requirements and standards;
- e. Incorporate controls to minimise any adverse impacts of events and protect the amenity of residents in adjoining and nearby properties;
- f. Ensure that the environmental, heritage and cultural impacts of events are assessed, and appropriate measures are put in place to minimise any adverse impacts; and

The Shire of York will assess event applications for the conduct of events in accordance with legislative requirements under this policy.

### Policy Scope

This policy applies to all event applications for Public Events in York.

### Definitions

For the purpose of this policy the following definitions apply:

**Event:** An occurrence proposed to be held within the Shire of York on private or public land, either indoor or outdoor by a person(s)/group/organisation, where people assemble at a given time for entertainment, recreation, cultural or community purposes. This includes but is not limited to;

- a. Concerts and music festivals
- b. Motorsport events, motor vehicle rallies, displays and exhibitions
- c. Sporting events
- d. Cultural and community events
- e. Shows, fairs and exhibitions
- f. Art, sculpture and food festivals

**Small Event** means an event that is low in risk and/or likely to attract less than 1000 patrons

**Medium Event** means an event that is medium in risk and/or likely to attract between 1000 – 5000 patrons

**Large Event** means an event that is medium to high in risk and/or likely to attract over 5,000 patrons

For the purpose of this policy, risk is determined in accordance with AS/NZS 4360 – Risk Management and the *Health (Public Buildings) Regulations 1992*

**Event Application Forms** are required for any proposed event. Event Application Forms request details of size, nature, date, time, purpose, activities and facilities in relation to the event.

**Event Organiser** means the person, company or organisation, excluding the Shire of York managed events, who is responsible for organising an event and who makes application to the Shire of York for approval to stage an event.

**Public Place** means any street, way or place including but not limited to parks, reserves, facilities, halls or public open space/s.

**Shire of York Facility or Reserve** means any property owned or managed by the Shire of York and includes buildings, recreation centres, community centres, swimming pools, halls, parks and reserves

### Policy Statement

#### Introduction

This policy applies to any proposed public gathering for the purposes of entertainment if there is no existing approval for that purpose and/or venue. This policy will ensure that staff and the community are provided clear guidance in the requirements, standards and safety measures essential to host a public event in the Shire of York.

#### Provisions

##### Event Application Process

If a public gathering requires one (1) or more approvals from the following list of criteria, then it is deemed to be an event and the event organiser is required to submit an Event Application and to obtain the relevant approvals from the Shire:

##### Event Criteria which requires approval

- Preparation or sale of food to the public;
- Erection of tents and marquees larger than 25m<sup>2</sup>, stages and other structures for public use;
- Potential noise, including music, use of amplified equipment, extraordinary vehicle noise;
- Use of or installation of electrical equipment including generators, cabling, extension cords, switches, fuses;
- Trading in a public place - selling, hiring of goods, wares or merchandise in a public place;
- Risk management plan; for events identified as having possible associated risks;
- Changes or interruptions to traffic flow (ie traffic management plans);
- Proposed signage for the event to be erected;
- Sale or consumption of alcohol;
- Additional parking requirements;
- Additional toilet facilities;
- Crowd control or security measures;
- First aid requirements;
- Amusement structures;
- Fire management plans; and
- Appropriate level of public liability insurance coverage.

## **Where formal event approval is not required**

If the application is a request for the private hire of a reserve area or building located within the Shire of York formal event approval is not required. However, completion of a Facility Hire Form is required for each occasion.

Formal event approval is also not required for events that are designed to pass through York with minimal or no disruptions to the usual functions of the town (i.e. car rallies or cycle events that are passing through as part of a larger event in another location).

## **Event application procedure**

1. All events, new and annual, must submit an event application at least eight (8) weeks prior to the proposed date of the event and twelve (12) weeks for large or high-risk events
2. Applicants are required to submit a completed Event Application Package to the Shire of York, consisting of the following:
  - a. Event Application Form;
  - b. Public Events Guide (to be read in conjunction with Event Application);
  - c. Event Site Plan; and
  - d. Complete all relevant Forms included in the Event Application Package and obtain any other approvals as required.
3. All sections of the Event Application Form must be completed in order for the application to be eligible for assessment;
4. The applicant must submit a Risk Management Plan that complies with the requirements of AS4360 if the event is deemed to require a Risk Management Plan, as directed by the Shire of York;
5. The applicant must provide a Certificate of Currency indicating a minimum of \$10 million Public Liability Insurance coverage that is valid for the period covering the event date;
6. The applicant must be familiar with the relevant reserves and locations the event is proposed to take place in and provide reasonable measures to reduce the events environmental impact on all areas used in relation to the event.
7. The Shire of York may request any additional information to be supplied by applicants in order to ensure comprehensive assessment of the application.

## **Assessment of event applications**

The following information will be considered by the Shire of York in the assessment and approval process of event applications:

1. The nature, size, availability and suitability of the event in relation to the venue requested and the likely impact of the event on the facility;
2. The amenity of the event (including the presence of alcohol);
3. The ability of the facility to accommodate the event at the proposed time of year (taking into consideration weather and the condition of the land, if on a community reserve or public open space);
4. The likely impact on residents as a result of the location of the event (including noise, dust, excessive light, traffic congestion or other adverse effects perceptible outside the venue);
5. The period of time for which the event will operate and the proposed times of operation;
6. Conflict or potential conflict with other events or community use in that location or a surrounding location;
7. The benefits to the Shire of York community;
8. Reputation of the operator;
9. Risk to natural, heritage and cultural values of the event area or surrounding area;
10. Any other factors that may be considered necessary in relation to a particular event.

## **Fees for Event Approval**

1. All events will attract an application fee in accordance with the Shire of York Adopted Schedule of Fees and Charges;
2. The applicant will be advised of any additional fees and charges through the event approvals process. These must be paid at least seven (7) days prior to the event;
3. Refund of fees will only be considered in the event of a cancellation notice being received at least seven (7) days prior to the event date and may attract an administration fee.

## **Bonds for Events**

1. Bonds will be requested for events using Shire of York facilities. The amount requested will vary depending on the facility used, in accordance with the Shire of York's Adopted Schedule of Fees and Charges;
2. The Bond money will be refunded in full following the successful completion of the conditions of approval outlined in the Shire's acknowledgement letter;
3. Failure to comply with any of the conditions specified in Shire's acknowledgement letter resulting in damages may result in all or part of the bond money not being refunded to the applicant;
4. Failure to pay the bond money less than seven (7) days prior to the event may result in the event approval being withdrawn.

## **THIS POLICY DOES NOT COVER:**

1. Events to be held at:
  - a. Educational premises including primary and secondary centres; and
  - b. Religious centres including churches and worship centres.
2. An event approval is not required providing there is no variation from the following existing approvals:
  - a. Conditions associated with a Planning Consent under the Shire of York Town Planning Scheme.
  - b. Approvals as required in accordance with the Health Act 1911 and associated Regulations.

However, if the event proposed exceeds any established accommodation numbers or differs in nature to any approvals already in place then an event approval is required, and the requirements of this Policy apply.

## **Governance**

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and the Shire of York *Public Events Guide*.

## **Related Legislation and Policies**

### **Internal Policies**

*C1.3 Community Funding; Grants & Sponsorship*

*C1.4 Sponsorship of Tourism Events*

*G4.6 Risk Assessment and Management*

*Temporary Accommodation Policy*

### **Related Legislation**

*Public Building Health Regulations 1992*

*Local Government Act 1993*

*Risk Management AS/NZS 4360*

*Liquor Control Act*

*Food Act 2008*

*Roads Act 1993*

*Road Transport (Safety and Traffic Management) Act 1999*

*Caravan Parks and Camping Grounds Regulations 1997*

## **Review**

This policy may be reviewed and updated as necessary should legislation requires it; or when Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages events.

## **Policy Administration**

|                                   |  |
|-----------------------------------|--|
| Responsible Directorate/Division: | Executive Manager Corporate and Community Services |
| Contact Officer Position:         | Governance   |
| Relevant Delegation:              | Nil  |
| Relevant Legislation:             | Not applicable                                     |
| Date Adopted:                     | 16 May 2011  |
| Reviews/Amendments                | 25 March 2019<br>25 November 2019                  |

# Corporate Policies





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## CP 1.1 EXECUTION OF DOCUMENTS AND USE OF THE COMMON SEAL

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### **Policy Objective:**

To ensure the Shire of York's documents are executed and the Common Seal is used in a consistent and transparent manner.

### **Policy Scope:**

This policy applies to all situations requiring execution of Council documents and application of the Common Seal of the Shire of York.

### **Policy Statement:**

#### **Introduction**

Section 9.49A Local Government Act 1995 sets out the requirements in relation to the execution of documents and the affixing of the Common Seal to render certain documents official documents of the Shire of York. It is not essential to formally execute all Council documents but certain documents require to be formally executed in this way. It is the decision of the Council as to which documents should be formally executed. As a minimum normal practice is to require execution of deeds of agreement, leases, land sales and certain contracts. This policy specifies which documents are to be formally executed.

#### **Principles**

- (a) All relevant documents are properly executed according to the requirements of Section 9.49A of the Local Government Act 1995.

#### **Provisions**

##### **1. General**

- 1.1 Where legislation, the formal requirements of a Commonwealth or State Department authority or agency, or a Council decision, expressly specify a particular way a document is to be executed, that course of action is to take precedence over this policy.

##### **Category 1 Documents**

- 2. Category 1 documents require a specific resolution of Council to sell, lease or enter into an agreement, as well as authority to affix the seal.

- 2.1 The following list are Category 1 documents:

- (a) Deeds of Agreement and Release in respect of the sale, purchase or other commercial dealing relating to the Shire's assets, including equitable assets;
- (b) Local Planning Schemes and Amendments;
- (c) Lease documents:
  - a. variation of lease;

- b. assignment of lease; and
- c. surrender of a lease.

(d) Local Laws.

2.2 These documents will be executed by having the Common Seal affixed under the authorisation of Council with the affixing of the seal in the presence of and being attested to by the President and the CEO or pursuant to s9.49A (3) (b) of the Local Government Act, the President and a senior employee authorised by the CEO to do so.

### **3. Category 2 Documents**

3.1 The following list of documents are Category 2 documents:

- (a) Agreements relating to grant funding, when the funder requires that the agreement be signed under the seal;
- (b) Debenture documents for loans which the Council has resolved to raise;
- (c) General and legal service agreements not already listed in this policy;
- (d) Extension of lease under original lease clause or provision.

3.2 Category 2 documents are those of a general form or category which may be subject to time constraints for execution. These documents are to be sealed as part of a 'class of documents' authorised to be executed under Common Seal without a specific Council resolution to affix the seal.

Note: the document may not require a Council resolution to affix the seal but the decision to undertake a particular course of action may still require Council approval.

### **4. Category 3 Documents**

4.1 Category 3 documents do not require the Common Seal to be affixed.

4.2 Under Section 9.49A (4) the Council authorises the following to sign documents on behalf of the Shire of York.

| Description   | Authority to Execute   |
|---|--|
| (a) Documents required in the management of land as a landowner.  | Chief Executive Officer  |
| (b) Documents required to enact a decision of Council or the Development Assessment Panel (i.e. contractual documents resulting from a tender process, transfer of land forms, notification on title as required by a condition of approval, memorandum of understanding etc.). | Chief Executive Officer  |
| (c) Agreements relating to grant funding when the funder does not require the agreement to be signed under seal.  | Chief Executive Officer  |
| (d) Documents required to enact a decision under delegated authority or as a condition of approval given under delegated authority.   | Chief Executive Officer<br>The Responsible Executive Manager<br>The officer exercising the delegated authority |

**5. Category 4 Documents**

5.1 Category 4 documents are created in the normal course of business and are consistent with the Shire’s policies and procedures. Category 4 documents are to be executed by a Shire officer where the authority has been extended through a policy or procedure.

**Key Terms/Definitions**

Not applicable.

| <b>Policy Administration</b>      |  |
|-----------------------------------|--|
| Responsible Directorate/Division: | Executive Manager Corporate and Community Services |
| Contact Officer Position:         | Executive Manager Corporate and Community Services |
| Relevant Delegation:              | Not applicable                                     |
| Relevant Legislation              | Not applicable                                     |
| Date Adopted:                     | 22 February 2016                                   |
| Reviews/Amendments                | 24 October 2016                                    |
|                                   | 25 November 2019                                   |



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## CP 1.2 USE OF THE SHIRE OF YORK CREST AND LOGO

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### **Policy Objective:**

To ensure the Shire of York's crest and logo is used for authorised purposes only.

### **Policy Scope:**

This policy applies to situations where the Shire of York's crest and logo might be used.

### **Policy Statement:**

#### **Introduction**

The Shire of York's crest and logo visually represent the Shire of York on its documents and correspondence, on its buildings and services, and at events which it might support or sponsor. It is important that they are used appropriately. This policy sets out the mechanism for ensuring these symbols and their use is protected.

#### **Principles**

- a) The Shire of York's crest and logo is used only in relation to Shire of York business and activities.
- b) No private use is made of the Shire of York crest and logo.

#### **Provisions**

- 1.1 The Council's logo and crest are copyright.
- 1.2 Their use is for administrative purposes as authorised by the Chief Executive Officer (CEO).
- 1.3 Private use for any purpose is not authorised.
- 1.4 Use of the crest or logo by external bodies working in partnership with the Shire of York may only occur with express permission of the CEO.

**Key Terms/Definitions**

Not applicable.

**Policy Administration**

|                                   |                                     |
|-----------------------------------|-------------------------------------|
| Responsible Directorate/Division: | Chief Executive Officer             |
| Contact Officer Position:         | Chief Executive Officer             |
| Relevant Delegation:              | DE2.5 Use of the Crest & Logo       |
| Relevant Legislation              | Not applicable                      |
| Date Adopted:                     | 22 February 2016                    |
| Reviews/Amendments                | 24 October 2016<br>25 November 2019 |



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## CP 1.3 COMMISSIONING OF LEGAL ADVICE

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### **Policy Objective:**

To ensure that legal advice is sought in a consistent manner by the Shire of York.

### **Policy Scope:**

This policy applies to situations where the potential for securing legal advice is being considered.

### **Policy Statement:**

#### **Introduction**

The Shire of York organisation will from time to time need to seek legal advice on a matter. It is important that there is clarity about the many legislative duties and functions discharged on a daily basis by officers and that there is independent legal advice available to assist the organisation and the Council to make robust decisions.

This policy sets out who may commission advice on behalf of the Shire of York, guidelines as to the kind of issues where advice may be sought and the process for engaging advice. It should be read in conjunction with the Procurement Policy (F1.2) and the Councillors: Code of Conduct (G1.1).

#### **Principles**

- (a) A central role of the Chief Executive Officer (CEO) is to provide advice to the Council and as such, it is solely the role of the CEO to commission legal advice on matters relating to the business of the Shire.
- (b) The commission of legal advice follows the same procurement requirements as any aspect of Council business

#### **Provisions**

##### **1. Procurement of Legal Advice**

- 1.1 The Chief Executive Officer must approve the procurement of all legal advice sought by the Shire of York, other than advice relating to the performance of the CEO and/ or the relationship between the CEO and the Shire of York Council.
- 1.2 The Council may via formal resolution commission advice relating to the performance of the CEO and the relationship between the CEO and the Council, provided that they have sought advice via a formal report from the appointed advisor to Council on CEO performance.
- 1.3 Procurement of legal advice must be obtained according to requirements set out under the Procurement Policy (F1.2).

**2. Recording of Legal Advice**

- 2.1 A register of legal advice received by the Shire of York must be maintained. Prior to any decision to procure advice being made, this register must be reviewed to determine whether advice has previously been received.

**Key Terms/Definitions**

Not applicable.

|                                   |                                     |
|-----------------------------------|-------------------------------------|
| <b>Policy Administration</b>      |                                     |
| Responsible Directorate/Division: | Chief Executive Officer             |
| Contact Officer Position:         | Chief Executive Officer             |
| Relevant Delegation:              | DE2.8 Commissioning of Legal Advice |
| Relevant Legislation              | Not applicable                      |
| Date Adopted:                     | 22 February 2016                    |
| Reviews/Amendments                | 24 October 2016<br>25 November 2019 |



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## CP 1.4 LOCAL GOVERNMENT RESOURCE SHARING

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### **Policy Objective:**

To identify a general requirement to explore local resource sharing where these may assist in dealing with certain risks and issues facing the Shire, and identify a framework for considering opportunities, benefits and risks.

### **Policy Scope:**

This policy applies to all aspects of the Shire of York business.

### **Policy Statement:**

#### **Introduction**

There may be opportunities for the Council to discuss resource sharing with adjacent local authorities to address such issues as recruitment of staff. There may also be opportunities to significantly increase a level of service for the community at minimal additional costs.

This policy signals an intent to actively review these kinds of opportunities where there is a clear potential benefit to the community. It specifically excludes a focus on establishing new management structures or centralising services and focuses on opportunities to share resources on a case by case basis: for example, potential to share staff resources in the short and long term to address recruitment shortages.

#### **Principles**

- a) Any local resource sharing should be in response to an identified issue rather than more theoretical concepts of delivery structures.
- b) Local resource sharing will emerge most effectively where there is an active and positive relationship with local government neighbours

Resource sharing will only occur where there is an identifiable benefit to the local community in terms of:

- i. reducing risks
- ii. contributing to business continuity and resolving recruitment issues, including reliance on consultants to offset recruitment gaps
- iii. delivering an improved level of service at minimal cost.

#### **Provisions**

- 1.1 The Chief Executive Officer (CEO) working with the Shire President will actively build relationships with adjacent local governments.
- 1.2 The CEO will discuss local resource sharing where opportunities arise.

- 1.3 If opportunities arise which address risk issues, recruitment and business continuity issues and level of service improvement opportunities, these will be reported to the Council for information purposes and discussion.
- 1.4 The focus on any discussion with adjacent local governments will be on addressing issues and gaps and will not involve development of alternative management or delivery structures.
- 1.5 A cost/ benefit review must be undertaken prior to any final decision being taken.

## **Key Terms/Definitions**

Not applicable.

### **Policy Administration**

|                                   |                                     |
|-----------------------------------|-------------------------------------|
| Responsible Directorate/Division: | Chief Executive Officer             |
| Contact Officer Position:         | Chief Executive Officer             |
| Relevant Delegation:              | Nil                                 |
| Relevant Legislation              | Not applicable                      |
| Date Adopted:                     | 22 February 2016                    |
| Reviews/Amendments                | 24 October 2016<br>25 November 2019 |




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## CP 1.5 COMPLIANCE

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### Policy Objective:

To:

- provide consistency in enforcement action in matters of non-compliance;
- ensure transparency, procedural fairness and natural justice principles are applied; and
- ensure that enforcement action is proportionate to the alleged offence in each case.

### Policy Scope:

This policy applies to all enforcement activities under all legislation, including:

- enforcement of conditions set as part of a town planning or development approval
- environmental health
- emergency management
- responding to inquiries and complaints.

### Policy Statement:

#### Introduction

Local government is charged with legislative responsibilities which protect individuals and the community as a whole. The Shire's customers include both those on whom the law places a duty and those whom the law protects. While it is ultimately the responsibility of individuals and other bodies to comply with the law, Council staff are required to carry out activities which enforce compliance.

This policy is an 'umbrella policy' which outlines the Council's approach to enforcement matters and provides staff with direction about the manner in which enforcement activities are to be undertaken.

The Council adopts a broad definition of enforcement which combines the provision of advice and assisting compliance with formal action where necessary. This is intended to encourage higher level of voluntary compliance with legal requirements by individuals, businesses and other bodies.

This policy should be read in conjunction with the Comprehensive Complaints Response Policy (G 2.1).

#### Principles

- (a) A 'good enforcement' philosophy underpins Council enforcement actions. This includes the following:
  - i. Proportionality. This means the nature of the enforcement response is in scale to the seriousness of any breach.
  - ii. Consistency: this means there is a similar approach taken in similar cases to achieve similar outcomes.
  - iii. Transparency. This means that the Council is open about the enforcement actions it takes and why.

- (b) Notwithstanding (a) immediate action is taken when required to ensure public health and safety and/or to protect the environment.
- (c) Firm action will be taken against those who act unlawfully when circumstances warrant.
- (d) Enforcement powers will never be used as a mechanism to address matters which are external to an enforcement matter.

### **Provisions**

#### **1. The Principles of Good Enforcement**

##### *Proportionality*

- 1.1 The Council's enforcement actions will be scaled to the seriousness of the breach. The Council recognises that most individuals want to comply with the law and will assist compliance by being open and helpful, offering informal advice and providing the chance to discuss compliance problems.
- 1.2 Attention will be focused on those whose activities give rise to the most serious risks, or where potential hazards are least well-controlled. Depending on the seriousness and persistence of the infringement, Council will minimise the costs to the person or body infringing the law by enforcing minimum action necessary to secure future compliance.

##### *Consistency*

- 1.3 A similar approach will be taken in similar cases to achieve similar outcomes.
- 1.4 Where decisions on enforcement require the use of professional judgement and discretion to assess varying circumstances, officers will:
  - (a) follow standard operating procedures where applicable;
  - (b) ensure fair, equitable and non-discriminatory treatment; and
  - (c) record any deviation from standard operating procedures along with the reasons for the deviation.

##### *Transparency*

- 1.5 The Council will be open and transparent about the manner in which it undertakes enforcement and the law it enforces. Where practicable it will give notice of its intent to commence formal action. It will point out what action is required to achieve compliance and the timeframe for undertaking that action. Advice will be provided on the process for seeking a review of, or how to appeal against that decision.
- 1.6 Where it is not practicable to give notice, the reasons why will be recorded in accordance with the Shire's records management protocols. Complainants will be advised on what action has been taken and why that action has been taken.

#### **2. Authorisation of Actions**

- 2.1 Only officers competent by training, qualification and/ or experience will be authorised to take enforcement action. Officers will also have sufficient training and understanding of Council's policies and procedures to ensure a consistent approach to their duties.

- 2.2 Any decision to act other than in accordance with this policy must have approval from the relevant Manager and the reasons given for action recorded in accordance with the Council's Records Management protocols.
- 2.3 Officers are required to show their authorisations on demand or as required by the specific Act they are administering.

### 3. Decision-making

- 3.1 Where non-compliance is discovered as a result of enforcement activities, options available to the Council to seek or promote compliance include:
- (a) explaining legal requirements and, where appropriate, the means to achieve compliance;
  - (b) providing an opportunity to discuss points of issue where appropriate;
  - (c) allowing reasonable timeframes to achieve compliance;
  - (d) facilitating mediation between parties
  - (e) issuing a verbal or written warning; or
  - (f) enforcement actions such as issuing an infringement, a notice or prosecution.
- 3.2 Enforcement decisions must be fair, consistent, balanced and relate to common standards that ensure the public is adequately protected. Where a decision is made not to investigate a complaint, the decision and reasons, will be recorded in accordance with the Council's Records Management protocols and the complainant will be advised in writing.

In coming to a decision on the most appropriate means of enforcement, the officer shall consider, amongst other relevant factors:

- (a) the seriousness of the offence
  - (b) the degree of wilfulness involved
  - (c) past history
  - (d) the consequences of non-compliance, including consequences to the integrity of the regulatory framework such as local planning schemes
  - (e) the likely effectiveness of various enforcement options
  - (f) deterrence
  - (g) the effect on the community and other people
  - (h) consistency of approach to similar breaches and offences.
- 3.3 The following factors are to be ignored when choosing an enforcement strategy:
- (a) any element of discrimination or bias against the person such as ethnicity, nationality, political association, religion, gender, sexual orientation, beliefs;
  - (b) possible political advantage or disadvantage to a government, person holding (or a candidate for) public office, or any party of political group;
  - (c) previous interactions between the person alleged to be in breach and the Council and Shire administration on any matter other than enforcement matters.
- 3.4 Where a personal association or relationship with the alleged offender or any other person involved exists:
- (a) an alternative person will make decisions where possible; and

- (b) the facts about any/ conflict/ relationship will be recorded in accordance with Council's record Management protocols and applicable statutory requirements.

#### **4. Documentation**

##### 4.1 Written documentation will:

- (a) include all information necessary to make clear what needs to be done to comply with legal requirements
- (b) the required time-frame and if necessary:
- (c) the reasons for these actions and the potential penalties for failing to comply with the request;
- (d) include the legislation contravened, measures necessary to ensure compliance and the consequences of non-compliance; and clearly differentiate between legal requirements and recommendations of good practice

#### **5. Enforcement Options**

##### *No Action*

##### 5.1 No action will be taken when, after investigation, no breaches of the legislation are discovered. It may also be appropriate to take no action when:

- (a) the complaint is frivolous, vexatious or trivial in nature;
- (b) the alleged offence is outside Council's area of authority; or
- (c) taking action may prejudice other major investigations.

##### *Informal Action*

##### 5.2 Informal action to achieve compliance with legislation may include:

- (a) offering verbal or written advice;
- (b) verbal warnings and requests for action; or
- (c) written warnings.

##### 5.3 Advice from officers will be put clearly and simply and will be confirmed in writing.

##### 5.4 The circumstances in which informal action may be appropriate include:

- (a) the act or omission is not serious enough to warrant formal action;
- (b) the duty –holder's past history reasonably suggests that informal action will secure compliance;
- (c) confidence in the individual/ other body is high;
- (d) the consequences of non-compliance will not pose a significant risk; or
- (e) where informal action may prove more effective than a formal approach.

##### 5.5 Where statutory action is not possible but it would be beneficial in a wider public safety context to urge a particular outcome, such an action will be taken by a senior officer of Council and the reasons recorded in accordance with Council's Record Management protocols. The recipient will be made aware the requested actions are not legally enforceable.

## *Mediation*

5.6 Where practical, Council will make mediation available. Mediation is a possible alternative where, after investigation, an officer determines that the problems being complained of are incapable of resolution through formal or informal means. The use of mediation services may also be appropriate where an aggrieved individual has no wish to pursue action to resolve a complaint by legal means.

## *Formal Action- Service of Orders, Notices and Directions*

Various statutes specify the procedures which must be followed in order to:

- Advise of the intention to issue an Order or Notice
- Invite submissions with respect to the matter
- Order a person to do or refrain from doing a thing under specified circumstances; and/or
- Issue direction specifying how an Order or Notice can be complied with.

5.7 Council officers will use professional judgement and discretion to assess the variables relating to each matter under consideration, including the reasonableness of the actions required by an Order or Notice and the timeframe to comply.

5.8 Only in circumstances such as a threat to life, a threat to public health or safety will an Order or Notice be made without giving notice of intention. In these circumstances immediate compliance to resolve a situation can be required.

5.9 In most cases, the person receiving the Order or Notice has a right of appeal to the State Administrative Tribunal or in some cases, the courts. If an Order or Notice is served for which an appeal is possible, the Council will advise the recipient in writing of the right to appeal and relevant legal provisions at the time of serving the Order or Notice.

5.10 Where there is evidence that an offence has been committed, the Council may issue an Order or Notice, or launch a prosecution in addition to serving an Order or Notice. This will only be done when the conduct of the recipient justifies taking both steps.

## *Action in Regard to Default*

5.11 Failure to comply with an Order or Notice will incur further enforcement actions such as launch of a prosecution.

5.12 Where action in regard to a default is provided for by legislation and the necessary work has not been carried out in the time allowed without good reason, the Council may undertake the required work. Before doing the work, the Council will consider whether there is realistic prospect that the person responsible will complete the work within a reasonable time. Where work is undertaken, the Council will seek to recover all costs over a fair period, using all statutory means available.

5.13 The decision to carry out action in default will be made by the Chief Executive Officer.

5.14 Where an offence has been committed, the Council may issue an Order or Notice, or launch a prosecution, in addition to taking action to fulfil an Order or Notice. This will only be done where the conduct of the recipient justifies taking such steps. Factors such as giving false information, the obstruction of Council staff and the harm, or risk

of harm caused by the recipient's delay will be considered in determining additional enforcement actions.

### *Serving an Infringement Notice*

A person who has received an Infringement Notice is entitled to elect to have the matter determined by the Courts (i.e. elect to be prosecuted for the alleged offence) Hence, there must be substantive, reliable and admissible evidence that an identifiable person or organisation has committed the alleged offence. In other words, there must be sufficient evidence on the face of it to enable a conclusion to be reached that there is a reasonable prospect of being able to prove an offence beyond reasonable doubt.

- 5.15 The following circumstances are likely to warrant an Infringement Notice
- certain breaches of the legislation administered by the Council
  - failure to correct an identified problem after having been given a reasonable opportunity to do so by the Authorised Officer
  - failure to comply with the requirements of a written or verbal direction;
  - confidence in the individual/ organisation is low; or
  - a written warning or caution has been given for the same or similar offence.

### *Prosecution*

- 5.16 A prosecution will only proceed where there is a reasonable prospect that an offence can be proved beyond reasonable doubt.
- 5.17 The following circumstances are likely to warrant a prosecution:
- A flagrant breach of the laws such that public health, safety and welfare have been put at risk;
  - A flagrant breach of the laws such that the integrity of significant provisions in a regulatory document is put at risk;
  - an alleged breach is too serious or the risk too great to be dealt with by means of expiation;
  - a failure to correct an identified serious problem after having been given reasonable opportunity to do so;
  - a failure to comply with the requirements of an Order or Notice;
  - an established and recorded history of similar offences;
  - an unwillingness on the part of the individual or organisation or other body to prevent a recurrence of the problem; or
  - the recovery of costs of the investigation or remedial work or financial compensation that are required by the Council or an aggrieved party.
- 5.18 Where circumstances warrant a prosecution all relevant evidence and information will be considered to enable a consistent, fair and objective decision to be made.
- 5.19 Before a prosecution is recommended there must be substantive, reliable and admissible evidence that an identifiable person or organisation has committed the offence.
- 5.20 A decision to prosecute must be in the public interest. In considering whether prosecution is in the public interest, the following additional factors will be considered:
- whether the offence was premeditated

- the need to influence the offender’s future behaviour;
- the effect on the offender’s or witness’s physical or mental health, balanced against the seriousness of the offence;
- the availability and efficacy of any alternatives to prosecution;’
- the prevalence of the alleged offence and the need for deterrence, both persona and general; and
- the likely length and outcome of a trial,

5.21 The final decision to prosecute will be made by the Chief Executive Officer.

**6. Monitoring of Compliance and Enforcement Action**

6.1 A report will be made annually to Council on the breaches occurring in the previous year across all statutory enforcement areas summarising the nature of the response taken for each breach ranging from no action through to prosecution (if any) according to the categories set out in Section 5. A commentary will be provided on the overall approach taken.

6.2 The annual report on enforcement will be used as information in any Integrated Planning and Reporting process and review to assess resourcing requirements in the short and long term.

6.3 The Chief Executive Officer (CEO) will provide a confidential monthly summary at the CEO’s regular briefing to Councillors of all prosecution actions taken or proposed to be taken (if any).

**Key Terms/Definitions**

Not applicable.

| <b>Policy Administration</b>      |   |
|-----------------------------------|---|
| Responsible Directorate/Division: | Chief Executive Officer                                   |
| Contact Officer Position:         | Executive Manager Infrastructure and Development Services |
| Relevant Delegation:              | Various   |
| Relevant Legislation              | Various   |
| Date Adopted:                     | 22 February 2016  |
| Reviews/Amendments                | 24 October 2016<br>25 November 2019                       |

# Finance Policies





## F1.1 REVENUE COLLECTION

### Policy Objective

To provide guidance in the collection of all outstanding revenues owed to the Shire to ensure timely cashflow and to minimise bad debts.

### Policy Scope

This Policy covers the recovery of all revenues owed to the Shire, including outstanding rates, service charges and all other general debts. It also covers a rates incentive scheme to encourage the early payment of rates in full.

### Policy Statement

#### *Introduction*

The Shire requires reliable revenue streams in order to meet the service provisions of the organisation. A significant proportion of revenue generated by the Shire is from property rates and charges and general fees and charges. To enable the Shire to meet its service obligations, it must ensure that revenues are received in a timely manner. It must also ensure that where revenue is not received in a timely manner, that appropriate measures are undertaken to recover outstanding amounts. As a means to encourage the early payment of rates in full, the Shire can administer a 'Rates Incentive Scheme'. This scheme provides eligible ratepayers with the opportunity to win prizes for prompt and full payment.

#### *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. debt collection activities are in accordance with relevant legislation and standards and credit controls are monitored to minimise potential financial loss.

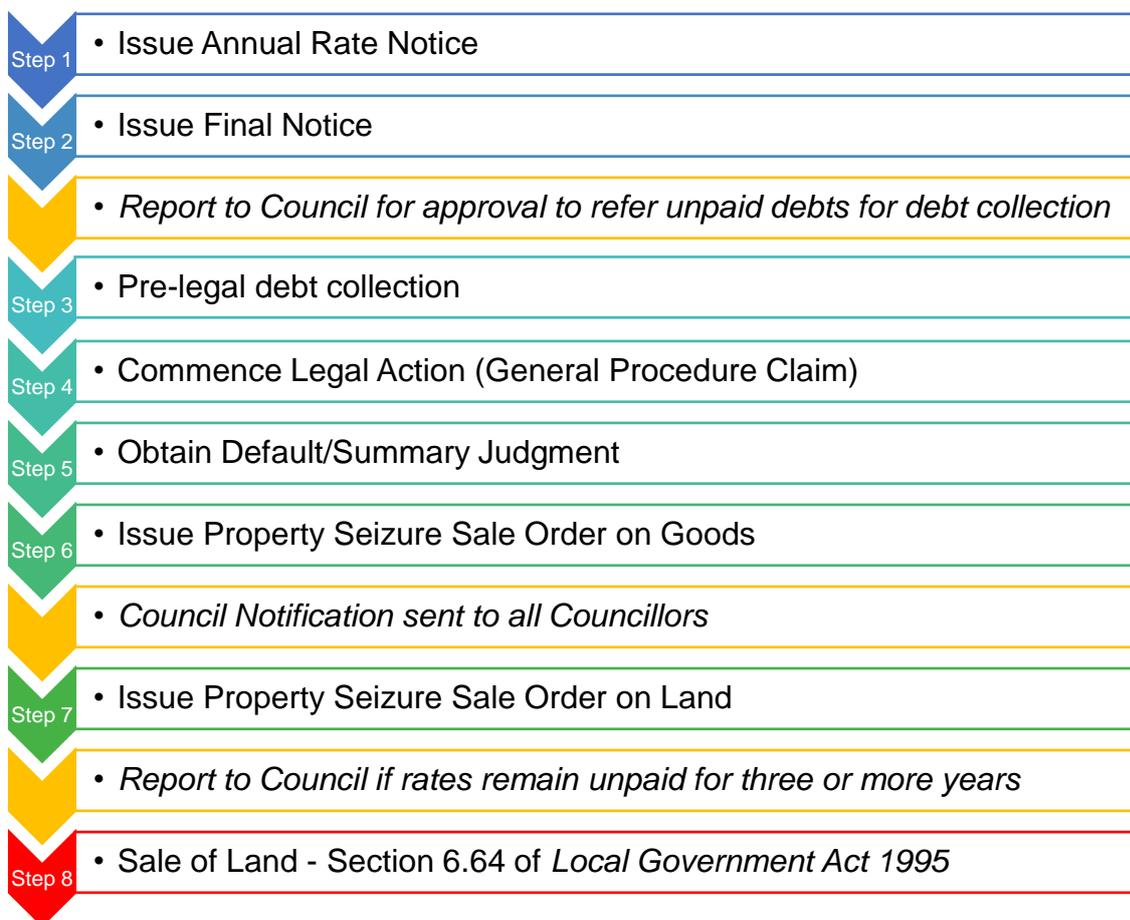
### Provisions

#### *Recovery of Rates and Service Charges*

Rates and other charges are due and payable within 35 days of the issue of a notice. Payment may be made either in full by the due date or in four instalments, the first of which is payable by the initial due date.

Amounts that remain outstanding after the due date will be followed up within 30 days with a final notice requiring the ratepayer to pay their balance in full within fourteen days or contact the Shire to make an arrangement to pay.

The following Recovery Process outlines the steps the Shire is to take when attempting to recover outstanding rates and charges.



## 1.1 Payment Agreements

1.1 Under DE3-3, a ratepayer is eligible to make application for a payment agreement for the current year's rates only, provided all arrears are paid in full prior to the arrangement taking effect.

1.2 The Chief Executive Officer has Delegated Authority to accept payment agreements for outstanding rates and service charges (DE3-3) provided the debt is cleared prior to 30 June of the relevant financial year.

1.3 Applications for agreements that do not come under the scope of DE3-3 are to be presented to Council for acceptance or rejection.

## 1.2 Unpaid Rates and Charges in Excess of \$500

2.1 The Chief Executive Officer be authorised to recover rates and charges by engaging the services of a debt collection agency.

2.2 If no response or payment is received, a letter of demand will be issued on behalf of the Shire of York by its appointed debt collection agent.

2.3 As part of the debt collection process, once referred, telephone calls and/or emails will

be made in order to contact the ratepayer to seek payment or enter into a payment arrangement.

- 2.4 If a property is leased, under the provisions of Section 6.60 of the *Local Government Act 1995* the Shire may recover outstanding rates and charges by collecting rent payments from the lessee. Notices must be given to the lessee and lessor. Under delegation DE3-9, the Chief Executive Officer is authorised to give notice to a lessee in accordance with Section 6.60(2) of the *Local Government Act 1995*, requiring the lessee to pay any rent when due to the Shire to satisfy the outstanding rates and charges.
- 2.5 If all action is unsuccessful, and in accordance with Section 6.56 of the *Local Government Act 1995*, the Chief Executive Officer is authorised to recover rates and service charges in a court of competent jurisdiction.
- 2.6 The sequence of legal action is outlined in the debt recovery process. If a Property Seizure and Sale Order (PSSO) on goods is unsuccessful, the next step is to proceed with a PSSO against land. Prior to proceeding against land all Councillors are to be notified via a Council Notification. Councillors must consider the information and action taken to determine if a report to Council is required.
- 2.7 Under the provisions of Section 6.64 (3) of the *Local Government Act 1995*, the Chief Executive Officer is authorised to lodge caveats on land where rates and Service charges are in arrears and it is considered appropriate that the interest of the Council should be protected.
- 2.8 The Chief Executive Officer be authorised to withdraw caveats lodged on land where the owner has met his/her obligation in full in relation to the rates and charges outstanding.

### **1.3 Rates and Charges that Remain Unpaid for three years or more**

- 3.1. If all reasonable attempts outlined in Section 2 result in no successful recovery and the rates and charges remain unpaid for three years or more the CEO is authorised to take possession of the land in accordance with Section 6.64(1) of the *Local Government Act 1995*.
- 3.2. A report is to be presented to Council detailing the amount of rates and charges outstanding, the attempts to recover the debt and the recommended action.
- 3.3. The Chief Executive Officer be authorised to engage a debt collection agency to assist in administering the process and the Council approved action.

### ***Recovery of Firebreak Contractor Costs***

Under the *Bush Fires Act 1954*, the Shire of York requires the owner or occupier of land to install a firebreak. If they fail to comply, Section 33(4) of the *Bush Fires Act 1954*, provides for the Shire of York to enter the property and employ a contractor to install a firebreak. The costs of which are payable by the owner or occupier of the land (Section 33(5)).

Section 33(8) of the *Bush Fires Act 1954* specifies that any charge made under Section 33 is a charge against the land with the same consequence as if it were a charge under the

*Local Government Act 1995* for unpaid rates, and is a debt due from the owner or occupier of the land.

On this basis, the costs incurred by the Shire of York to install a firebreak on a noncompliant property are to be levied against the property and if unpaid, are recoverable through the rates debt recovery process.

### **Recovery of Non-Rates Charges**

Sundry debtor charges include all other services not specifically identified elsewhere in this policy.

Invoices are payable within 30 days of the issue date of the invoice.

## **1. Debt Management**

If the invoice is not paid by the due date then the following procedure will take place:

- 1.1. A reminder notice will be issued in the first instance.
- 1.2. If no payment has been received within 14 days of the issue of the reminder notice, a final notice will be issued advising the debtor that payment is expected within seven (7) days of the issue date of the notice or legal action may be taken.
- 1.3. If no response is received from the debtor then following a review of the circumstances with the relevant staff members involved, a demand letter may be sent to the debtor advising them of what action is to be taken if payment is not made or an agreement to pay is not entered into. The debtor will be advised that any fees incurred in recovering the debt will be passed on to the debtor.
- 1.4. Before any third party is engaged to recover an outstanding debt, a report is to be presented to Council seeking approval to refer the matter to the Shire of York's appointed debt collection agent.
- 1.5. The Chief Executive Officer be authorised to recover fees and charges by engaging the services of a debt collection agency firm.
- 1.6. The debt collection agent will advise the Shire regarding the best course of action to ensure efficient and realistic collection of the amount owing. If legal action is required a report will be presented to Council seeking approval to proceed.
- 1.7. Once all reasonable attempts to either locate the debtor or to obtain payment have failed, the staff member responsible for raising the debt will be asked to submit a written request for the invoice to be considered for write off.
- 1.8. Depending on the value of the debt, approval will be sought from the Chief Executive Officer, under Delegated Authority DE3-4 or presented to Council for the debt to be written off. Once approval has been received, the appropriate entries will be made in the Accounts Receivable Ledger.

## **2. Debt Raised in Error or Debt Adjustment**

If a debt has been raised in error or requires an adjustment then an explanation will be sought from the relevant staff members. Once this has been received a credit note request will be raised which is to be authorised by both the staff member who raised the initial invoice and the Executive Manager Corporate and Community Services.

### **3. Interest on Overdue Accounts**

Council may elect to impose interest on outstanding debts. The rate of interest imposed is to be determined by Council in accordance with Section 6.13 of the *Local Government Act 1995*.

#### ***Recovery of Fines and Infringements***

Infringements are issued by authorised officers of the Shire of York. There is no provision for part payments or payment arrangements with infringements due to making them unenforceable with the Fines Enforcement Registry (FER).

##### **1. Debt Management**

- 1.1 Where payment is not received within twenty eight (28) days from the date of the infringement, a Final Demand Notice will be issued, with an applicable fee. The final demand Notice gives the customer a further twenty eight (28) days to pay the infringement.
- 1.2 Where the customer fails to pay the infringement by the expiry of the period defined above, the infringement is referred to the Fines Enforcement Registry where further charges will be incurred.
- 1.3 The Shire has no control over the collection process undertaken by the Fines Enforcement Registry and cannot take any action on its own.
- 1.4 From time to time, write off of debts will be required when the Fines Enforcement Registry deem the fines and/or costs uncollectible. Approval will be sought from the Chief Executive Officer and subsequently Council for approval for the debt to be written off. Once approval has been received, the appropriate entries will be made in the Accounts Receivable Ledger.

#### ***Rates Incentive Scheme***

A rate incentive scheme, in the form of prizes donated by sponsors, will be operated in each rating year on the basis that:

- a) Only those who have paid their rates in full, within thirty-five days of the date of assessment, be eligible for the draw.
- b) The winners to be selected electronically at random via the Shire Rating System in the presence of the major sponsor (other than the Shire).

Key Terms/Definitions  
Not Applicable

## Policy Administration

Responsible Directorate/Division: Finance Department

Author/Contact Officer Position: Finance Manager

Relevant Delegation: DE3-3 - Agreement as to Payment of Rates and Service Charges

DE3-4 - Write Off of Monies Owing (Not Rates and Services Charges)

DE3-8 - Rates or Service Charges Recoverable in Court

Relevant Legislation: *Local Government Act 1995* – Section 6.13

*Local Government Act 1995* – Section 6 (Subdivision 5)

Relevant Documents:

Date Adopted: 27 June 2016

Reviews/Amendments: 24 October 2016

27 November 2017

25 February 2019

25 November 2019



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## F1.2 PROCUREMENT

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### **Policy Objective:**

To provide a clear approach for the procurement of all goods and services to ensure practices are efficient, transparent, ethical, provide value for money and meet all legislative requirements.

### **Policy Scope:**

This Policy applies to all purchasing activities undertaken by the Shire's officers and makes provision for regional price preference.

### **Policy Statement:**

#### **Introduction**

The Shire procures a considerable number of products and services and it is essential that it is done in a way that achieves value for money, is transparent, accountable, without bias or preference and effective. Compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing and service benchmarks.

This policy was created to ensure appropriate procurement of all goods and services and therefore good governance. A full review of relevant legislation and industry best practice was undertaken in the process of preparing this policy and the following is in accordance with the Shire of York's Statement of Business Ethics.

#### **Principles**

- a) Procurement undertaken by the Shire is carried out in a consistent, efficient, effective and transparent manner.
- b) Retaining the integrity of the procurement process by maintaining fair and ethical practices and adherence to statutory obligations is a fundamental requirement.
- c) Value for money will be sought in a way that achieves the most advantageous outcomes for the Shire.
- d) Where appropriate local suppliers and/ or suppliers using significant local resources to be given preferential consideration in order to support the local economy.
- e) Wherever possible, other sustainable benefits such as environmental and social factors will be considered in the overall value for money assessment.
- f) There should be no conflicts of interest which might compromise equity, probity and integrity and the avoidance of bias in the procurement process.
- g) Procurement records will be maintained in accordance with the *State Records Act* and the Shire's Recordkeeping Plan.

- h) Confidentiality protocols that protect commercial-in-confidence information are applied with information released only where appropriately approved.
- i) Risks related to the procurement process are identified and managed within the Shire's Risk Management Framework.

**Provisions**

**2. Ethics and Integrity**

- 1.1 All Officers and employees of the Shire shall observe the highest standards of ethics and integrity in undertaking purchasing activity, and act in an honest and professional manner that supports the standing of the Council.
- 1.2 The following principles, standards and behaviour, must be observed and enforced through all stages of the purchasing process, to ensure the fair and equitable treatment of all parties.
  - (i) Full accountability shall be taken for all purchasing decisions, and the efficient, effective and proper expenditure of public monies based on achieving value for money.
  - (ii) All purchasing practices shall comply with the *Local Government Act 1995*, *Local Government (Functions and General) Regulations 1996* and requirements consistent with the Shire's Policies, Procedures and Code of Conduct.
  - (iii) Purchasing is to be undertaken on a competitive basis, in which all potential suppliers are treated impartially, honestly and consistently.
  - (iv) All processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable procedures and audit requirements.
  - (v) Any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed.

**2. Value for Money**

- 2.1 Value for money is an important principle governing purchasing, that allows the best possible outcome to be achieved for the Shire. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing and service benchmarks.
- 2.2 An assessment of the best value for money outcome for any purchasing should consider:
  - (i) All relevant whole of life costs, benefits of whole of life cycle costs (for goods), and whole of contract life costs (for services), including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as, but not limited to, holding costs, consumables, deployment, maintenance and disposal.
  - (ii) The technical merits of the goods or services offered in terms of compliance with specifications, contractual terms and conditions, and any relevant methods of assuring quality.

- (iii) Financial viability and capacity to supply without risk of default (competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history).
  - (iv) A strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.
  - (v) The safety requirements and standards associated with both the product design and the specification offered by suppliers and the evaluation of risk arising from its supply, operation and maintenance.
- 2.3 Where a higher priced, conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.
- 3. Purchasing Thresholds and Practices:**
- 3.1 The Shire of York must comply with all requirements, including purchasing thresholds and processes, as prescribed within legislation, this Policy and associated procedures in effect at the Shire of York.
- 3.2 The following table outlines the purchasing value thresholds and applicable practices relating to purchasing activities.
- 3.2.1 Purchasing value for the purposes of this policy is exclusive of GST.
  - 3.2.2 Where no contract exists, the purchasing value will be the estimated total expenditure for a minimum three year period.

| Amount of Purchase        | Process to be followed  |
|---------------------------|---|
| Up to \$2,000             | Direct purchase from suppliers. No quotation required. Market testing is strongly encouraged.   |
| \$2,000 to \$5,000        | Seek at least two verbal or written quotations from suitable suppliers (may include print outs from reputable suppliers' catalogues or websites), recommendation to purchase, include on quotation form reason for choosing selected supplier, official order for the goods and services to be countersigned by the Officers designated in this Policy. At least one quotation must be obtained |
| \$5,001 to \$20,000       | Seek at least three verbal or written quotations from suitable suppliers, recommendation to purchase, include on quotation form reason for choosing selected supplier, official order for the goods and services to be countersigned by the Officers designated in this Policy At least one quotation must be obtained  |
| \$20,001 to \$50,000      | Seek at least three written quotations from suitable suppliers after outlining in writing the requirements of the supply, recommendation to purchase, include on quotation form reason for choosing selected supplier, and that the official order for the goods and services be countersigned by the Officers designated in this Policy. At least two quotations must be obtained.             |
| \$50,001 to \$150,000     | Obtain at least three written quotations (using the Shire of York's Request for Quotation template) containing price and specification of goods and services, recommendations to purchase to be accompanied by a written evaluation against pre-determined criteria, and approved by the Chief Executive Officer.   |
| \$150,001 and above       | Conduct a public tender process, as prescribed under the <i>Local Government (Functions and General) Regulations 1996</i> .   |
| WALGA Services (excluding | For the purchasing of WALGA services, a minimum of one written quotation is to be sought and recorded.  |

|                             |   |
|-----------------------------|---|
| Preferred Supplier Program) |   |
| LGIS Services               | For the purchasing of LGIS services, a minimum of one written quotation is to be sought and recorded. |

See also Clause 11.

3.3 Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases with a value under the \$150,000 threshold. In this case, a Request for Tender Process must be followed.

3.4 *Western Australian Local Government Association (WALGA)/State Government Common Use Arrangement (CUA)*

3.5.1 Where the intended purchase is within the \$150,000 threshold, the above quotation process still applies with respect to obtaining quotations from either WALGA preferred suppliers or non-WALGA suppliers.

3.5.2 Where the intended purchase is over \$150,000 and the Shire wishes to use the Council Purchasing Service of WALGA without going through the tender process, the Shire must still follow the process of obtaining quotations from the WALGA panel.

3.5 Emergency purchases not included in the adopted budget must be authorised in advance by the Shire President in accordance with s6.8 of the *Local Government Act 1995*.

3.6 *Purchasing Procedures*

The Shire has developed a comprehensive Procurement Manual and procedures relating to all aspects of procurement which must be adhered to at all times.

#### 4. **Insufficient Suppliers**

4.1 It is recognised that in some cases, it may not be possible to obtain three quotations in accordance with the above. In this case, officers must attach a file note to the purchase order outlining the details of the companies contacted (date, method, contact details) and their response. This option is not permitted for purchase values above \$50,000.

#### 5. **Sole Source of Supply**

5.1 The procurement of goods and/or services available from only one private sector source of supply is permitted without the need to call for competitive quotation provided that there is genuinely only one source of supply. Written information regarding endeavours to find other sources must be included on the purchased order.

#### 6. **Panels of Pre-Qualified Suppliers**

6.1 The Shire may consider creating a Panel of Pre-qualified Suppliers ("Panel") when a range of similar goods and services are required to be purchased on a continuing and regular basis.

6.2 If the Shire chooses to do so, a separate written policy with respect to panels of pre-qualified suppliers will be developed and adopted in accordance with Division 3 Part 4 of the *Local Government (Functions and General) Regulations 1996*.

#### 7. **Anti-Avoidance**

7.1 Shire Officers are not to enter into two (2) or more contracts for the purchase of goods and services in order to avoid the requirements of the above monetary thresholds.

## 8. Exemptions

8.1 Notwithstanding that the principles of ethics and integrity as outlined in Section 1 apply at all times, in addition to the regulatory Tender exemptions for purchasing as set out in Regulation 11(2) of the Regulations, certain circumstances may arise where it is not reasonably practicable to adhere to the purchasing thresholds outlined in Section 3.

8.2 The following purchases are exempt from the requirement to undertake a competitive purchasing process as outlined in Section 3, where the total value of the purchase is within the Shire's approved annual budget, does not exceed \$50,000 in value, and where the overall business risk has been assessed as low to medium:

- Emergency reactive building maintenance purchases under \$5,000
- Advance/Prior Payment of Services (accommodation, travel services, seminars, training courses)
- Annual memberships/subscriptions
- Annual license/software maintenance/support fees
- Conferences
- Purchases of consumables, defined as items which are able to be consumed and liable to be used up or depleted over a short period of time
- Purchases of goods or services supplied by or obtained through the Western Australian State government or the Commonwealth or any of its agencies, or by a local government or a regional local government
- Purchase of legal services where that service is obtained from a pre-qualified supplier under the WALGA Preferred Supplier Arrangement
- Reimbursements (TAFE, training course fees, accommodation/meal costs, telephone and internet)
- Procurement of performing arts, defined as forms of creative activity that are performed in front of an audience, such as drama, music or dance
- Provision of utility services (where only sole provider)
- Where the contract is for petrol, oil or other liquid or gas used for internal combustion engines
- Purchases from Original Equipment Manufacturer (OEM's), or a sole agent thereof, where warranty provisions may otherwise be void
- Purchases of goods, services or works where there is genuinely only one private sector source of supply (manufacturer, supplier or agency) in line with Section 5 of this Policy
- Emergency purchases in line with Section 3.5 of this Policy
- Sponsorships and donations made in accordance with Policy C1.3 *Community Funding: Grants and Sponsorship* or Policy C1.4 *Sponsorship of Tourism Events*.

## 9. Record Keeping

All purchasing activity, communications and transactions must be evidenced and retained as local government records in accordance with the *State Records Act 2000* and the Shire's Record Keeping Plan.

**10. Creation of New Suppliers**

- 10.1 A background check of all new suppliers should be undertaken prior to the supplier being created in the system.
- 10.2 Checks serve as an anti-fraud control measure and should be stored against the completed new creditor documents.

**11. Authorisation for the Signing of Official Orders and Certification of Invoices**

At all times, an order must be raised, with full supporting quotation documentation, prior to the official engagement of a supplier. The signing of official orders and certification of invoices for the supply of goods and services can only be exercised by those Officers indicated in the following schedule, and only to the extent indicated.

|   |  |
|---|--|
| Chief Executive Officer                                   | Tender related purchasing – to a maximum value in accordance with the approved tender as determined by Council         |
|   | Non-tender related purchases - to a maximum of \$150,000 in any one transaction within the approved Budget Allocations |
| Executive Manager Corporate and Community Services        | To a maximum of \$50,000 in any one transaction within the approved Budget Allocations                                 |
| Executive Manager Infrastructure and Development Services | To a maximum of \$50,000 in any one transaction within the approved Budget Allocations                                 |
| Works Supervisor  | To a maximum of \$2,000 in any one transaction within the approved Budget Allocations                                  |

**12. Officers in acting capacity**

- 12.1 Officers in acting capacity may sign official orders and authorise an invoice for payment of goods and services, as detailed within this Policy.
- 12.2 Acting capacity is defined when the Chief Executive Officer and/or the Officer for the time being appointed as Acting Chief Executive Officer is absent, on annual leave, long service leave, sick leave, conferences, meetings or absent from office during the course of business.

**13. All official orders for goods and services must be countersigned as follows:**

- 13.1 All Purchases up to the designated value for public tenders to be called (being \$150,000) shall be countersigned by the officers designated in table 11.1.
- 13.2 Purchases above \$150,001 (excluding GST), conduct a public tender with a report to Council to award the contract.

**14. Sustainable Procurement**

*14.1 Local Economic Benefit*

The Shire encourages the development of competitive local businesses within its boundary first, and second within its broader region. As much as practicable, the Shire will:

- where appropriate, consider buying practices, procedures and specifications that do not unfairly disadvantage local businesses;

- consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);
- ensure that procurement plans address local business capability and local content;
- explore the capability of local businesses to meet requirements and ensure that Requests for Quotation and Tenders are designed to accommodate the capabilities of local businesses;
- avoid bias in the design and specifications for Requests for Quotation and Tenders – all Requests must be structured to encourage local businesses to bid; and
- provide adequate and consistent information to local suppliers.

To this extent, a qualitative weighting will be included in the evaluation criteria for quotes and Tenders where suppliers are located within the boundaries of the Shire, or substantially demonstrate a benefit or contribution to the local economy. These criteria will relate to local economic benefits that result from Tender processes.

### 14.2 *Local Price Preference*

A preference will be applicable to all locally based contractors and suppliers with a permanent office and staff located within the Shire of York. This also applies to contractors based outside the Shire of York who use goods, materials or services which are sourced from within the Shire.

#### (a) Goods and Services

- (i) A 10% price preference, to a maximum of \$5,000, applies to goods and services, sourced and used in the Shire of York.
- (ii) A 5% price preference to a maximum of \$2,500 applies to goods and services sourced within the Avon Valley.

#### (b) Construction

- (i) A 5% price preference, to a maximum of \$5,000, applies to all construction conducted by businesses/contractors based within the Shire of York.
- (ii) A 2.5% price preference, to a maximum of \$2,500, applies to all construction conducted by business/contractors based within the Avon Valley.

### 14.3 *Purchasing from Australian Disability Enterprises*

Where possible and appropriate, Australian Disability Enterprises (ADEs) are to be invited to quote to supply goods, services or works under the tender threshold.

For purchases above the tender threshold, an ADE may be contracted without the need to undertake a public Tender process. The ADE will still need to be issued a request for quotation document, and a value for money assessment of the ADE's offer must be made to demonstrate benefits for the Shire's achievement of its strategic and operational objectives.

### 14.4 *Purchasing from Aboriginal Businesses*

A business registered in the current Aboriginal Business Directory WA (produced by the Small Business Development Corporation) may be contracted directly without the need to comply with the Threshold and Purchasing Practices requirements of this Policy, only where:

- the contract value is or is worth \$250,000 or less, and
- a best and sustainable value assessment demonstrates benefits for the Shire's achievement of its strategic and operational objectives.

A qualitative weighting will be used in the evaluation of quotes and tenders to provide advantages to businesses registered in the current Aboriginal Business Directory WA, in instances where not directly contracted.

**15. Non-Compliance**

- 15.1 Purchasing Activities are subject to financial and performance audits, which review compliance with legislative requirements and also compliance with the Shire's policies and procedures.
- 15.2 A failure to comply with the requirements of this policy will be subject to investigation, with findings to be considered in context of the responsible person's training, experience, seniority and reasonable expectations for performance of their role.
- 15.3 Where a breach is substantiated it may be treated as:
- an opportunity for additional training to be provided;
  - a disciplinary matter, which may or may not be subject to reporting requirements under the *Public Sector Management Act 1994*;
  - misconduct in accordance with the *Corruption, Crime and Misconduct Act 2003*.

**Policy Administration**

|                                   |  |
|-----------------------------------|--|
| Responsible Directorate/Division: | Corporate and Community Services   |
| Contact Officer Position:         | Executive Manager, Corporate & Community Services  |
| Relevant Legislation:             | <i>Local Government Act 1995 – Section 3.57</i><br><i>Local Government Act 1995 – Section 6.10</i><br><i>Local Government (Financial Management) Regulations 1996 – Regulation 11</i><br><i>Local Government (Functions and General) Regulations 1996 - Parts 4 and 4A</i><br><i>Local Government (Audit) Regulations 1996</i> |
| Relevant Delegation:              | DE3-1 Authority to make payments from Trust and Municipal accounts<br>DE5-2 Tender Evaluation Criteria<br>DE5-3 Minor Variation for Goods and Services<br>DE5-4 Expressions of Interest<br>DE5-5 Tenders to be invited for Certain Contracts   |
| Other Relevant Documents:         | G1.1 Code of Conduct<br>F1.5 Authority to Make Payments from Trust and Municipal Funds<br>F1.6 Corporate Credit Card Policy<br><br><i>Department of Local Government Guideline No 11 – Use of Corporate Credit Cards</i>   |
| Date Adopted:                     | 28 January 2016  |
| Reviews/Amendments                | 24 October 2016<br>18 September 2017<br>29 July 2019<br>25 November 2019   |



## F 1.3 SIGNIFICANT ACCOUNTING POLICIES

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### **Policy Objective**

To provide a financial framework, in addition to Accounting Standards and other statutory requirements, to ensure the Shire's accounting data is accurate, reliable and compliant.

### **Policy Scope**

This Policy covers the Shire's accounting data and financial reporting (including the Annual Budget, Budget Reviews and Annual/Monthly Financial Statements).

### **Policy Statement**

#### **Introduction**

The Local Government Act (the Act) 'Division 4 – General Financial Provisions' outlines that the Chief Executive Officer (CEO) has a duty to ensure that there are proper accounts and records of the transactions and affairs of the local government. The Local Government (Financial Management) Regulations (the Regulations) state that the CEO must ensure that efficient financial systems and procedures are established for the local authority. This Policy is designed to ensure the Shire operates under appropriate financial governance and meets all regulatory obligations.

#### **Principles**

- a) Practices are conducive to good financial management.
- b) There is full compliance with all relevant financial standards and statutory requirements.
- c) Financial practices and reports are accurate, reliable, easy to understand and consistent.

#### **Provisions**

##### **1. Financial Reporting**

Financial Reporting is required to meet statutory requirements along with the organisational needs of the Shire to effectively monitor financial performance.

##### **Monthly Reporting**

Monthly reports will be prepared in accordance with section 6.4(2) of the Act and regulation 34 of the Regulations. Reports will be prepared on a calendar basis, in a timely manner and presented at the next available Council meeting

##### **Annual Financial Reporting**

The Annual Financial Report will be prepared in accordance with section 6.4 of the Act and regulations 36 to 50 of the Regulations. The Annual Financial Report must be submitted to the Shire's auditors by 30 September in the subsequent financial year. The audited Annual Financial Report will then be presented to Council.

## 2. Annual Budget

The Annual Budget for the Shire is to be prepared in accordance with section 6.2 of the Act and regulations 22 to 33 of the Regulations. The Shire's Chief Executive Officer must ensure that the Annual Budget for the financial year is presented to Council after 1 June but no later than 31 August in the year to which the Annual Budget relates.

## 3. Budget Review

Budget reviews will be conducted throughout the financial year as good financial practice. Any proposed budget amendments will be presented to Council, for determination, as part of the Monthly Financial Statements.

The Shire must undertake a formal Budget Review as per regulation 33A of the Regulations. The review must be undertaken between 1 January and 31 March each financial year. The review must consider the Shire's financial performance, position and outcomes. Council must be presented with the review within 30 days and determine whether to adopt.

Financial reports should be prepared in accordance with the following significant accounting policies:

### 1. Basis of Preparation

- 1.1 Prepared in accordance with applicable Australian Accounting Standards (as they apply to local government and not-for-profit entities), Australian Accounting Interpretation, other authoritative pronouncements of the Australian Accounting Standards Board, the Local Government Act 1995 and accompanying regulations. Material accounting policies which have been adopted in the preparation of the financial report are presented below and have been consistently applied unless otherwise stated.
- 1.2 Except for cash flow and rate setting information, the financial report has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

### 2. The Local Government Reporting Entity

- 2.1 All Funds through which the Council controls resources to carry on its functions have been included in the financial statements
- 2.2 In the process of reporting on the local government as a single unit, all transactions and balances between those Funds (for example, loans and transfers between Funds) have been eliminated.

All monies held in the Trust Fund are excluded from the financial statements. A separate statement of those monies appears as a note.

**3. Rounding Off Figures**

- 3.1 All figures shown in financial reports, other than a rate in the dollar, are rounded to the nearest dollar.

**4. Rates, Grants, Donations and Other Contributions**

- 4.1 Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions.
- 4.2 Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.

**5. Goods and Services Tax (GST)**

- 5.1 Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO).
- 5.2 Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position.
- 5.3 Cash flows are presented on a Gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.

**6. Superannuation**

- 6.1 The Council contributes to a number of Superannuation Funds on behalf of employees.
- 6.2 All funds to which the Council contributes are defined contribution plans.

**7. Cash and Cash Equivalents**

- 7.1 Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks, other short term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts.
- 7.2 Bank overdrafts are shown as short term borrowings in current liabilities in the statement of financial position.

**8. Trade and Other Receivables**

- 8.1 Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.

- 8.2 Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets.
- 8.3 All other receivables are classified as non-current assets. Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.

### **9. Inventories**

#### *General*

- 9.1 Inventories are measured at the lower of cost and net realisable value.
- 9.2 Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

#### *Land Held for Resale*

- 9.3 Land held for development and sale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development. Finance costs and holding charges incurred after development is completed are expensed.
- 9.4 Gains and losses are recognised in profit or loss at the time of signing an unconditional contract of sale if significant risks and rewards, and effective control over the land, are passed on to the buyer at this point.
- 9.5 Land held for sale is classified as current except where it is held as non-current based on Council's intentions to release for sale.

### **10. Fixed Assets**

- 10.1 Each class of fixed assets within either property, plant and equipment or infrastructure, is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.

#### *Mandatory Requirement to Revalue Non-Current Assets*

- 10.2 Effective from 1 July 2012, the Local Government (Financial Management) Regulations were amended and the measurement of non-current assets at Fair Value became mandatory.
- 10.3 The amendments allow for a phasing in of fair value in relation to fixed assets over three years as follows:

- (a) for the financial year ending on 30 June 2013, the fair value of all of the assets of the local government that are plant and equipment; and

- (b) for the financial year ending on 30 June 2014, the fair value of all of the assets of the local government –
- that are plant and equipment; and
  - that are –
  - land and buildings; or
  - infrastructure;
- and
- (c) for a financial year ending on or after 30 June 2015, the fair value of all of the assets of the local government.

10.4 Thereafter, in accordance with the regulations, each asset class must be revalued at least every 3 years.

10.5 In 2013, Council commenced the process of adopting Fair Value in accordance with the Regulations.

10.6 Relevant disclosures, in accordance with the requirements of Australian Accounting Standards, have been made in the financial report as necessary.

#### *Land Under Control*

10.7 In accordance with Local Government (Financial Management) Regulation 16(a), the Council was required to include as an asset (by 30 June 2013), Crown Land operated by the local government as a golf course, showground, racecourse or other sporting or recreational facility of state or regional significance.

10.8 Upon initial recognition, these assets were recorded at cost in accordance with AASB 116. They were then classified as Land and revalued along with other land in accordance with the other policies detailed in this Note.

10.9 Whilst they were initially recorded at cost (being fair value at the date of acquisition (deemed cost) as per AASB 116) they were revalued along with other items of Land and Buildings at 30 June 2015.

#### *Initial Recognition and Measurement between Mandatory Revaluation Dates*

10.10 All assets are initially recognised at cost and subsequently revalued in accordance with the mandatory measurement framework detailed above.

10.11 In relation to this initial measurement, cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the Council includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.

10.12 Individual assets acquired between initial recognition and the next revaluation of the asset class in accordance with the mandatory measurement framework detailed above, are carried at cost less accumulated depreciation as management believes

this approximates fair value. They will be subject to subsequent revaluation at the next anniversary date in accordance with the mandatory measurement framework detailed above.

### *Revaluation*

10.13 Increases in the carrying amount arising on revaluation of assets are credited to a revaluation surplus in equity. Decreases that offset previous increases of the same asset are recognised against revaluation surplus directly in equity. All other decreases are recognised in profit or loss.

### *Transitional Arrangement*

10.14 During the time it takes to transition the carrying value of non-current assets from the cost approach to the fair value approach, the Council may still be utilising both methods across differing asset classes.

10.15 Those assets carried at cost will be carried in accordance with the policy detailed in the Initial Recognition section as detailed above.

Those assets carried at fair value will be carried in accordance with the Revaluation Methodology section as detailed above.

### *Land Under Roads*

10.16 In Western Australia, all land under roads is Crown land, the responsibility for managing which, is vested in the local government.

10.17 Effective as at 1 July 2008, Council elected not to recognise any value for land under roads acquired on or before 30 June 2008. This accords with the treatment available in Australian Accounting Standard AASB 1051 Land Under Roads and the fact Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.

10.18 In respect of land under roads acquired on or after 1 July 2008, as detailed above, Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.

10.19 Whilst such treatment is inconsistent with the requirements of AASB 1051, Local Government (Financial Management) Regulation 4(2) provides, in the event of such an inconsistency, the Local Government (Financial Management) Regulations prevail.

Consequently, any land under roads acquired on or after 1 July 2008 is not included as an asset of the Council.

### *Depreciation*

10.20 The depreciable amount of all fixed assets including buildings but excluding freehold land, are depreciated on a straight-line basis over the individual asset's useful life from the time the asset is held ready for use. Leasehold improvements are depreciated over the shorter of either the unexpired period of the lease or the estimated useful life of the improvements.

10.21 Major depreciation periods used for each class of depreciable asset are:

|  |                          |
|--|--------------------------|
| Buildings  | 40 years                 |
| Furniture and Equipment                                | 8 years                  |
| Plant and Equipment                                    | 8 years                  |
| Infrastructure   |                          |
| Sealed Roads, Streets and Carparks                     | Condition Rated Annually |
| Unsealed Roads   | Condition Rated Annually |
| Bridges, Drainage                                      | 1.30%                    |
| Concrete Footpaths, Cycleways, Walkways and Skate Park | 50 Years                 |
| Brick Footpaths  | 25 Years                 |
| Effluent Systems                                       | 20 Years                 |
| Sewerage Parks   | 75 – 80 Years            |
| Water Pipes and Hydrants                               | 20 Years                 |
| Bush Shelters  | 20 Years                 |
| Parks Furniture and Equipment                          | 5 – 20 Years             |

10.22 The assets residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period.

10.23 An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.

10.24 Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains and losses are included in profit or loss in the period which they arise.

10.25 When revalued assets are sold, amounts included in the revaluation surplus relating to that asset are transferred to retained surplus.

*Capitalisation Threshold*

10.26 Expenditure on items of equipment under \$1,000 is not capitalised. Rather, it is recorded on an asset inventory listing.

**11. Fair Value of Assets and Liabilities**

11.1 When performing a revaluation, the Council uses a mix of both independent and management valuations using the following as a guide:

- (a) Fair Value is the price that Council would receive to sell the asset or would have to pay to transfer a liability, in an orderly (i.e. unforced) transaction between independent, knowledgeable and willing market participants at the measurement date
- (b) As fair value is a market-based measure, the closest equivalent observable market pricing information is used to determine fair value. Adjustments to market values may be made having regard to the characteristics of the specific asset. The fair values of assets that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data.
- (c) To the extent possible, market information is extracted from either the principal market for the asset (i.e. the market with the greatest volume and level of activity for the asset) or, in the absence of such a market, the most advantageous market available to the entity at the end of the reporting period (ie the market that maximises the receipts from the sale of the asset after taking into account transaction costs and transport costs).
- (d) For non-financial assets, the fair value measurement also takes into account a market participant's ability to use the asset in its highest and best use or to sell it to another market participant that would use the asset in its highest and best use.

### 12 Fair Value Hierarchy

12.1 AASB 13 requires the disclosure of fair value information by level of the fair value hierarchy, which categorises fair value measurement into one of three possible levels based on the lowest level that an input that is significant to the measurement can be categorised into as follows:

- (a) *Level 1*  
Measurements based on quoted prices (unadjusted) in active markets for identical assets or liabilities that the entity can access at the measurement date.
- (b) *Level 2*  
Measurements based on inputs other than quoted prices included in Level 1 that are observable for the asset or liability, either directly or indirectly.
- (c) *Level 3*  
Measurements based on unobservable inputs for the asset or liability.

12.2 The fair values of assets and liabilities that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data. If all significant inputs required to measure fair value are observable, the asset or liability is included in Level 2. If one or more significant inputs are not based on observable market data, the asset or liability is included in Level 3. The techniques are as follows:

*Valuation techniques*

The Council selects a valuation technique that is appropriate in the circumstances and for which sufficient data is available to measure fair value. The availability of sufficient and relevant data primarily depends on the specific characteristics of the asset or liability being measured. The valuation techniques selected by the Council are consistent with one or more of the following valuation approaches:

### *Market approach*

Valuation techniques that use prices and other relevant information generated by market transactions for identical or similar assets or liabilities.

### *Income approach*

Valuation techniques that convert estimated future cash flows or income and expenses into a single discounted present value.

### *Cost approach*

Valuation techniques that reflect the current replacement cost of an asset at its current service capacity.

Each valuation technique requires inputs that reflect the assumptions that buyers and sellers would use when pricing the asset or liability, including assumptions about risks. When selecting a valuation technique, the Council gives priority to those techniques that maximise the use of observable inputs and minimise the use of unobservable inputs. Inputs that are developed using market data (such as publicly available information on actual transactions) and reflect the assumptions that buyers and sellers would generally use when pricing the asset or liability and considered observable, whereas inputs for which market data is not available and therefore are developed using the best information available about such assumptions are considered unobservable.

As detailed above, the mandatory measurement framework imposed by the Local Government (Financial Management) Regulations requires, as a minimum, all assets carried at a revalued amount to be revalued at least every 3 years.

## **13. Financial Instruments**

### *Initial Recognition and Measurement*

13.1 Financial assets and financial liabilities are recognised when the Council becomes a party to the contractual provisions to the instrument. For financial assets, this is equivalent to the date that the Council commits itself to either the purchase or sale of the asset (ie trade date accounting is adopted).

13.2 Financial instruments are initially measured at fair value plus transaction costs, except where the instrument is classified 'at fair value through profit or loss', in which case transaction costs are expensed to profit or loss immediately.

### *Classification and Subsequent Measurement*

13.3 Financial instruments are subsequently measured at fair value, amortised cost using the effective interest rate method, or cost.

Amortised cost is calculated as:

- (a) the amount in which the financial asset or financial liability is measured at initial recognition;
- (b) less principal repayments and any reduction for impairment; and
- (c) plus or minus the cumulative amortisation of the difference, if any, between the amount initially recognised and the maturity amount calculated using the effective interest rate method.

13.4 The effective interest method is used to allocate interest income or interest expense over the relevant period and is equivalent to the rate that discounts estimated future cash payments or receipts (including fees, transaction costs and other premiums or discounts) through the expected life (or when this cannot be reliably predicted, the contractual term) of the financial instrument to the net carrying amount of the financial asset or financial liability. Revisions to expected future net cash flows will necessitate an adjustment to the carrying value with a consequential recognition of an income or expense in profit or loss.

- i. Financial assets at fair value through profit and loss

Financial assets are classified at “fair value through profit or loss” when they are held for trading for the purpose of short term profit taking. Assets in this category are classified as current assets. Such assets are subsequently measured at fair value with changes in carrying amount being included in profit or loss.

- ii. Loans and receivables

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market and are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.

Loans and receivables are included in current assets where they are expected to mature within 12 months after the end of the reporting period.

- iii. Held-to-maturity investments

Held-to-maturity investments are non-derivative financial assets with fixed maturities and fixed or determinable payments that the Council’s management has the positive intention and ability to hold to maturity. They are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.

Held-to-maturity investments are included in current assets where they are expected to mature within 12 months after the end of the reporting period. All other investments are classified as non-current.

- iv. Available-for-sale financial assets

Available-for-sale financial assets are non-derivative financial assets that are either not suitable to be classified into other categories of financial assets due to their nature, or they are designated as such by management. They comprise investments in the equity of other entities where there is neither a fixed maturity nor fixed or determinable payments.

They are subsequently measured at fair value with changes in such fair value (i.e. gains or losses) recognised in other comprehensive income (except for impairment losses). When the financial asset is derecognised, the cumulative gain or loss pertaining to that asset previously recognised in other comprehensive income is reclassified into profit or loss.

Available-for-sale financial assets are included in current assets, where they are expected to be sold within 12 months after the end of the reporting period. All other available for sale financial assets are classified as non-current.

v. Financial liabilities

Non-derivative financial liabilities (excl. financial guarantees) are subsequently measured at amortised cost. Gains or losses are recognised in the profit or loss.

### *Impairment*

13.5 A financial asset is deemed to be impaired if, and only if, there is objective evidence of impairment as a result of one or more events (a “loss event”) having occurred, which has an impact on the estimated future cash flows of the financial asset(s).

13.6 In the case of available-for-sale financial assets, a significant or prolonged decline in the market value of the instrument is considered a loss event. Impairment losses are recognised in profit or loss immediately. Also, any cumulative decline in fair value previously recognised in other comprehensive income is reclassified to profit or loss at this point.

13.7 In the case of financial assets carried at amortised cost, loss events may include: indications that the debtors or a group of debtors are experiencing significant financial difficulty, default or delinquency in interest or principal payments; indications that they will enter bankruptcy or other financial reorganisation; and changes in arrears or economic conditions that correlate with defaults.

13.8 For financial assets carried at amortised cost (including loans and receivables), a separate allowance account is used to reduce the carrying amount of financial assets impaired by credit losses. After having taken all possible measures of recovery, if management establishes that the carrying amount cannot be recovered by any means, at that point the written-off amounts are charged to the allowance account or the carrying amount of impaired financial assets is reduced directly if no impairment amount was previously recognised in the allowance account.

### *Derecognition*

13.9 Financial assets are derecognised where the contractual rights for receipt of cash flows expire or the asset is transferred to another party, whereby the Council no longer has any significant continual involvement in the risks and benefits associated with the asset. Financial liabilities are derecognised where the related obligations are discharged, cancelled or expired. The difference between the carrying amount of the financial liability extinguished or transferred to another party and the fair value of the consideration paid, including the transfer of non-cash assets or liabilities assumed, is recognised in profit or loss.

## **14. Impairment of Assets**

- 14.1 In accordance with Australian Accounting Standards the Council's assets, other than inventories, are assessed at each reporting date to determine whether there is any indication they may be impaired.
- 14.2 Where such an indication exists, an impairment test is carried out on the asset by comparing the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, to the asset's carrying amount.
- 14.3 Any excess of the asset's carrying amount over its recoverable amount is recognised immediately in profit or loss, unless the asset is carried at a revalued amount in accordance with another standard (e.g. AASB 116) whereby any impairment loss of a revaluation decrease in accordance with that other standard.
- 14.4 For non-cash generating assets such as roads, drains, public buildings and the like, value in use is represented by the depreciated replacement cost of the asset.

## **15. Trade and Other Payables**

- 15.1 Trade and other payables represent liabilities for goods and services provided to the Council prior to the end of the financial year that are unpaid and arise when the Council becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.

## **16. Employee Benefits**

### *Short-Term Employee Benefits*

- 16.1 Provision is made for the Council's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.
- 16.2 The Council's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the statement of financial position. The Council's obligations for employees' annual leave and long service leave entitlements are recognised as provisions in the statement of financial position.

### *Other Long-Term Employee Benefits*

- 16.3 Provision is made for employees' long service leave and annual leave entitlements not expected to be settled wholly within 12 months after the end of the annual reporting period in which the employees render the related service. Other long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations of service and employee departures and are discounted at

rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any re-measurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur.

- 16.4 The Council's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Council does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.

### **17. Borrowing Costs**

- 17.1 Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset until such time as the asset is substantially ready for its intended use or sale.

### **18. Provisions**

- 18.1 Provisions are recognised when the Council has a legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.
- 18.2 Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.

### **19. Current and Non-Current Classification**

- 19.1 In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Council's operational cycle. In the case of liabilities where the Council does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for sale where it is held as non-current based on the Council's intentions to release for sale.

### **20. Comparative Figures**

- 20.1 Where required, comparative figures have been adjusted to conform with changes in presentation for the current year.

### **21. Budget Comparative Figures**

21.1 Unless otherwise stated, the budget comparative figures shown in the financial statements relate to the original budget estimate for the relevant item of disclosure.

**Key Terms/Definitions**

Not Applicable

**Policy Administration**

Responsible Directorate/Division: Corporate & Community Services

Contact Officer Position: Finance Manager

Relevant Delegation: Nil

Relevant Legislation: *Local Government Act 1995 – Division 4*  
*Local Government (Financial Management) Regulations 1996*  
Australian Accounting Standards  
Taxation Legislation  
*Local Government (Audit) Regulations 1996*

Relevant Documents: Not applicable

Date Adopted: 28 January 2016

Reviews/Amendments 24 October 2016  
25 November 2019



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## F1.4 INVESTMENT

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### Policy Objective

To provide guidance for the investment of Council funds that may not be required for immediate use, taking into account legislative requirements and risk while ensuring the Council's liquidity requirements are being met, along with a favourable rate of return.

### Policy Scope

This Policy applies to all funds (including general funds, reserve funds and other restricted funds) invested by the Council.

### Policy Statement

#### Introduction

The investment of funds is a crucial aspect to good financial management. The Shire needs to ensure the preservation of capital and appropriate liquidity whilst ensuring a good rate of return is achieved within Policy guidelines. Revenue from investments is a funding source for the Shire and assists in maintaining the value of financial reserves.

#### Principles

- a) Investments must be placed in portfolios which protect the Shire's capital.
- b) There must always be adequate liquidity to meet anticipated cash flow requirements.
- c) Proper records of investments are kept and reported to Council.

#### Provisions

##### 1. General

- 1.1 There must be full compliance with Local Government (Financial Management) Regulation 19C which prohibits a local government from:
  - a. depositing funds with an unauthorised institution (An authorised institution is defined in 3 below).
  - b. depositing funds for a fixed term of more than 3 years.
  - c. investing in bonds that are not guaranteed by the Commonwealth Government or a State or Territory Government.
  - d. investing in bonds with a term to maturity of more than 3 years.
  - e. investing in a foreign currency.

- 1.2 Council funds may be invested in one or more of the following:
- a. Fixed Term Deposits (For a fixed term of 3 years or less )
  - b. Commercial Bank Bills (For a fixed term of 3 years or less)
  - c. Government Bonds (For a term to maturity of 3 years or less)
  - d. Cash Management Funds (For a fixed term of 3 years or less)
- 1.3 Council funds are to be invested with the following financial institutions:
- a. Banking institutions holding a banking licence under Commonwealth Banking Legislation with a BBB rating or better, as set by Standard and Poor's. The Institution must be an Authorised Deposit-Taking Institution (ADI) as defined under the Banking Act 1959.
  - b. Bonds issued and guaranteed by government.
- 1.4 Investments, whenever possible, are to be placed with Local Banks giving consideration to interest rates and keeping within the limitations of the Global Credit Framework.
- 1.5 The Chief Executive Officer has the delegated authority to invest surplus funds in accordance with this Policy.

**2. Probity**

- 2.1 To ensure there is not a conflict of interest, officers shall refrain from personal activities that would conflict with the proper execution and management of the Shire's investment portfolio.
- 2.2 To satisfy audit obligations, Letters of Confirmation will be obtained from the financial institutions confirming details of investments held on Council's behalf at 30<sup>t</sup> June each year.

**3. Credit Risk Management**

*Global Credit Framework*

- 3.1 To control the credit quality on the entire portfolio, a global credit framework will apply to limit the percentage of the portfolio exposed to any particular rating category. The maximum available limits in each Standard & Poor's credit rating category are as follows:

Standard and Poors - Credit Ratings:

| Long term | Short Term | %   | Description |
|-----------|------------|-----|-------------|
| AAA       | A-1+       | 100 | Prime       |
| AA+       |            | 100 | High Grade  |
| AA        |            | 100 |             |

|      |     |     |                    |
|------|-----|-----|--------------------|
| AA-  |     | 100 |                    |
| A+   | A-1 | 100 | Upper Medium Grade |
| A    |     | 100 |                    |
| A-   | A-2 | 70  |                    |
| BBB+ |     | 50  | Lower Medium Grade |

**4. Investment Reporting**

- 4.1 Investments must be appropriately recorded in the Shire’s financial records and reconciled on a monthly basis.
- 4.2 A monthly investment report must be provided to Council after the end of that month. The report shall give results for the calendar month in question and year to date. The report shall be segregated into three segments for the following:
  - General Municipal Funds;
  - Reserve Funds;
  - Trust Funds.

The following detail is to be provided for each segment:

- Total funds invested by institution and investment type;
- Maturity date;
- Credit ratings of the investments;
- Current interest rates of individual investments;
- Total investments earnings year to date against budget.

**Key Terms/Definitions**

Standard & Poor's – a financial services company providing index data and a source of independent credit ratings.

**Policy Administration**

Responsible Directorate/Division: Corporate & Community Services

Contact Officer Position: Finance Manager

Relevant Delegation: DE 3-2 - Delegated Authority – Invest Money held in Municipal or Trust Funds

Relevant Legislation: *Local Government Act 1995 – Sections 6.14, 6.15*  
*Local Government (Financial Management) Regulations 19 & 19C*  
*The Trustee Act 1962 – Part III Investments as amended by the*  
*Trustees Amendment Act 1997*  
*Banking Act 1959*  
*Western Australian Treasury Corporation Act 1986*

Relevant Documents: Staff Code of Conduct

Date Adopted: 28 January 2016

Reviews/Amendments

24 October 2016  
23 July 2018  
25 November 2019



## F1.5 AUTHORITY TO MAKE PAYMENTS FROM TRUST AND MUNICIPAL FUNDS

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### Policy Objective

To ensure there are appropriate systems to authorise payments from Trust and Municipal Funds in order to safeguard financial resources.

### Policy Scope

This Policy applies to the authorisation of all payments made from the Trust or Municipal Funds.

### Policy Statement

#### Introduction

It is imperative that the ability to make payments from the Shire's bank accounts is restricted to key staff. Shire funds need to be kept secure and payments need to be supported by appropriate records and approval processes. A lack of good governance around funds could expose the Shire to significant financial loss.

#### Principles

- a) the ability to make payments from the Shire's bank accounts is restricted.
- b) all payments processed by the Shire, both cheque and EFT, are supported by proper verification, record keeping and authorisation.

#### Provisions

- 1.1 In accordance with the Local Government (Financial Management) Regulations 1996 12 and 13, the Chief Executive Officer and the Executive Manager Corporate and Community Services be delegated to authorise payments on behalf of the Council.
- 1.2 All cheques, from both the Municipal and Trust Funds, must be countersigned by the Chief Executive Officer or the Executive Manager Corporate and Community Services and one other authorised officer. Authorised officers are listed in council delegation DE3-1). (For the avoidance of doubt, the Chief Executive Officer and the Executive Manager Corporate and Community Services may sign jointly)
- 1.3 Sufficient supporting documentation must be recorded against cheque details and stored in the financial system.
- 1.4 Electronic Fund Transfers (EFT) from the Trust and Municipal Fund be subject to the following conditions:

- (a) The EFT payments relating to payroll must be authorised by at least two officers.
- (b) One authorising officer must be either the Chief Executive Officer or the Executive Manager Corporate and Community Services.
- (c) The EFT payments other than payroll be authorised by two officers, with at least one being a signatory to Council cheques as per 1.0 above.
- (d) Authorisation of appropriate officers will be as per Delegation No. DE1.

**Key Terms/Definitions**

EFT means Electronic Funds Transfer

**Policy Administration**

Responsible Directorate/Division: Corporate & Community Services

Author/Contact Officer Position: Finance Manager

Relevant Delegation: DE 3-1 - Delegated Authority – Authority to Make Payments

Relevant Legislation: *Local Government Act 1995 – Section 6.10*  
*Local Government (Financial Management) Regulations 1996 12 and 13(2)*

Relevant Documents:

Date Adopted: 28 January 2016

Reviews/Amendments: 24 October 2016  
25 November 2019



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## F 1.6 CORPORATE CREDIT CARD POLICY

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### Policy Objective

The objective of this policy is to:

- Provide guidance in the issue and use of corporate purchasing and credit cards in order to ensure good governance
- Reduce the risk of fraud and misuse of corporate purchasing and credit cards and minimise the Shire's financial and reputational risk.
- Fulfil all statutory requirements of the Local Government Act with respect to the use of corporate purchasing and credit cards.
- Adopt best practice in developing a clear and comprehensive policy on the use of corporate purchasing and credit cards.

### Policy Scope

The requirements of this policy covers all Shire employees that are issued with and/or use the corporate purchasing and/or credit card cards.

This policy does not extend to Elected Members, as the Local Government Act does not make any provision for Elected Members to be issued with a Corporate Credit Card. A Local Government can only pay allowances or reimburse expenses to a Councillor.

### Policy Statement

#### Introduction

The Shire will operate a corporate purchasing and credit cards system which permits an appropriate level of cards to be issued within the organisation. The number of cards issued has been reviewed in accordance with the review of this policy to ensure the appropriateness of the number of cards being used and the reason for which the card was issued.

Corporate purchasing and credit cards can serve as an effective way for the Shire to make payment for goods and services. The risks associated with corporate purchasing and credit card use can be minimised through the implementation of effective controls and administration processes. This policy must be understood by the employee/card holder prior to the issuing of corporate purchasing and credit cards.

This policy was created to ensure controlled use of corporate purchasing and credit cards and therefore good governance. Consultation of relevant legislation and industry best practice was undertaken. This policy was reviewed with consideration for the Department of Local Government's Operational Guidelines and WALGA's template policy suite.

#### Principles

- a) There are always adequate controls in place surrounding the issuing and use of corporate purchasing and credit cards.

- b) There are effective acquittal practices in place surrounding the use of corporate purchasing and credit cards.
- c) Purchases made on corporate purchasing and credit cards adhere to the Procurement Policy.
- d) Purchases made on corporate purchasing and credit cards are as transparent as those processed through the Accounts Payable process.

**Provisions**

**1. Advantages of Corporate Credit Card Use**

The use of corporate purchasing and credit cards shall only be approved if there is a demonstrated need and advantage to the Shire. These include:

- a. eliminating or reducing time spent on paper-based ordering and payments;
- b. reduction of administrative costs;
- c. reducing the number of payments per month;
- d. provision of a useful resource in an emergency situation; and
- e. reducing the need to carry cash on the premises

**2. Custodianship and Conditions of Use**

- 2.1 The Shire of York will hold two (2) credit cards. All applications for a corporate credit card shall be approved by the Council.
- 2.2 The corporate credit card may only be used under the direction of the approved custodian.
- 2.3 All credit card expenditure will be reported to Council with the monthly financial report.
- 2.4 The requirement for corporate fuel cards will be determined on a case-by-case basis and approved by the Chief Executive Officer.
- 2.5 Fuel cards will only be used for purchasing fuel for the Shire vehicle (or hire vehicle where appropriate) to which the application relates.
- 2.6 All fuel card expenditure will be reported to Council within the list of monthly creditors payments.
- 2.7 Custodians and account limits are as follows:

| Card Type              | Custodian   | Limit                    |
|------------------------|---|--------------------------|
| Credit Card (inactive) | Chief Executive Officer                           | \$5,000                  |
| Credit Card            | Executive Manager, Corporate & Community Services | \$5,000                  |
| Fuel Cards             | Various employees as approved by the CEO          | \$4,000 collective limit |

**3. Register**

- 3.1 A register shall be maintained by the Executive Manager Corporate and Community Services of all Corporate Credit Cards and Fuel Cards issued and kept in a secure location. The register shall include:

- a. Date of approval by Chief Executive Officer;
- b. Name of card holder;
- c. Card number and expiry date;
- d. Conditions of use of the card; and
- e. A review date for continuing use of the card, not exceeding 24 months.

#### **4. Policies and Procedures Governing the Use of Corporate Cards**

##### **4.1 The following shall be complied with for controlling the use of Corporate Credit Cards:**

- a. An agreement shall be signed by the cardholder which sets out the cardholder's responsibilities and legal obligations when using the corporate purchasing and credit cards;
- b. A secure register managed by the Executive Manager Corporate and Community Services of all current cardholders should be kept which includes card number, expiry date of the card and credit limit. Details of goods and services the cardholder has authority to purchase are outlined in the cardholder agreement;
- c. All new and existing cardholders shall be provided with a copy of the policies and procedures relating to the use of corporate purchasing and credit cards and shall formally sign the register to acknowledge that they have read and understood the requirements of the policy;
- d. When an employee misplaces their corporate purchasing or credit card, they shall promptly report the matter to the Executive Manager Corporate and Community Services who shall immediately cancel the card.
- e. Credit Cards shall not be transferred to other users;
- f. Use of the reward schemes, such as Fly Buys and Frequent Flyers, will not be permitted for personal gain;
- g. All surrendered Credit Cards shall be destroyed by the Executive Manager Corporate and Community Services in the presence of another employee;
- h. In the event that a cardholder fails to comply with the policy's requirements, the Chief Executive Officer shall withdraw the use of the corporate purchasing or credit card and take appropriate disciplinary action. All criminal/illegal acts of alleged misuse shall be reported to the Police and other relevant authorities;
- i. The use of corporate purchasing and credit cards for any personal use whatsoever is strictly prohibited.
- j. Use of the corporate credit cards for purchases over the internet should be restricted to trusted secure sites.
- k. The cardholder will be personally liable for expenditure that cannot be shown to be related to the business of the Shire of York.

### **5. Purchasing**

- 5.1 Corporate purchasing and credit cards shall only be used for purchasing goods and services on behalf of the Shire and in circumstances when the issue of a Purchase Order Number from the Shire is not accepted, appropriate or convenient;
- 5.2 Fuel Cards will be issued to employees where applicable and must only be used when purchasing fuel for Shire vehicles.
- 5.3 Personal expenditure is strictly prohibited.
- 5.4 A Credit Card shall not be used for cash withdrawals;
- 5.5 Purchases by facsimile, telephone or over the internet shall be authorised by the person and all paperwork shall be kept and verified;
- 5.6 The nominated fuel card should be used in preference to a credit card when purchasing fuel unless it is not accepted by the retailer and then the vehicle odometer reading and fuel receipt are to be recorded at the time of purchase;
- 5.7 Credit card purchases are to comply with the Procurement Policy for acquiring of goods and services.
- 5.8 The use of the Corporate Credit Card for purchase of library books can only be exercised by the person responsible for the library collection acquisitions function.
- 5.9 The purchase of meals in York with the Corporate Credit Card is limited to hosting visiting dignitaries and others authorised in advance by the Shire President.
- 5.10 Meals purchased while away from York are to comply with the limit value approved from year to year by Council during the budget process.

### **6. Payments and Acquittals**

- 6.1 The cardholder will be responsible for providing appropriate and sufficient documentary evidence of all charges, as required, on a monthly basis. Information should include a copy of the GST invoice, account number for costing purposes and an explanation as to why the expense was incurred. Full information requirements are outlined in the Corporate Purchasing and Credit Cards Acquittal and Reporting Procedure.
- 6.2 Time frames for all payment of accounts shall be monitored by the Executive Manager Corporate and Community Services to ensure that credit charges are minimised and accounts are paid so as not incur a penalty or interest;
- 6.3 Cardholders cannot approve expenditure incurred on their own cards – these will be referred to the Chief Executive Officer for approval – the Chief Executive Officer shall refer any such instances to the Executive Manager Corporate and Community Services.
- 6.4 All transactions requested by officers other than the cardholder must complete the Credit Card Authority Form.
- 6.5 The signed corporate credit card statement and all supporting documentation are to be given to the Chief Executive Officer for certification. The Chief Executive Officer's signed corporate credit card statement and all supporting documentation will be provided to the Shire President for certification.

- 6.6 All transactions on Corporate Credit Cards are to be listed and form part of the monthly financial reports to Council in accordance with the requirements of *Local Government (Financial Management) Regulation 13*.

**Key Terms/Definitions**

Not Applicable

**Policy Administration**

Responsible Directorate/Division: Corporate & Community Services/Finance

Author/Contact Officer Position: Finance Manager

Relevant Delegation: Not Applicable

Relevant Legislation: *Local Government Act 1995 – Section 2.7 (2)(a) and (b)*  
*Local Government Act 1995 – Section 6.5(a)*  
*Local Government (Financial Management) Regulations 1996 – 11*  
*Local Government (Financial Management) Regulations 1996 - 13*

In addition to the above legislation, the Department of Local Government and Communities (Government of Western Australia) issued 'Operational Guideline Number 11' for the 'Use of Corporate Credit Cards'.

Relevant Documents: Staff Code of Conduct  
 F1.2 Procurement Policy  
 Corporate Credit Card Approval Process and Acquittal  
 Shire of York Procurement Manual

Date Adopted: 28 January 2016

Reviews/Amendments 24 October 2016  
 29 July 2019  
 25 November 2019



## F 1.7 CONCESSIONS ON COMMERCIAL AND FARMING PROPERTIES OCCUPIED BY PENSIONERS/SENIORS

### Policy Objective

To set the method of calculation for pensioner rebates on properties where there is a curtilage, or dual/commercial use.

### Policy Scope

This policy applies to the Finance Manager, Finance Officer (Rates and Debtors) and affected ratepayers.

### Policy Statement

#### Introduction

Section 28(2) of the *Rates and Charges (Rebates and Deferments) Act 1992* provides that:

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

This provision enables an administrative authority (the Shire of York) to allow a concession, in an equitable way, to the part of the rates levied relating to the residential use of a commercial property, if the circumstances warrant. For example, if a pensioner resides in a house that is on land also used for cropping.

This policy was created to identify the method that the Shire of York will use to calculate the pensioner rebate on curtilage/dual use properties.

### Principles

Concessional rebates are applied in a fair and equitable manner for all concessional ratepayers.

### Provisions

#### ***Provision of a proportionate rebate***

A rebate shall only be applied if the resident has demonstrated they are entitled to such rebate by completing the appropriate application form, including provision of their concession details.

The Finance Officer is to verify the concession entitlement using the Centrelink Confirmation eServices for businesses, and the ratepayer’s ownership of the property using a Landgate title search.

If the ratepayer is eligible the Finance Officer is to use the following method to calculate the rebate to be applied:

Finance Officer is to ascertain area of property that is solely used for residential purposes. This involves consultation with the applicant as well as mapping tools.

The rates levied are to be portioned based on the respective areas:

$$\left( \frac{\text{Area used for residential purposes only (Ha)}}{\text{Total area of property (Ha)}} \right) \times \text{Rates Levied (\$)} = \text{Portion of rates on which a concession can be applied(\$)}$$

For example if the rates levied are \$2,000, the total property area is 60 Ha and the area solely used for residential purposes is 5 Ha the rates on which a concession would be applied is as follows:

$$\frac{5}{60} \times 2000 = 166.67$$

The concession is to be applied on \$166.67

If the ratepayer is a pensioner, and they are entitled to a 50% rebate, the rebate amount to be claimed from the Office of State Revenue would be \$83.33, calculated as follows:

$$166.67 \times 0.50 = 83.33$$

If the area used for residential purposes cannot be determined then an arbitrary two (2) hectares is to be used as permitted by the Office of State Revenue.

The Finance Manager is to ensure compliance with this policy.

**Key Terms/Definitions**

Not Applicable

**Policy Administration**

Responsible Directorate/Division: Finance Department

Author/Contact Officer Position: Finance Officer

Relevant Delegation: Not Applicable

Relevant Legislation: *Rates and Charges (Rebates and Deferments) Act 1992 – Section 28(2)*

Relevant Documents: Procedural Manual, as at July 2016, Issued under the *Rates and Charges (Rebates and Deferments) Act 1992*. Department of Finance, Office of State Revenue.

Date Adopted: 24 July 2017

Reviews/Amendments 24 July 2017  
25 November 2019



## F 1.8 RATES EXEMPTIONS FOR CHARITABLE PURPOSES

### Policy Objective

The purpose of this policy is to identify a process to be followed when an organisation wishes to apply for an exemption of rates pursuant to Section 6.26(2)(g) of the *Local Government Act 1995* (the Act), where it is claimed the land is used exclusively for charitable purposes.

This Policy provides an equitable basis and administrative framework to assess applications for rates exemptions that is compliant with legislation and guided by best practice.

### Policy Scope

This policy applies to charitable and not-for-profit organisations that own land within the Shire of York and are liable for payment of rates.

### Policy Statement

#### Introduction

Section 6.26(2) of the Act identifies a number of situations where land is not rateable. Most are clearly defined and straightforward to apply. However, Section 6.26(2)(g) is open to some interpretation and therefore, this policy seeks to clearly define under what basis, this section of the Act is to be applied by Council.

Council is committed to adhering to the Act and providing support and guidance to applicants who provide assistance to members of the public and as such, a benefit to the community. Claimants are required to evidence their right to an exemption, and demonstrate the land is used exclusively for charitable purposes.

The Act does not define what a charitable purpose is therefore, the definition under Commonwealth Law must be applied. Under Section 12(1) of the Charities Act 2013, a charitable purpose means any of the following:

- (a) *the purpose of advancing health;*
- (b) *the purpose of advancing education;*
- (c) *the purpose of advancing social or public welfare;*
- (d) *the purpose of advancing religion;*
- (e) *the purpose of advancing culture;*
- (f) *the purpose of promoting reconciliation, mutual respect and tolerance between groups of individuals that are in Australia;*
- (g) *the purpose of promoting or protecting human rights;*
- (h) *the purpose of advancing the security or safety of Australia or the Australian public;*
- (i) *the purpose of preventing or relieving the suffering of animals;*
- (j) *the purpose of advancing the natural environment;*
- (k) *any other purpose beneficial to the general public that may reasonably be regarded as analogous to, or within the spirit of, any of the purposes mentioned in paragraphs (a) to (j);*
- (l) *the purpose of promoting or opposing a change to any matter established by law, policy or practice in the Commonwealth, a State, a Territory or another country, if:*

- (i) *in the case of promoting a change—the change is in furtherance or in aid of one or more of the purposes mentioned in paragraphs (a) to (k); or*
- (ii) *in the case of opposing a change—the change is in opposition to, or in hindrance of, one or more of the purposes mentioned in those paragraphs.*

It must not be a disqualifying purpose under Section 11 of the *Charities Act 2013*.

The key considerations when assessing an application for exemption pursuant to Section 6.26(2)(g) of the Act are:

- The use of the land, not the purpose of the applicant.
- The use must come under the provisions of the *Charities Act 2013*.
- The land must be used exclusively for a charitable purpose.
- The land use must be for a public benefit, where the benefit is available to members of the public generally or a particular section of the public.

When considering Australian case law, the proper test for determining whether land is used exclusively for charitable purposes is:

- (a) if land is used for a dual purpose, then it is not used exclusively for charitable purposes although one of the purposes is charitable; and
- (b) if the use of the land for a charitable purpose produces a profitable by-product as a mere incident of that use, the exclusiveness of the charitable purpose is not thereby destroyed.

### **Principles**

Rates exemptions are applied in a clear, transparent and equitable way to all eligible claimants, with relevant consideration given to the impact on other ratepayers and the sustainability of the Shire's public finances.

### **Provisions**

#### **1. Application for a rates exemption under Section 6.26(2)(g) of the Act**

- 1.1. All applications must be made in writing by completing an Application for Rates Exemption Form (Appendix A) and provide any supporting documentation according to the checklist on the application form.
- 1.2. If any information has not been provided or is unclear, the applicant may be required to provide the additional information before the application will be assessed.
- 1.3. If the property is leased, a copy of the lease is required with the application to ascertain if the lessee is liable for payment of the rates in the terms of the lease.
- 1.4. Rates and charges must be paid on time until a determination is made. A refund may be made if the application is successful.
- 1.5. Applicants need to provide clear and concise information regarding the nature of their activities to illustrate eligibility for the exemption to facilitate Council's decision making.

#### **2. Making a Determination**

- 2.1. An application will be assessed by the Finance Officer and if it meets the criteria to be considered for an exemption, a report will be presented to Council with an officer recommendation to either approve or decline the request.

- 2.2. The applicant must be a registered charity with Australian Charities and Not-for-profits Commission (ACNC) or an incorporated Not-for-Profit organisation.
- 2.3. The applicant must own the property on which rates are levied or be a tenant liable for payment of the rates under a lease.
- 2.4. The land must be used exclusively for charitable purposes, as defined in the *Charities Act 2013*.
- 2.5. The applicant must not conduct any commercial operation from the property.
- 2.6. The applicant must not hold a liquor licence for the provision of alcohol for sale to the public for profit.
- 2.7. Council may request additional information from an organisation making application if it considers it necessary to do so.
- 2.8. Information requested under clause 2.7 may include but, is not limited to copies of the Constitution of the organisation, recent financial statements of the organisation and information demonstrating precisely how any land that is subject of the application is used.

### **3. Grant of a Rates Exemption**

- 3.1. An exemption shall only be granted if the applicant has demonstrated they are eligible under the relevant legislation, by completing the appropriate application form and providing supporting documentation.
- 3.2. The Council decision will be actioned by the officers and a note will be made against the property assessment.
- 3.3. Applicants will be notified in writing of Council's determination, with correspondence to include details of:
  - the date the exemption applies from,
  - the relevant section of the Act,
  - the review period (i.e. 2 years); and,
  - the amount of general rates reversed.
- 3.4. An exemption is only applicable to the rates component of the annual rates and charges. Where exemption from rates is approved, the property will still be subject to the Emergency Services Levy and any other charges.
- 3.5. If the property has been used for the stated purpose as at 1 July of the relevant financial year, the exemption can be applied from that date and a refund given if rates have been paid prior to the determination.
- 3.6. Where the land use has changed during a financial year, any exemption granted is only applicable from the date of the change.
- 3.7. A partial exemption can be applied where only part of a defined lot is used for a charitable purpose.
- 3.8. The granting of an exemption in any year does not guarantee an ongoing exemption.
- 3.9. All exemptions are to be reviewed at least every two years as part of the annual budgeting process. Where the application is based on a lease that is due to expire, it may need to be reviewed annually.

**4. Rejected Applications**

- 4.1. Where an application is declined, the applicant has options to challenge the determination.
  - 4.1.1. The applicant may object under Section 6.76 of the Act, on the basis that the land or part of the land was not rateable land.
  - 4.1.2. The applicant has the right to appeal a decision made under Section 6.76 to the State Administrative Tribunal (SAT).
  - 4.1.3. Apply for a concession under Section 6.47 of the Act. Such applications would be considered on a case by case basis and determined by Council.
- 4.2. Where all appeals are not successful, the final option available to the applicant is to apply to the Minister for Local Government, to make a final determination, under Section 6.26(4) of the Act.

**Roles and Responsibilities**

The Executive Manager of Corporate and Community Services shall be responsible for referring matters to Council in regards to this policy.  
 The Finance Manager shall be responsible for ensuring compliance with this policy.  
 The Finance Officer (Rates and Sundry Debts) shall be responsible for the day to day operations of the policy.

**Key Terms/Definitions**

**Charitable Purpose** – As defined in the *Charities Act 2013*

**Policy Administration**

|                                   |  |
|-----------------------------------|--|
| Responsible Directorate/Division: | Finance Department   |
| Author/Contact Officer Position:  | Finance Officer  |
| Relevant Delegation:              | Not Applicable   |
| Relevant Legislation:             | <i>Local Government Act 1995</i><br><i>Charities Act 2013 (Commonwealth)</i>   |
| Relevant Documents:               | Application for Rate Exemption Form<br>Strategic Community Plan 2018-2028<br>Rates and Charitable Land Use Exemption Applications – Best Practise Guidelines – WALGA and WA Rates Association<br>Rating Policy – Rateable Land (s.6.26) - DLGC |
| Date Adopted:                     | 17 December 2018 – (Council Resolution 181218)   |
| Reviews/Amendments                | 25 November 2019   |



# Governance Policies





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## G 1.1 CODE OF CONDUCT: COUNCILLORS, COMMITTEE MEMBERS AND EMPLOYEES

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### **Policy Objective:**

To set out the expected standards for the behaviour of local government officials in the discharge of their roles and responsibilities.

### **Policy Scope:**

This policy applies to Councillors and Employees of the Shire of York and to any person appointed to a committee of the Council. It is complementary to, and should be read in conjunction with, the Local Government (Rules of Conduct) Regulations 2007.

Generally the provisions of this Code apply equally to all people who are Councillors, members of Committees or Employees. In some cases a provision of this Code may apply to one or other of these categories. Where that is the case it is identified in the relevant provision.

### **Policy Statement:**

#### **Introduction**

Every local government is required to adopt a Code of Conduct to be observed by Councillors, Committee Members and Employees<sup>1</sup>. The Council must review the Code of Conduct within 12 months of each ordinary election.

The Code is intended to give effect to the objectives adopted in the Local Government Act 1995 (and regulations) which are to achieve:

- better decisions by local governments;
- greater community participation in the decisions and affairs of local governments;
- greater accountability of local governments to their communities; and
- more efficient and effective local government.

A central focus of the Code is on probity and accountability and the nature and quality of interactions with other Councillors, Employees and the community.

The Code encourages a commitment to ethical and professional behaviour on the part of Councillors, Committee Members and Employees.

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<sup>1</sup> S.5.103 Local Government Act 1995.

## Principles

This Code of Conduct is based on a set of principles set out below.

Councillors, Committee Members and Employees:

- (a) are committed to giving effect to the requirements of the Local Government (Rules of Conduct) Regulations (Reg 3) in all aspects their roles. These are:  
acting with reasonable care and diligence
  - acting with honesty and integrity
  - acting lawfully
  - avoiding damage to the reputation of local government
  - being open and accountable to the public
  - basing decisions on relevant and factually correct information
  - treating others with respect and fairness
  - not being impaired by mind affecting substances
- (b) do not place themselves under any financial or other obligation to any individual or organisation that might reasonably be thought to influence them in the performance of their duties;
- (c) make decisions solely on the basis of public interest, merit and in accordance with statutory obligations. This includes the making of appointments, awarding of contracts or recommending individuals for awards or benefits.
- (d) are open and transparent about their decisions and actions, and the reason for them.
- (e) always act honestly. They will declare private interests that may be relevant to their public duties and take steps to resolve any conflicts in such a way that protects the public interest.
- (f) treat each-other and members of the community with respect at all times. People are treated fairly and without discrimination or bias.
- (g) lead by promoting the involvement of people in local government processes and in developing trust between the Shire and the community.

## Provisions

### 1. Statutory Framework

- 1.1 This Code of Conduct complies with and is developed within the provisions of the Local Government Act 1995 (Section 5.103 – Codes of Conduct) and the Local Government (Administration) Regulations 1996 (Regulations 34B). The Code complements these statutory requirements but should any conflict arise between this Code of Conduct and the Local Government Act (LG Act) and Regulations, the latter prevail.
- 1.2 Councillors, acknowledge their activities, behaviour and statutory compliance obligations are subject to the Local Government (Rules of Conduct) Regulations 2007.

## **2. Role of a Councillor**

2.1 The role of a Councillor is to:

- represent and advocate on behalf of the community;
- resolve a preferred strategic direction taking into account the widest possible understanding of community needs and aspirations;
- make robust and effective decisions in relation to services and initiatives intended to deliver on community expectations and strategic direction;
- act as a careful steward of the community's assets owned, held and managed on behalf of the community.

2.2 This is underpinned by the provisions of the Local Government Act which provides that:

A Councillor:

- (a) Represents the interest of electors, ratepayers and residents of the district;
- (b) Provides leadership and guidance to the community in the district;
- (c) Facilitates communication between the community and council;
- (d) Participates in the Shire's decision-making processes at council and committee meetings; and
- (e) Performs such other functions as are given to a councillor by this Act or any other Act.

## **3. Role of the CEO and Employees**

The role of employees is determined by the functions of the Chief Executive Officer as set out in s5.41 of the Local Government Act 1995:

The functions of the CEO are to:

- (a) advise the council in relation to the functions of a local government under this Act and other written laws; and
- (b) ensure that advice and information is available to the council so that informed decisions can be made; and
- (c) cause council decisions to be implemented; and
- (d) manage the day to day operations of the local government; and
- (e) liaise with the president on the local government's affairs and the performance of the local government's functions; and
- (f) speak on behalf of the local government if the president agrees; and
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and

- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

The CEO is responsible for the effective and efficient implementation of Council decisions and in turn all employees of the Shire are subject to the direction of the CEO.

Employees enable the functions of the Shire and the Council to be performed, and they have an obligation to:

- (a) give their attention to the business of the Council while on duty,
- (b) ensure that their work is carried out efficiently, economically and effectively;
- (c) carry out lawful directions given by any person having authority to give such directions; and
- (d) give effect to the lawful directions given by any person having authority to give such directions; and
- (e) give effect to the lawful policies, decisions and practices of the Council, whether or not the employee agrees or approves of them.

#### **4. General Conduct Obligations**

Councillors, Committee Members and Employees:

- 4.1 acknowledge that they are subject to the provisions of the Local Government Act 1995 and in addition they will act in accordance with their obligation of fidelity to the Shire: to act honestly, in good faith and to the best of their abilities in the interest of the Shire.
- 4.2 will comply with the requirements of the Local Government Act 1995, the Local Government (Rules of Conduct) Regulations 2007 and the Local Government Administration Regulations 1996 (Regulations 34B and 34C).
- 4.3 will perform their roles impartially and in the public interest and act in good faith.
- 4.4 will make clear in any forum whether they are representing the Shire or whether they are acting on an individual basis. If they are acting as an individual they cannot speak on behalf of the Shire.
- 4.5 will be as informed as possible about the functions of the Council and be familiar with all Council Agenda reports and associated documents prior to a meeting where the items are to be considered.

Councillors:

- 4.6 will make every endeavour to attend all Council meetings and Forums and working and advisory groups to which they are appointed unless they have previously been granted leave of absence by resolution of Council, are ill and/or have provided an apology to the Chair for being unavailable for other reasons.

- 4.7 will make every endeavour to remain until the completion of business at Council meetings and forums, working and advisory groups unless there is an overriding reason for leaving early.
- 4.8 must not harass, discriminate, or support others who support or discriminate against any person, colleague, Council employee or member of the public.<sup>1</sup>
- 4.9 will respect the local law regulating Council meetings at all times and the role of the Presiding Member in managing the conduct of a meeting, forum, working or advisory group.

### **5. Interactions with Employees** Councillors

- 5.1 An effective Councillor will work as part of the Council team with the Chief Executive Officer and other Councillors and Employees. The team approach will occur if Councillors and Employees have a mutual respect and work with each other to achieve the Council's goals and implement the Council's policies and strategies.
- 5.2 Councillors are responsible for setting the future direction of the Shire and making decisions in the best interest of the community. Councillors acknowledge they:
  - have no role in the day-to-day administration, management of and delivery of services
  - have no capacity to individually direct employees to carry out particular functions;
  - must refrain from publicly criticising employees (including whether in a Council meeting or via the media) in a way that casts aspersions on their professional reputation, character, ability, integrity, competence or credibility; and
  - ensure that no restrictions or undue influence are placed on the ability of employees to give professional advice to the Council.
- 5.3 Councillors have the right to raise issues and requests with the Chief Executive Officer.
- 5.4 Councillors must not contact employees on Shire related business other than in accordance with any procedures authorised by the CEO. Councillors shall not approach employees on the following matters:
  - other than Chief Executive Officer, for information on sensitive or controversial matters;
  - discussion of Council business outside the Council building or outside hours of work
- 5.5 Councillors must not attend on-site inspection meetings with lawyers and/or consultants engaged by the Shire associated with current or proposed legal proceedings (other than those where approval has been granted by the Council to participate).

## 5.6 *Access to Council Buildings*

Councillors are entitled to have access to all areas of Council buildings but must not enter employee-only areas of Shire buildings without the approval of the Chief Executive Officer, or as provided for in any Protocol.

### Employees

5.7 Employees are responsible for advising the Council, and implementing the decisions made by the Council. In undertaking these functions employees:

- will comply with all relevant Council policies, codes and resolutions of which they have been made aware, relevant to their particular role;
- provide accurate information to the Council and the public at all times;
- will take all reasonable steps to ensure that the information upon which employees make decisions or actions are based is factually correct and that all information has been obtained and is considered;
- will not release or divulge information that the Council or Chief Executive Officer has ordered to be kept confidential, or that the employee should reasonably know is information that is confidential;
- will not make improper use of information, including confidential information, acquired by virtue of their position;
- will ensure that relationships with external parties do not amount to interference by improper influence, affecting judgement, decisions and/or actions;
- will comply with all lawful and reasonable directions given by a person with authority to give such directions;
- will only make public comment in relation to their duties when specifically authorized so to do;
- will not make any public criticism of a personal nature of fellow Council employees or Councillors

## 6. **Conflicts of Interest: Avoidance and Disclosure**

Conflicts of Interest are dealt with in the Local Government Act 1995, the Local Government (Rules of Conduct) Regulations 2007 and the Local Government (Administration) Regulations 1996.

### 6.1 *Avoiding Conflicts of Interest*

Councillors, Committee Members and Employees will ensure that there is no real or perceived conflict of interest between their personal interests and the impartial fulfilment of their public duties. The onus for identifying and disclosing a conflict of interest rests with the individual.

6.2 Councillors will lodge a written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the Shire (other than their principal place of residence).

### 6.3 *Dealing with Lobbying*

When a Council is dealing with a town planning matter that is the subject of a formal application, it does so under the powers conferred by the State planning legislation. Council assumes the role of a planning authority and a Councillor the role of a planning commissioner. It is essential that in that role, the objectivity and the perceived objectivity of the participating Councillors is maintained and protected, so as not to put any decision process at risk.

“Lobbying” is a term used to cover those types of communication between Councillors and the community that include representations to Councillors by special interest groups, by individuals with a direct interest in a council decision and by advocates acting on behalf of others. Lobbying is common in local government. The most common form occurs when a group or individual makes direct contact with a Councillor in an attempt to influence a council decision.

In many cases lobbying is part of the democratic process and is an acceptable feature of the relationship between citizens and their elected representatives. It is in the public interest that lobbying is fair and does not undermine public confidence in impartial decision-making.

It is not possible to define every type of activity that could constitute inappropriate or unlawful lobbying. Generally, however, inappropriate or unlawful conduct on the part of someone lobbying a Councillor usually involves an attempt to obtain preferential consideration or treatment based on factors other than the merits of the matter.

Examples include:

- accepting undisclosed payments or benefits while making a decision that affects the gift giver’s interests;
- accepting a political donation in return for the favourable exercise of discretion during decision-making;
- granting access to a particular individual or group while unreasonably denying similar access requested by another party;
- fettering discretion by giving undertakings to an interested party prior to considering all the information relevant to a decision;
- acting in a manner that exceeds the role of a Council Member as defined in section 2.8, 2.9 or 2.10 of the Local Government Act 1995;
- disclosing confidential information while being lobbied; and
- being unduly influenced by factors that are irrelevant to the merits of the matter under consideration.

Suspensions of inappropriate lobbying can occur when lobbying is not open to public scrutiny. Regardless of whether such suspicions are justified, they still have the potential to undermine public confidence in council decision-making and adversely affect a Councillor’s reputation.

- 6.4 Councillors should exercise judgement when deciding whether to be involved in private meetings with people seeking to influence a council decision.
- 6.5 In making a decision as to whether be involved in private meetings, Councillors will:
- a) have regard for protecting the integrity of Council's decision-making and perceptions of Council objectivity
  - b) have particular regard for implications for town planning application processes.

In this circumstance the following general approach shall be pursued:

- documenting meetings with proponents;
  - generally conducting meetings in official locations, such as Council premises;
  - having other people present during meetings;
  - inviting applicants who have approached them for a meeting to discuss significant developments, to write to the Shire seeking a meeting with all the full Council and relevant employees
  - providing copies of information presented during lobbying meetings to Shire employees for consideration and assessment (if required), distribution to other Councillors and filing as part of Council's records;
  - asking people who have requested a meeting to put their arguments in writing;
  - making a declaration at a Council meeting about lobbying activities involved in that are not part of Council's formal processes.
- 6.6 Lobbying of Councillors in relation to tenders is not permissible. If a Councillor is approached by anyone in relation to a tender process that is either proposed or underway, they must immediately inform the Chief Executive Officer.

### 6.7 *Disclosure of Interests*

Councillors, Committee Members and Employees must comply with the laws governing disclosures of interests, as set out in the Local Government Act 1995 (Division 6 Sections 5.59-5.90). Any Councillor who has disclosed an interest may not participate in or be present during any discussion or decision making procedure relating to the matter unless the remaining councillors decide that the interest disclosed is so trivial or insignificant as to be unlikely to influence the disclosing councillors conduct in relation to the matter (see section 5.68 and 5.69).

- 6.10 Where an employee has an interest in any matter to be discussed at a Council or Committee meeting attended by the employee then that employee is required to disclose the nature of the interest:
- a) in a written notice given to the CEO before the meeting; or
  - b) at the meeting immediately before the matter is discussed.

- 6.11 Where an employee has an interest in any matter to be discussed at a Council or Committee meeting NOT attended by the employee then that employee is required to disclose the nature of any interest:
- a) in a written notice given to the CEO before the meeting; or
  - b) at the time the advice is given.
- 6.12 Employees will not engage in any additional business or employment outside of the Council, whether paid or voluntary, without the prior written approval of the CEO.
- 6.13 It is recognised that employees lead full lives in a small community and from time to time they will have occasion to submit applications to the Shire for lawful activities. In some instances approvals (or not) may require the exercise of a discretion by another officer. Where such an application is received the CEO is to be advised by the applicant employee and the officer handling the application. The CEO will determine any additional review process that may be required to ensure appropriate levels of probity and transparency.

## 7. Personal Benefit<sup>2</sup>:

### 7.1 Gifts, and Contributions to Travel

Councillors, the Chief Executive Officer, employees with delegated powers and duties under Part 5, Division 4 of the Local Government Act, employees who are members of committees comprising elected members and employees; and any other employees nominated by the Council to be a designated employee must disclose all gifts, hospitality and contributions to travel according to the requirements set out under the Local Government Act 1995 and the Local Government (Rules of Conduct) Regulations.

#### **Under the Local Government Act 1995 s5.57**

*gift* means —

- (a) a conferral of a financial benefit (including a disposition of property) made by 1 person in favour of another person unless adequate consideration in money or money's worth passes from the person in whose favour the conferral is made to the person who makes the conferral; or
- (b) a travel contribution;

*travel* includes accommodation incidental to a journey;

*travel contribution* means a financial or other contribution made by 1 person to travel undertaken by another person.

[Section 5.57 inserted: No. 16 of 2019 s. 27.]

#### Receipt of Gifts

In accordance with sections 5.87A and 5.87B of the Act, council members and CEO's are required to disclose gifts that are received in their capacity as a council member (or CEO) and –

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<sup>2</sup> NOTE: the legal requirements for 'Gifts' and 'Contributions to travel' are complex. This section of the Code provides a summary of the requirements. A person described in 7.1 who is offered a gift or contribution to travel is strongly encouraged to seek advice on their obligations.

- are valued over \$300; or
- are of a cumulative value that exceeds \$300 where the gifts are received from the same donor in a 12-month period.

### Excluded Gifts

The following situations are specifically excluded from the interest provisions:

- where the gift (or gifts over a 12-month period from the one donor) do not exceed \$300 in value;
- where the gift is a ticket to, or otherwise relates to attendance at an event and the local government approves the person's attendance in accordance with their Attendance at Events policy;
- or where the gift is received from one of the following organisations:
  - WALGA (but not LGIS)
  - Local Government Professionals Australia (WA)
  - Australian Local Government Association
  - A department of the public service
  - A government department of another State, a Territory or the Commonwealth

A local government or regional local government.

7.2 Acceptance of a notifiable gift must be notified to the Chief Executive Officer within 10 days of accepting the gift. The notification must include:

- a) the name of the person who gave the gift
- b) the date on which the gift was accepted
- c) a description, and the estimated value, of the gift; and
- d) the nature of the relationship between the person who is a council member and the person who gave the gift

7.3 Acceptance of contributions to travel must be notified to the Chief Executive Officer within 10 days of accepting the contribution. The notification must include:

- a) description of the contribution to travel
- b) the name and address of the person who made the contribution to travel
- c) the date on which the contribution to travel was received
- d) The estimated value of the contribution to travel at the time it was made
- e) the nature of the relationship between the person receiving the contribution and the person who made the contribution
- f) a description of the travel undertaken; and
- g) date of the travel undertaken

7.4 The Chief Executive Officer will maintain a Register of disclosures in which details of notices of gifts and contributions to travel received are to be recorded.

The register is to be published on the Council's official website as well as made available for public inspection at the Council offices.

In addition to the statutory requirements the following policies apply.

- 7.5 Gifts of token value may be accepted by a Councillor, Committee Member, and Employee provided that the gift does not create a real or perceived sense of obligation that may lead to a perception of preferential service as a result of the gift. The following should be used as a guide for an Elected Member and/or Employee in determining whether to accept token gifts. Such gifts may be accepted only when the following have been considered:
- such a gift is offered in an open or public forum and refusal would be obviously discourteous;
  - acceptance would not cause any potential perceived or actual compromise or conflict of interest;
  - the gift does not have a significant monetary value (as a guide, less than \$10); and
  - the gift is not offered on a regular basis.
- 7.6 Any gift over \$10 in value must be registered (note that this value threshold is lower than the relevant Regulation and was inserted by the Council in the interests of Transparency).
- 7.7 Councillors, Committee Members and Employees must not solicit demand or request gifts or any personal benefit for themselves or another person by virtue of their position and must not seek or accept any payment, gift or benefit intended or likely to influence, or that could be reasonably perceived by an impartial observer as intended or likely to influence them to act in particular way (including making a particular decision).
- 7.8 A person or organisation wishing to demonstrate their appreciation for services received from Council should not present a gift or provide a benefit. Acceptable alternatives may include a letter of thanks or a thank-you card, as these are considered less likely to result in a situation that may compromise, or be perceived to compromise either party.
- 7.9 Councillors, Committee Members and Employees in an official capacity will from time to time receive invitations of hospitality to attend various functions and events. Where hospitality is only modest in nature and provides an opportunity to network or undertake business of a common purpose, it may be appropriate to accept such invitations.
- Where there is benefit to the organization issuing the invitation in having a Council representative in attendance at the function or event this may constitute a 'consideration' in that the Council is contributing the cost in time and travel of the attendance of the Council representative thus negating the value of the hospitality. In such situations there is no disclosable gift.
- In other cases, the hospitality may constitute a gift and should be disclosed in accordance with the provisions of the Act and Regulations. Such hospitality should be disclosed on the basis of a reasonable calculation or assessment of value of attendance as a member of the 'paying public'.
- 7.10 In the case of invitations to events, the thresholds for registration of such a gift set out in Clause 7.1 to 7.4 apply.

7.11 If acceptance of the hospitality is likely to create the impression that an attempt is being made to compromise the impartiality of the Councillor, Committee Member and Employee, or could be perceived as a conflict of interest, the offer of hospitality should be politely declined and recorded. Where possible any offer of hospitality made to a Councillor, Committee Member or Employee should be declared and approved prior to the event.

### 7.12 *Use of Shire Resources*

Councillors, Committee Members and Employees will:

- be scrupulously honest in their use of the local government's resources and shall not misuse them or permit the misuse (or the appearance of misuse) by any other person or body;
- use the local government resources entrusted to them effectively and economically in the course of their duties;
- not use the local government's resources (including the services of Council employees) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the Chief Executive Officer).

### 7.13 *Travel and Sustenance*

Councillors, Committee Members and Employees will only claim or accept travelling and sustenance expenses arising out of travel related matters which have a direct bearing on the services, policies or business of the local government in accordance with local government policy and the provisions of the Local Government Act 1995. (See also: G1.3 Governance: Travel and Accommodation)

7.14 Councillors, Committee Members and Employees shall be diligent in ensuring that the expenses claimed in accordance with Council policy relate to their functions and responsibilities and are appropriately acquitted.

### 7.15 *Use of Confidential Information*

Councillors, Committee Members and Employees will not use confidential information to gain improper advantage for themselves or for or any other person or body.

## **8. Councillors Access to and Disclosure of Information**

8.1 In accordance with the Local Government Act 1995, Councillors are entitled to have access to all information necessary to properly perform their functions and comply with their responsibilities as Councillors.

8.2 Councillors will ensure that information provided will be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council.

8.3 Councillors who have a personal (as distinct from civic) interest in a document of the Shire have the same rights of access as any member of the public.

8.4 Councillors have an obligation to properly examine all the information provided to them relating to matters that they are dealing with to enable them to make a decision on the matter.

### 8.5 *Use and Security of Information*

Councillors must comply with the Local Government (Rules of Conduct) Regulations 2007 in relation to the use and disclosure of information. The following extract is from Regulation 6 of the Rules of Conduct.

#### Use of Information

- (1) **Confidential document** means a document marked by the CEO to clearly show that the information in the document is not to be disclosed.
- (2) A person who is a Council member must not disclose –
  - (a) Information that the council member derived from a confidential document;  
  
or
  - (b) Information that the council member acquired at a closed meeting, other than information derived from a non-confidential document
- (3) Subregulation (2) does not prevent a person who is a council member from disclosing information –
  - (a) at a closed meeting
  - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
  - (c) that is already in the public domain; or
  - (d) to an officer of the Department; or
  - (e) to the Minister; or
  - (f) to a legal practitioner for the purpose of obtaining legal advice; or
  - (g) if the disclosure is required or permitted by law.

8.6 Councillors should:

- only release confidential information if they have authority to do so;
- only use confidential information for the purpose it is intended to be used.
- abide by the Shire of York's Record Keeping Policy

8.7 A Councillor making an enquiry on a matter being considered by the Shire's administration or the Council, in which that Councillor has a personal/financial interest shall seek the information only from the Chief Executive Officer and if required by the Chief Executive Officer, the request shall be in writing.

### 8.8 *Anonymous Communication*

A Councillor shall under no circumstances distribute anonymous documents or correspondence which contains offensive, derogatory, defamatory or false information and/or which may cause any reasonable person unwarranted offense. When received by them they shall cause such correspondence (which includes any printed or electronic communication) to be given immediately to the Chief Executive Officer or other appropriate authority or affected person, who will deal with such correspondence in an appropriate manner.

### **9. Councillors Communications and Public Relations**

9.1 Unless on approved leave of absence or unavailable for other reasons, Councillors shall respond to all written, electronic and verbal enquiries as soon as practicable, or within any agreed response protocols. An adequate response includes delegation to the Shire's employees for comment, response and action directly to the enquirer.

#### *9.2 Shire President to Speak on Behalf of the Council*

In accordance with the Local Government Act 1995, the spokespersons for the Council are the Shire President and with the President's authorisation, the Chief Executive Officer, either of whom may make a statement on behalf of the Council.

9.3 The Shire President will only express the view or position of the Council, where the Council has formally determined a view or position. Where the Council has not determined the matter or has no clear view/position, the Shire President may express a view, providing he or she clearly prefaces such remarks as being their own personal views and not those of the Council.

#### *9.4 General Obligations*

Councillors need to adequately communicate the attitudes and decisions of the Council. In doing so Councillors should acknowledge that:

- as a Councillor there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council;
- information relating to decisions of the Council on approvals, permits licensing etc. ought be communicated in an official capacity by a designated employee of the Shire ;
- information concerning adopted policies, procedures and decisions of the Council is conveyed accurately; and
- information of a confidential nature shall not be communicated until it is no longer treated as confidential

9.5 Councillors shall ensure that they make themselves accessible to the Shire of York community through publication of at least one of the following. Selection of the following will be at the discretion of the Councillor:

- Private and/or Shire address or PO Box and Shire provided telephone/facsimile number;
- Business telephone number,
- Mobile telephone number

- Facsimile number, or
- Mail address

(Note: Any telephone/facsimile or mobile phone number provided by the Shire will automatically be made available to the public and will be widely published.) Councillor contact details will be published in a range of Council communications (e.g.: Council publications)

### 9.6 *Expression of Personal Views*

Councillors will not adversely reflect on a Council decision. This shall not prejudice a Councillor's right to express a personal opinion on issues of public interest.

9.7 Councillors are free to make their own personal position known about any matter, which is pertinent to the business of the Shire of York, including Council decisions provided that it cannot be construed to be a statement on behalf of the Council.

9.8 Councillors will refrain from making personal statements to the media without clearly prefacing such remarks that they are personal views and not those of the Council.

### 9.9 *Comment During a Formal Public Consultation Period*

Councillors will:

- refrain from making public comment expressing a personal opinion which is biased, or may be perceived as biased or prejudging a matter whilst the matter is being advertised for public comment and/or is yet to be considered and determined by the Council
- clearly preface any of their remarks as being their own personal views and not those of the Council or in a way that could possibly be construed to be on behalf of the Council; and
- encourage members of the public to participate in community engagement and consultation processes and to make a written submission to the Shire.

9.10 The Shire President and/or the Chief Executive Officer may take appropriate action (including issuing a statement to the media) to correct any misinformation or erroneous information on a matter which is in the public area.

### 9.11 *Defamation*

Councillors should note that:

- comments by them at meetings of the Council and/or Committees, Forums, Working or Advisory Groups of the Council are covered only by qualified privilege against defamation.
- a Councillor can only rely on the defence of qualified privilege whilst exercising the proper discharge of their duties, and doing so in the public interest.
- in order to maintain qualified privilege, a Councillor should ensure that comments made are pertinent to the business of local government and they

are not made maliciously or without due regard to whether they represent the truth.

### **10. Councillors Standard of Dress**

10.1 Councillors are expected to dress in a manner appropriate to their position, in particular, when attending meetings or representing the Shire in an official capacity.

### **11. Implementation, Review, Compliance and Annual Reporting**

11.1 The Council will review the Code of Conduct after each Ordinary Council Election (i.e. every 2 years) and any amendments to the Code will be subsequently communicated to Councillors, Committee Members, employees and the community.

### **12. Enforcement of the Code**

12.1 Councillors are required to make a declaration to comply with the Council's Code of Conduct upon being sworn in.

12.2 Any Councillor having concerns with regard to an actual, perceived, potential, intended or unintended breach of either the specific provisions or the spirit of the Code of Conduct, or any provisions of the Local Government Act, Regulations or Local Laws, should discuss those concerns with the Chief Executive Officer.

12.3 A decision to deal with a breach of the Code, other than any alleged misconduct under any relevant legislation, will be a decision of Council. Under the Local Law regulating Council meeting procedures where the circumstances warrant a 'Motion of Censure' may be moved against the Councillor with the reasons for such an action recorded in the minutes of the meeting.

12.4 Employees will be required to confirm that they understand and will abide by the Code of Conduct. Any breach of the Code of Conduct will be dealt with by the CEO in accordance with the organisation's human resources disciplinary processes.

**Key Terms/Definitions**

Not applicable

**Policy Administration**

|                                   |  |
|-----------------------------------|--|
| Responsible Directorate/Division: | Chief Executive Officer  |
| Author/Contact Officer Position:  | Chief Executive Officer Relevant   |
| Delegation:                       | Not Applicable   |
| Relevant Legislation:             | Local Government Act 1995 (Section 5.103 – Codes of Conduct)<br>Local Government Act 1995 (Section 5.59-5.90)<br>Local Government (Administration) Regulations 1996 (Section 34B)<br>Local Government (Rules of Conduct) Regulations 2007  |
| Date Adopted:                     | Adopted 16 July 2001<br>Adopted 19 May 2003  |
| Reviews/Amendments:               | Reviewed and Adopted 19 November 2007<br>Reviewed and Adopted 18 October 2010<br>Reviewed and Adopted 17 September 2012<br>Reviewed and Adopted 28 January 2016<br>Reviewed and Adopted 25 July 2016<br>Reviewed 24 October 2016<br>Reviewed 25 November 2019<br>Reviewed and Amended 16 December 2019 |



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## G 1.2 COUNCILLORS: PROFESSIONAL DEVELOPMENT

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### **Policy Objective**

To establish guidelines and parameters for Councillors wishing to undertake professional development and training intended to enhance their ability to provide good governance to the Shire.

### **Policy Scope:**

This policy applies to all Councillors. This policy applies only to professional development which will support and enhance skills and knowledge relevant to the performance by Councillors of their governance role.

### **Policy Statement:**

#### **Introduction**

Councillors have been elected to provide leadership for the Shire on a range of matters with the expectation that this will occur in a way that shows good governance practice. They work within a sector which is fast changing and requires engagement with local communities, regional and state systems and structures, and engagement with issues that range across economic, social, environmental, legal and cultural concerns with local, national and, in some cases, global implications.

Professional development and training is essential to providing Councillors with the capacity to maintain and enhance their skills in this complex environment.

#### **Principles**

- a) There is commitment via budgeting processes to support professional development up to a prescribed amount per member on an annual basis.
- b) First priority is given to training and professional development opportunities to maintain/develop governance skills.
- c) Training and development opportunities targeted around key issues of relevance to the Council and Shire will also be available to Councillors.
- d) Training and development opportunities may include formal training that results in an accredited qualification upon completion.
- e) Councillors will have equitable access to a range of relevant training and professional development opportunities.
- f) A Councillor funded by the Shire to attend a conference, forum, seminar or similar event participates as a representative of Council and not as an individual.

## **Provisions**

### **1. Base level governance training program**

- 1.1 A governance training package will be developed and maintained for Councillors on an annual basis. This package will be reviewed and approved by resolution of Council as part of the annual budget process.
- 1.2 The program will provide governance upskilling opportunities but will also include opportunities to engage with emerging issues at the regional and state levels, or with emerging or proposed legislative changes affecting the sector and the governance role.

### **2. Targeted Professional Development Opportunities**

- 2.1 Provision will be made for Councillors to attend conferences, seminars, training sessions, study courses etc. dealing with issues/ matters of direct relevance to the Shire.
- 2.2 Development opportunities will be identified as part of the annual Councillors professional development program. Where opportunities arise to attend other professional development events during the year that are not identified in the program, Councillors will be required to apply for approval to the Council to attend the relevant event.

### **3. Approval Considerations**

- 3.1 The Chief Executive Officer has the authority to approve a request in accordance with the principles of this policy, G1.3 Councillors: Travel and Accommodation, and the budget available.
- 3.2 Any request for training/development within three months of any election process for the seat held by the Councillor making the application will not be eligible for approval unless there are compelling reasons for attendance (see also G1.3 Councillors: Travel and Accommodation). This does not include the WALGA Local Government Convention.
- 3.3 Any requests to attend interstate or overseas conferences, seminars or other professional development opportunities, or that will exceed the annual budget allocation will be considered by Council.

### **4. Annual Budget Allocation**

- 4.1 As part of the annual budget process, an allocation of \$3,000 per Councillor will be made for professional development during that financial year which will include;
  - a) costs for Councillors to attend the WALGA Local Government Convention if they choose to do so;
  - b) any other professional development requests made by application to the CEO;

### **5. Coverage of Costs**

- 5.1 Funding of, or a contribution to any training or development opportunity may include:
  - a) entry/registration fees

- b) enrolment fees
  - c) where relevant, travel and accommodation costs in accordance with Policy G1.3 Councillors: Travel and Accommodation
- 5.2 The Shire will not cover late enrolments fees, course materials or any liability incurred under the Higher Education Contributions Scheme (HECS).

**6. Advice and Development of Programs**

- 6.1 The Chief Executive Officer will have responsibility for the development of the Governance Training Package, in consultation with councillors and the Shire President.
- 6.2 The Chief Executive Officer will provide assistance to councillors, where sought, to identify potential targeted professional development opportunities.

**7. Report Back**

- 7.1 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.

**Key Terms/Definitions**

**‘Base Level Governance Training’** means: training which includes skills development in local government councillor accountabilities and statutory responsibilities, procedures, legal matters, regulatory responsibilities, community engagement and consultation, financial management, integrated planning systems.

**‘Targeted Professional Development’** means: training and development opportunities built around specific matters or issues which have been identified by a Councillor as providing benefit from attendance to them and the Shire in relation to Shire business.

| <b>Policy Administration</b>      |   |
|-----------------------------------|---|
| Responsible Directorate/Division: | Chief Executive Officer                                 |
| Author/Contact Officer Position:  | Chief Executive Officer                                 |
| Relevant Delegation:              | Not Applicable  |
| Relevant Legislation              | Nil   |
| Date Adopted:                     | 28 January 2016   |
| Reviews/Amendments                | 24 October 2016<br>25 February 2019<br>25 November 2019 |



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## G 1.3 COUNCILLORS: TRAVEL AND ACCOMMODATION

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### **Policy Objective:**

To provide guidelines for travel and accommodation arrangements for Councillors required to travel for Shire of York business, conferences or professional development.

### **Policy Scope:**

This policy applies to all Councillors.

### **Policy Statement:**

#### **Introduction**

Councillors will from time to time need to attend conferences, meetings etc. which require them to travel outside the Shire of York. In some cases this will involve staying overnight. It is important that Councillors are clear about what of any costs incurred, can be reimbursed. This policy sets out the parameters for reimbursement of costs. It should be read in conjunction with Policy G 1.2 Elected Members Professional Development.

#### **Principles**

- a) Councillors should be reimbursed for reasonable costs incurred for travel and accommodation when on Council related business.
- b) Councillors will not be reimbursed for private costs incurred when travelling out of the Shire on Council related business.

#### **Provisions**

##### **1. Travel within Western Australia**

1.1 Councillors may claim for travel and/or accommodation within Western Australia for the following purposes:

- (a) professional development;
- (b) attendance at meetings etc. where they have been appointed as delegates;
- (c) attendance at one-off meetings associated with state and regional issues and processes

provided that

- (a) it is provided for in the annual Councillors Professional Development Plan or prior approval has been granted by the Council.

In deciding whether approval is to be granted, consideration should be taken of whether the travel relates to an event within three months of any election process for the seat held by the Councillor making the application. Travel to events or programs held in this period is unlikely to be approved (see also G1.2 Councillors: Professional Development) provided that if Western Australia Local Government Convention falls within this period, approval for travel can be given.

### **2. Travel Outside Western Australia**

2.1 Councillors may attend events held outside Western Australia and overseas during their term of office upon the following conditions:

(a) the travel falls within the definitions for conference, professional development or delegation;

(b) a report has been presented to the Council specifying:

- the benefit to the Shire of the attendance at the event;
- whether, if applicable, there is a necessity to send more than one councillor; and
- whether the information to be discussed at the conference or professional development can be sourced from within Western Australia.

(c) approval has been granted by Council resolution.

(d) there is sufficient budget allocation for the proposed travel.

### **3. General Conditions of Travel**

3.1 Approved travel and accommodation will be booked by the Office of the Chief Executive Officer upon the completion of a form titled "Request for travel booking". Travel requests should where possible be provided at least one month before travel to allow adequate time for the most economic bookings to be made.

3.2 The cost of air travel to and from destinations is to be by the shortest most practical route unless additional travel is contemplated before or after a conference.

3.3 Councillors who include additional travel other than as part of the entire journey and the additional travel is unrelated to the approved travel, must pay the costs of this additional travel from personal funds.

3.4 Air travel will be booked as economy class on the most economical flight. The cost of any upgrade to business class shall be paid from the Councillor's personal funds.

3.5 The Chief Executive shall have the authority to:

- assess special, medical or extenuating circumstances and approve alternative travel. Such requests must be in writing and supported by appropriate evidence;
- approve a cash advance for accommodation and travel costs in special circumstances.

3.6 Hire cars may be booked only if required to meet the reasonable travel requirements of the conference or professional development.

- 3.7 Taxi fares or ride sharing tariffs for reasonable travel requirements relevant to the conference, professional development and/or Council business:
- will be reimbursed upon return on the production of receipts to verify the expense; or
  - if available, travel vouchers issued to the Councillor prior to departure.
- 3.8 Councillors who use their private vehicle for travel will be reimbursed for vehicle costs in accordance with the Public Service Award Motor Vehicle Allowance, to a maximum amount equivalent to what it would have cost to travel by air.
- 3.9 Accommodation will be booked, where practicable, at the associated venue or, if unavailable, at premises in close proximity to the venue. Bookings will include accommodation the night before and/or after the event where necessary because of travel, airline flights and/or event timetables.
- 3.10 The Shire will pay for reasonable costs of meal and incidentals. Such expenses which will be paid or reimbursed by the Shire include:
- Taxi or ride sharing tariffs, train, bus and tram fares to/from the airport and the venue;
  - vehicle hire, petrol and parking fees;
  - breakfasts, lunches, dinners not included in the registration fee;
  - reasonable telephone, facsimile and internet charges;
  - optional activities related to the conference/training; and
  - laundry and dry cleaning if the stay is for more than three days.
- 3.11 The Shire will not pay for or reimburse:
- mini bar expenses
  - entertainment costs not associated with those scheduled as part of the event.
  - any expenses associated with matters other than those attended as part of the event.
- 3.12 A partner or spouse may accompany a Councillor to an official event. As a general principle, all expenses incurred by the accompanying person are to be paid by the accompanying person or Councillor, except the following which will be paid or reimbursed by the Shire:
- meals, refreshments and accommodation costs associated with the official program of an event;
  - accommodation, provided there is not an increase in accommodation costs that would be incurred by the Councillor attending the event on their own.

For the avoidance of doubt, where there is a parallel program of organised events for accompanying persons any costs associated with these will be paid for by the accompanying person or the Councillor.

- 3.13 Where the Shire meets an account containing any expenditure of cost incurred on behalf of an accompanying person attending, such expenditure must be repaid to the Shire by the Elected Member /accompanying person within 30 days of being invoiced for such expenditure.

## Key Terms/Definitions

For the purpose of this policy:

Event means meetings, conferences, seminars, congresses, forums, workshops, study tours, delegations relevant to the role of a councillor.

Professional Development means personal development such as undergraduate and post graduate studies, short courses, study tours, conferences, seminars, forums, or similar events that will assist a councillor in their broad civic leadership role.

## Policy Administration

|                                   |  |
|-----------------------------------|--|
| Responsible Directorate/Division: | Chief Executive Officer                            |
| Contact Officer Position:         | Executive Manager Corporate and Community Services |
| Relevant Delegation:              | Not Applicable                                     |
| Relevant Legislation:             |  |
| Date Adopted:                     | 28 January 2016                                    |
| Reviews/Amendments                | 24 October 2016<br>25 November 2019                |



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## G 1.4 COUNCIL DELEGATES: ROLES AND RESPONSIBILITIES

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### **Policy Objective:**

To provide guidance to Council on the selection of delegates to external organisations and guidance to Councillors acting as delegates on their required roles and responsibilities

### **Policy Scope:**

This policy applies to all delegates appointed by Council resolution to external bodies, agencies or forums

### **Policy Statement:**

#### **Introduction**

The Shire of York community will be affected over time by decisions made by state and regional agencies, many of which will have a range of advisory or consultative forums, boards, and sometimes decision-making arms which allow for a local government presence at the table. From time to time, collaborative regional structures will be established to allow for cross-boundary and cross-function discussion.

There will be a number of local organisations where the Council has either provided one-off or on-going financial assistance, or the Council has a strong interest in the outcome where a direct Shire of York Council presence is desirable.

The customary approach to each of these situations is for the Council to appoint a Councillor delegate, or occasionally a Council employee as a delegate, to attend on Council's behalf. Being a Council Delegate representing the Shire of York is an important role and carries with it a high level of responsibility. It is important to ensure that the most appropriate person is appointed for a delegate position and that clear guidance is given as to the obligations of the role.

This Policy prescribes the manner by which those nominated as delegates to external committees or organisations may fulfil their representative role. It provides guidance to Councillors and the CEO on the process to be used in selecting and making appointments to external bodies and forums.

#### **Principles**

- (a) Appointees to external bodies and forums are delegates of the Council and as such will take a position on any matter consistent with any formally established Council position, or with the Council's known strategic vision or direction.
- (b) Where a matter arises requiring a decision which may be inconsistent with established policies, strategies or vision, these matters will always be referred to the Council for discussion and direction and any pressures for early decision on such matters will be withstood.

- (c) Sign-off of any joint document involving the Shire of York must be achieved via formal Council resolution unless formally delegated by the Council.
- (d) Where possible but within these parameters, delegates will have the ability to explore new ideas and possible solutions freely, and to achieve consensus with other members.
- (e) Delegates to any organisation or forum will always advocate for their community but will also seek where possible wider outcomes which benefit other communities, provided the interests of the Shire of York community are not adversely affected.
- (f) Councillors who are private members of an organisation or forum receiving financial assistance from the Council, or with a financial interest in the outcomes of any its deliberations, will not be appointed as a delegate to that organisation.

### **Provisions**

#### **1. Appointment of Delegates**

- 1.1 Council will only consider the appointment of a delegate/s to another body or forum in the following circumstances:
  - (a) where the body/group/organisation or forum represents state or regional interests that are likely to have an impact on the Shire of York;
  - (b) where the body/ group/ organisation or forum is considering or working on a matter or issue of significant strategic interest to the Council. Note: this may be confined to local interests, involve state or regional matters, or be issue based at any level.
  - (c) where the body/group/organisation or forum represents local interests and the Council has a direct financial or strategic interest in the affairs of that group
  - (d) where the body/group/organisation represents local interests and the group occupies Council property
- 1.2 The Council will review its appointment to external bodies and forums in conjunction with the regular election cycle.
- 1.3 The Chief Executive Officer (CEO) will call for the nomination of delegates to all relevant bodies, groups, organisations and forums as soon as possible after the local government elections and appointment of Councillors to their positions. Where a position arises outside this process, the CEO will call for nominations within five days of notification of the position coming available.
- 1.4 At the next available meeting of the Council:
  - (a) where the nominations equal available vacancies, the delegates will be appointed by resolution of Council;
  - (b) where there are more nominations than vacancies, the Shire President will conduct a secret ballot using the first past the post system to establish the preferred delegate or delegates to fill the position. In the event of a tied vote

for a position, lots will be drawn by the Shire President to determine the preferred delegate.

- 1.5 The Shire President will then call for a resolution of Council for the preferred delegate or delegates to be appointed to the vacant positions and for the next preferred delegate to be appointed the deputy for the position to carry out the duties of the appointed Councillor in his or her absence when required.
- 1.6 Where the external time for acceptance of nominations closes prior to the next available Council meeting, the Chief Executive Officer is to forward any relevant nomination and subsequently advise Council of the nomination, so that it can be considered and ratified through the normal process. Where number of nominations from Councillors exceeds the number of vacant positions, the Chief Executive Officer will consult with the President to determine an order of preference, based on experience in the position of Councillor and interest and merit in the vacant position.

### **2. Delegate Roles and Responsibilities**

- 2.1 Where a Councillor has been approved as Council's delegate for an external committee, body organisation or forum the delegate shall:
  - (a) understand that their appointment / membership is as a representative of the Council and is by virtue of their position with Council;
  - (b) ensure their availability to attend scheduled meetings, and where they are unable to do so, provide prior apology to the respective Presiding Member.
  - (c) provide timely notice of anticipated absences to any deputy delegate where one is appointed;
  - (d) ensure that in participating and contributing to decision making of the external organisation the delegate communicates and is cognisant of Council's determined position on matters before the external organisation;
  - (e) perform the functions and duties of a delegate in accordance with the principles set out in this policy and the standards set out in the Shire's Code of Conduct;
  - (f) keep Council informed of the activities and achievements of the external organisation in a timely manner.
  - (g) bring any significant matters to Council for discussion and direction where any matter may fall outside current Council policy positions or known strategic direction.
- 2.2 Where a delegate has failed to attend three successive external organisation meetings, with or without apology, during a period where leave of absence has not been granted, the Council shall consider appointing a replacement delegate to ensure that the purpose and integrity of Council's participation in the external organisation is maintained.

- 2.3 If a delegate is unable to fulfil his or her commitment to an external organisation then the delegate must advise the Chief Executive Officer so that Council’s consideration of appointing a replacement delegate can be facilitated, and subsequent formal advice to the external organisation provided in a timely way.

**Key Terms/Definitions**

Not Applicable

**Policy Administration**

|                                   |   |
|-----------------------------------|---|
| Responsible Directorate/Division: | Chief Executive Officer                             |
| Author/Contact Officer Position:  | Chief Executive Officer                             |
| Relevant Delegation:              | Not Applicable                                      |
| Relevant Legislation:             | Local Government (Code of Conduct) Regulations 2007 |
| Date Adopted:                     | 28 January 2016                                     |
| Reviews/Amendments                | 24 October 2016<br>25 November 2019                 |



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## G 1.5 INDUCTION FOR COUNCILLORS

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### **Policy Objective:**

To set out guidelines for the induction of newly elected members to the Shire of York Council.

### **Policy Scope:**

This policy applies to Elected Members of the Shire of York and to employees of Council providing resources and information into the Induction process.

### **Policy Statement:**

#### **Introduction**

It is essential to the effective operation of Council decision-making and Council business that elected members are provided with a clear understanding of their role and responsibilities when first elected to council. It is also important that they understand key processes and deliverables required by statute, especially as with each new Council there will be a requirement to review strategic direction and key long term planning documents.

It is also important that returning members have their understanding refreshed and they are aware of any changes to statutory requirements, organisational direction and issues arising. It is equally important that new and returning members are provided with the same information.

Key to this is the induction process which should be provided for each new Council and/or Councillors, elected or appointed to fill extraordinary vacancies when they arise. This is in addition to any program developed under the Professional Development Policy (G1.2).

#### **Principles**

- (a) An accessible, informative induction program is essential to Councillors being able to understand their roles and to be able to move quickly and easily into their governance responsibilities after being elected to Council.
- (b) Sitting councillors will support newly elected councillors by participating in the induction process.

#### **Provisions**

- 1.1 The Chief Executive Officer (CEO) will prepare an induction program for Councillors which will commence immediately after an election and will be completed no later than three months after the election date.
- 1.2 The CEO will consult with the President of the Shire of York in the preparation of the program.
- 1.3 The induction program is to include, but not be limited to, the matters set out in Appendix 1.

**Key Terms/Definitions**

Not applicable

**Policy Administration**

Responsible Directorate/Division: Chief Executive Officer

Contact Officer Position: Chief Executive Officer

Relevant Delegation:

Date Adopted: 22 February 2016

Reviews/Amendments 24 October 2016  
25 November 2019

**Appendix 1:**

**Subjects to be covered in Induction**

1. Elected Members' Responsibilities
  - Governance framework
  - Decision-making process
  - Rules of conduct
  - Financial interests
  - Declaration of Interests
  
2. Elected Members Support
  - Entitlements and support
  - Training and Development
  - Record Keeping Responsibilities
  
3. Meeting Procedures and Protocols
  - Role of Presiding Members & CEO at meetings
  - Standing Orders
  - Local Government Act
  - Tips on effective meetings
  
4. Decision-making Framework
  - Roles of Committees (Internal and External)
  - Roles of Elected Members on committees, boards etc
  - Nomination Process
  
5. Strategic and Corporate Planning
  - Integrated Planning and Reporting Framework
  - Strategic Community Plan
  - Other major strategic documents
  - Roles and responsibilities of Elected Members, CEO and the organisation in Strategic Planning
  - Community consultation and engagement
  
6. Financial Management and Budgets
  - General financial management principles
  - Long Term Financial Plan
  - Annual Budget Process
  - Financial reporting and Audit
  - Asset management Framework
  - Capital Works Program
  
7. Professional Risk and Liability of an Elected Member
  
8. Land Use Planning
  - Planning Principles
  - Statutory Framework and roles of State and Local Government
  - Critical steps in the planning process
  - District Planning Scheme/Local Planning Strategy
  - State Administrative Tribunal
  - Development Assessment Panels



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## G 1.6 PROVISION OF GOVERNANCE SERVICES

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### **Policy Objective:**

This policy provides Councillors with clarity about what direct governance support services they can expect to receive from the Shire of York administration, and direction to the administration as to what must be provided.

### **Policy Scope:**

This policy applies to all Councillors and to the Shire of York administration.

### **Policy Statement:**

#### **Introduction**

It is essential to the effective operation of Council decision-making and the wider democratic process that Councillors are provided with a range of services which assist them to communicate with residents and ratepayers. It is also important in their roles as delegates to external organisations that they can discuss matters and receive advice where needed.

This policy identifies those governance services which will be provided as a matter of course to Shire of York councillors. This policy should be read in conjunction with the Council Delegates: Roles and Responsibilities Policy (G 1.4) and the Councillors: Code of Conduct (G1.1)

#### **Principles**

- a) Councillors need to be able to communicate easily and efficiently with residents and ratepayers, between themselves and with the Shire of York administration in order to effectively discharge their governance role and responsibilities.
- b) Councillors need to have access to advice and support in relation to any position they may hold as a Council delegate.

#### **Provisions**

- 1.1 The Chief Executive Officer (CEO) will ensure that the following governance services will be made available to Councillors:
  - assistance with responses to complex resident and ratepayer enquiries
  - support for delegates (e.g. advice/ discussion in preparation for meetings)
  - IT support services
  - assistance with filling out any forms relevant to their role as Councillor.
- 1.2 In seeking support for responses to residents and ratepayers, a Councillor will discuss the matter with the Shire President to identify whether the matter requires support. The Shire President will liaise with the Chief Executive Officer to identify the nature of support to be provided.

- 1.3 Where relevant phone and IT hardware, along with associated software, will be funded from the governance communications budget. While particular Councillor circumstances will be taken into account (e.g. allowing for disability), procurement will be undertaken by the organisation.

**Key Terms/Definitions**

Not applicable

| <b>Policy Administration</b>      |                                     |
|-----------------------------------|-------------------------------------|
| Responsible Directorate/Division: | Chief Executive Officer             |
| Contact Officer Position:         | Chief Executive Officer             |
| Relevant Delegation:              |                                     |
| Date Adopted:                     | 22 February 2016                    |
| Reviews/Amendments                | 24 October 2016<br>25 November 2019 |



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## G 1.7 COUNCILLORS: RECOGNITION OF SERVICE

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**Policy Objective:**

To provide guidelines for recognition of service by Councillors to the community.

**Policy Scope:**

This policy applies to retiring Councillors.

**Policy Statement:**

**Introduction**

Shire of York Councillors contribute significantly to their community and generally expend time and effort well in excess of the financial recompense provided through sitting fees. The Council believes this contribution should be recognised and acknowledged when a councillor retires.

**Principles**

- a) The Council will be guided at all times by the provisions of the Local Government (Administration) Regulation 1996 Regulation 34AC (Section 5.100A).
- b) Recognition will not take the form of a cash payment.

**Provisions:**

- 1.1 On retirement a Councillor can be presented with a framed certificate identifying the name of the Council Member and the years of service, signed by the Shire of York President and the Chief Executive Officer.
- 1.2 On retirement a Councillor who has served at least one full four year term of office, can be presented with a gift on the basis of \$100\* per annum of continuous service. Irrespective of the total years of service, the maximum amount cannot exceed \$1,000. (Note: \* indexed by CPI on 1 July each year with 2015 as the base year)
- 1.3 The certificate (and gift where appropriate) shall be presented at a Council meeting or a function to be determined by the Shire President and the Chief Executive Officer.

**Key Terms/Definitions**

Not applicable.

**Policy Administration**

|                                   |  |
|-----------------------------------|--|
| Responsible Directorate/Division: | Chief Executive Officer                            |
| Contact Officer Position:         | Executive Manager Corporate and Community Services |
| Relevant Delegation:              | Not Applicable                                     |
| Relevant Legislation              |  |
| Date Adopted:                     | 15 July 1991                                       |
| Reviews/Amendments                |  |
|                                   | 10 April 1995                                      |
|                                   | 20 May 1996  |
|                                   | 15 September 1997                                  |
|                                   | 21 August 2006 – Council Resolution 190806         |
|                                   | 28 January 2016                                    |
|                                   | 24 October 2016                                    |
|                                   | 25 November 2019                                   |



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## G 1.8 RECORD KEEPING

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### **Policy Objective:**

To provide Councillors and employees with clear guidelines on how they will comply with their responsibilities under the State Records Act 2000 and to establish a Council wide consistency in the management of records and a framework for the creation, capture, access, management, storage and disposal of records of all agency functions, irrespective of format within the Shire of York.

### **Policy Scope:**

This policy applies to all Shire of York Councillors, employees, consultants, contractors, casual staff and volunteers and relates to discharge of responsibilities as set out by the State Records Act 2000 and the State Records Commission. The policy applies regardless of the format (e.g. written or electronic) and where it was received.

### **Policy Statement:**

#### **Introduction**

Records and documents belonging to the Shire of York are important assets and therefore must be managed properly for business purposes and compliance with the *State Records Act 2000*. In accordance with requirements of the Act, the Shire of York has developed a Record Keeping Plan as an instrument of accountability. The Record Keeping Plan has been approved by the Council and has been implemented to fulfil the Shire of York's compliance obligations and to benefit the Shire of York's business information needs.

#### Councillors

The *State Records Act 2000* identifies certain records held by Councillors as State records and requires that these be protected and preserved. The State Records Commission sets out guidelines to assist local government and Councillors to identify which records must be retained. This can include electronic as well as written records. The Commission's policy regarding the records of local government elected members requires the retention of records of the:

*"...communications and transactions of elected members which constitute evidence affecting the accountability of the Council and the discharge of its business."*

Councillors may hold records which must be made available in relation to Freedom of Information requests. Just as direct Council held records must be searched for information relevant to a Freedom of Information request, Councillor records, including computer records, must also be available for searching.

It is important that Councillors are aware of what must be retained and made available in order to comply with the intent and provisions of the State Records Act 2000 and the policies of the State Records Commission.

This policy should also be read in conjunction with the Policy G 2.2 Community Access to Information and G 1.1. Councillors: Code of Conduct.

### **Principles**

- (a) Retention of records is key to ensuring the transparency and accountability of local government decision-making
- (b) Retention of records is an important tool in protecting and retaining the heritage and memory of local communities
- (c) Ensuring the availability of information in a timely way is an important part of the democratic process.
- (d) A conservative approach should be taken to retention of records: i.e. if in doubt retain the records.

### **Provisions**

- 1.1 Councillors must keep records of communications or transactions, which convey information relating to local government business or functions. These records should be forwarded regularly to the Shire of York administration for capture into the official recordkeeping system.
- 1.2 The following records must be created and retained and forwarded to the Shire of York administration on a regular basis and at the retirement of a sitting member:
  - (a) Communications from residents and ratepayers such as:
    - complaints and compliments
    - correspondence concerning corporate matters
    - submissions, petitions and lobbying
    - information on Council's interests relating to local government business activity and functions
  - (b) Telephone, meetings and other verbal communications between an elected member and another party, regarding local government projects or business activities
  - (c) Work diaries – containing information that may be significant to the conduct of the elected member on behalf of local government,
  - (d) Presentations and speeches delivered as part of an elected member's official duties.
- 1.3 Councillors must sign an annual declaration that they have forwarded required records to the Shire of York's Records Officer for retention or storage. (Note: this declaration is not a mandatory requirement under the State Records Act but exists to remind Councillors of their compliance responsibilities and to assist the Chief Executive Officer (CEO) discharging requirements under Section 17 *Local Government (Audit) Regulations 1996*.)
- 1.4 Councillors must make available records held relevant to a Freedom of Information request in a timely way that ensures Council compliance with the statutory response times.

- 1.5 Councillors should consult the CEO if they need assistance in deciding whether a record should be retained.
- 1.6 Destruction of the above records or failure to make them available for storage or Freedom of Information requests will place an Elected Member in contravention of statutory requirements.
- 1.7 The following records do not need to be forwarded to the Shire of York for retention:
- duplicate (unmarked) copies – of Council meeting agenda, minutes & papers. Note: any such document with notations or marked in any way is a record under the *State Records Act 2000*.
  - draft documents or working papers which are already captured in Shire of York records
  - publications – such as newsletters, reports, circulars and journals.
  - invitations – to community events where an elected member is not representing Council or the local government.
  - telephone, meetings & other verbal conversations which:
    - convey routine information only; or
    - do not relate to local government business or functions.
  - electioneering – or party political information.
  - personal records – not related to an elected member's official duties.

Note: if any of these documents have been marked or contain notations they are considered to be records required for retention.

### **Employees, Consultants, Contractors, Casual Staff and Volunteers**

#### ***Principles***

- (a) All employees are responsible and accountable for keeping accurate and appropriate records of their activities and must do so in accordance with this policy.
- (b) This responsibility includes appropriately securing records to protect the commercial confidentiality, privacy and sensitivity of records and in using and sharing them internally and externally.
- (c) All corporate records and documents belonging to the Shire of York must not be shared or distributed to external persons or organisations unless authorised to do so by the Administration and Governance Coordinator, Executive Manager or Chief Executive Officer.
- (d) All records must be stored, physically or electronically, in the Shire of York's Records Management System so that they can be classified, secured, accessible, published as well as retained in one central location and in accordance with this Policy and the Shire of York's approved Disposal Authority.

## **Provisions**

### **1. Capture of Records**

1.1 All Employees are responsible to ensure records they create, send and receive in the course of their work for the Shire of York are captured, regardless of the format. This includes but is no limited to:

- Authorisations
- Contracts
- Emails
- File Notes
- Internal Correspondence
- Legal Documents
- Letters (Signed)
- Memos
- Minutes of Meetings eg Events Committee Minutes
- Reports
- Spreadsheets

1.2 Employees must sign an annual declaration that they have registered required records in the Shire of York's Records Management Systems for retention or storage. (Note: this declaration is not a mandatory requirement under the State Records Act 2000 but exists to remind Employees of their compliance responsibilities and to assist the Shire of York discharging requirements under Section 17 Local Government (Audit) Regulations.

### **2. Retention and Disposal of Records**

2.1 A record must be retained, even if the legal retention period has expired, if it is required for existing or anticipated legal matters, including Freedom of Information applications, until it is no longer required.

2.2 Any records scheduled for disposal are to be identified and presented by the Records Officer for review by the responsible department officer/s. Records for disposal will then be formally authorised by the Administration and Governance Coordinator, Executive Manager Corporate and Community Services and the Chief Executive Officer.

2.3 Ephemeral records and documents are to be destroyed once reference to them ceases.

2.4 The Records Officer will arrange for the records to be destroyed by appropriate means.

2.5 Records which are disposed of will be recorded in a systematic manner by the Records Officer.

### **3. Drafts and Revisions**

3.1 Drafts or revisions recording the progress of changes to official policy and management decisions should be fully documented as these can provide evidence

of the processes involved or contain significantly more information than the final draft or revision.

- 3.2 A draft or revision of a document is a record under this policy if the draft or revision conveys new information or substantially different information from the previous draft or revision then the draft or revision must be retained as a record. If changes to any draft or revision are of a minor cosmetic nature, it is not necessary to keep a copy of the previous revision.

### Penalties

Under the *State Records Act 2000* Part 10 it is an offence to:

- (a) Not keep a record in accordance with the records keeping plan of the organisation
- (b) Transfer or offer to transfer a record to a person who is not entitled to possession of the records
- (c) Destroy a record without appropriate authorisation in accordance with the record keeping plan
- (d) Destroy a record while the record is subject of a notice to deliver or under court action to recover

Current penalty under the *State Records Act 2000* is \$10,000. Officers and/or Councillors and/or the Shire of York may also be penalised under other legislation such as the *Evidence Act 1906* or *Freedom of Information Act*

### Key Terms/Definitions

In accordance with the *State Records Act 2000* a **record** is defined as:

*“any record of information however recorded and includes —*

- (a) anything on which there is writing or Braille; and*
- (b) a map, plan, diagram or graph; and*
- (c) a drawing, pictorial or graphic work, or photograph; and*
- (d) anything on which there are figures, marks, perforations, or symbols, having a meaning for persons qualified to interpret them; and*
- (e) anything from which images, sounds or writings can be reproduced with or without the aid of anything else; and*
- (f) anything on which information has been stored or recorded, either mechanically, magnetically, or electronically;”*

Under the *State Records Act 2000* a **state record** is defined as:

- “(a) a parliamentary record; or*
- (b) a government record;”*

**Drafts and revisions:** In creating or preparing records, one or more significant drafts or revisions may have been created until the record is finalised and accepted as final.

**Disposal authority:** The General Disposal Authority for Local Governments, approved by the State Records Office is a legal document adopted by the Shire of York for the retention and disposal requirements of records. It requires the Shire of York to retain and dispose of corporate records and documents, electronic or hard copy, in accordance with specified retention and disposal periods.

**Ephemeral records:** Ephemeral records are those which have only short-term value to Shire of York with little or no ongoing administrative, fiscal, legal, evidential, or historical value. An ephemeral document includes:

- (a) duplicates or extract copies of records, documents, circulars, forms etc. Including reports printed from databases for reference purposes as the database contains the official corporate record or document.
- (b) information material including price lists, catalogues, advertising material, brochures etc produced by other organisations.
- (c) messages in the form of voice mail, electronic mail, telephone messages or post-it notes when the message does not relate to the business functions of the Shire of York.
- (d) transitory messages giving minor instructions and of a routine instructional nature that are used to further some activity in either a paper-based or electronic format e.g. correcting typing errors, requesting file creation or retrieval, filing a letter, formatting documents, duplicating
- (e) background notes and reference material used to prepare or complete other documents (other than policy documents and documents relating to significant events in regard to core functions).
- (f) Excess copies or duplicates of documents that have been captured in the record keeping system already may be disposed of.

If there is any doubt as to whether a record or document should be retained or destroyed, you should retain the record or document.

| <b>Policy Administration</b>      |  |
|-----------------------------------|--|
| Responsible Directorate/Division: | Corporate and Community Services   |
| Author/Contact Officer Position   | Executive Manager Corporate and Community Services   |
| Relevant Delegation:              | Not Applicable   |
| Relevant Legislation:             | <i>State Records Act 2000</i><br><i>Local Government (Rules of Conduct) Regulations 2007</i> |
| Date Adopted:                     | 28 January 2016  |
| Reviews/Amendments                | 24 October 2016<br>25 November 2019  |



## G 1.9 PAYMENT OF LEGAL COSTS FOR COUNCILLORS

### Policy Objective:

To provide guidelines for the Council when making decisions about payment of legal costs for present and past Councillors in relation to legal matters arising from their current or past official functions as Councillors of the Shire of York.

### Policy Scope:

This policy applies to past and present Councillors of the Shire of York.

### Policy Statement:

#### Introduction

Circumstances may arise from time to time where Councillors (past or present) find themselves the subject of legal action arising from formal decisions made in their role, or required to participate in a legal matter (such as giving of evidence) on a Council matter.

Under the *Local Government Act 1995*, the Shire of York is empowered to protect the interests of individuals where they become involved in civil legal proceedings because of their official functions. In these situations, the Shire may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to those proceedings.

This policy sets out the parameters for providing assistance either in the form of legal advice and representation, or reimbursement of legal costs incurred.

#### Principles

- (a) Legal representation and support should be potentially available to Councillors on a matter arising from the discharge of their role and function provided that the Councillor has acted in good faith and according to the Councillor Code of Conduct, *the Local Government Act*, the *Local Government (Rules of Conduct) Regulations* or any other written law;
- (b) Financing of legal costs will not be:
  - paid retrospectively by the Shire in support of a Councillor
  - provided for defamation proceedings initiated by a Councillor
  - provided to a Councillor on any matter to do with Council business or activity initiated by that Councillor independently of any formal Council decision. (See also the Councillors and Staff Code of Conduct G1.1)

#### Provisions

##### 1 Financial Assistance Criteria

- 1.1 The Shire may provide financial assistance for legal costs of a Councillor based on the following criteria:

- the legal costs must relate to a matter that arises from the performance, by the Councillor of his or her role as a Councillor;
- the legal cost must be in respect of legal proceedings that have been, or may be, commenced
- in performing his or her function, the Councillor has acted in good faith, and according to provisions under the Code of Conduct: Councillors, Committee Members and Employees G1.1, *Local Government (Rules of Conduct) Regulations 2007* or other written law; and
- the legal representation costs do not relate to a matter or dispute in respect of a Local Government Election process.

1.2 If the criteria in clause 1.1 are satisfied, the Council may approve the payment of legal costs:

- where proceedings are brought against a member or employee in connection with his or her functions – for example, an action for defamation or negligence arising out of a decision made or action taken by the member;
- where proceedings are commenced by a Councillor to enable them to carry out their local government functions - for example, where a Councillor seeks a restraining order against a person using threatening behaviour to the Councillor; or
- for involvement in a statutory or other inquiry that requires information to be given by, or to which information is given, by a member in connection with his or her functions.

1.3 The Shire will not make payment for legal representation costs to a member for a defamation or negligence action instituted by a member or for legal advice or activity initiated independent of a formal Council decision.

## **2. Application for payment**

2.1 A Councillor who seeks payment under this policy is to:

- (a) make an application(s) in writing, to the CEO, with the following details:
  - the matter for which legal representation is sought;
  - how that matter relates to the functions of the Member making the application;
  - the solicitor (or firm) who is to be asked to provide legal representation;
  - the nature of legal representation to be sought (such as advice, representation in court, preparation of a document etc.);
  - the estimated cost (if known) of the legal representation; and
  - why it is in the interests of the Shire for payment to be made;

(b) and so far as possible, make the application in paragraph (a) before seeking the legal representation to which the application relates.

2.2 The application is to be accompanied by a signed declaration by the relevant member or employee that he or she:

- has read, and understands, the terms of this Policy;

- has acted in good faith, and has not acted unlawfully or in a way that constitutes improper conduct in relation to the matter to which the application relates;
- acknowledges that any approval of legal representation costs is conditional on the repayment provisions of clause 5 and any other conditions to which the approval is subject; and
- undertakes to repay to the Shire any legal costs in accordance with the provisions of clause 5, as may be required by the Shire and the terms of this Policy.

2.3 Once an application is received in accordance with this Policy a report is to be prepared by the CEO containing details of the application, an assessment of the request, an estimation of costs and a recommendation for consideration by the Council.

### **3. Legal Costs**

3.1 Unless otherwise determined by the Council, payment of legal representation costs in respect of a single application is not to exceed \$15,000.

3.2 A Councillor may make an additional application(s) to the Council in respect of the same matter. The application must be made before any additional costs above the original approval are incurred.

### **4. Council's Powers**

4.1 The Council, in respect of an application for payment of legal representation costs, may:

- refuse the application;
- grant payment; or
- grant payment subject to conditions.

4.2 Conditions may include, but are not limited to:

- a financial limit; and
- a requirement to enter into a formal agreement, including a security agreement, relating to the payment, and repayment, of legal representation costs.

4.3 In assessing an application, the Council may have regard to any insurance benefits that may be available to the applicant under the Shire's member insurance policy (or its equivalent).

4.4 The Council may by resolution, cancel or vary an approval, or any conditions of approval, for the payment of legal representation costs.

4.5 The Council may resolve that a Councillor whose application for legal representation costs has been approved has, in respect of the matter for which legal costs were approved:

- not acted reasonably or in good faith; or
- given false or misleading information in respect of the application.

4.6 Where the Council makes such a determination under Clause 4.5 or where a Court or Commission find that a Councillor has acted unlawfully or in a way that constitutes misconduct:

- assistance from the Shire will be immediately withdrawn; and
- the legal costs paid by the Shire are to be repaid by the member

## 5. Repayment of Legal Representation Costs

5.1 A Councillor whose legal representation costs have been paid by the Shire is to repay the Shire:

- (a) all or part of those costs – in accordance with a determination under Clause 4.5
- (b) as much of those costs as are available to be paid by way of setoff – where the member receives monies paid for costs, damages, or settlement, in respect of the matter for which the Shire paid the legal representation costs.

5.2 The Shire may take action in a court of competent jurisdiction to recover any monies due to it under this Policy.

## Key Terms/Definitions

Under this policy:

Solicitor is to be

- (a) a “certified practitioner” under the *Legal Practice Act 2003*; and
- (b) approved in writing by the Chief Executive Officer;

Councillor means a current or former Elected Member, commissioner, a member of a Committee of Council

“Legal proceedings” may be civil, criminal or investigative (including an inquiry under any written law);

“Legal representation” is the provision of legal services, to or on behalf of a member or employee, by an approved solicitor that are in respect of

- (a) a matter or matters arising from the performance of the functions of the member or employee; and
- (b) legal proceedings involving the member or employee that have been, or may be, commenced;

“Legal costs” are the costs, including fees and disbursements, properly incurred in providing legal representation;

“Legal services” includes advice, representation or documentation that is provided by an approved solicitor;

“Payment” by the Shire of legal costs either by:

- (a) a direct payment to the approved solicitor (or the relevant firm); or
- (b) a reimbursement to the Councillor.

**Policy Administration**

|                                   |   |
|-----------------------------------|---|
| Responsible Directorate/Division: | Chief Executive Officer   |
| Contact Officer Position:         | Chief Executive Officer   |
| Relevant Delegation:              | Not Applicable  |
| Relevant Legislation:             | <i>Local Government Act 1995</i><br><i>Local Government (Rules of Conduct)</i><br><i>Regulations 2007</i> |
| Date Adopted:                     | 28 January 2016   |
| Reviews/Amendments                | 24 October 2016<br>25 November 2019   |



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## G 1.10 WORKFORCE AND HUMAN RESOURCES

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### **Policy Objective:**

To provide the Chief Executive Officer with guidance on the Council's objective for the Shire of York organisation to be regarded as a good employer and its expectations in relation to Shire of York workforce management and human resources practice.

### **Policy Scope:**

This policy applies to Chief Executive Officer of the Shire of York.

### **Policy Statement:**

#### **Introduction**

The Chief Executive Officer is the sole employee of the Shire of York Council and in turn employs all other Shire of York employees. This rightly excludes Elected Members from involvement in the day to day operational management of the Shire and reduces risks of undue influence over Shire employees.

However, it is appropriate for Councillors to clearly signal their collective expectation of the Chief Executive Officer in terms of general principles of workforce and employee management, and those areas where it is expected the Chief Executive Officer should provide explicit human resources policy to protect and manage staff wellbeing.

This policy sets out principles, standards and expectations.

#### **Principles**

- (a) The Shire of York should always aspire to be considered a good employer and to exhibit best practice in terms of workforce and employee management
- (b) Harassment in any form of employees in the workforce is unacceptable and any instance of harassment should be addressed quickly and effectively
- (c) Robust recruitment procedures are in place to ensure the employment of suitably qualified employees
- (d) Flexible practices in relation to job design should, where possible, be used to provide employment opportunities for people with disabilities and/or to address emerging problems around an ageing workforce and an ageing community
- (e) The Shire of York, as one of the largest places of employment in the Shire should try, where possible and practicable, to provide career paths for young people of the Shire and/or provide work experience.

- (f) Volunteers, while not employees of the Shire of York, should be treated with respect and consideration and the value of the voluntary sector to the Shire explicitly acknowledged.

**Provisions:**

- 1.1 The Chief Executive Officer will as a minimum expectation, develop and maintain the following policies to a standard consistent with best practice:
- Equal Employment Opportunity
  - Health and Wellbeing
  - Employee Protection from Harassment and Bullying
  - Employee Training and Development
  - Recruitment Procedures
- 1.2 In developing the Council’s Workforce Plan, the following matters will be explicitly addressed:
- current workforce structure in relation to Equal Employment Opportunity considerations and future plans to advance EEO objectives
  - job design and work procedures to accommodate encourage employment of people with disabilities
  - job design and work procedures as they relate to ageing workforce issues
  - mechanisms to provide work experience and/ or employment paths for Shire school leavers, or young people from within the Shire recently awarded a tertiary qualification.

**Key Terms/Definitions**

Suitably qualified means:

- appropriate formal education qualifications; and/or
- appropriate levels of experience; and
- appropriate levels of training and development relevant to role.

| <b>Policy Administration</b>      |                                     |
|-----------------------------------|-------------------------------------|
| Responsible Directorate/Division: | Chief Executive Officer             |
| Author/Contact Officer Position:  | Chief Executive Officer             |
| Relevant Delegation:              | Not Applicable                      |
| Relevant Legislation:             |                                     |
| Date Adopted:                     | 28 January 2016                     |
| Reviews/Amendments:               | 24 October 2016<br>25 November 2019 |



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## G 1.11 ORGANISATION STRUCTURE AND DESIGNATION OF SENIOR EMPLOYEES

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### **Policy Objective:**

To set out the process for Council to discharge its responsibilities in relation to the organisation and senior employees under the *Local Government Act 1995* (LG Act).

### **Policy Scope:**

This policy applies to the discharge of responsibilities by the Council and the Chief Executive Officer under the *Local Government Act 1995* Sections 5.2 and 5.37-5.39.

### **Policy Statement:**

#### **Introduction**

Section 5.2 of the Local Government Act requires the Shire of York Council to ensure that there is an appropriate structure for administering the local government.

Section 5.37 provides that the Council may designate selected employees or classes of employees as 'senior employees' under the LG Act. This then has the effect of requiring the Chief Executive Officer (CEO) to inform the Council of a proposal to appoint to such a position or to terminate the employment of a person occupying this position. The Council may reject or accept the CEO's proposal but if the Council rejects a recommendation it must provide reasons to the Chief Executive Officer for doing so.

This policy sets out the process to be followed in order for Council to be informed of organisation structure and to determine how it wishes to proceed in relation to designation of senior employees.

#### **Principles**

- a) The Council has a clear process available to it for the discharge of its responsibilities under Section 5.2 and 5.37 of the *Local Government Act 1995*.
- b) Any designation of a position as a 'senior employee' will be by resolution of Council after receipt of a formal report and recommendations by the CEO.

#### **Provisions**

##### **1. Organisation Structure**

- 1.1 The organisation structure will be set out on the Workforce Plan which will be presented to Council for its information. The Workforce Plan will be reviewed on a two-year cycle as provided for in the Local Government Act regulations.

**2. Senior Employees**

- 2.1 The CEO will provide a report with recommendations to Council on the designation of positions as a ‘Senior Employee’ under S 5.37 (1) of the LG Act in the following circumstances:
- (a) when a position designated as a ‘Senior Employee’ becomes vacant;
  - (b) within one month of the completion of any organisation restructure involving a restructure of second tier positions and/ or responsibilities;
  - (c) in any other circumstance where the Chief Executive Officer considers it necessary for the Council to consider the matter.
- 2.2 The CEO is responsible for fulfilling the Shire’s obligations for the management of senior employees as follows:
- (a) provide a recommendation to the Council to employ, dismiss, or create a new Senior Employee position (LG Act s 37.(2));
  - (b) review the performance of each senior employee on an annual basis (LG Act S5.38); and
  - (c) make determinations to exercise contract renewal options or re-negotiate existing employment contracts in accordance with the LG Act s 5.37.
- 2.3 Appointment of a person to a designated senior employee position on a temporary or acting basis will be in accordance with LG Act s 5.39 (1a).

**Key Terms/Definitions**

Not applicable.

| <b>Policy Administration</b>      |  |
|-----------------------------------|--|
| Responsible Directorate/Division: | Chief Executive Officer                                      |
| Contact Officer Position:         | Chief Executive Officer                                      |
| Relevant Delegation:              | Nil  |
| Relevant Legislation              | Sections 5.2 and 5.37-5.39, <i>Local Government Act 1995</i> |
| Date Adopted:                     | 22 February 2016   |
| Reviews/Amendments                | 24 October 2016<br>25 November 2019                          |



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## G 1.12 CIVIC FUNCTIONS AND HOSPITALITY

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### **Policy Objective:**

This policy is intended to ensure that civic functions and hospitality is provided in an appropriate and consistent manner.

### **Policy Scope:**

This policy applies to all civic functions and hospitality provided by the Shire of York. This policy does not relate to events supported by the Council through its funding of community group activities or via its economic development funding.

### **Policy Statement:**

#### **Introduction**

From time to time there will be circumstances where the Council wishes to provide hospitality or hold a function. For example, it may relate to the conferring of the Freeman of the Shire, meeting a delegation to the Shire, or hosting a Western Australian or Federal Minister. It is a formal event and as such is intended to convey the significance of the matter at hand.

It is important that such hospitality is undertaken to a consistent standard and follows a clear process.

#### **Principles**

- a) A civic event or function is a mechanism available to the Council to convey the importance and significance of a matter to the community.
- b) Funding and resources used to support an event should be effectively used and appropriate to purpose.

#### **Provisions**

##### **1 General**

- 1.1 The Shire President, in discussion with the Councillors, and in conjunction with the Chief Executive Officer (CEO) shall have discretion to identify whether a civic reception is to be held, when it will be held and who shall be invited.
- 1.2 The Shire President may host functions and receptions with light refreshments for visiting dignitaries, local residents who are recipients of awards or prizes from the Shire, exchange students, visitors and delegations from other local authorities from Australia and overseas. The invitation list shall be at their discretion.
- 1.3 The Chief Executive Officer is authorised under delegated authority to approve civic functions, ceremonies, receptions, provision of hospitality and the use of the Administration and Town Hall, subject to compliance with this Policy.

- 1.4 Provision of catering for a function will be according to guidelines attached at Appendix 1.
- 1.5 Catering will be procured from local suppliers and a contestable process shall be undertaken to select a provider on a six monthly basis.

**2 Specific Functions**

- 2.1 The Council will hold an Australia Day event and provide associated hospitality on an annual basis. The event will be funded via a specific provision in the Annual Budget.
- 2.2 The Council will support the RSL in its holding of the ANZAC Day event. The support will be funded via a specific provision in the Annual Budget.

**Key Terms/Definitions**

Not applicable

| <b>Policy Administration</b>      |                                       |
|-----------------------------------|---------------------------------------|
| Responsible Directorate/Division: | Chief Executive Officer               |
| Contact Officer Position:         | Council and Executive Support Officer |
| Relevant Delegation:              | Nil                                   |
| Date Adopted:                     | 22 February 2016                      |
| Reviews/Amendments                | 24 October 2016<br>25 November 2019   |




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## G 1.13 ALCOHOL AND OTHER DRUGS

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### 1.0 Policy Objective:

To ensure a safe workplace free from the effects of alcohol and other drugs.

### 2.0 Policy Scope:

This policy applies to all employees, contractors and visitors (herein referred to as workers), irrespective of their position within the Shire, carrying out work for or on behalf of the Shire.

### 3.0 Policy Statement:

The Shire of York is committed to maintaining a safe and healthy work environment. A worker's ability to work safely and productively may be impaired by the use or abuse of alcohol and other drugs in the workplace. The Shire has a zero tolerance for impairment of performance through the use of alcohol or other drugs.

### 4.0 Responsibilities:

#### 4.1 The Shire

The Shire has a legislative responsibility to provide and maintain a work environment that does not expose workers and others to hazards, as far as reasonably practicable.

#### 4.2 Workers

It is the responsibility of all workers to present themselves for work in a fit state so that in the course of carrying out their normal work activities, they do not expose themselves or others to unnecessary risks to safety and health.

It is the responsibility of all workers to ascertain what effects all prescribed or non-prescribed medication may have on work performance ie the ability to drive, operate equipment be alert, concentrate etc. The worker has a legislative responsibility to advise their Supervisor if they are taking any prescribed or non-prescribed drug(s) which may affect their fitness for work or work performance.

The worker also has a legislative duty to advise their Supervisor if they are affected by alcohol which may affect their fitness for work or work performance.

#### 4.3 Supervisors

Supervisors must monitor the performance of workers they supervise and identify those who *may* not be fit to perform their work duties safely. Once identified the Supervisor should;

- take appropriate action to remove the risk to the worker and others
- review the situation ensuring that the worker is treated with fairness and respectfully
- maintain confidentiality wherever possible
- arrange for the worker to undergo 'for-cause' testing with a medical practitioner selected and provided by the Shire

## **4.4 The Chief Executive Officer**

The CEO is responsible for compliance with this policy and for developing and implementing documented procedures to support the application of the policy.

## **5.0 Policy Application:**

### **5.1 Alcohol and Other Drugs in the Workplace**

The use of alcohol or other drugs in the workplace – including Council premises, parks, reserves, vehicles, plant or any other Local Government building or physical asset, is prohibited.

The Chief Executive Officer may waive this requirement regarding the use of alcohol, where circumstances warrant - for example, when Council sponsors a social event, such as an official farewell, staff social club meetings or a Christmas Party.

### **5.2 Alcohol and Drug Testing**

The Shire reserves the right to conduct pre-employment, random, blanket and suspicion alcohol and drug testing throughout the whole organisation.

A qualified Testing Service Provider will perform those tests. The outcome may or may not affect the perception of an employee's fitness for duty on that day and may entail disciplinary action.

Suspicion testing shall only be carried out if a supervisor/manager suspects or determines that a substantial risk exists for the employee, co-workers or the public. A Testing Service Provider will conduct this form of testing by breathalysing/oral testing the employee first. A urine test may be ordered as a result of the first tests to determine the presence of a serious misconduct, such as a criminal offence or a serious breach of Council's policy providing reasonable grounds for terminating employment (in accordance with the Local Government Act and/or relevant Awards).

All testing results will be kept private and confidential wherever possible.

### **5.3 The Shire's Rights when Alcohol or Other Drug Use is Suspected**

If a Manager or Supervisor has justifiable cause to doubt an employee's fitness for duty, they may have the employee removed from the workplace and may initiate any reasonable action considered necessary. If it is believed that the use of drugs or alcohol renders risk to the safety or health of the employee, co-workers or the public, the Shire reserves the right to remove the employee from duty pending an urgent medical examination to determine fitness for duty.

The subject employee will be entitled to full payment of entitlements until such time as the medical examination determines that the employee is unfit for work.

If the employee is deemed fit for work, the employee will be returned to work immediately.

If the employee is deemed unfit for work, the employee will be placed on leave without entitlements until such time as a medical examination determines fitness for duty.

### **5.4 Detection**

Where an employee is declared impaired by alcohol or other drugs following medical testing, the following procedure will apply;

First breach – the Executive Manager will arrange a performance management meeting no more than a week after the employee has returned to work. The employee may request a support person to be present. The employee's performance will be discussed with regards

to the impairment evidenced, non-compliance with this policy and the employee will be encouraged to seek professional help if required. The Executive Manager will clearly state the expected standards of performance required. A file note will be placed on the employees Personnel file.

*Second Breach* – the CEO reserves the right to take immediate disciplinary action which may include suspension where the employee will be required to take personal leave or leave without pay, or in the event of serious misconduct, dismissal in accordance with the *Local Government Act 1995* and the Shire's Enterprise Bargaining Agreements.

### **6.0 Key Terms/Definitions**

*Approved Medication* – a medication that has been declared by the worker prior to testing, which is not deemed to breach this policy. Toxicology advice may be sought to assist in this determination.

*Blanket Test* – a test carried out that involves at least 50% of the workforce

*BAC* – (Breath Alcohol Content) – the concentration of alcohol in the breath

*Contractor* – an individual or company and its personnel carrying out work for the Shire (referred to as a 'worker' of the Shire for the purposes of this policy)

*Drug* – any substance which when taken into the body, alters the body's function physically and/or psychologically. This includes legal or illegal substances, non-prescribed or prescribed by a medical practitioner

*Employee* – any person employed to work for or on behalf of the Shire and includes volunteers (referred to as a 'worker' of the Shire for the purposes of this policy)

*Executive or Executive Management* – the CEO and Executive Managers of the Shire of York

*Fit for Work* – an individual who is able to perform their duties without risk of harm or injury to themselves, their co-workers or the public, and damage to Shire or other property

*Medication* – a prescribed or over the counter medication that is approved for sale and/or possession within Australia

*Prohibited Substance* – a substance such as a drug etc that is banned or forbidden by law or other authority

*Random Testing* – a test carried out involving less than 50% of the workforce or an individual, work area/crew or department and includes Shire workers

*Supervisor* – any person appointed to supervise/manage a group of workers on behalf of the Shire

*Suspicion Testing* – a test carried out on an individual where there is reasonable grounds to suspect impairment by alcohol or other drugs.

*Testing Service Provider* – a qualified supplier/persons authorised by the Chief Executive Officer to conduct drug and alcohol testing in compliance with the relevant Australian Standards

*Worker* - any employee, contractor, volunteer engaged to undertake work for the Shire

*Workplace* – A place, vehicle, building, or other structure, where workers work or are likely to be in the course of their work for the Shire.

## **Policy Administration**

|                                   |  |
|-----------------------------------|--|
| Responsible Directorate/Division: | Chief Executive Officer  |
| Contact Officer Position:         | Chief Executive Officer  |
| Relevant Delegation:              | N/A  |
| Relevant Legislation              | <i>Occupational Health and Safety Act 2004</i><br><i>Equal Opportunity Act 1985</i><br><i>Privacy Act 1998</i><br><i>Local Government Act 1995</i> |
| Date Adopted:                     | 18 September 2017  |
| Reviews/Amendments                | 25 November 2019   |



## G 1.14 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

### Policy Objective:

To provide for the appointment of one of the Shire's designated senior employees as Acting Chief Executive Officer during limited absences of the Chief Executive Officer (CEO).

### Policy Scope:

This policy applies to the discharge of responsibilities by the Council under the *Local Government Act 1995* (the Act) Sections 5.2 and 5.36.

### Policy Statement:

#### Introduction

Section 5.2 of the Act requires the Shire of York Council to ensure that there is an appropriate structure for administering the local government.

Section 5.36(1) provides that the Council is to employ a person to be the CEO of a local government and such other persons necessary to ensure Council's and the Shire's functions are performed.

Section 5.36(2) requires that Council must be satisfied that the person is suitably qualified for the position.

This policy sets out the process to be followed in order for the CEO to appoint an Acting CEO to fulfil the functions of the CEO during periods of absence of ten working days or less.

#### Principles

- a) Only a designated senior employee will be eligible to be appointed as Acting CEO.
- b) Any designation of a position as a 'senior employee' will in accordance with Council's policy *G.11 Organisation Structure and Designation of Senior Employees*.

#### Provisions

1. In accordance with the requirements of the *Local Government Act 1995*, section 5.36(2)(a), the Council has determined that the persons appointed as the permanent incumbent to the position of a senior employee are suitably qualified to perform the role of Acting CEO.
2. Senior Employees will be appointed to the role of Acting CEO at the discretion of the CEO, subject to performance and dependent on availability and operational requirements.
3. Appointment to the role of Acting CEO shall be made in writing for a defined period that does not exceed 10 working days. A Council resolution is required for periods exceeding 10 working days.

**Key Terms/Definitions**

Not applicable.

| <b>Policy Administration</b>      |  |
|-----------------------------------|--|
| Responsible Directorate/Division: | Chief Executive Officer  |
| Contact Officer Position:         | Chief Executive Officer  |
| Relevant Delegation:              | <i>Replaces DE2-1 Appointment of Acting Chief Executive Officer (For Periods of 10 Working Days or Less)</i> |
| Relevant Policy:                  | <i>G1.11 Organisation Structure and Designation of Senior Employees</i>                                      |
| Relevant Legislation:             | <i>Local Government Act 1995<br/>Sections 5.2 and 5.36</i>   |
| Date Adopted:                     | 3 July 2019  |
| Reviews/Amendments:               | 25 November 2019   |





## G 1.15 ATTENDANCE AT EVENTS POLICY: ELECTED MEMBERS & CEO'S

### Policy Objective

The purpose of this policy is to establish guidelines for appropriate disclosure and management of acceptance of invitations to events or functions, or other hospitality occasions, where elected members and employees are invited free of charge, whether as part of their official duties as council or Shire representatives or not.

### Policy Scope

The policy provides guidance to elected members and employees when an invitation to an event or function, or other hospitality occasion, ticketed or otherwise, is offered free of charge. It does not provide guidance on the acceptance of a tangible gift or travel contribution.

Travel and accommodation excluded: This policy does not apply to tangible gifts or money, travel or accommodation. Any contribution to travel, subject to the exceptions in section 5.83 of the *Local Government Act 1995* (the Act), must be disclosed in writing to the CEO within 10 days of receipt of the contribution.

Contributions to travel costs, whether financial or otherwise are now incorporated within the definition of gift.

The following situations are specifically excluded where the event ticket (gift) is received from one of the following organisations:

- WALGA (but not LGIS)
- Local Government Professionals Australia (WA)
- Australian Local Government Association
- A department of the public service
- A government department of another State, a Territory or the Commonwealth
- A local government or regional local government

The gift is still required to be recorded on the “gift register”.

### Policy Statement

#### A. Key issues to consider

In considering whether a benefit such as an invitation to an event or hospitality given to an elected member or an employee is a gift for the purposes of the Act and Regulations, the key issues include:

- Who is a donor, the person who is offering or giving the benefit?
- What is the value of the benefit?

- Does the elected member or employee of the benefit contribute anything of value to the donor in return for the benefit such as formally opening or speaking at the event or presenting prizes/awards?
- If so, does the value of that contribution outweigh the value of the benefit? If so, it will not be a gift for the purposes of the Act and Regulations.

### **B. Commercial entertainment events**

Any tickets accepted by an elected member or employee without payment for any commercial entertainment event, for which a member of the public is required to pay whether sponsored by the Shire or not will generally be classified as a gift for the purposes of the Act and Regulations.

An exception to this is where the Shire President or his / her representative attends the event in an official capacity to perform a civic or presidential function.

Where there is a commercial entertainment event that, in the opinion of the Chief Executive Officer, it is in the interests of the Shire for one or more elected members or employees to attend in order to assess and understand first-hand the impacts on the community or business, then one or more tickets for that event will be purchased for the relevant elected member or employee by the Shire at full cost.

### **C. Other commercial (non-entertainment) events**

For other commercial (non-entertainment) events, such as a conference or seminar, for which a member of the public is required to pay, where the Chief Executive Officer is of the opinion that it is in the interests of the Shire for one or more Elected Members or employees to attend (such as for their professional development or to undertake a function as an Elected Member or employee), then one or more registrations or other benefits for that event will be purchased for the relevant Elected Member or employee by the Shire at full cost to enable attendance.

If the Shire does not pay for the event, free registration or any other benefit (such as hospitality) given to an Elected Member or employee would be classified as a 'gift' unless the contribution of the Elected Member or employee to the event (such as by way of a paper or speaking engagement) is reasonably considered to outweigh the value of registration or other benefit given to the Elected Member or employee.

### **D. Community/local business events**

Acceptance of reasonable and modest hospitality by an Elected Member or employee at an unpaid event run by a local community group for local business would not generally be classified as a 'gift' where the contribution by the Elected Member or employee to the event is reasonably considered to outweigh the value of the hospitality.

This is more likely where the Elected Member or employee attends the event in his or her capacity as an Elected Member or employee - preferably where the attendance has been specifically authorised by the Shire, but otherwise where the person is performing his or her functions as an Elected Member or employee.

**E. Perceived or actual conflict**

Event attendance may create a perceived or actual conflict, which may preclude council members participating or employees providing advice at a future meeting.

If the amount of an event ticket (gift) is less than \$1,000, and relates to a matter before Council, under section 5.68 of the Act, Council may allow the disclosing council member to participate on the condition that the interest, the council’s decision and the reasons for that decision are recorded in the minutes.

If the amount gift is above \$1,000 the council or CEO must apply to the Minister for permission to allow the member or employee to participate.

**Principles**

Legislative and Strategic Context

Legislation, directives, guidelines, Acts or Regulations that provide the broad framework within which the policy operates and/or with which it needs to comply follow:

- Local Government Act 1995

**Receipt of Gifts**

In accordance with sections 5.87A and 5.87B of the Act, council members and CEOs are required to disclose gifts that are received in their capacity as a council member (or CEO) and –

- are valued over \$300; or
- are of a cumulative value that exceeds \$300 where the gifts are received from the same donor in a 12-month period.

**Policy Administration**

|                                   |  |
|-----------------------------------|--|
| Responsible Directorate/Division: | Corporate and Community Services   |
| Author/Contact Officer Position:  | Executive Manager Corporate and Community Services   |
| Relevant Delegation:              |  |
| Relevant Legislation:             | Local Government Act 1995 – Section 5.87A and 5.87B<br>Local Government (Rules of Conduct) Regulations 2007                |
| Relevant Documents:               | G1.1 Code of Conduct: Councillors, Committee Members and Employees<br>Department Circular No 11-2019 – New Gifts Framework |
| Date Adopted:                     | 16 December 2019   |
| Reviews/Amendments                |  |



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## G 2.1 COMPREHENSIVE COMPLAINTS RESPONSE

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### **Policy Objective:**

To provide residents and ratepayers with consistent and clear principles, procedures and guidelines for the lodging, investigation, resolution, reporting back and implementation of decisions relating to complaints made to the Shire of York Council.

To establish a clear process for the internal recording and reporting on complaints management to Councillors.

To establish a mechanism where complaints about levels of service can be used as inputs into future strategic, annual and financial planning analysis and decision-making by Councillors.

### **Policy Scope:**

This policy applies to all aspects of Shire of York activity and business.

### **Policy Statement:**

#### **Introduction**

The Shire of York aspires to provide a high level of service to its residents and ratepayers, to provide them with accessible and inclusive democratic services and to do so in a manner that is positive and respectful of members of the community.

The Shire recognises that from time to time members of the community may not be satisfied with Council services, processes and decisions. It also recognises that there needs to be a clear, simple and accountable process available to people to lodge any complaint they may wish to make which provides assurance that responses will be considered objectively and a positive outcome actively sought.

The Shire also takes the view that complaints can provide useful information and insights into community aspirations about future levels of service and into how existing processes, delivery and communication to the community about services can be improved.

#### **Principles**

- a) A complaint is **not** a request for a service or a new level of service but is an expression of dissatisfaction about a Council service or action, accompanied by a request for redress. This redress might take the form of a seeking particular outcome for the individual making the complaint, or a more general desire to see a change to Council services and procedures.
- b) Members of the Shire of York community will have access to a simple, accountable and transparent complaints response service.
- c) Complaints will be regarded as a positive source of information for continuous improvement of Shire services and procedures.

- d) Complaints will be taken seriously and anyone approaching Council with a complaint will be listened to, understood and respected. The matter will be dealt with fairly and properly.
- e) Action will be taken to address their concern or fix the problem.
- f) Complaints will be dealt with quickly and in a manner that provides the complainant with a clear decision as soon as possible.
- g) Complainants will be given information about the process and progress on dealing with the matter raised. Regular updates on progress about their complaints will be provided until a decision is made. An explanation will be given about the process and any decisions made.
- h) Any response to a complaint received from a member of the Shire of York community will seek positive outcomes which accommodate as much as possible the concerns of the complainant, provided that response can be delivered in a way that is consistent with Shire budget decisions and approved annual programmes, and regulatory accountabilities.
- i) If required, an apology in relation to the matter raised will be given.
- j) Complainants will always be informed of further mechanisms available to them for redress if they do not agree with decisions made.
- k) Responses to external statutory bodies investigating complaints will be undertaken in a positive, open and timely manner.
- l) The confidentiality of complainants will be protected according to statutory standards and requirements.

### **Provisions**

This section sets out the procedures that will be used.

#### **1. Lodging of Complaints**

##### **1.1 Complaints can be made:**

- a) in writing, via fax and emails and are to be directed to the generic shire address [records@york.wa.gov.au](mailto:records@york.wa.gov.au).
- b) via the shire website
- c) in person by completing a customer feedback form at the Shire office
- d) by telephone. Complainants are encouraged to lodge their complaint in writing but if made by telephone, the complainant will need to provide their name and contact details and information about their particular concerns.

##### **1.2 The complaint will be recorded in the Complaints Register by the Council officer receiving the complaint at first point of contact, along with information about the date at which it is referred for investigation, where referred and initial response.**

**2. Initial Resolution: Minor Matters**

- 2.1 'Front of house' customer service staff and external works staff will be the first point of contact for many complaints received by Council. As a first principle they should attempt to resolve minor complaints as speedily as possible. Where there is no consequent budget cost or liability, or no implications for the Council's established policy position on a matter, then they have the authority to resolve the problem on the spot. Complaints must be recorded in the Complaints Register.
- 2.2 If the minor matter is resolved at this stage to the satisfaction of the complainant, this should be recorded by the person dealing with the issue in the Complaints Register. If the matter cannot be resolved satisfactorily, it should be referred to the relevant senior manager/ Chief Executive Officer with this referral also recorded in the Complaints Register. The complainant should be informed that the matter will be referred for further investigation and that they should expect a follow-up written communication within 5 working days confirming the process which will be followed.
- 2.3 Where there are potential implications for budgets, wider levels of service decisions, liability or the Shire's established policy position, the complaint should be immediately referred to the relevant senior manager/ Chief Executive Officer for investigation as per the Stage 2 Complaints Procedures. The complainant should be informed that the matter will be referred for further investigation and that they should expect a follow-up written communication within 5 working days confirming the process which will be followed.

**3. Stage 2 Complaints Processes.**

Where a complaint has been received and it is more than minor, or if a minor complaint that could not be satisfactorily resolved is referred on, they will be dealt with under the following processes:

*Complaints in Relation to Council Services.*

- 3.1 If the complaint alleges illegal or corrupt action, the CEO will automatically refer the matter to a relevant outside agency.
- 3.2 In all other cases, the following process will be followed.
- a) The complainant will receive an initial phone-call from the relevant person with the authority to deal with the matter with the intent of trying to resolve the concern raised, within the specified time set out in Appendix 1. If the matter is resolved this will be logged in the Complaints Register
  - b) If the matter cannot be resolved in this way, the complainant will receive a letter acknowledging receipt of information within the specified time set out in Appendix 1.
  - c) The complaint will be referred by the CEO to the relevant senior officer responsible for the service that is the subject of the complaint. The senior officer will investigate the complaint, including interviewing the relevant staff. If the matter can be resolved at this point in a way that in the view of the officer does not have budget implications, does not significantly affect

programme, or project priorities and is consistent with Council's policy direction then the matter should be resolved. This resolution will be recorded in the Register. If it cannot be resolved at this point the matter will be reported to the CEO.

- d) The CEO will consider the report and make a determination on the complaint, including if the complaint is upheld whether any changes to current practices and procedures is required.
- e) The complainant shall be advised in writing of the outcome of the decision. The complainant will receive a letter with the decision on the complaint or an update on progress within the specified time set out in Appendix 1. They will also be informed of the avenues available to them for further appeal if they are dissatisfied with the decision and outcomes. This will include the ability to write further on the matter to the Shire President, or to make a complaint to the Ombudsman's office.
- f) The decision at any point in the process will be recorded against the Complaints Register number along with the file reference number for any associated written documents.

Note: in some cases complaints may be concerned with seeking a level of service change or a programmed action that is not provided for in existing budgets or programme capital works. These matters will be automatically forwarded to strategic, annual and capital works planning processes for future reference and consideration.

### *Complaints Against Employees (other than the CEO)*

3.3 Section 5.14 of the Local Government Act states:

*'The CEO's functions are to:*

*be responsible for the employment, management, supervision, direction and dismissal of other employees (subject to section 5.37 (2) in relation to senior employees.'*

Accordingly all complaints or allegations against an employee (other than the CEO) shall be dealt with by the CEO.

3.4 If the complaint alleges illegal or corrupt action, the CEO will automatically refer the matter to a relevant outside agency.

3.5 In all other cases, the following process will be followed:

- (a) Investigation of complaints/ allegations will be treated as confidential and will be discharged according to the principles of natural justice and procedural fairness.
- (b) The CEO will advise the employee verbally and in writing of the complaint, setting out:
  - details of the complaint/ allegation (other than the complainants name/ details)
  - details of the legislation/ Staff Code of Conduct that has allegedly been breached
  - seek comments or a response to the allegation

- specify a closing date for receiving a response
- (c) Having received all responses, the CEO will prepare a confidential report. The report will contain details of the complaint/ allegation, legislation or Code of Conduct alleged to be breached, a determination on whether a breach has occurred and if so, the action which will be taken in relation to the employee's future performance.
- (d) The employee will be advised as soon as practicable of the outcomes of the decision in relation to the complaint.
- (e) The complainant will be advised as soon as practicable of the outcomes of the decision in relation to the complaint and of the avenues available to them for further appeal if they are dissatisfied with the decision and outcomes. This will include the ability to write further on the matter to the Shire President, or to make a complaint to the Ombudsman's office.

### *Complaints Against the CEO*

- 3.6 Any complaint in relation to the Chief Executive Officer will be forwarded to the Shire of York President for consideration and action.
- 3.7 If the complaint alleges illegal or corrupt action, the President will automatically refer the matter to a relevant outside agency.
- 3.8 In all other cases, the following process will be followed:
- (a) Investigation of complaints/allegations will be treated as confidential and will be discharged according to the principles of natural justice and procedural fairness.
  - (b) The President will advise the CEO within seven days of receiving a complaint, verbally and in writing, of the existence of the complaint and setting out:
    - details of the complaint/ allegation (other than the complainant's name/details)
    - details of the legislation/ Staff Code of Conduct that has allegedly been breached
    - seek comments or a response to the allegation
    - specify a closing date for receiving a response
  - (c) The Shire President will prepare a confidential report to Council which will:
    - summarise the complaint made
    - summarise information in relation to the issue raised
    - present a resolution which either declines to review the matter further, addresses the issues raised, or triggers further formal review.
  - (d) if it is resolved that the complaint should receive further consideration by Council, the President will convene a special Performance Review meeting within 21 days of receipt of the complaint and present a report outlining the issues raised, a view as to whether any breach of the Code of Conduct or

Performance Agreement has occurred and if so, potential performance management provisions.

- (e) If the Council considers that further information is required on a specific matter or aspect of the issue under discussion, including legal advice, this will be commissioned via formal resolution by Council. No other information will be sought independent of that process by Councillors and if tabled will not be considered further in any deliberations.
- (f) The President will prepare a further report, including any new information previously sought by Council with relevant recommendations for consideration by the Council.
- (g) The Council will make a final decision and the employee will be advised as soon as practicable of the outcomes of the decision in relation to the complaint. They will also be informed of any further process for appeal or redress.
- (h) The complainant will be advised as soon as practicable of the general outcomes of the decision, consistent with the Shire's duties to act in good faith as an employer and to retain relevant confidentiality, and of the avenues available to them for further appeal if they are dissatisfied with the decision and outcomes.

### *Complaints against an Elected Member or the Shire President*

- 3.9 Any complaint in relation to an Elected Member or the Shire President will be forwarded to the Shire of York Complaints Officer as provided for under Division 9, Local Government Act 1995 for consideration and action.
- 3.10 If the complaint alleges illegal or corrupt action, the Complaints Officer will automatically refer the matter to a relevant outside agency.
- 3.11 All subsequent processes will be followed as provided for under Division 9, Local Government Act 1995.

### *Anonymous Complaints*

- 3.12 As a general principle no action will be taken when a complainant declines to provide their name and/or contact details. The exception will be where the matter could be considered to be life threatening, is an existing health hazard, or will create a health hazard.
- 3.13 All anonymous complaints should be recorded in the Complaints Register whether action is taken or not. Where an action is taken this must be recorded in the Complaints Register.

## **4. Persistent Complainants**

As stated in the introduction to this policy, the Shire is committed to addressing complaints raised by members of the community in a positive way, seeking wherever possible, outcomes which address the concerns of complainants.

There will be very limited situations where the decisions/actions of the Shire may be unpalatable to complainants, despite all efforts to achieve a positive outcome. In addition a very small number of complainants may choose to express their complaints in an unacceptable or aggressive manner.

The Ombudsman Western Australia 2009 Guidelines identify that an organisation may experience what it terms 'Unreasonable Complainant Conduct' falling across three bands of behaviour:

- habitual or obsessive complainants -this includes people who:
  - cannot 'let go' of their complaint
  - cannot be satisfied despite the best efforts of the agency
  - make unreasonable demands on the agency where resources are substantially and unreasonably diverted away from its other functions or unfairly allocated (compared to other customers)
- rude, angry and harassing complaints
- aggressive complaints.

The Guidelines set out a framework for dealing with these behaviours.

- 4.1 Registering and discussing complaints with staff, whether verbal or written, in an abusive or aggressive manner is unacceptable. Having made clear the intention of the Council staff, interaction will be suspended until such time as the behaviour is guaranteed to be at an acceptable level.
- 4.2 Abusive, inflammatory written material or material designed to be intimidating associated with a complaint will be returned to the sender and not acted upon.
- 4.3 The Shire may in exceptional circumstances make the decision to identify a complainant as unreasonable in their behaviour and to limit, withhold or withdraw services associated with the complaint matter. This can only be considered when the following threshold tests have been met:
  - it can be clearly shown that the Shire's complaint procedure has been correctly implemented in all its facets and no material element of the complaint overlooked or inadequately addressed; and
  - the behaviour of the complainant has become so habitual, obsessive or intimidating that it constitutes an unreasonable demand on the Shire's resources; and
  - all internal review or appeal processes have been exhausted; and
  - the complainant has been advised of external review processes available to them and has chosen not to pursue those processes; or
  - external review processes have been undertaken and have found against the complainant
- 4.4 Any decision made under Clause 4.3 will be made by the Shire of York Council on receiving a formal report from the CEO. The report will set out the reasons for taking the proposed action and must explicitly address the threshold tests set out above. The confidentiality of any person involved will be protected.

4.5 In considering any of these actions, account will be taken of whether the complainant has suffered a recent bereavement or is under known stress which may be a contributing factor to the behaviour.

**5. Internal Management and Reporting**

5.1 The Shire will:

- maintain a Complaints Register which records complainant details and issues raised, assigns a complaint number, place of referral within the organisation, final decision, resolution if classified as minor, and final response letter reference.
- monitor response performance against agreed and published KPIs (attached at Appendix 1) which will be reviewed on a four yearly cycle.
- report complaints statistics and performance on a quarterly basis to the Council.

**6. Information Inputs into Strategic Planning or Organisation Improvement**

6.1 As part of any future integrated planning process or organisation improvement process, the Complaints Register will be reviewed to identify any emerging themes in relation to levels of service aspirations or procedures and standards, as inputs into those processes. Information will only be used in an aggregated form and the confidentiality of complainant information will be fully protected.

**Key Terms/Definitions**

Minor Complaint means:

A complaint where there is no consequent budget cost or liability, or no implications for the Council’s established policy position on a matter.

Stage 2 Complaint means:

A complaint where there is a consequent budget cost or liability, implications for the Council’s established policy position on a matter, or it is a matter where resolution cannot be achieved at the initial point of contact with Council.

**Policy Administration**

|                                   |                                     |
|-----------------------------------|-------------------------------------|
| Responsible Directorate/Division: | Chief Executive Officer             |
| Contact Officer Position:         | Chief Executive Officer             |
| Relevant Delegation:              | Not Applicable                      |
| Relevant Legislation:             |                                     |
| Date Adopted:                     | 28 January 2016                     |
| Reviews/Amendments                | 24 October 2016<br>25 November 2019 |

Appendix 1: Key Performance Indicators

Initial follow-up phone call: within 2 working days of receipt of complaint

Initial Letter of Acknowledgement: within 5 working days of receipt of complaint

Final Decision Letter (or first update letter): within 20 working days of receipt of complaint

Subsequent follow-up letters/ contact if needed: maximum intervals of 20 working days



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## G 2.2 COMMUNITY ACCESS TO INFORMATION

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### **Policy Objective:**

To ensure that the community has timely access to information in relation to Council activities and decision-making in a way that is easy to use.

To provide a clear framework for the discharge of Shire of York accountabilities under the *Freedom of Information Act 2000* and the *Local Government Act 1995*.

### **Policy Scope:**

This policy applies to all aspects of Council activities.

### **Policy Statement:**

#### **Introduction**

An informed community is at the heart of any well-functioning local democracy. Essential to this is having access to information about Council activities and decisions being made on behalf of the community. While the Freedom of Information Act 1992 (FOI Act) provides a statutory protection in terms of access to information, it is important as a general principle this be seen as a mechanism of last resort, in effect that every effort is made to publish reports and documents that provide background to decision-making. Ensuring residents and ratepayers have access to information held by the Shire in a way that is consistent with and embraces the overall intent of the FOI Act for an informed community and accountable democratic processes, is an essential aspect of Shire business.

This policy sets out the internal responsibilities and processes to be followed in supporting an informed local community.

#### **Principles**

The Shire of York:

- a) believes access to information is essential to having an informed community which has trust in the local democratic process and decision-making.
- b) will promote access to all Council information with a positive customer service philosophy.
- c) will be proactive in ensuring access to reports documents and papers of interest to the community and will ensure that these are easily accessible.
- d) will act as an advocate to external agencies for community access to information on issues and decisions affecting the Shire of York.
- e) will manage corporate reporting mechanisms to elected members in a way that maximises where possible community understanding of projects of interest to the community.

- f) will actively work to achieve access to documents promptly and at lowest reasonable cost for requests under the FOI Act.
- g) will monitor and report on Council performance in relation to community access to information.
- h) will ensure the protection of privacy and personal information.

### Provisions

#### 1. Maximising Community Access to Information

All Council held information, with some limited exceptions set out in the FOI Act and the LG Act, is public information available for public reference and scrutiny. Much of this information comprises internal and external communication as well as reports, agendas and more substantial documents. A local authority has the capacity to assist people with access to much of this information by providing access to, in a sense 'publishing', hard or electronic copies. By doing so, this reduces the need for people to make formal requests for much of the information held by Council, with the Freedom of Information Act available for people to request more detailed information on a particular matter.

##### 1.1 The Council will publish access to the following documents as a matter of course on its website:

- agendas, agenda reports and minutes of Council meetings
- publicly available agendas, reports and minutes of meetings associated with projects and cross-agency initiatives where the Council is a formal participant
- reports by Councillors on conferences etc. made under the Councillor Professional Development Policy G1.2.
- other documents required to be published under statute.
- asset management plans
- finalised reports associated with significant projects including:
  - background information reports
  - progress update reports
  - decision reports
- land-use information via the Council's GIS system, where this can be achieved technically and at reasonable cost
- externally generated and published reports associated with audit and scrutiny by statutory agencies which have been formally made available to Council
- monitoring reports on complaints and community engagement and consultation register (See also the G 2.1 Comprehensive Complaints Response Policy and the G 2.9 Community Engagement and Consultation Policy) and an annual summary of Freedom of Information requests as part of the corporate reporting framework
- final project briefs for significant works and commissioned work from external providers
- links to published documents developed by external agencies associated with issues of interest to the Shire and/or links to external agency websites
- media statements

- consultation and engagement feedback used in consultation and engagement processes (see also the Community Engagement and Consultation G2.9)
- 1.2 The Council will work to a performance measure of achieving upload of Council documents or links to the Council website within 10 working days of the material being in its final form.
  - 1.3 The Council will provide for access to electronic Council documents on the Council web-site, at the Shire of York library and in partnership with the Community Resource Centre.
  - 1.4 The Council will wherever possible, provided information requests are not excessive in terms of resource time and cost, work with the local school to provide information that will contribute to teaching programs.
  - 1.5 The Council will work with the York Community Resource Centre to provide access to Council information through that mechanism in a timely and effective way.
  - 1.6 Where an issue is of significance to the community and external public agencies are either seeking community input or proposing a project to be undertaken within the District, the Council will advocate for the maximum publication of information and documents.
  - 1.7 Where Council is formally involved in external processes or cross-agency initiatives Council representatives will:
    - advocate that the lead agency publish relevant documents in an accessible way and that access to information is maximised at all times.
    - provide links to externally published documents associated with that process.

### **2. Local Government Act 1995**

As per the Local Government Act, all documents listed within section 5.94 will be made available to the public for inspection, free of charge, unless contrary to section 5.95, 5.96 and the Local Government Administration Regulations 1996 section 29B.

#### **29B. Copies of certain information not to be provided (Act s.5.96)**

A local government must not make available to a person copies of information referred to in section 5.94(m) or (s) unless –

- (a) the request for the information is made in the manner and form approved by the CEO of the local government; and
- (b) the CEO of the local government is satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes.

### **3. Requests for Information under the Freedom of Information Act 2000.**

The Council recognises that from time-to-time members of the community will seek access to more detailed information which is not available under the Council's active information publication policy.

- 3.1 The process to be followed when dealing with a request is set out under the Freedom of Information Act 1992. Where a request has been made the Council will:
- assist with timely access to information outside the FOI process where this can lead to a better outcome
  - engage wherever possible in direct face-to-face, early and meaningful discussion with the applicant to clarify the scope of any application.
  - assist the public to ensure that personal information contained in documents is accurate, complete, up-to-date and does not mislead
- 3.2 Management and sign-off of all FOI Act responses will be carried out by the Executive Manager Corporate and Community Services.

#### **4. Appeals under the Freedom of Information Act 1992**

- 4.1 Division 5 of the Freedom of Information Act 1992 provides for people who have made requests for information to have a right of internal appeal on any FOI Act decision made by the Shire. All appeals will be received, reviewed and responded to by the Chief Executive Officer.
- 4.2 In addition, a person has a further right of appeal to the Freedom of Information Commission. If an appeal is made externally to the Freedom of Information Commission, the Shire will respond in a timely and positive manner to any requests by the Commission for information on the matter raised.

#### **5. Monitoring and Reporting on Community Access to Council Information**

- 5.1 In addition to any statutory compliance requirements, an annual report will be provided to the Council as part of the wider corporate reporting framework which will identify:
- the number of information requests made to Council, both formal (under the FOI Act) or informal (e.g. web-site searches)
  - the number of people requesting information under the FOI Act
  - the number of FOI Act requests
  - requests satisfied outside the FOI Act process, requests satisfied via Council processes, external appeals and appeals upheld
  - percentage of published documents uploaded within the agreed performance times
  - any external audit or scrutiny of Council's provision of information services, or bench-marking against any best-practice standards
  - potential process improvements, if any.

#### **Key Terms/Definitions**

To publish, publishing means: the uploading of information in an electronic form to the Council website.

**Policy Administration**

|                                   |   |
|-----------------------------------|---|
| Responsible Directorate/Division: | Chief Executive Officer   |
| Author/Contact Officer Position:  | Executive Manager Corporate and Community Services  |
| Relevant Delegation:              | Not applicable  |
| Relevant Legislation:             | <i>Freedom of Information Act 1992</i><br><i>Local Government Act 1995 – Sections 5.94 to 5.96</i><br><i>Local Government Administration Regulations 1996 – Section 29B</i> |
| Relevant Documents:               |   |
| Date Adopted:                     | 28 January 2016   |
| Reviews/Amendments                | 24 October 2016<br>25 November 2019   |



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## G 2.3 DISRUPTIVE BEHAVIOUR AT COUNCIL MEETINGS

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### **Policy Objective**

To establish clear steps for management of disruptive behaviour by a member, or members, of the public at Council meetings and forums.

### **Policy Scope:**

This policy applies to all formal Council meetings and Council forums which are open to members of the public.

### **Policy Statement:**

#### **Introduction**

The Council is committed to providing residents and ratepayers with as many opportunities as possible to attend meetings held by the Shire and to participate in specified processes. The Public Question Time policy and the Conduct of Council Forums policy set out the parameters for attendance and participation at meetings and Forums.

It recognises that at times people will feel strongly about issues that have been raised or questions that they wish to ask of the Shire.

The general conduct of a council meeting depends upon mutual respect and good faith between elected members and the public. There can be instances at a council meeting where a member of the public fails to show respect or consideration for the presiding member, elected members, council staff and other members of the public. Such disruptive behaviour makes the conduct of council business more difficult and stressful, reducing the efficiency and effectiveness of council meetings. Disruptive behaviour also denies other members of the public the opportunity to participate in and observe council proceedings.

The Council is committed to conducting its business in an effective way. Disruptive behaviour and behaviour which shows disrespect for those involved in the conduct of Council business or other members of the public in attendance at meetings of the Council is not acceptable. This policy sets out how the Council will deal with disruptive behaviour should it occur at meetings and forums.

#### **Principles**

- a) protection of the democracy, democratic processes and the ability of members of the community to participate, at the local level is a pre-eminent concern of Council
- b) Council will take a range of actions designed to reduce the impacts of disruptive behaviour as a first principle but may invoke statutory sanctions if all other avenues have failed.

- c) wherever possible, anyone who in the view of the presiding member at a meeting is exhibiting disruptive behaviour, that person will be asked to treat the meeting with respect and will be given the opportunity to continue, provided that respect is shown and the behaviour does not occur again.
- d) when a decision is being made about whether disruptive behaviour is being exhibited, consideration will be given to whether a person is under known stress or has experienced a recent bereavement.

### **Provisions**

- 1.1 Decisions about whether disruptive behaviour is being exhibited and whether action should be taken will be made by the Presiding Member of the Council meeting or forum.
- 1.2 If, in the view of the Presiding Member, behaviour is considered to be disruptive the person will be asked to cease. If the person is speaking in Public Question Time, the person may then be given the opportunity to continue to speak provided that the disruptive behaviour does not re-occur, or the presiding member may choose to move on to another speaker.
- 1.3 Should the behaviour continue and in the view of the presiding member is disrupting Council business, then the meeting may be adjourned for a stated period of time. During that time the Chief Executive Officer will discuss the situation with the offending party or parties and ask them to behave appropriately in a place of government. The President or Councillors will not engage with the person or people involved during this time.
- 1.4 If, after resuming the meeting the disruptive behaviour continues, the Presiding Member may again adjourn the meeting. This may occur a number of times but the presiding Member has the authority at any time to instruct the CEO to ask the offending person or persons to leave the premises. This duty will be undertaken by the CEO who, under section 5.41(d) of the Local Government Act, has control or management of the local government's buildings, including the council chamber and meeting rooms and is the "person in authority" in relation to Section 70A of the Criminal Code.
- 1.5 Once the meeting has been adjourned and if the presiding Member has instructed that a person be asked to leave the premises, the CEO will advise the person or persons that they are requested to leave and that if they remain they will be committing the offence of trespass under Section 70A of the Criminal Code and could be prosecuted.
- 1.6 Depending on the nature and intensity of the disruptive behaviour the Presiding Member may decide that more warnings will be issued before asking the CEO to request the person or persons to leave or the Police being called. Section 70A of the WA Criminal Code authorises the CEO to request a person to leave not only the building where the meeting is taking place, but also the local government property.
- 1.7 Should the person or persons refuse to leave and at the instruction of the Presiding Member, the CEO will advise them that the Police will be called to apprehend them and the Council will instigate legal proceedings.

- 1.8 If the Police are not immediately available, the meeting will remain adjourned until they can attend.

Note: Under Section 49 of the Police Act 1892 the CEO, or a person authorised by him or her, may apprehend and detain any person found committing an offence punishable in a summary manner until the person can be delivered into the custody of the Police. In the case of Council meetings and forums the direct assistance of the Police is the preferred action.

- 1.9 The CEO may commence a prosecution for a breach of section 70A of the Criminal Code. A prosecution is initiated by a prosecution notice under section 24 of the Criminal Procedure Act 2004. Such an action must only be taken after consultation with the Shire President and Councillors.

### **Key Terms/Definitions**

‘Disruptive Behaviour’ means: behaviour exhibited by a member of the public which in the view of the Presiding Member of the meeting or forum is preventing the discharge of intended business. Examples of such behaviour include but are not confined to:

- constant interjection, particularly when the presiding member or elected members present at the meeting are speaking;
- members of the public calling for points of order;
- refusal to give up the floor to allow other members of the public to ask questions
- demanding to ask questions before others in contradiction of an order by the presiding person;
- refusal to accede to a presiding member’s instructions, particularly when asked to desist from disruptive behaviour;
- use of abusive and/or inflammatory language when addressing council with a question or making a statement;
- unnecessarily repetitive questioning;
- aggressive/threatening behaviour towards either elected members, council staff or members of the public.

‘Council Meeting’ means: a meeting convened and conducted under the provisions of the Local Government Act 1995.

‘Council Forum’ means: an informal briefing, information session or workshop for elected members which may or may not be held on a regular basis.

**Policy Administration**

|                                   |   |
|-----------------------------------|---|
| Responsible Directorate/Division: | Chief Executive Officer   |
| Author/Contact Officer Position:  | Chief Executive Officer   |
| Relevant Delegation:              | Not Applicable  |
| Relevant Legislation:             | <i>Local Government Act 1995</i> (Section 5.41d)<br><i>WA Criminal Code</i> (Section 70A)<br><i>Police Act 1892</i> (Section 49)<br><i>Criminal Procedure Act 2004</i> (Section 74) |
| Relevant Documents:               |   |
| Date Adopted:                     | 28 January 2016   |
| Reviews/Amendments                | 24 October 2016<br>25 November 2019   |



## G 2.4 PETITIONS

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### **Policy Objective**

To set out the standards for submission of petitions to the Shire of York, their receipt and response to matters raised.

### **Policy Scope:**

This policy applies to all petitions to the Shire of York, other than requests for the calling of special meetings under the Local Government (Administration) Regulations – Regulation 16.

### **Policy Statement:**

#### **Introduction:**

Petitions inform the Council, in a public way, of the views of a section of the community and serve as one means of placing community concerns before Council.

Electors of the Shire of York may petition the Council to take some form of action over a particular issue. For example, petitions may ask the Council to change an existing policy, local law or recent decision, or for the Council to take action for a certain purpose or for the benefit of particular persons. The subject of a petition must be a matter on which the Council has the power to act.

Shire of York Standing Order 3.4 provides for the Council to receive petitions. This policy sets out the standards and requirements for petitions and the process for responding to matters raised.

### **Principles**

- a) Petitions to the Shire will be received in a positive manner.
- b) A response to a petition will be made in a timely manner.
- c) Any response to a petition will actively seek positive outcomes which accommodate as much as possible the concerns of the petitioners, provided that response can be delivered in a way that is consistent with Shire budget decisions and approved annual programs and regulatory accountabilities.
- d) If a petition relates to a matter currently under consideration by the Council for decision, or to a matter currently being consulted upon, the petition information will be included as an input into any report to Council on that process

## Provisions

### 1. Preparing and Presenting a Petition

- 1.1 Petitions must contain the information set out in Clause 6.10 of the Shire of York Local Law Council Meetings 2016

#### Clause 6.10 Petitions

To be presented to Council, a petition is to:

- be addressed to the President of the Shire
- be made by electors of the district;
- state the request on each page of the petition;
- contain the name, address and signature of each elector making the request, and the date each elector signed;
- contain a summary of the reasons for the request; and
- state the name of the person to whom, and an address at which, notice to the petitioners can be given.

be in the form prescribed by the Act and Local Government (Constitution) Regulations 1996 if it is –

- (i) a proposal to change the method of filling the office of President;
- (ii) a proposal to create a new district or the boundaries of the Local Government;
- (iii) a request for a poll on a recommended amalgamation;
- (iv) a submission about changes to wards, the name of a district or ward or the number of councillors for a district or ward.
- (v) A petition for a Citizens' Initiated Referendum

- 1.2 The petition should:

- as far as practicable be prepared in the prescribed form;
- be respectful and temperate in its language and not contain language disrespectful to Council
- be legible;
- not contain any alterations; and
- not have any letters or other documents attached to it; however a covering letter is permissible.

### 2. Petition Signature Requirements

- 2.1 A petition is more representative of public feeling if it is signed by as many electors as possible. Although anyone can sign a petition, only those Shire of York electors will be recorded in the official signature count.

An elector is a person who owns or occupies rateable property within the Shire of York and is eligible to vote in Local Government and State Government Elections.

- 2.2 All the signatures on a petition must meet the following requirements:

- every signature must be written on a page bearing the terms of the petition, or the action requested by the petition;
- signatures must not be copied, pasted or transferred on to the petition nor should they be placed on a blank page on the reverse of a sheet containing the terms of the petition; and
- each signature must be made by the person signing in his or her own handwriting.

**3. Petition Presentation**

- 3.1 A petition can only be presented to Council at an Ordinary Council Meeting by the Shire President, a Councillor or the Chief Executive Officer.
- 3.2 The person initiating the petition is to forward the petition to the Chief Executive Officer, Shire President or a Councillor prior to the commencement of the Ordinary Council Meeting at which they would like the petition presented.

**4. Receipt Of and Response to Petitions**

- 4.1 One of the first items of business at a Council Meeting is for the Council to receive any petitions that have been presented. The Chief Executive Officer or Councillor presenting the petition will read out a summary of the reasons for the petition being submitted and the number of signatures within it (if possible)
- 4.2 When the petition is received, no discussion on the matter will take place and the petition will be referred to the Chief Executive Officer for appropriate action.
- 4.3 Every petition presented will be referred to a representative of the Chief Executive Officer responsible for the matter. The Chief Executive Officer will inform the petition initiator of the action proposed in dealing with the petition. An update report will be presented to the next Ordinary meeting of Council identifying the action undertaken in response, or proposed to be taken, for consideration by the Council.
- 4.4 Formal feedback via a letter from the Shire President/ CEO will be made to the initiator of the petition.

**Key Terms/Definitions**

Not applicable

**Policy Administration**

|                                   |   |
|-----------------------------------|---|
| Responsible Directorate/Division: | Chief Executive Officer   |
| Contact Officer Position:         | Chief Executive Officer   |
| Relevant Delegation:              | Not Applicable  |
| Relevant Legislation:             | Shire of York Local Law (Council Meetings) 2016<br>Clause 6.10) |
| Relevant Documents:               |   |
| Date Adopted:                     | 28 January 2016   |
| Reviews/Amendments                | 24 October 2016<br>25 November 2019                             |




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## G 2.5 REFERENCE GROUPS

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### **Policy Objective:**

To identify parameters for the establishment and operation of Reference Groups.

### **Policy Scope:**

This policy applies to all groups Council may establish to provide information advice or input to Council projects, programs and activities.

### **Policy Statement:**

#### **Introduction**

From time to time, the Council may wish to establish groups made up of stakeholders or community members to provide information and advice to assist Council decision-making. This mechanism may be used as a general consultation tool, or it may relate to a particular issue or matter.

It is important that the role of any such group is clearly understood by the wider community, that any potential members are aware of and understand their role, the process for establishment is open and transparent, and that there is a regular process for review.

This policy sets out the principles to be applied, the process for establishment, the general way in which groups should operate and the mechanism for review.

#### **Principles**

Reference Groups:

- (a) are not Committees established under Section 5.8 of the Local Government Act 1995.
- (b) provide a valuable mechanism for Council to gain information which may be of use in decision-making.
- (c) cannot hold delegated Council powers
- (d) may, depending on their individual Terms of Reference, make recommendations to the Council on a relevant matter.

#### **Provisions**

##### **1. Establishment**

- 1.1. Reference Groups may only be established by resolution of Council, on receiving a report from the Chief Executive Officer which sets out the reasons for establishing the Group and provides a draft Terms of Reference.

- 1.2. A Reference Group may be established to:
  - facilitate stakeholder and/or community input and involvement opportunities
  - provide advice; and
  - support the Shire in regard to strategic, program or project activities.
- 1.3. The Terms of Reference must provide for the following:
  - a statement of objectives and the scope of activity to be undertaken
  - an outline of membership/ stakeholder representation
  - the operational and administrative framework by which activities are to occur.
- 1.4. There will always be one Shire of York Councillor appointed to a Reference Group, who will conduct themselves according to the Council Delegates: Role and Responsibilities Policy (G 1.4).

### **2. Membership**

- 2.1 Membership of a Reference Group is to be determined by the Council on the basis of relevance to the purpose for which the group has been established.
- 2.2 Where the Reference Group includes representatives to stakeholder organisations, the Council shall seek written nominations from the organisations.
- 2.3 Where Reference Group membership includes representatives to be drawn from the community, the Council shall publicly advertise and call for nominations received within a defined period. Members are to be appointed by the Council on the basis of demonstrated knowledge, skills and/or understanding relevant to the purpose for which the Group was established.
- 2.4 The term of membership is to align with the local government election cycle, with membership expiring at the next ordinary local government election. If a Group's operations are likely to conclude within a period that does not exceed 12 months following the next ordinary local government elections the existing membership shall continue for that period. However, the Council's delegate shall be reappointed following the ordinary local government election.
- 2.5 Should a position on the Reference Group fall vacant, any new membership will be approved via a Council resolution after, where relevant, calling for nominations.

### **3. Tenure of Appointment**

- 3.1. The Reference Group membership is normally for a period of two years. Membership of a Reference Group terminates when an Ordinary Local government election occurs every two years in October. Members may subsequently be re-appointed (i.e. there is no maximum period of membership).
- 3.2. If a member fails to attend three consecutive meetings his or her membership will be automatically terminated, unless Leave of Absence has been approved by the Reference Group.
- 3.3. The Council may terminate the appointment of any member prior to the expiry of his or her term, if:

- (a) any member is found to be in breach of the principles of the Shire of York Councillors Code of Conduct (G 1.1);
- (b) a member's conduct, action or comments brings the Shire of York into disrepute.

#### **4. Operation**

- 4.1 A Reference Group will only consider matters as set out in its Terms of Reference, or referred to it from time to time by the Council.
- 4.2 A Reference Group has no decision-making powers and does not have any authority to act on behalf of the Shire. A Group cannot direct Shire employees, call tenders, award contracts, expend monies, direct volunteers or do anything which is the responsibility of employees of the Shire.
- 4.3 The principles of the Councillors Code of Conduct (G 1.1) shall apply to the conduct of members of any Reference Group as it relates to the matters dealt with by the Reference Group.
- 4.4 Reference Group members, either collectively or individually, are not authorised to speak on behalf of Council, or to provide comment to the media or other persons in respect of any item under consideration, unless authorised by the Chief Executive Officer.
- 4.5 A Chair shall be identified by the Council at time of approving a Group's establishment. The Chair shall manage the meetings and liaise where necessary with Shire of York staff and the Council.
- 4.6 Reference Group meetings will be conducted in an informal manner providing opportunity for ideas to be raised and for general discussion. Members of the Reference Group must disclose any conflicts of interest in relation to any matter under discussion.
- 4.7 Records of meetings are to be kept and all records retained in the Shire's record keeping systems.
- 4.8 The Reference Group will approve by a resolution of the Group, any formal advice to be provided to the Council. The advice will be conveyed to the Council via a report to the Council by the sitting Councillor on the Reference Group. The Chair of the Reference Group, or a nominee, will have the ability to speak to the advice to Council at the relevant Council meeting and to answer any questions raised. They will not participate in debate or discussion.

#### **5. Reference Group Support**

- 5.1. A senior manager will be appointed to liaise with the Reference Group and in particular the Chair. The manager will attend meetings and will ensure the provision of secretarial support for the meetings (recording of minutes, organisation of venues and meeting notices).
- 5.2. Where necessary, the appointed manager will work with the Chair to prepare reports to Council.

**6. Review Process**

- 6.1. As a minimum requirement, the Council will review all Reference Groups on a two year cycle, within three months of an ordinary local government election, to determine whether they should continue and if so, whether the Terms of Reference should be modified. A report will be prepared for Council, including recommendations in relation to the future direction of any Group.

**Key Terms/Definitions**

| <b>Policy Administration</b>      |  |
|-----------------------------------|--|
| Responsible Directorate/Division: | Chief Executive Officer                          |
| Contact Officer Position:         | Executive Manager Corporate & Community Services |
| Relevant Legislation:             |  |
| Relevant Delegation:              | Not applicable                                   |
| Date Adopted:                     | 22 February 2016                                 |
| Reviews/Amendments                | 24 October 2016<br>25 November 2019              |



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## G 2.6 PUBLIC QUESTION TIME

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### Policy Statement

1. "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. 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. Each questioner will be limited to two (2) questions. Statements or long preamble are not permitted.
4. 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. 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. 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. 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. 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. There will be no debate on the answers to questions.
10. 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. 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.

### **Policy Administration**

|                                   |  |
|-----------------------------------|--|
| Responsible Directorate/Division: | Chief Executive Officer  |
| Contact Officer Position:         | Chief Executive Officer  |
| Relevant Delegation:              | Not Applicable   |
| Relevant Legislation:             | <i>Local Government Act 1995</i>   |
| Relevant Documents:               |  |
| Date Adopted:                     | Adopted 21 October 2013f   |
| Reviews/Amendments:               | Amended 17 September 2015<br>Amended 23 November 2015<br>Reviewed 24 October 2016<br>Reviewed 25 November 2019 |



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## G 2.7 CONDUCT OF COUNCIL FORUMS

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### **Policy Objective**

To ensure Council Forums are held in a way that is consistent with principles of transparency and accountability.

### **Policy Scope:**

This policy applies to all Council Forums involving Councillors.

### **Policy Statement:**

#### **Introduction**

The Local Government Act 1995 (Part 5) sets out the framework whereby Councillors meet as the governing body for the purpose of decision-making on behalf of the Shire.

It is the intention of the Act that Councils conduct business in a way that:

- is open and transparent
- has a high level of accountability to their community
- is efficient and effective
- occurs with due probity and integrity
- acknowledges relevant community input
- has all available information and professional advice
- occurs with the fullest possible participation of Elected Members.

Formal Council meetings are the mechanism by which elected representatives make decisions on behalf of the community. Agendas are primarily focused on reports requiring decision and there is little room, or sufficient flexibility under Standing Orders, to allow more general discussion and exploration of ideas. Traditionally there have been on going opportunities for general exchange of information between Councillors and Council staff under headings like workshops, information sessions or briefings. More recently and under the guidance of the Department of Local Government and Communities, these informal sessions have been collectively described as Council forums.

The absolute defining difference between a Council formal meeting and a Council forum is that Council can only make decisions in formal meetings held under the auspices of the Local Government Act and under Standing orders.

Councillors must also always be open to receiving information and to new ideas prior to making decisions. This means they must also avoid formal debate in a Council forum because of their obligation to retain an open mind on a matter in a formal meeting. Any perception that there is a pre-determined position puts this basic democratic principle at risk. Council forums must be seen as essentially information exchange opportunities.

Even though these forums will not involve debate or decision, it is important that they are conducted in a way that is consistent with the intention of the Local Government Act in relation to the conduct of business.

This policy sets out the framework for the conduct of these Forums.

### **Principles**

- (a) debate does not occur at a Council forum
- (b) decisions will not be made at a Council Forum.
- (c) Councillors will be required to adhere to the same probity standards that apply to formal meetings held under the Local Government Act 1995.
- (d) forums will be managed under the authority of the Chair in accordance with Standing Orders.

### **Provisions**

#### **1. Types of Council Forums**

The Council will operate Forum sessions which will cover the following broad areas:

##### *Concept Considerations*

- 1.1 These will involve Councillors and Council staff meeting to discuss and explore philosophies, ideas, strategies and concepts relating to the development of the Shire. Examples of the type of matters concept forums might canvass are:
  - current matters of a local or regional significance
  - matters relating to the future development of the Shire
  - emerging changes to the local government sector and implications for the Shire
  - cross-agency relationships

- 1.2 Members of the public will not be present at these forums.

##### *Agenda Considerations*

- 1.3 These are opportunities for the Chief Executive Officer and Council staff to brief Councillors on upcoming agenda items for formal meetings.
- 1.4 Members of the public will not be present at these forums.

##### *Public Interest Forums*

- 1.5 The Council may from time to time hold separate Public Interest Forums whereby members of the public can attend to hear the information being provided about a particular matter.

#### **2. General Conduct of Council Forums**

- 2.1 The following shall apply to all forums:
  - there will be no debate on any matter
  - no decisions will be made

- Standing Orders will be followed e.g. all matters will be directed through the Presiding Member
- no member of the public will be present unless it is at a Public Interest Forum. Members of the public will have no right to speak unless invited to do so by the Chair.

## **Town Planning Matters**

When a Council is dealing with a town planning matter that is the subject of a formal application, it does so under the powers conferred by the State planning legislation. Council assumes the role of a planning authority and a Councillor the role of a planning commissioner. It is essential that in that role the objectivity of the participating Councillors is maintained and protected, so as not to put any decision process at risk.

- 2.2 A precautionary approach will be taken to inclusion of information briefings on a town planning matter which is under application at a Forum. Information exchange and the ability to question on town planning matters will be included only on issues considered significant to a general locality or the Shire as a whole. This will occur under the Public Forum process only.

### **3. Development of Key Statutory Documents Under the Local Government Act**

Many local authorities have their initial discussions and undertake the early shaping of their key statutory documents such as the Strategic Community Plan and the Corporate Business Plan through a workshop process. This is highly desirable as it allows Councillors to absorb general information and gradually develop ideas and thinking. While there are no decisions made, it is important that the information provided and the developing ideas are documented.

- 3.1 A summary of key themes arising at a Council Forum involving discussion of integrated planning and reporting requirements or key planning documents will be made, for the purpose of input into any further sessions. This information will also be included as background material in any formal report to Council.

## **Key Terms and Definitions**

Not applicable

### **Policy Administration**

|                                   |  |
|-----------------------------------|--|
| Responsible Directorate/Division: | Chief Executive Officer  |
| Contact Officer Position:         | Executive Manager Corporate and Community Services   |
| Relevant Delegation:              | Not Applicable   |
| Relevant Legislation:             |  |
| Relevant Documents:               | Department of Local Government and Community: Local Government Operational Guidelines, Number 05, 2004 |
| Date Adopted:                     | 28 January 2016  |
| Reviews/Amendments                | 24 October 2016<br>25 November 2019  |



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## G 2.8 SOCIAL MEDIA

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### **Policy Objective**

The purpose of this Policy is to provide guidance for the Shire of York to engage and manage social media (SM) in its communication activities with the community.

### **Policy Scope:**

- 1.1 This Policy is designed to provide a framework for the Council to use social media to facilitate collaboration and sharing between the Shire, Council Members, Employees, ratepayers and the community.
- 1.2 This Policy applies to all Shire Employees and Council Members.
- 1.3 The requirements of this Policy apply to all uses of social networking applications, which are applied to any Shire of York related purpose and regardless of whether the applications are hosted corporately or not. They must also be considered where Shire representatives are contributing in an official capacity to social networking applications provided by external organisations.

### **Policy Statement:**

#### **BECOMING AN AUTHORISED CONTRIBUTOR**

- 1.1 Before engaging in social media *as a representative of the Shire*, Employees must become authorised to comment.
- 1.2 To become authorised to comment in an official capacity, an Employee will need to gain approval from the Chief Executive Officer.
- 1.3 Once you have been authorised, you will be referred to as an 'Authorised Contributor' (see 'Definitions' below).

#### **CEO, PRESIDENT AND COUNCILLORS COMMENTS**

- 2.1 The CEO and President are not required to obtain authorisation to contribute to the Shire's page – though they must follow the Shire's Code of Conduct and Rules of Engagement below.
- 2.2 Councillors do not have to obtain authorisation to contribute to the Shire's page – though contributions are not encouraged – and they can only "comment", "like" or "share" existing content. Councillors cannot post any new content onto the Shire's page.
- 2.3 Councillors must also follow the Shire's Code of Conduct and Rules of Engagement below, except for 5.3 relating to employees.
- 2.4 Councillors will only be permitted to "comment", "like" or "share" providing they disclose that they are a Councillor, and the views expressed are their own.

- 2.5 Councillors shall not post any material on the Social Media Platform concerning a Council Decision unless;
- 2.5.1 The Shire's President has released the information on the Social Media Platform or to the Media and Public; or
- 2.5.2 The Official Minutes have been made public.
- 2.6 The CEO, President and Councillors will use their own personal profiles to contribute to the Shire's SM platforms.

### CONTRIBUTING TO OUR PAGE BY STAFF

- 3.1 No staff member may post on the Shire's page from their own personal SM account, including comments/share/like/re-tweet (and so on), unless approved by the Chief Executive Officer.
- 3.2 However, as it is 100% innocuous, a staff member is welcome to 'like' the Shire of York page and also 'like' any post that an Authorised Contributor adds to our page.

### RULES OF ENGAGEMENT

- 4.1 Once authorised to comment as a Shire representative, all 'Authorised Contributors' must:
- 4.1.1 Disclose they are an Employee of the Shire in all cases (this is a given if you are posting using the Shire's account).
- 4.1.2 Disclose and comment only on information classified as public domain information.
- 4.1.3 Post only factual information.
- 4.1.4 Ensure that all content published is accurate and not misleading and complies with all relevant Shire of York Policies, including the Shire's Media Policy and Code of Conduct.
- 4.1.5 Ensure comments are respectful of the community in which you are interacting online.
- 4.1.6 Adhere to the Terms of Use of the relevant social media platform/website, as well as copyright, privacy, defamation, contempt of court, discrimination, harassment and other applicable laws.
- 4.2 If a person is authorised to comment, they must not:
- 4.2.1 Post/respond to material or allow material to stay 'live' on our page that you know or could reasonable be expected to know is:
- offensive;  hateful;
  - obscene;  racist;
  - defamatory;  sexist;
  - threatening;  infringes copyright;
  - harassing;  constitutes a contempt of court;

- bullying;  breaches a Court suppression order; or
- discriminatory;  is otherwise unlawful.

4.2.2 Use or disclose any confidential or secure information.

4.2.3 Make any comment or post any material that might otherwise cause damage to the Shire's reputation or bring it into disrepute.

4.3 Employees must ensure that the privacy and confidentiality of information acquired at work is protected at all times and treated in accordance with relevant laws and policies. The potential scope and ramifications of a breach of privacy or confidentiality when using social media are severe.

4.4 Shire of York social networking content and comments containing any of the following forms of content shall not be allowed:

4.4.1 Comments not topically related to the particular site or blog article being commented upon.

4.4.2 Profane language or content.

4.4.3 Content that promotes fosters or perpetuates discrimination on the basis of:

- race creed;  marital status;
- colour;  status with regard to public assistance;
- age;  national origin;
- religion;  physical or mental disability; or
- gender;  sexual orientation.

4.4.4 Sexual content or links to sexual content.

4.4.5 Solicitations of commerce.

4.4.6 Conduct or encouragement of illegal activity.

4.4.7 Information that may tend to compromise the safety or security of the public.

4.4.8 Content that violates a legal ownership interest of any other party.

4.5 The Australian Advertising Standards Bureau (ASB) has made a landmark ruling that Facebook is an *advertising* medium and as such therefore falls under the industry's self-regulatory code of ethics – the Australian Association of National Advertiser's (AANA) Code of Ethics. Social media pages must comply with pertinent codes and laws, vetting all public posts to ensure they are (eg) not sexist, racist or factually inaccurate.

Companies can now be fined or publicly shamed for the comments that appear on their social media "brand" pages. The ASB ruled in general that Australia's advertising laws were applicable to everything on a brand's page

— the Code applies to the content generated by the page creator as well as material or comments posted by users or friends.

### COMPLIANCE

Depending on the circumstances, non-compliance with this Policy may constitute a breach of employment or contractual obligations, misconduct, sexual harassment, discrimination or some other contravention of the law.

Any employee who fails to comply with this Policy may face disciplinary action and, in serious cases, termination of their employment.

Council Members who fail to comply with this Policy will be removed from the Social Media Platform and may also face action under the Shire's Code of Conduct.

The CEO is delegated the authority to take appropriate action (including removing a person from the social media platform) if a breach occurs of the Shire's Social Media Policy and Guidelines.

### DEFINITIONS

Any definitions listed below apply to this document only.

*"Social Media"* is content created by people using highly accessible and scalable publishing technologies. Social media is distinct from industrial media, such as newspapers, television and film. Social media comprises relatively inexpensive and accessible tools that enable anyone to publish or access information – industrial media generally requires significant resources to publish information. (Source: [http://en.wikipedia.org/wiki/Social\\_media](http://en.wikipedia.org/wiki/Social_media)).

Social media may include (although is not limited to):

- social networking sites (e.g. Facebook, Myspace, LinkedIn, Bebo, Yammer);
- video and photo sharing websites (e.g. Flickr, YouTube);
- blogs, including corporate blogs and personal blogs;
- blogs hosted by media outlets (e.g. 'comments' or 'your say' feature on perthnow.com.au);
- micro-blogging (e.g. Twitter);
- wikis and online collaborations (e.g. Wikipedia);
- forums, discussion boards and groups (e.g. Google groups, Whirlpool);
- VOD (video on demand) and podcasting;
- online multiplayer gaming platforms (e.g. World of Warcraft, Second Life);
- instant messaging (including SMS); and
- geo-spatial tagging (Foursquare).

*"Authorised Contributor"* is a person who creates and is responsible for posted articles and information on social media sites on behalf of the Shire of York.

*"Chief Administrator"* is the person responsible for the set-up, maintenance and management of all the Shire's SM pages and policies.

*"Comment"* is a response to an article or social media content.

*"Blog"* (an abridgment of the term web log) is a website with regular entries of commentary, descriptions of events or other material such as graphics or video.

## SHIRE OF YORK: POLICY MANUAL

*“Public Domain”* is clip art, images, text, programs etc. that is not copyrighted (i.e. a law that gives only one person the right to produce, sell or use something).

### **Policy Administration**

|                                   |                         |
|-----------------------------------|-------------------------|
| Responsible Directorate/Division: | Chief Executive Officer |
| Author/Contact Officer Position:  | Chief Executive Officer |
| Relevant Delegation:              | Not Applicable          |
| Relevant Legislation:             |                         |
| Relevant Documents:               |                         |
| Date Adopted:                     | 18 September 2017       |
| Reviews/Amendments                | 25 November 2019        |



## G 2.9 COMMUNITY ENGAGEMENT AND CONSULTATION

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### **Policy Objective**

To ensure that community consultation and engagement processes are inclusive, consistent and accessible for residents and ratepayers and that the information derived from any process is used effectively to better inform Councillor decision-making.

### **Policy Scope:**

This policy applies to all aspects of Council activity other than formal notification, consultation and decision processes under the Planning and Development Planning Act 2005.

### **Policy Statement:**

#### **Introduction**

Good local governance involves communication and trust between decision-makers and the community which they have been elected to represent. Councillors need to be well-informed before making a decision and a key source of information is understanding the feelings, views and attitudes of members of their community as input into their decision-making. This information can be sourced in a number of ways.

Community consultation and engagement is a conscious deliberate process of seeking input from the community about general direction, about an issue or proposal, a proposed work, or about a concept that might underpin a proposed policy.

There are five general levels of engagement – informing, consulting, involving, collaborating and empowering. The latter involves effective delegation of decision-making power. With local government this can only be delegated to a committee of Council and is used most commonly for management committees for facilities and is less appropriate for making decisions about significant issues, broad direction and policy. These five categories are set out in Table 1 with the ‘empowering’ category noted for information.<sup>3</sup>

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<sup>3</sup> This summary of categories is derived from the Shire of Broome Community Engagement Framework. This was in turn summarised from the Public Participation Spectrum - International Association for Public Participation.

Table 1: Broad Categories of Community Participation

| Engagement Level                 | Public Participation Goal   | Promise to the Public  | Example Tools   |
|----------------------------------|---|--|---|
| INFORM                           | To provide the public with balanced and objective information to assist them to understand problems, alternatives and/ or solutions                 | 'We will keep you informed'  | Fact sheets, web sites, open house, media releases, project bulletins   |
| CONSULT                          | To obtain public feedback on analysis, alternatives and or potential decisions  | 'We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced decisions'.   | Public comment<br>Focus groups<br>Surveys<br>Targeted feedback (e.g. specific stakeholders)   |
| INVOLVE<br>(Actively Engage)     | To work directly with the public throughout the process to ensure public concerns and aspirations are consistently understood and considered.       | 'We will work with you to ensure that your concerns and aspirations are directly reflected in alternatives developed and will provide feedback on how public input influenced decisions '                    | Workshops<br>Project/ strategy planning and design opportunities<br>Steering committees<br><br>Note: key provision is feedback loops during a process |
| COLLABORATE<br>(Actively Engage) | To partner with the public in each aspect of the decision, including the development of alternatives and the identification of a preferred solution | We will look to you for direct advice and innovation in, where relevant, defining the problem to be addressed, designing the process, undertaking analysis design and input into formulating recommendations | Advisory groups<br>Consensus building<br>Participatory decision-making<br>Appointees to Council Committees  |
| (EMPOWER)                        | To delegate decision-making   |  | Council committee with delegated decision-making  |

This policy sets out:

- a process for determining which level of consultation and engagement is appropriate to the matter at hand and subsequent design of the process;
- the requirements for receiving, analysing and reporting community views to Councillors.

- the requirements for providing feedback to participants and the wider community
- monitoring of consultation and engagement processes

### Principles

- a) The Council is committed to:
  - providing reliable and easily understood information to stakeholders and where relevant the wider community as a key step in any community engagement process. This includes access to all submissions into a consultation process.
  - Inclusive consultation and active participation opportunities, where relevant, for Council policy-making and key Council driven projects
  - advocating for inclusive and responsive community engagement processes and projects driven by external agencies and interests which affect the Shire.
- b) Objectives for and limits to information, consultation and active participation will be identified for all policy making and key projects at the outset. Council will ensure that there is clarity in relation to who will make final decisions, and how and when.
- c) Consultation will be undertaken as early as possible in any policy process or key project to allow a greater range of policy solutions to emerge and raise the chances of successful implementation. Adequate time will be made available for consultation to be effective.
- d) Council will ensure adequate financial, human and technical resources are available to ensure effective consultation and participation. The allocation of resources will be considered in relation to broader budgetary restraints and the implications for existing priorities.
- e) The time and effort expended by members of the community on Council initiated engagement processes will be respected and valued including:
  - always ensuring past consultation inputs into similar matters are used to inform a process;
  - designing a process to make involvement as easy as possible for all people
  - providing feedback to active participants on the outcomes of a process
  - co-ordinating processes to avoid, as far as possible, 'consultation fatigue'. Note: this will always be a balance between the need to consult, the desire to be consulted, and the impacts on people's time and energy.
  - Council will be accountable for the use made of input from an engagement process. It will ensure that processes are open, transparent and amenable to external scrutiny.
  - Any survey undertaken by Council will be designed, carried out, analysed and reported via an independent process.
  - All submissions and outputs from a consultation and engagement process will have the status of public information and will be available for public scrutiny.

## Provisions

### 1. Requirement for an Engagement and Consultation Plan

- 1.1 All significant activities undertaken by the Council must have an associated community consultation and engagement plan established at the beginning of the relevant process.

These activities are:

- setting of cross-activity priorities and allocation of high level budgets
- the community strategic plan and the two and four year budgets under the Integrated Planning and Reporting (IPR) process.
- development of issue specific strategies and policies
- advancing major capital projects
- any significant new projects arising between formal review cycles
- property purchase and disposal

Note: the Council has a statutory requirement to consult on property disposal.

- 1.2 The plan will identify:

- the type of engagement approach to be used
- a commentary on usefulness and relevance of previous consultation and engagement to the design of the process (methodology) for the matter at hand
- the broad methodology to be used
- how the plan fits with any DLGC guidelines or standards for consultation and engagement.

### 2. Determining the Type of Engagement

- 2.1 Table 2 below identifies the broad categories for engagement which must be used for each type of activity. The engagement plan must select a broad engagement category or document reasons for an alternative approach. The basic requirement for informing the community applies to all consultation and engagement processes.
- 2.2 Generally, decisions about adopting major capital projects will be taken as part of the Integrated Planning and Reporting framework. From time to time, a decision to advance a project will arise outside the formal IPR cycle, sometimes linked to an external funding opportunity. When this occurs, if it involves internal budget reallocation, it will affect existing established strategic and budget priorities and consultation will be needed. Table 2 below identifies the broad engagement processes category.

Table 2: Consultation and Engagement Categories

|   | <b>Engagement<br/>(Involvement/ collaboration)</b>             | <b>Consultation</b>                       |
|---|--|---|
| Integrated planning and reporting                                       | Visioning, aspirations, priority identification                | On draft documents                        |
| Strategies/Policies   | user/ special interest issues and vision targeted stakeholders | With general community on draft documents |
| Major Capital Projects  |  |   |
| <ul style="list-style-type: none"> <li>high level approval</li> </ul>   |  | Via IPR process                           |
| <ul style="list-style-type: none"> <li>out-of-cycle approval</li> </ul> |  | With general community                    |
| <ul style="list-style-type: none"> <li>design stage</li> </ul>          | user design matters targeted stakeholder process               | With general community                    |

**3. Determining the Appropriate Methodology**

- 3.1 Each Engagement and Consultation Plan will set out the broad methodology to be used. This will include:
- timelines
  - stakeholders and groups to be targeted for involvement
  - broad methods/ tools to be used to inform individuals, groups and the wider community
  - broad methods/ tools to be used for engagement and consultation stages where relevant (e.g. media, social media, focus groups, surveys etc.)
  - how Councillors will be involved in the process to support the process.
  - feedback processes
  - the mechanism to be used for summarising and reporting outputs to decision-makers
- 3.2 From time to time, guidelines will be published by the Department of Local Government and Communities for implementing the IPR framework. This may include ‘basic’, ‘intermediate’ and ‘advanced’ standards for associated consultation and engagement. An Engagement and Consultation Plan for any activity must specify the standard being applied.
- 3.3 The Engagement and Consultation Plan will be reported to the Council for final approval, prior to work on any project commencing. The final determination of the consultation and engagement process at a macro-level will be by Councillors. Significant alterations to consultation and engagement methodologies will require formal report back to Council as part of wider project planning and approval processes.

## **Requirements for Receiving and Reporting Community Views to Councillors**

3.4 Consultation and engagement outputs will be formally reported to the Council at agreed decision points in a process. They will be accompanied by a report which will set out:

- summary of issues raised by submission, if this process is used
- the key themes emerging from consultation and engagement
- implications for any decision required at that point
- any implications for project design and timing
  
- a Councillors will be provided with:
- on-going access to the raw data. Consultation and engagement outputs which are not in submission form will be summarised. Original material will be retained.
- on-going summaries of issues raised as they emerge, the timing as agreed in the Consultation and Engagement Plan

## **4. Requirements for Providing Feedback to Participants and the Wider Community**

4.1 All projects will provide final feedback of decisions in relation to a project where consultation has taken place. This will include:

- a final response letter to active participants thanking them for their participation and providing access to any final reports to Council, the final decisions made and any published documents or publications.
- provision of access to reports, formal decisions and published documents on the Council website and at the Shire library.

## **5. Reporting on Consultation/ Engagement Activity and Achieving Best Practice**

The Council aspires to best practice in its consultation and engagement activities in the context of the overall organisation capacity.

5.1 An annual report will be provided to Council on consultation and engagement activity in the previous year which will summarise:

- the number of Council initiated processes, levels of participation and feedback on the effectiveness and usability of processes from the community perspective;
- benchmarking against any Department of Local Government and Communities guidelines and standards
- lessons learnt for the future
- summarise any externally driven significant consultation and engagement processes and note process issues arising, if any, which may require advocacy by the Shire in the future.

**Key Terms and Definitions**

Not Applicable.

**Policy Administration**

|                                   |  |
|-----------------------------------|--|
| Responsible Directorate/Division: | Chief Executive Officer                                  |
| Contact Officer Position:         | Chief Executive Officer                                  |
| Relevant Delegation:              | Not Applicable   |
| Relevant Legislation:             | <i>Local Government Act 1995</i>                         |
| Relevant Documents:               | DLGC Integrated Planning and Reporting Advisory Standard |
| Date Adopted:                     | 28 January 2016  |
| Reviews/Amendments                | 24 October 2016<br>25 November 2019                      |



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## G 2.10 STATE ADMINISTRATIVE TRIBUNAL

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### **Policy Objective:**

To prescribe procedures for the Shire's administration in relation to dealing with matters before the State Administrative Tribunal (SAT).

### **Policy Scope:**

This policy relates to all matters appealed to the State Administrative Tribunal.

### **Policy Statement:**

#### **Introduction**

The State Administrative Tribunal is the primary place for the review of decisions made by Government agencies, public officials and local governments. It is important that there are clear processes and procedures set out for informing the Council of any appeal and for determining the most appropriate manner to deal with the matters raised.

#### **Principles**

- (a) All matters before the SAT are dealt with in a timely manner
- (b) The persons identified to appear before the Tribunal are appropriate to the matter under review.

#### **Provisions**

- 1.1 The Chief Executive Officer is authorised to determine the most appropriate manner to deal with matters relating to the State Administrative Tribunal.
- 1.2 In the first instance, the Shire's senior staff (in conjunction with qualified Town Planning consultants or legal advisors, if required) will defend Council decisions in the State Administrative Tribunal. The Chief Executive Officer may engage the services of a qualified professional (agent) to represent the Shire in the subject SAT Review application.
- 1.3 Where a decision of Council has been appealed a confidential report will be submitted to the Council. The report will include the Shire's response and appropriate conditions (where required by the SAT).
- 1.4 Where the SAT has directed the Council in a matter and requires a response and such response closing date does not allow for sufficient time for the Shire's Administration to prior report to the Council, the CEO is authorised to reply to the SAT with appropriate conditions.

- 1.5 The Shire's draft response will be circulated to all Councillors for comment before replying to the SAT and will include details relating to the timeframe and closing date for comments. Councillors' comments will be included, wherever appropriate, in the Shire's response/submission to the SAT.

**Key Terms/Definitions**

| <b>Policy Administration</b>      |  |
|-----------------------------------|--|
| Responsible Directorate/Division: | Chief Executive Officer                  |
| Contact Officer Position:         | Relevant Senior Manager (matter at hand) |
| Relevant Delegation:              |  |
| Date Adopted:                     | 22 February 2016                         |
| Reviews/Amendments                | 24 October 2016<br>25 November 2019      |




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## G 3.1 PUBLIC INTEREST DISCLOSURE

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### **Policy Objective:**

To provide a clear framework for managing public interest disclosures under the Public Interest Disclosure Act 2003.

### **Policy Scope:**

This policy applies to all Shire of York Councillors and employees.

### **Policy Statement:**

#### **Introduction**

It is essential to good governance that there are procedures which support the elimination of corruption, fraud and misconduct in public agencies. The Shire of York has a number of policies which are intended to address risks of fraud corruption and misconduct and to provide mechanisms for people to report matters of concern. The Council's Comprehensive Complaints Policy provides a mechanism for members of the public to identify issues and concerns, including issues of misconduct etc. It sets out a procedure for dealing with any such complaint brought.

It is also important that members of the public, employees of the Shire and Councillors have the ability to disclose matters of concern while being protected from sanctions and impacts on their jobs or livelihood. The Public Disclosure Act 2003 provides that mechanism and sets out the following requirements under Section 23:

- designating a specified person with the authority for receiving disclosures of public interest information
- ensuring the protection from detrimental action of the threat of such action for any employee
- prepare and publish internal procedures relating to these obligations
- comply with the Public Sector Commissioner's minimum code
- report annually to the Public Sector Commissioner

The Shire of York does not tolerate corrupt or other improper conduct, including mismanagement of public resources, in the exercise of the public functions of the Shire. The Shire is committed to the aims and objectives of the Public Interest Disclosure Act 2003.

This Policy sets out the internal procedures to be followed in relation to Public Interest Disclosure.

#### **Principles**

- a) Any employee or Councillor making a public interest disclosure under the Public Interest Disclosure Act or a complaint under the Shire's Comprehensive Complaint Policy which may require investigation by an external body will be actively protected from sanction and reprisal and have access to support during any subsequent process.

- b) Public interest disclosures relate to the functions of the public authority, public officer or public sector contractor and generally deals with:
- i. improper conduct
  - ii. an offence against State law
  - iii. a substantial unauthorised or irregular use of public resources
  - iv. a substantial mismanagement of public resources
  - v. conduct involving a substantial and specific risk of injury to public health, prejudice to public safety or harm to the environment; or
  - vi. conduct relating to matters of administration affecting someone in their personal capacity falling within the jurisdiction of the Ombudsman.
- c) Public interest disclosures do not include employee grievances or matters relating to the actions of an individual unconnected with the business of the Shire of York

## **Provisions**

### **1. Public Interest Disclosure (PID) Officer**

- 1.1 The person from time to time holding or acting in the position Chief Executive Officer is designated as the Public Interest Disclosure Officer, or PID Officer, of the Shire of York. The PID Officer is responsible for receiving disclosures of public interest information relating to matters falling within the sphere of responsibility of the Shire of York.

### **2. Maintaining a Public Interest Disclosure Register**

- 2.1 The Shire of York will maintain a Public Interest Disclosure Register recording a unique register number and key information for each disclosure. The register will include a summary of information relating to:
- the informant
  - public authorities about which a disclosure is made
  - people named in the disclosure
  - the nature of the disclosure
  - the investigation process and the action, if any, taken
  - communication with the informant
  - disclosure of the informant's identity, if applicable
  - disclosure of the identity of persons named in the disclosure
  - claims of unlawful disclosure of informant's identity or identity of persons named in the disclosure
  - claims of victimisation
  - key dates

### **3. Investigating a Public Interest Disclosure**

- 3.1 The Public Interest Disclosure Officer must investigate a Public Interest Disclosure according to the process and provisions set out by the Public Sector Standards Commissioner.

#### **4. Protection of Informants**

##### *Protection Against Reprisal*

- 4.1 The Shire of York recognises the value and importance of contributions of employees to enhance administrative and management practices and strongly supports disclosures being made by employees as to corrupt or other improper conduct. The Shire of York will take all reasonable steps to provide protection to staff who make such disclosures from any detrimental action in reprisal for the making of a public interest disclosure. The Shire of York does not tolerate any of its officers, employees or contractors engaging in acts of victimisation or reprisal against those who make public interest disclosures.
- 4.2 The Shire of York will not tolerate any acts of victimisation or reprisal as a result of a person making, or proposing to make, a public interest disclosure. Any victimisation or reprisals must be reported immediately to the Chief Executive Officer or the PID Officer, who must take immediate action to prevent the continuance of this unlawful conduct.
- 4.3 Where victimisation or reprisals are reported, a record of the report and the action taken must be placed on the file relating to the public interest disclosure. Steps taken to prevent acts of victimisation or reprisal should be recorded in a manner that they will be accessible for reference, should legal action be taken against the Shire of York.
- 4.4 Failure to adhere to Employee Code of Conduct requirements to protect informant confidentiality or the taking of any action which could be construed as a reprisal or victimisation of an informant will be treated as a performance management issue.

##### *Confidentiality*

- 4.5 The confidentiality requirements in respect a public interest disclosure must be complied with at all times. The disclosure of this identifying information, except in accordance with the Act, is an offence.
- 4.6 All files relating to a public interest disclosure, whether paper or electronic, must be secure and accessible only by authorised persons. Files should carry clear warnings that there are penalties for unauthorised divulgence of information concerning a disclosure. Sensitive information should not be emailed or faxed to machines with general or shared access.

##### *Informant Support*

- 4.7 The Council recognises that it can be extremely stressful for an employee to make a public interest disclosure under the Act. Employee support services under the Health and Wellbeing Policy will be offered to an employee during such a process.

#### **Continuous Improvement**

- 4.8 Where any matter raised in a formal public interest disclosure involves a failure of internal systems, the system or process will be reviewed as part of the Council's risk management procedures and where appropriate changes will be made to systems and procedures.

**Key Terms and Definitions**

Not Applicable

**Policy Administration**

|                                   |                                     |
|-----------------------------------|-------------------------------------|
| Responsible Directorate/Division: | Chief Executive Officer             |
| Author/Contact Officer Position:  | Chief Executive Officer             |
| Relevant Delegation:              | Not Applicable                      |
| Relevant Legislation:             | Public Interest Disclosure Act 2003 |
| Relevant Documents:               |                                     |
| Date Adopted:                     | 28 January 2016                     |
| Reviews/Amendments                | 24 October 2016<br>25 November 2019 |



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## G 3.2 FRAUD, CORRUPTION AND MISCONDUCT PREVENTION

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### **Policy Objective:**

To develop and maintain a corporate culture and corporate systems which discourage and eliminate the risk of fraud, corruption and misconduct in the undertaking of Shire of York business.

### **Policy Scope:**

This policy applies to all Shire of York Councillors, employees and contractors and to all aspects of Shire of York business.

### **Policy Statement:**

#### **Introduction**

It is essential to good governance that there are procedures which support the elimination of corruption, fraud and misconduct in public agencies. The Shire of York has a number of policies which are intended to address risks of fraud corruption and misconduct and to provide mechanisms for people to report matters of concern.

The Shire of York does not tolerate corrupt or other improper conduct, including mismanagement of public resources, in the exercise of the public functions of the Shire. The Shire is committed to the prevention of fraud, corruption and misconduct.

This Policy sets out the requirements to produce and maintain a Fraud, Corruption and Misconduct Prevention Framework and Plan and requirements for reporting to Council and external agencies.

#### **Principles**

- (a) A corporate culture which encourages awareness, vigilance and confidence in identifying instances of fraud, corruption and misconduct within a wider culture of encouraging continuous improvement, corporate and individual responsibility, and innovation, is essential to good governance.
- (b) Continuing and regular scrutiny and improvement to corporate systems and accountabilities within a wider risk assessment framework is essential to prevention.
- (c) Breaches of process, standards and codes of conduct while pursued in each instance according to statutory requirements, must also trigger a formal review of risk and improvement opportunities.

## Provisions

### 1. Fraud, Corruption and Misconduct Prevention Framework and Plan

1.1 The Shire will develop and maintain a Fraud, Corruption and Misconduct Prevention Framework and Plan [FCMP Plan] which will show how the Shire sets standards, procedures and requirements and how the program for improvement, monitoring and reporting will be implemented. This Framework will be reviewed:

- by each incoming Council (two yearly),
- or earlier if:
- triggered by the results of an investigation of a breach, or
  - where in the discharge of responsibilities under Regulation 17, Local Government (Audit) Regulations 1996 the Chief Executive considers a review is necessary, or
  - in the course of regular risk assessment practice a new risk is identified and it is judged a review is necessary.

1.2 The FCMP Plan will be developed taking into account guidelines or requirements set out by the Office of the Auditor General, the Corruption and Crime Commission, the Public Sector Commissioner and the WA Department of Local Government and Communities. AS 8001-2008 Fraud and Corruption Control will be used as a reference document.

1.3 The FCMP Plan will address the following matters:

- risk assessment
- internal audit
- planning and resourcing
- fraud, corruption and misconduct prevention
- fraud, corruption and misconduct detection
- responding to detected fraud, corruption and misconduct breaches
- employee and Councillor communication and education

1.4 An annual report on progress on implementation of the Framework will be made to the Council's Audit and Risk Committee.

### 2. Risk Assessment

2.1 An annual probity risk assessment process will be undertaken. Any changes in risk status, or emergence of newly identified risks, will be entered on the risk register with the agreed follow-up requirements. If an area is identified as a medium status or higher risk and not previously addressed in the Framework, a review of the Framework will be undertaken for inclusion.

### 3. Links to Long Term and Annual Budgeting Processes.

3.1 Initiatives identified in the FCMP Plan as having a medium or higher risk assessment and requiring new funding to address the risk identified will be explicitly reported on and considered in the statutory budgeting processes.

3.2 Outcomes of the statutory budgeting processes will be cross-referenced back into the risk assessment process where relevant and into the FCMP Plan.

**4. Communication**

4.1 A brief report on the implementation of the FCMP Plan and associated data on relevant complaints (See Comprehensive Complaints Policy G2.1), public interest disclosures (See Public Interest Disclosures Policy G3.1) and breaches, if any, of standards and requirements, will be published annually as part of the Annual Report on the Council website along with the upcoming improvement program for the following year.

**Key Terms/Definitions**

Fraud means:

Dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and where deception is used at the time, immediately before or immediately following the activity. This includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal purpose, or the improper use of information or position for financial benefit.

The theft of property belonging to an entity by a person or persons internal to the entity but where deception is not used is also considered fraud. (Source AS 8001-2008)

Corruption means:

Dishonest activity in which a director, executive, manager, employee or contractor of an entity acts contrary to the interests of the entity and abuses his/her position of trust in order to achieve some personal gain for him or herself, or for another person or entity.

The concept of corruption can also involve corrupt conduct by the entity, or a person purporting to act on behalf of and in the interests of the entity, in order to secure some form of improper advantage for the entity either directly or indirectly. (Source AS 8001-2008)

Misconduct:

Occurs when a public officer abuses their authority for personal gain, causes detriment to another person or acts contrary to the public interest. (Source Corruption and Crime Commission).

**Policy Administration**

|                                   |   |
|-----------------------------------|---|
| Responsible Directorate/Division: | Executive Manager Corporate and Community Services            |
| Contact Officer Position:         | Executive Manager Corporate and Community Services            |
| Relevant Delegation:              | Not Applicable  |
| Relevant Legislation:             | <i>Local Government (Audit) Regulations 1996</i> (Section 17) |
| Relevant Documents:               | AS 8001-2008 Fraud and Corruption Control                     |
| Date Adopted:                     | 28 January 2016   |
| Reviews/Amendments                | 24 October 2016<br>25 November 2019                           |



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## G 4.1 INTEGRATED PLANNING AND REPORTING: (PLANNING)

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### **Policy Objective:**

To set out the Shire of York's broad approach to implementing the Integrated Planning and Reporting Framework (IPR) as it relates to forward planning and budgets.

### **Policy Scope:**

This policy applies to the development of the component plans and documents of the IPR Framework and subsequent reporting against the provisions.

### **Policy Statement:**

#### **Introduction**

The Local Government Act 1995 (the Act) section 1.3(3) states that 'in carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity'. It also requires the Council to plan for the future (s5.56) and comply with any regulations which set out how this will be done.

It is important that this Framework is implemented in a positive way which helps the Council develop direction and solutions in a structured and transparent way. This policy sets out the key parameters which will be used.

This policy should be read in conjunction with the Financial Planning and Sustainability Policy (G4.3), the Asset Management Policy (G4.5) the Risk Assessment Policy (G 4.6), the Community Engagement and Consultation Policy (G2.9) and the Workforce and Human Resources Policy ( G1.10).

#### **Principles**

- a) Integration of strategic, financial and operational decisions lies at the heart of the IPR processes.
- b) Decisions are made with consideration to the Shire's long term financial sustainability.
- c) There is a high level of alignment and integration between the Shire's various plans including the Long Term Financial Plan, Strategic Community Plan, Corporate Business Plan, Asset Management Plans and Workforce Plan.
- d) The Annual Budget is prepared using the agreed Long Term Financial Plan as its base.
- e) Formal consultation is undertaken on all components of the IPR Framework prior to making final decisions to adopt.

## Provisions

### 1. The Strategic Community Plan (SCP)

- 1.1 In conjunction with general processes used to explore the range of potential futures sought by the community, the focus of early stage engagement will be on developing:
- an understanding and description of the community's desired levels of service;
  - helping people understand cost impacts;
  - developing action scenarios for discussion;
  - identifying community priorities for strategic direction and Council investment in that future.
- 1.2 In developing the SCP the Council will aspire to a working target of achieving the Intermediate Standard as set out in the Department of Local Government and Communities Integrated Planning and Reporting Advisory Standard.

### 2. Corporate Business Plan (CBP)

- 2.1 The Corporate Business Plan will be fully reviewed every four years and reviewed and updated annually. It will reflect the first four years of the LTFP.
- 2.2 The Corporate Business Plan is the key mechanism for achieving integration of desired strategic direction and allocation of Shire resources to achieve the desired future. The Corporate Business Plan develops and integrates matters relating to resources, including asset management, workforce planning and long-term financial planning. The CBP will be structured in a way that provides the community with easily understood information about priorities, delivery and financial impacts of key service areas relative to the strategic direction.

### 3. Annual Budget

- 3.1 The development of the Annual Budget is driven by the Corporate Business Plan which also drives the LTFP so that the Annual Budget reflects year one of the CBP and the LTFP. Any variation between the Annual Budget and CBP should be explained and addressed in the review of the CBP.
- 3.2 Council has the ability to raise revenue through the adoption of fees and charges for services and facilities. Fees and charges should be reviewed on an annual basis, in conjunction with the preparation of the Annual Budget. In determining its fees and charges, the Shire will take into account user capacity to pay.
- 3.3 One month's formal consultation should take place prior to the Council considering adoption of the Annual Budget. Consultation outputs should be formally reported to the Council as part of its final deliberations.
- 3.4 The Annual Budget should be ready for consideration for adoption by Council in June, the month prior to the financial year which the Annual Budget relates.

### 4. Input Documents: Long Term Financial Plan

- 4.1 The Shire of York's Long Term Financial Plan (LTFP) is an important part of Council's Integrated Planning and Reporting Framework. It will be reviewed prior to the

commencement of Annual Budget preparation, with a full formal review being undertaken in line with the review of the Strategic Community Plan. Outcomes from that annual review will be formally reported as part of the Annual Budget process.

- 4.2 The LTFP will be structured where possible to show links with the SCP direction.
- 4.3 To retain alignment with the Corporate Business Plan, the LTFP will be reviewed on an iterative basis every year and will be made available for consultation alongside the Annual Budget and CBP.
- 4.4 In preparing the LTFP at the time of the four year review cycle, the following analysis shall be identified:
  - expenditure required to maintain existing services to residents, including expenditure needed to maintain identified assets in a condition that will sustain existing service levels to its residents;
  - mechanisms to improve the Shire of York's capacity to fund recurrent operations;
  - a target to achieve a positive net operating ratio over the life of the Plan.
  - options for increasing revenue opportunities;
  - new services and infrastructure options, and impacts on affordability;
  - a ratepayer affordability impact statement.
- 4.5 The LTFP will be regularly updated to reflect the Council's final decisions in relation to delivery of the SCP, adjustments to the Corporate Business Plan and Annual Budgets.
- 4.6 Where the LTFP departs from the level of funding identified in the relevant Asset Management Plans as being necessary to maintain levels of service and/or asset condition and life in the short or long term, this shall be explicitly noted. Impacts on levels of service will be outlined and the program for returning to desired funding levels identified.
- 4.7 Borrowings are not to be used to fund ongoing operational expenditure.
- 4.8 The Shire is permitted to establish Cash Reserve accounts as per section 6.11 of the LG Act. Interest earned on the cash balance of the Reserves will be set aside to the individual Reserve accounts to assist in maintaining their real value.
- 4.9 The Shire will use various Cash Reserves as a means to save and quarantine funds for a future purpose, smooth peaks and troughs in funding requirements and to temporarily retain any surpluses or grant funding.
- 4.10 The Shire will prudently manage its Cash Reserves to ensure that appropriate levels of funds are maintained to meet future commitments.
- 4.11 Cash Reserves will be fully reported to Council during any review of relevant projects and programs, including reviews under the Integrated Planning and Reporting requirements and the Annual Budget process.

**5. Input Documents: Workforce Plan**

- 5.1 The Workforce Plan will be developed with the intent of finding innovative ways to deal with issues facing the Shire of York in terms of recruitment and retention of staff. This shall include:
- (a) regard for implementing the provisions of the Human Resources and Workforce Policy (G 1.10);
  - (b) active and on-going consideration of opportunities for local resource sharing; and
  - (c) development of partnerships with relevant organisations and agencies.
- 5.2 The Workforce Plan will be reviewed in the year prior to any IPR review and subsequently adjusted where necessary after completion of the IPR review.
- 5.3 The Workforce Plan will be made available as an information document during any formal IPR consultation processes.

**6. Input Documents: Asset Management Plans**

- 6.1 Asset Management Plans (see also Policy G 4.5) will provide a primary input into the development of the IPR framework by:
- (a) identifying key community levels of service requirements, translating these into technical levels of service and providing associated costs over the long term;
  - (b) giving effect to the Asset Management Improvement Strategy.
- 6.2 The Asset Management Plans will be reviewed in the year prior to any IPR review and subsequently adjusted where necessary after completion of the IPR review.
- 6.3 The Asset Management Plans will be made available as information documents during any formal IPR consultation processes.

**7. Input Documents: Other Strategies**

- 7.1 Where the Council has adopted strategic documents which guide long-term direction for the Shire, these will be summarised as input into Council deliberations. They will also be made available as information documents during any IPR consultation

**8. Other Documents**

- 8.1 The Council will prepare a list of major capital projects which it proposes to undertake over a ten year period. Where the projects have been identified as required under the Asset Management Planning process this will be indicated. This list will be used as an input into the IPR process and will be adjusted to take account of any final decisions.

**9. Project Planning and Budgeting**

- 9.1 In budgeting projects there must be confidence in being able to deliver in the year indicated. Where a significant capital project is being undertaken, there will be a three part staging process of feasibility review, design and implementation. Feasibility review and design should be provided for in the 1-2 years prior to implementation (i.e. not in the same year as proposed implementation).

- 9.2 Where a project is dependent on external funding to proceed this will be made clear in relevant IPR documents.
- 9.3 The Council will make clear which projects it supports but will not proceed with until funding is secured.
- 9.4 Where a significant project is desired and funding is to be actively sought, the Council will prepare first stage feasibility and design stages in preparation for seeking funding but will not proceed further until funding for actual construction has been achieved. Funding may be sought for feasibility and design stages for those projects that have been identified in the IPR process as being both desired and consistent with strategic direction.

**Key Terms/Definitions**

Not Applicable

**Policy Administration**

|                                   |  |
|-----------------------------------|--|
| Responsible Directorate/Division: | Chief Executive Officer  |
| Contact Officer Position:         | Chief Executive Officer  |
| Relevant Delegation:              |  |
| Relevant Legislation:             | Local Government Act 1995  |
| Relevant Documents:               | Department of Local Government and Communities<br>IPR Guidelines |
| Date Adopted:                     | 22 February 2016   |
| Reviews/Amendments                | 24 October 2016<br>25 November 2019                              |



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## G 4.2 INTEGRATED PLANNING AND REPORTING: (REPORTING)

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**Policy Objective:**

To set out a process for identifying the reporting program to the Shire of York Council.

**Policy Scope:**

This policy applies to all aspects of the Shire's operations.

**Policy Statement:****Introduction**

The Shire of York operates under a range of statutes, many of which set out reporting requirements to key agencies. Some specify minimum internal reporting requirement to the Council, primarily around financial management. In addition to any content, the Council will be interested in compliance performance. In addition, a number of policies adopted by Council require reporting to the Council on a regular basis. Finally, the Council may identify major projects or areas of activity where it wishes to be informed on progress, risks, actual against planned expenditure. The identification of the latter will be driven by the perceived significance of the project to the community, the size of the budget involved and/ or the risk environment.

It is important that the Council is informed on progress on a range of matters in a structured and timely way. It is also important that this reporting programme is consistent with the capacity of the organisation to deliver information.

This policy provides a mechanism for the Council to regularly review what is being reported to it and make decisions on the programme in a structured way. This reporting process would also assist in keeping the community informed on progress.

**Principles**

- (a) Reporting on external compliance requirements, on internal monitoring requirements and progress of programs and projects is an essential tool in the Council being satisfied that delivery is occurring in a timely and consistent manner.
- (b) The extent of reporting and the regularity of reporting will be determined in part by the capacity of the organisation to deliver the programme. The focus will be on matters which are perceived as of major significance to the community, the size of the budget involved and/ or the risk environment

**Provisions**

**1. General**

- 1.1 The Chief Executive Officer will on an annual basis prepare a report to the Council setting out the following:
- external compliance reporting requirements;
  - statutory requirements for reporting to Council;
  - policy driven reporting requirements;
  - potential significant projects which the Council may wish to have a regular formal update on progress, risks and issues;
  - a recommended regular reporting period for each area, program or project (e.g. monthly, quarterly, six monthly or annually);
  - an indication of organisational capacity to deliver. .
- 1.2 The Council will identify the nature and regularity of reporting required for each area/ category, program or project.
- 1.3 Irrespective of decisions made under Clause 1.2 the Council will be provided with a summary of the Council’s compliance reporting to external agencies on an annual basis.

**Key Terms/Definitions**

Not Applicable

**Policy Administration**

|                                   |                                     |
|-----------------------------------|-------------------------------------|
| Responsible Directorate/Division: | Chief Executive Officer             |
| Contact Officer Position:         | Chief Executive Officer             |
| Relevant Delegation:              | Not Applicable                      |
| Relevant Legislation:             |                                     |
| Relevant Documents:               |                                     |
| Date Adopted:                     | 22 February 2016                    |
| Reviews/Amendments                | 24 October 2016<br>25 November 2019 |



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## G 4.3 FINANCIAL PLANNING AND SUSTAINABILITY

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### **Policy Objective:**

To ensure prudent financial management of the Shire, now and in to the future, by providing parameters for the development of the Long Term Financial Plan and Annual Budget.

### **Policy Scope:**

This Policy applies to all the Shire's operations where there are budgetary implications.

### **Policy Statement:**

#### **Introduction**

The Local Government Act 1995 (the Act) section 1.3(3) states that 'in carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity'.

In order for the Shire to be financially sustainable it needs to fund ongoing service delivery and the replacement of assets without imposing excessive debt or rate increases on future generations.

This policy should be read in conjunction with the Integrated Planning and Reporting: (Planning) Policy (G 4.1) and the External Grants: Procurement and Priorities Policy (G 4.4).

#### **Principles**

- a) There is an on-going focus on identifying cost savings, efficiency gains, revenue generation opportunities, and opportunities for new modes of service delivery.
- b) The financial position of the Shire is sustainable in the long term.

#### **Provisions**

##### **1. General**

- 1.1 The Shire must plan for a fully funded operational position (balanced budget). That is, it must collect sufficient revenue to fund operational expenditure, depreciation and interest on borrowings.
- 1.2 The Shire must maintain sufficient cash reserves to meet its short-term working capital requirements.
- 1.3 The Shire must have a fully funded Capital Infrastructure Program, where each source of funding is identified and secured. The Capital Infrastructure Program is for both capital renewal and new projects.

- 1.4 In a situation of limited funding, priority will be given to funding required renewals rather than new projects.
- 1.5 The Shire must maintain its asset base, through the renewal of aging infrastructure and build on its cash reserves to fund future works.
- 1.6 The Shire must operate without imposing excessive debt or rate increases on future generations and balance the importance of the rate revenue as a funding source with community capacity and sensitivity to increases.

### **2. The Long Term Financial Plan**

- 2.1 In preparing the Long Term Financial Plan, the following analysis shall be identified.
  - expenditure required to maintain existing services to residents, including expenditure needed to maintain identified assets in a condition that will sustain existing service levels to its residents
  - mechanisms to improve the Shire of York's capacity to fund recurrent operations
  - a target to achieve a positive net operating ratio over the life of the Plan.
  - options for increasing revenue opportunities.
  - new services and infrastructure options, and impacts on affordability;
  - ratepayer affordability via an affordability impact statement.
- 2.2 Borrowings are not to be used to fund ongoing operations.
- 2.3 The Shire is permitted to establish financial Reserve accounts as per section 6.11 of the Act. Interest earned on the cash balance of the Reserves will be set aside to the individual Reserve accounts to assist in maintaining their real value.
- 2.4 The Shire will use various financial reserves as a means to save and quarantine funds for a future purpose, smooth peaks and troughs in funding requirements and to temporarily retain any surpluses or grant funding.
- 2.5 The Shire will prudently manage its cash reserves to ensure that appropriate levels of funds are maintained to meet future commitments.

### **3. Annual Budget**

- 3.1 Council has the ability to raise revenue through the adoption of fees and charges for services and facilities. Fees and charges should be reviewed on an annual basis, in conjunction with the preparation of the Annual Budget. In determining its fees and charges, the Shire takes into account the user's capacity to pay.

**Key Terms/Definitions**

Not Applicable

**Policy Administration**

|                                   |   |
|-----------------------------------|---|
| Responsible Directorate/Division: | Corporate & Community Services                            |
| Contact Officer Position:         | Finance Manager   |
| Relevant Delegation:              | Not Applicable  |
| Relevant Legislation:             | <i>Local Government Act 1995</i> sections 1.3(3) and 5.56 |
| Relevant Documents:               |   |
| Date Adopted:                     | 22 February 2016  |
| Reviews/Amendments                | 24 October 2016<br>25 November 2019                       |



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## G 4.4 EXTERNAL GRANTS: PROCUREMENT & MANAGEMENT

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### **Policy Objective:**

To provide parameters around procurement and management of external grant funding (funds coming in to the Shire).

### **Policy Scope:**

This Policy applies to the application process, acceptance and ongoing administration of an external grant.

### **Policy Statement:**

#### **Introduction**

External grant funding can provide a means for the Shire to fund responsibilities that general rate revenue may not be able to fund. Grant funding is generally seen as an attractive form of funding but there can be negative consequences. There is risk involved in not meeting all the grant requirements along with potentially committing the Shire to ongoing operational/maintenance requirements. It is imperative that the outcome of a grant is consistent with strategic priorities. Additional funding is not reason enough to pursue an external grant. The Shire needs to have appropriate processes and procedures to maximise benefits and minimise risks.

This policy needs to be read in conjunction with the Integrated Planning and Reporting (Planning) Policy (G4.1), the Financial Planning and Sustainability Policy (G 4.3) and the Procurement Policy (F1.2).

#### **Principles**

- (a) Grant funding produces an outcome that is aligned with the Shire's strategic objectives and align with Strategic documents such as the Strategic Community Plan and Long Term Financial Plan.
- (b) The benefits of receiving the grant outweigh the costs to the Shire, including whole of life costs.
- (c) Effective administration of the grant is undertaken.

#### **Provisions**

##### **1 Strategic Fit**

- 1.1 The Shire of York will actively scan the external grant funding environment to:
  - (a) identify grant sources which are consistent with identified strategic direction;

- (b) identify grant sources which may in part be relevant to strategic direction but have some provisions which may be inconsistent or be in some tension with identified direction;
  - (c) identify assumptions which would be built into the Long Term Financial Planning and strategic planning processes and the level of robustness;
  - (d) identify trends or emerging changes to external grants funding parameters which may have an impact on proposed programs or projects.
- 1.2 The Council will be provided with information on the trends identified under section 1.1 as part of budget and review cycles. Where a potential grant source under 1.1 (b) is identified, the Council will review the risks and benefits of pursuing that funding path and make a decision on whether it wishes to seek the relevant funding, after consideration of strategic and long term benefit.
- 1.3 Where changing trends in grants funding or cessation of a grant could have an impact on the Shire's financial position in the long term this must be reported as part of the Integrated Planning and Reporting review cycle.

## **2 Analysis of Potential Grants**

- 2.1 Any analysis on whether to proceed with an application for funding will:
- (a) consider whether there needs to be matching funding by the Shire and/or in kind costs;
  - (b) assess current resource allocation and capacity (financial, human resources etc.) and the capacity to manage the program or project over time. Note: if a new project has been identified in the Corporate Business Plan and the Long Term Financial Plan these documents should already include provision for on-going operational costs;
  - (c) assess ongoing maintenance and asset renewal impacts to the Shire. Note: if a new project has been identified in the Corporate Business Plan and the Long Term Financial Plan these documents should already include provision for renewal and maintenance costs;
  - (d) identify associated procurement requirements;
  - (e) identify whether feasibility and design stages for a significant capital project have been completed;
  - (f) consider audit and other associated close out costs.
- 2.2 Overall a cost/benefit analysis must ensure the benefits to the Shire outweigh the costs.
- 2.3 The terms and conditions of the grant must be fully understood and must be achievable.

**3. Decision to Proceed and Application**

- 3.1 Where a project has been identified in the Corporate Business Plan and the Long Term Financial Plan as proceeding if external funding is available and that funding has come available, a report will be prepared for Council which:
- sets out the funding analysis as set out under Clause 1.1;
  - identifies whether the timing of the project is now achievable and what, if any, other projects need to be modified or pushed out to accommodate the project if funding is granted;
  - provides a recommendation as to whether funding should be sought.
- 3.2 The Chief Executive Officer must approve all external grant application documentation.

**4. Grant Administration**

- 4.1 A project plan and timeline will be established to ensure the grant is administered effectively and is compliant.
- 4.2 Where applicable, a new cost code should be established in the financial system to capture grant related expenditure. This should include a process to easily identify allowable and non-allowable costs.
- 4.3 The acquittal of the grant must be undertaken according to requirements to minimise risk of funds needing to be returned for non-compliance.

**Key Terms/Definitions**

Not Applicable

| <b>Policy Administration</b>      |  |
|-----------------------------------|--|
| Responsible Directorate/Division: | Finance  |
| Contact Officer Position:         | Finance Manager  |
| Relevant Delegation:              | Not Applicable   |
| Relevant Legislation:             | <i>Local Government Act 1995</i> – Part 6 Financial Management |
| Relevant Documents:               |  |
| Date Adopted:                     | 22 February 2016   |
| Reviews/Amendments                | 24 October 2016<br>25 November 2019                            |



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## G 4.5 ASSET MANAGEMENT

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### **Policy Objective:**

To achieve best practice in the management of the Shire of York's infrastructure and physical community assets including:

- ensuring assets are capable of providing the community's desired level of service at an accepted level of risk;
- optimising asset life and replacement;
- making asset investment decisions which support the broader community vision;
- optimising wider cost impacts on the Council's overall financial position
- maintaining a level of flexibility around technical design which allows the community to respond to significant change over time.

### **Policy Scope:**

This policy applies to all physical assets owned by the Shire of York.

### **Policy Statement:**

#### **Introduction**

The primary physical assets of the Shire of York are: roads, footpaths, street lighting, buildings, plant, vehicles and recreational facilities, along with information and communications technology. It is through these assets that significant services are delivered to the community.

Maintenance and renewal of existing assets makes up a very large part of the Shire of York expenditure. Failure to undertake planned maintenance or maintenance generally can lead to asset decline and bring forward the time when assets need to be replaced. Optimising asset life through understanding asset condition can avoid significant and unnecessary early replacement costs. Judging the fine line between anticipated asset life, actual asset condition, maintenance regimes and replacement lies at the heart of asset management practice.

Community decisions about desired levels of service relative to cost impacts, will also determine the level of investment in either new assets or the capacity upgrade of existing assets.

Making decisions about this kind of investment also a whole of life approach. It is essential that the Council's long term financial planning and budgeting processes take account of the whole of life cost of assets and this requires a good quality asset management base.

This policy sets out the requirements for asset management planning.

## Principles

- a) Confidence in the management of the Shire's assets, the quality of asset information, the links between technical asset standards and levels of service delivery, and the financial information identified as needed to maintain the asset base, is essential to Councillors being able to make informed and robust decisions.
- b) Decisions about asset investment must be informed by a whole of life/ life cycle methodology.
- c) All asset management plans must be structured to provide clear links between levels of service decisions, management regimes and asset funding requirements
- d) Decisions about asset management which have a consequence for the level of service delivered to the community must be explicit, must be made by Councillors and formally consulted on with the community
- e) Decisions about the funding of the maintenance and replacement of assets must be transparent and any decision to defer maintenance or replacement must be formally consulted on.
- f) In consulting the community about asset driven levels of service and new asset investment, the community must be provided with information about whole of life costs.
- g) Asset management will aspire to local government sector best practice for similar sized and resourced Councils.
- h) Risk assessment and management is a fundamental aspect of asset management.
- i) Future asset management investment decisions will explicitly canvass emerging technologies, will address resource efficiency especially energy impacts and opportunities to reduce operating costs, and maintain where appropriate, a level of flexibility which enables Council to respond to changing contexts.

## Provisions

### 1. Asset Management Framework

The Shire will develop and maintain an Asset Management Framework which will be reviewed by each incoming Council (four yearly) in conjunction with the Integrated Planning and Reporting process.

The Framework will address the high level organisational capacity for asset management and identify what standard of asset management planning will be sought in the immediate and medium term.

The Framework will be received by the Audit Committee for their information and approval.

### 2. Asset Management Improvement Strategy

The Shire will develop and maintain an Asset Management Improvement Strategy (AMIS) which will address the following matters:

- a base line scan of asset management capability and capacity.
- a program addressing improvements needed to achieve Basic, Intermediate or Advanced performance including timelines and resource needs.

The Plan will be received by the Audit Committee for their information.

The resource needs arising from this Plan will be reported to Council as part of the Integrated Planning and Reporting processes and the development of long term and annual budgets. Final approval of relevant budgets will be cross-referenced back into the Plan once finalised.

### **3. Links to the Long Term Financial Strategy, the Corporate Business Plan and Annual Budgeting Processes.**

As part of the four year review under the integrated planning and reporting process (IPR) all Asset Management Plans will be reviewed along with the Asset Management Improvement Strategy to provide a base line input unto that process.

Where it is known that funding has not kept abreast of required funding set out in the asset management plan, a **levels of service impact statement** will be prepared as input into the IPR process. This will include:

- a statement of the required funding (and timing) needed for asset maintenance and renewals in order to maintain levels of service
- a description of the level of service that would be provided if funding is maintained at the current levels.

Where the IPR preparation process identifies potential new levels of service involving physical assets that may be adopted by Council, an **asset management impact statement** will be prepared which sets out the asset management implications and anticipated funding needs. This information will be used as information to inform Councillors in the process of preparation of a draft long term financial plan and the corporate business plan.

### **4. Monitoring and Reporting**

The Audit Committee shall be provided with a report on the implementation of the Asset Management Improvement Strategy on an annual basis.

### **5. Communication**

A brief report on the implementation of the Asset Management Improvement Strategy will be published annually on the Council website along with the upcoming improvement program for the following year.

**Key Terms/Definitions**

Not applicable.

**Policy Administration**

|                                   |   |
|-----------------------------------|---|
| Responsible Directorate/Division: | Infrastructure & Development Services   |
| Author/Contact Officer Position   | Executive Manager Infrastructure and Development Services   |
| Relevant Delegation:              | Not Applicable  |
| Relevant Legislation:             | <i>Local Government Act 1995 Section 56.1</i><br><i>Local Government (Administration) Regulations</i> |
| Relevant Documents:               | Department of Local Government and Communities, Integrated Planning and Reporting, Advisory Standard. |
| Date Adopted:                     | 28 January 2016   |
| Reviews/Amendments                | 24 October 2016<br>25 November 2019   |



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## G 4.6 RISK ASSESSMENT AND MANAGEMENT

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### **Policy Objective:**

To develop and maintain an organisational culture which shows confidence in the use of risk assessment and management tools in:

- the effective and efficient delivery of agreed levels of service;
- maintaining financial sustainability;
- ensuring a high level of probity in the conduct of Shire of York business;
- developing and maintaining an effective and positive relationship between Council and the community;
- exploring future pressures and long term trends which may affect or shape future strategic direction.

To undertake risk management in a way that enables the Council in partnership with the community, to make bold decisions for the community's future with a high level of confidence that key risks have been taken into account and where relevant, are being, or have been, mitigated.

To ensure that appropriate risk assessment and management provisions are in place in order to satisfy statutory requirements.

### **Policy Scope:**

This policy applies to all aspects of Shire of York business.

### **Policy Statement:**

#### **Introduction:**

The Shire of York is committed to organisation-wide risk management principles, systems and processes that ensure consistent, efficient and effective management of risk in all planning, decision-making and operational processes.

Inherent in every decision made by the Councillors, or by the Shire organisation is achieving a balance between delivering on strategic direction and vision and desired levels of service and recognising, managing and offsetting risks (if any) that might accompany the desired action. In many cases the actions and processes are simple and straightforward and provided processes are robust and those that administer them are aware of potential complexities and issues, risks are minimal and easy to manage. Other issues are more complex, or the environment in which services operate are subject to rapid change and emerging trends.

A structured approach to risk management assessment, the use of the risk assessments in decision-making and consequent risk mitigation is in common usage in a range of areas, with

a growing and expected use in local government activity. The challenge is to make use of risk management methodologies at a level that engenders confidence as decisions are made but does not stifle new ideas and the setting of a community's vision. Provided the level of risk is known, the Council and community can be clear about the level of risk they are prepared to work with, effectively the 'risk appetite'.

This policy sets out the requirements to develop and maintain a risk assessment framework and process, to apply this framework to key aspects of Council business and to monitor and report on identified risks in a timely manner.

### **Principles**

- a) a corporate culture which encourages, is aware, vigilant and confident in identifying risk  
within a wider culture of encouraging continuous improvement, corporate and individual responsibility, and innovation, is essential to good governance.
- b) risk assessment methodologies must be used as a tool to assist rather than supplant decision-making. Ultimate decisions about 'risk-appetite' are made at all times by Councillors.
- c) Risk assessment methodologies must be 'fit for purpose' and at a scale that the Shire of York can manage at a reasonable time and resource cost.
- d) Risk assessment should help drive levels of reporting to Councillors on key projects and programmes.
- e) A positive relationship with the community with clear communication of vision and risk, alongside consultation where relevant, is central to assisting the Council to identify its risk appetite and make decisions balancing the two considerations.

### **Provisions**

#### **1. Risk Assessment Framework**

- 1.1 The Shire will develop and maintain a Risk Assessment Framework. The Framework will be reviewed by each incoming Council (four yearly) in conjunction with the Integrated Planning and Reporting process.
- 1.2 The Framework will address the following matters:
  - the high level organisational capacity for risk assessment and whether the Council is aiming to achieve Basic or Advanced Standard risk assessment performance in the immediate and medium term.
  - the structure for analysing risk to current Council delivery and systems (i.e. the breakdown of Council activity into categories which will undergo risk assessment).
  - the structure for analysing and reporting on risks which may affect vision, capacity to deliver, or overall of key strategic decisions (strategic risk) (Key input into the Corporate Business Plan process)

- the high level risk assessment methodology to be used, taking into account whether the Risk Assessment Improvement Plan is seeking to achieve Basic, Intermediate or Advanced risk assessment performance
- the organisational responsibilities for oversight of risk assessment and reporting and the Risk Assessment Improvement Plan.
- the risk trigger for reporting capital and operational project activity to Council and the frequency of reporting.
- a clear statement of the Council's 'risk appetite'

1.3 The Framework will be received and approved by the Audit and Risk Committee.

### **2. Risk Assessment Improvement Plan**

2.1 The Shire will develop and maintain a Risk Management Improvement Plan (RMIP) which will address the following matters:

- a base line scan of risk assessment capability and capacity. This should include consideration of employee capability and support system capability
- a programme addressing improvements needed to achieve required performance including timelines and resource needs
- targeted and practical training programmes to raise staff understanding of risk assessment thinking and systems. This will include provision for awareness training around probity issues.

2.2 The Plan will be received and approved by the Audit Committee. Note: approval of the Plan will not imply approval of required resource and funding in any strategic planning and budgeting processes.

2.3 This Plan will be reported to Council as part of the Integrated Planning and Reporting processes and the development of long term and annual budgets, identifying resource needs. Final approval of relevant budgets will be cross-referenced back into the Plan once finalised.

### **3. General Risk Assessment**

3.1 A programme for undertaking a risk assessment of the agreed categories set out in the Framework will be approved by the Audit Committee annually. At a minimum, a full risk assessment of all activities and processes will be undertaken every four years and will provide input into the IPR process.

3.2 The outcomes of any risk assessment along with the proposed programme for improvement will be reported to the Audit Committee.

3.3 A Risk Register will be maintained for all activities and projects identified as having a medium risk or higher. Any changes in risk status, or emergence of newly identified risks, will be entered on the risk register with the agreed follow-up requirements.

- 3.4 Any issues relating to risk management identified through audit processes or the Local Government (Audit) Regulations 1996 S17 review process will be entered on the risk register and updated in the Risk Assessment Improvement Strategy.

#### **4. Risk Assessment: Significant Projects and Programmes**

- 4.1 All projects and programmes which are of strategic significance to the Council and community and/ or involve significant capital and operating expenditure are required to undertake a risk assessment.
- 4.2 The identification of strategically significant projects and programmes and expenditure thresholds will be made by the Council.

#### **5. Links to Corporate Business Plan, the Long Term Financial Strategy and Annual Budgeting Processes.**

- 5.1 Identified risks which may have an impact on the capacity to deliver on the community strategic vision or Council's implementation intentions will be reported as an input into the corporate business planning process.
- 5.2 Categories identified in the Framework as having a medium or higher risk assessment and requiring new funding to address the risk identified will be explicitly reported on and considered in corporate business planning process and statutory budgeting processes.
- 5.3 Projects and programmes assessed under Section 4 must include explicit reference to risk mitigation strategies and associated costs as input into corporate business planning process and statutory budgeting processes. This may be expressed as a contingency component, provided that there are explicit links to risk.

#### **6. Monitoring and Reporting**

- 6.1 A review of the Council's risk assessment and management systems will be undertaken as part of the Section 17 requirements under the Local Government Act (Audit) Regulations.
- 6.2 The Audit Committee shall be provided with the following reports on an annual basis:
- Implementation of the Risk Assessment Improvement Plan
  - Implementation of required system and other improvements arising out of any risk assessment process for the Framework categories

#### **7. Communication**

- 7.1 A brief report on the implementation of the Risk Management Improvement Plan will be published annually on the Council website along with the upcoming improvement programme for the following year.

**Key Terms/Definitions**

Risk means “the effect of uncertainty on objectives.” AS/NZS ISO 31000:2009. A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative, or a deviation from the expected. An objective may be financial, related to health and safety, or defined in other terms.

Risk Assessment means the process of applying risk management methodologies to assess the level of risk in a particular or general circumstance, activity or operation, or decision.

Risk Management means: the application of coordinated activities to direct and control an organisation with regard to risk.

**Policy Administration**

|                                   |  |
|-----------------------------------|--|
| Responsible Directorate/Division: | Chief Executive Officer  |
| Author/Contact Officer Position:  | Executive Manager Corporate and Community Services                                   |
| Relevant Delegation:              | Not Applicable   |
| Relevant Legislation              | <i>Local Government Act 1995</i><br><i>Local Government (Audit) Regulations 1996</i> |
| Date Adopted:                     | 28 January 2016  |
| Reviews/Amendments                | 24 October 2016<br>25 November 2019  |




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## G 4.7 INTERNAL CONTROL

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### **Policy Objective:**

The purpose of this policy is to assist the Shire to carry out its activities in an efficient and effective manner in order to achieve its strategic objectives, to ensure adherence to policies, to safeguard the Shire's assets, and to secure (as far as possible) the accuracy and reliability of Shire financial records.

### **Policy Scope:**

This policy applies to all aspects of the Shire of York business.

### **Policy Statement:**

#### **Introduction**

This policy documents Council's commitment to appropriate and effective internal controls and their importance to the organisation.

This policy provides a framework for the establishment of documented internal controls that are implemented based on risk management policies and principles.

The policy will assist the organisation in addressing the risk of; material misstatement of financial information, fraud and corruption, misappropriation of funds and loss of physical assets and ensure that Council meets its obligation under the *Local Government Act 1995*, associated Regulations and other legislation.

#### **Key Terms/Definitions**

##### Internal Control

Systems of policies and procedures that safeguard assets, ensure accurate and reliable financial reporting, promote compliance with laws and regulations and achieve effective and efficient operations. These systems not only relate to accounting and reporting but also include communication and organisational processes both internally and externally, staff management and error handling.<sup>1</sup>

#### **Principles**

- c) A risk based approach to address and reduce the risk of loss caused by fraud, error or misstatement.
- d) Protection of the Shire of York's assets – people, property, reputation, financial sustainability and information.
- e) On-going audit and identification of system gaps and improvement of internal controls at the Shire of York.

**Provisions**

An appropriate and effective internal control framework is the responsibility of all employees. All employees are accountable for implementing systems, controls, processes and procedures in their own area of responsibility and will play a part in the internal control framework in differing degrees.

The Audit Committee and Council are responsible for mandating that a strong internal control framework is implemented to ensure the good governance of the organisation. The Chief Executive Officer will report regularly to the Audit Committee and Council on the review and improvement to Council’s internal control framework.

**Monitoring, Reviewing and Reporting**

A monitoring and reporting process/system will be implemented which will provide six-monthly reports to management, the Audit Committee and Council on the status of Risk Management, Internal Controls and Legislative Compliance within the Shire of York and which will identify the need for specific areas for review.

In accordance with Regulation 17 of the *Local Government (Audit) Regulations 1996*, the Chief Executive Officer is required to report on a review of the above three areas every two years. This is in addition to the four-yearly review required by Regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996* which also includes a review of the Shire’s financial internal controls.

**Policy Administration**

|                                   |  |
|-----------------------------------|--|
| Responsible Directorate/Division: | Chief Executive Officer  |
| Contact Officer Position:         | Executive Manager, Corporate & Community Services  |
| Relevant Delegation:              | N/A  |
| Relevant Legislation:             | <i>Local Government (Financial Management) Regulations 1996 – Regulation 5</i><br><i>Local Government (Audit) Regulations 1996 – Regulation 17</i> |
| Other Relevant Documents:         | <i>Policy G4.6 Risk Assessment and Management</i>  |
| Date Adopted:                     | 18 September 2017  |
| Reviews/Amendments:               | 25 November 2019   |

<sup>1</sup>CPA Australia, 2011, ‘Internal Controls For Not-For-Profit Organisations’, p. 3



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## G 4.8 LEGISLATIVE COMPLIANCE

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### **Policy Objective:**

The purpose of this policy is to ensure that the Shire of York complies with legislative requirements.

### **Background:**

A fundamental principle of good public administration is that public officials comply with both the letter and the spirit of the law.

The Shire has an obligation to ensure that legislative requirements are complied with. The community and those working at the Shire have an expectation that the Shire will comply with applicable legislation and that the Shire will take all appropriate measures to ensure that expectation is met.

Regulation 14 of the *Local Government (Audit) Regulations 1996* requires local governments to carry out a compliance audit for the period 1 January to 31 December in each year. The Compliance Audit is structured by the Department of Local Government, Sport and Cultural Industries (DLGSC) and relates to key provisions of the *Local Government Act 1995*.

Regulation 17 of the *Local Government (Audit) Regulations 1996* also requires a review of the appropriateness and effectiveness of systems and procedures in relation to legislative compliance at least once every two calendar years and a report to the Audit Committee on the results of that review.

### **Policy Statement:**

The Shire will have appropriate processes and structures in place to ensure that legislative requirements are achievable and are integrated into the operations of the Shire. These processes and structures will aim to:

1. Develop and maintain a system for identifying the legislation that applies to the Shire's activities;
2. Assign responsibilities for ensuring that legislation and regulatory obligations are fully implemented;
3. Provide training for relevant staff, Councillors, volunteers and other relevant people within the legislative requirements that affect them;
4. Provide people with the resources to identify and remain up to date with new legislation;
5. Establish a mechanism for reporting non-compliance;
6. Review accidents, incidents and other situations where there may have been non-compliance; and

7. Review audit reports, incident reports, complaints and other information to assess how the systems of compliance can be improved.

## Roles and Responsibilities

### Councillors and Committee Members

Councillors and Committee Members have a responsibility to be aware of and abide by legislation applicable to their role.

### Senior Management

Senior Management should ensure that directions relating to compliance are clear and unequivocal and that legal requirements which apply to each activity for which they are responsible are identified.

Senior Management should have systems in place to ensure that all staff are given the opportunity to be kept fully informed, briefed and/or trained about key legal requirements relative to their work within their financial capacity to do so.

### Employees

Employees have a duty to seek information on legislative requirements applicable to their area of work and to comply with the legislation.

Employees shall report through their supervisors to Senior Management any areas of non-compliance that they become aware of.

## Implementation of Legislation

The Shire will have procedures in place to ensure that when legislation changes, steps are taken to ensure that future actions comply with the amended legislation.

## Review

This policy is to be reviewed at least every two years.

## Legislative Compliance Procedures

### 1. Identifying Current Legislation

#### a. Electronic Versions of legislation

The Shire accesses up to date electronic versions of legislation through the Western Australian State Law Publisher website at [www.slp.wa.gov.au](http://www.slp.wa.gov.au)

#### b. Hard copy versions of legislation

All Councillors and Executive Management are provided with a hard copy version of the *Local Government Act 1995* and associated legislation.

Hard copy versions all include a statement similar to the following:

*“Current legislation including the Local Government Act and Regulations is available from the State Law Publisher website. To ensure that you are referencing the most recent versions of the Act and Regulations, it is essential that you access the State Law Publisher website using the following link:*

<http://www.slp.wa.gov.au/legislation/statutes.nsf/default.html>”

## 2. Identifying New or Amended Legislation

- a. Western Australian Government Gazette  
The Shire accesses the Government Gazette via the State Law Publisher website.
- b. Department of Local Government, Sport and Cultural Industries  
The Shire receives regular circulars from the DLGSC on any new or amended legislation. Such advice is received and processed through the Shire's Records Department and is distributed to relevant Shire officers.
- c. Department of Planning  
The Shire receives Planning Bulletins from the Department of Planning regarding any new or amended legislation. Such advice is received and processed through the Shire's Records Department and is distributed to the relevant Shire officers for implementation.
- d. Australian Local Governments Association (ALGA)  
The Shire receives regular issues of the ALGA News. Such information is received and processed through the Shire's Records Department and distributed by Records staff to the relevant Shire officers for information.
- e. Western Australian Local Government Association (WALGA)  
The Shire receives regular issues of the Local Government News from WALGA. Such information is received and processed through the Shire's Records Department and distributed to the relevant Shire officers for information.

## 3. Obtaining Advice on Legislative Provisions

The Shire will obtain advice on matters of legislation and compliance where necessary. Contact can be made with the DLGSC, WALGA or the relevant initiating government department for advice.

## 4. Informing Council of Legislative Changes

If appropriate, the Chief Executive Officer will, on receipt of advice of legislative amendments, advise the Council on new or amended legislation.

The Shire's format for all reports to Council meetings provides that all reports have headings "**Statutory Environment**" and "**Policy Implications**" which shall detail the current sections of any Act, Regulation or other legislation and any current Policy that is relevant to the report before Council.

## 5. Review of Incidents and Complaints of Non-compliance

The Shire shall review all incidents and complaints of non-compliance in accordance with Council Policies G2.1 *Comprehensive Complaints Response*, G1.1 *Code of Conduct: Councillors, Committee Members and Employees*, and where applicable G3.1 *Public Interest Disclosure*.

Such reviews will assess compliance with legislation, standards, policies and procedures that are applicable.

## 6. Reporting of Non-compliance

All instances of non-compliance shall be reported immediately to the relevant Supervisor/Manager. The Supervisor/Manager shall determine the appropriate response and, if necessary, report the matter to the Chief Executive Officer.

The Chief Executive Officer may investigate any reports of significant non-compliance and if necessary report the non-compliance to the Council and/or the DLGSC.

The Chief Executive Officer will then take the necessary steps to improve compliance systems.

### Policy Administration

|                                   |   |
|-----------------------------------|---|
| Responsible Directorate/Division: | Chief Executive Officer   |
| Contact Officer Position:         | Executive Manager, Corporate & Community Services   |
| Relevant Delegation:              | N/A   |
| Relevant Legislation:             | <i>Local Government Act 1995<br/>Local Government (Audit) Regulations 1996<br/>Australian Standard AS3806-2006:<br/>Compliance programs</i> |
| Other Relevant Documents:         | <i>Policy G4.6 Risk Assessment and Management</i>   |
| Date Adopted:                     | 18 September 2017   |
| Reviews/Amendments:               | 25 November 2019  |



## Town Planning

The Town Planning Policies in this section remain in force and will be reviewed in conjunction with the review of the Local Planning Strategy and Town Planning Scheme.





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## HERITAGE PRECINCTS & PLACES

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|  |          |
|--|----------|
| <b>INTRODUCTION</b>  | <b>2</b> |
| <b>1. STRUCTURE OF POLICY</b>  | <b>3</b> |
| 1.1 Structure of Outline   | 3        |
| 1.2 Contribution of Existing Places to the Heritage Precincts            | 3        |
| 1.3 STATEMENTS OF SIGNIFICANCE   | 4        |
| 1.3.1 Blandstown Precinct  | 4        |
| 1.3.2 Central York Precinct  | 5        |
| 1.4 WHY ARE THE CENTRAL YORK AND BLANDSTOWN PRECINCTS<br>IMPORTANT?      | 5        |
| <b>2. GENERAL GUIDELINES</b>   | <b>6</b> |
| 2.1 EXTENT OF APPLICATION  | 6        |
| 2.2 GENERAL POLICY OBJECTIVES  | 6        |
| 2.3 DEFINITIONS  | 6        |
| 2.4 POLICY GUIDELINES  | 7        |
| 2.4.1 Principles of Development  | 7        |
| 2.4.2 New Development  | 8        |
| 2.4.3 Demolition of Heritage Places                                      | 8        |
| 2.5 APPLICATION REQUIREMENTS   | 9        |
| 2.6 DEVELOPMENT OF BUILDINGS ON THE STATE REGISTER<br>OF HERITAGE PLACES | 9        |
| <b>3. RESIDENTIAL DEVELOPMENT</b>  | <b>9</b> |
| 3.1 EXTENT OF APPLICATION  | 10       |
| 3.2 POLICY OBJECTIVES  | 10       |
| 3.3 POLICY DEFINITIONS   | 10       |
| 3.4 POLICY GUIDELINES  | 10       |

|           |   |           |
|-----------|---|-----------|
| 3.4.1     | Scale and Size  | 10        |
| 3.4.2     | Form  | 12        |
| 3.4.3     | Siting  | 12        |
| 3.4.4     | Materials and Colours                                 | 14        |
| 3.4.5     | Detailing   | 16        |
| 3.4.6     | Setting   | 17        |
| <b>4.</b> | <b>COMMERCIAL DEVELOPMENT – CENTRAL YORK PRECINCT</b> | <b>18</b> |
| 4.1       | EXTENT OF APPLICATION                                 | 18        |
| 4.2       | POLICY OBJECTIVES                                     | 18        |
| 4.3       | POLICY DEFINITIONS                                    | 18        |
| 4.4       | POLICY GUIDELINES                                     | 18        |
| 4.4.1     | Scale and Size  | 18        |
| 4.4.2     | Form  | 19        |
| 4.4.3     | Siting  | 20        |
| 4.4.4     | Materials and Colours                                 | 20        |
| 4.4.5     | Detailing   | 22        |
| 4.4.6     | Setting   | 23        |
| <b>5.</b> | <b>SIGNAGE</b>  | <b>24</b> |
| 5.1       | EXTENT OF APPLICATION                                 | 24        |
| 5.2       | POLICY OBJECTIVES                                     | 24        |
| 5.3       | POLICY DEFINITIONS                                    | 24        |
| 5.4       | POLICY GUIDELINES                                     | 25        |

## LIST OF APPENDICES

APPENDIX A - Shire of York Municipal Inventory of Heritage Places

APPENDIX B - Central York and Blandstown Heritage Map

APPENDIX C - Levels of Contribution of Places in the Blandstown Heritage Precinct

APPENDIX D - Levels of Contribution of Places in the Central York Heritage Precinct

APPENDIX E - Landscaping and Garden Setting Guidelines

APPENDIX F - Heritage Impact Statement Guidelines

APPENDIX G - Interpretations and Definitions

## INTRODUCTION

This Policy has been adopted under the powers established by Clause 8.8 of the Shire of York Town Planning Scheme No. 2. In exercising discretion under this policy the Shire shall have due regard to the heritage provisions included in Clauses 2.3.8 and 2.3.9 of the adopted Shire of York Local Planning Strategy (August 2007). The Shire will have due regard for the State Planning Policy 3.5 “Historic Heritage Conservation” by the Western Australian Planning Commission.

This Local Planning Policy for the Shire of York highlights the importance of Heritage Precincts and Places as part of the amenity of the Shire’s built environment.

There are two Heritage Precincts in the townsite - Blandstown and Central York. The boundaries of the previous Heritage Precincts have been rationalised to allow for more efficient land use and development management. The Municipal Inventory has been updated to concentrate on both defined localities and individual sites. (See **Appendices A and B.**)

The two distinctive Precincts or Areas are Central York and Blandstown which have special qualities that are highly valued by the community and it is important to retain and enhance those qualities of appropriate sites as the town develops through time.

York was declared an Historic Town by the National Trust of Australia (WA) in 1980. It still has much of the charm and character of an early colonial settlement, and retains a significant legacy of buildings of historic and architectural value from the 19<sup>th</sup> and early 20<sup>th</sup> centuries.

This policy is intended to assist property owners and the Shire of York to achieve good development outcomes in an important heritage context. It will also provide understanding of the new qualities of heritage values and ensure that additions or alterations to existing buildings and new developments do not diminish the overall context and character of the area.

The first parts of the Policy outline the statutory status of this Policy which provides for strong development control measures under current Planning legislation.

The Overview provides some background of the historical nature of the Heritage Precincts and Places and the studies of Blandstown already undertaken.

The latter parts of the Policy deal with the guidelines and direction for improvements to existing places and for new developments in the precincts.

Guidelines for heritage impact statements associated with development applications are found in **Appendix F** – taken from the model provided by the Heritage Council of Western Australia. The Council of the Shire of York will require detailed information with every application, and will assess such applications in the terms prescribed. Advice will be sought from the Regional Heritage Advisor or Heritage Council on any matter considered necessary.

Council is grateful for the guidance and assistance from the Heritage Council in formulating this Policy.

**Local Planning Policy**  
**Heritage Precincts and Places**

**1.0 STRUCTURE OF POLICY**

The Local Planning Policy has been structured in a way that provides general guidelines to be observed in all designated Heritage Precincts, guidelines for specific issues such as signage and then policy provisions for residential and commercial development within the Central York and Blandstown Precincts. The format is as follows:

**1.1 Structure Outline**

**Part 1 Overview**

**Part 2 General Guidelines** - Policy Guidelines for all development within the Heritage Precincts.

**Part 3 Residential Development** - Policy Guidelines for all residential development within the Heritage Precincts and to Heritage Places.

**Part 4 Commercial Development** - Policy Guidelines for all commercial development within the Central York Precinct. Mixed use development must have regard to the policies contained in Part 3.

**Part 5 Signage** - Policy Guidelines for signage within the Central York and Blandstown Precincts.

**Appendix A** contains a list of places and precincts included in the Shire of York's Municipal Heritage Inventory.

The extent of the Central York and Blandstown Heritage Precincts are shown on the map provided in **Appendix B**.

The levels of contribution that the individual places make to the overall heritage significance and character of the Central York and Blandstown Heritage Precincts are detailed in **Appendices C and D**.

While there is no statutory basis for controlling the landscaping and garden settings for residential development in the Blandstown Heritage Area, general guidelines are provided in **Appendix E** for interested persons.

**1.2 Contribution of Existing Places to the Heritage Precincts**

The level of contribution that a place makes to the significance of an area is one of the matters considered in determining an application. All places within the Central York and the Blandstown Precincts have been classified as falling into one of the following categories:

| <b>Level of Contribution</b> | <b>Description</b>   | <b>Desired Outcome</b>   |
|------------------------------|--|--|
| <b>Considerable</b>          | Listed in the State Register of Heritage Places. Very important to the significance of the Precinct. | Conservation of the place is highly desirable. There is a presumption against demolition. Any external alterations or extensions should reinforce the significance of the Precinct in accordance with the Design Guidelines. |
| <b>Some / Moderate</b>       | Contributes to the significance of the Precinct.   | Conservation of the place is desirable. There is a presumption against demolition. Any external alterations or extensions should reinforce the significance of the Precinct in accordance with the Design Guidelines.        |
| <b>None</b>                  | Does not contribute to the significance of the Precinct.   | Existing fabric does not need to be retained. Any new (replacement) development on the site should reinforce the significance of the Precinct, in accordance with the Design Guidelines.                                     |

The level of contribution a place makes to the Central York or to the Blandstown Precinct is detailed in **Appendices C and D (which are still being determined)**.

## 1.3 STATEMENTS OF SIGNIFICANCE

York was declared a Historic Town by the National Trust of Australia (WA) in 1980. It still has much of the charm and character of an early colonial settlement, and retains a significant legacy of buildings of historic and architectural value from the 19th and early 20th centuries.

Central York and Blandstown Precincts comprise areas east of the railway line with an extension over the Avon River. The majority of the of the area excluding the special precincts, presents a predominantly single storey residential setting of similar scale, materials, roof forms and the site application, with a varying degree of heritage significance.

The cumulative effect of the scale, massing, texture, materials, colour and detail of individual buildings and their sites provide visual characteristics which have formed in distinctive periods from the early town establishment in the 1860s and 1870s, through to the twentieth century, clearly demonstrating the residential aesthetics of the periods.

### 1.3.1 Blandstown Precinct

*Blandstown Village Heritage Precinct, comprising approximately thirty-seven buildings constructed from local materials, two bridges, Bland's Brook, a section of Avon River and a street layout that dates from the end of the nineteenth century has cultural heritage significance for the following reasons:-*

*6 The place exhibits aesthetic qualities that are highly valued by the community.*

- *The place demonstrated the development of an early colonial settlement dating from the 1850s which has retained a high degree of intactness and authenticity.*
- *The place has the potential to yield archaeological and documentary information that will contribute to an understanding of the natural and cultural heritage of Western Australia, particularly in relation to early farming practices and the relationship between the farm and the broader rural community.*
- *The place has retained some of York's earliest buildings which are associated with the commercial success of this early inland town.*

- *The place is associated with Revett Henry Bland, Governor Stirling's appointee to the district and the owner of the land which developed as Blandstown, the Parker family who were prominent landowners in York and who owned Balladong Farm, and the Convict Hiring Depot which was constructed on the eastern side of the Avon River in 1852.*

### 1.3.2 Central York Precinct

The Central York Precinct mainly comprises single storey residential and commercial buildings as well as a number of substantial two storey commercial buildings. A feature of the precinct is an almost uninterrupted continuum of late 19<sup>th</sup> and early 20<sup>th</sup> buildings along both sides of Avon Terrace between Macartney and South Streets.

This area presents an collection of places of varying degrees of significance and is culturally important as a whole for the following reasons:

It physically reflects broad social and economic changes from the mid-nineteenth century and has the potential to contribute significantly to an understanding of the development of York.

The cumulative effect of the scale, massing, texture, materials, colour, and detail of individual buildings and their sites provide visual characteristics which have formed in distinctive periods from early town establishment in the 1860's and 1870's, the boom period of the 1890's Federation style, the twentieth century developments of the early 1900's and the prosperous surge in the late 1930's and later decades. The buildings clearly demonstrate the aesthetics of these periods.

The collective and individual landmark qualities of the buildings;

The continuity of commercial, residential, and cultural functions which operate without detracting from the overall integrity of the precinct and which contribute substantially to the character of the area; and

The precinct contributes to the York community's sense of place through its distinctive streetscape.

## 1.4 WHY ARE THE CENTRAL YORK AND BLANDSTOWN PRECINCTS IMPORTANT?

The substantial representation of Victorian/Colonial and Federation residential, commercial and civic buildings within the Central York and Blandstown Precinct provides a significant historic environment that informs of the foundation to the background of the town.

Historic character can be devalued and compromised by unsympathetic or non-responsive new development, including additions to existing buildings. Placing new buildings and additions in an historic context requires careful

analysis to identify the important elements of the overall heritage character that must be respected.

The character of an area is influenced by a number of contributing factors including:

- ⦿ landform;
- ⦿ distinctive landscape elements;
- ⦿ the pattern of subdivision;
- ⦿ date and style of buildings;
- ⦿ scale and form of buildings;
- ⦿ building setbacks;
- ⦿ materials, building techniques and details;
- ⦿ views, vistas and skylines; and
- ⦿ the use mix and activities.

Developments that appear most out of character share similar design attributes. This includes buildings that are too large in scale (both height and mass), are “box-like” in appearance, lack sufficient surface articulation, and/or are presented in strong or garish colours that are out of place with their surroundings. It is these characteristics that should be discouraged in future developments.

Character is also shaped by the relationship between the proportion of solid to void in walls, or the amount of window contained by a wall, together with the play of light, shadows, and the proportion of openings in walls.

The Local Planning Policy for the Central York and Blandstown Precincts is based on the primary elements that comprise the character of an area – scale or size, form, siting, materials and colours, and detailing. Examples are also provided of existing harmonious or sympathetic developments that respond to these primary elements in an acceptable manner.

## **2.0 GENERAL GUIDELINES**

### **2.1 EXTENT OF APPLICATION**

These guidelines shall apply to all development, including new development applications and the extension, alteration, addition, modification or demolition of existing buildings. The guidelines may be different for each of the defined Precincts.

### **2.2 GENERAL POLICY OBJECTIVES**

- a) To conserve and protect the cultural heritage significance of the Precincts and Places;
- b) To ensure that new buildings and modifications to existing buildings can be accommodated within the Precincts without adversely affecting the heritage significance and character of the area; and,

- c) To provide improved certainty to landowners and the community about the planning processes for development within the areas.

## 2.3 DEFINITIONS

**‘Heritage Place’** shall mean any place contained on the State Register of Heritage Places, the Shire of York Municipal Inventory of Heritage Places, any Heritage List adopted under a Town Planning Scheme or contained in **Appendix G** of this Local Planning Policy.

**‘Town Planning Scheme’** shall mean any operative Town Planning Scheme within the Shire of York. All other terms shall have the meanings applied to them under the Shire’s Town Planning `Schemes and the definitions included in **Appendix G** to the Local Planning Policy.

## 2.4 POLICY GUIDELINES

The policy includes commentary notes in the shaded text boxes. These notes are not part of the policy requirements, though they provide explanation and a context for the policy provisions and should be read in conjunction with the policy.

### 2.4.1 Principles of Development

All applications within the Precincts shall have regard to and respect the following principles of development:

- a) All development shall enhance and reinforce the historic character of the Precincts;
- b) All new buildings in Precincts shall respect their historic context and respond to the existing character, scale, form, siting, material and colours in accordance with the provisions of the Burra Charter;
- c) New buildings shall not be direct copies of heritage buildings and should be visually distinguishable from them. It is important to distinguish between heritage and new places so that heritage values are not diminished by replication;
- d) Buildings should be sited to respect the existing pattern of development in the Precincts, with buildings set squarely on lots and front and side setbacks which mirror the scale of the streets providing that the location takes into consideration energy efficiency standards and requirements under the Building Code of Australia.
- e) Heritage buildings shall be retained and conserved wherever possible, as these places, in combination with the streetscape, are the main determinants of the character of the Precinct;
- f) New construction, demolition, intrusions or other changes that would adversely affect the setting or relationships within the Precinct are not appropriate;

- g) Historic outbuildings such as stables and sheds often form an integral part of the heritage landscape and should be conserved where practicable;
  
- h) Additions to Heritage Places must ensure that they do not visually intrude on the existing building or street context and that they are in sympathy with the character of the existing property. Additions should be distinguishable from the original building and the distinction may be subtle if desired.

## 2.4.2 New Development

Compliance with Local Planning Policy:

1. All applications for development, including new development or the alteration, extension, modification or demolition of existing buildings within the Precincts shall comply with this Local Planning Policy.
2. In considering any development applications located within the Precincts, the Shire will consider the structural condition of a contributory place, whether a place is reasonably capable of conservation and the level of contribution a place makes to the significance of an area. The level of contribution for places within the Central York and Blandstown Heritage Precincts is detailed in **Appendices C and D** to the Local Planning Policy.
3. Except as provided for in the Local Planning Policy – Blandstown Precinct, the requirements of the Residential Design Codes shall apply to all residential development.
4. The Council may vary the requirements of this Local Planning Policy, where it is considered that full compliance with the policy is impractical or such variation is warranted in the circumstances of the case.

## 2.4.3 Demolition of Heritage Places or in a Heritage Precinct

Demolition of a place listed on the State Register of Heritage Places is rarely appropriate and is not likely to be supported by Council. Applications for demolition of a place on the State Register will be referred to the Heritage Council of Western Australia for comment prior to Council's determination.

Demolition of a Heritage Place should be avoided wherever possible. An application to demolish a heritage place must include clear justifications for the demolition and should be based upon the following:

- a) The significance of the building or place;
- b) The feasibility of restoring or adapting it or incorporating it into new development;

- c) The extent to which the community would benefit from the proposed development; and
- d) The provisions of this Local Planning Policy.

Council is unlikely to support the demolition of a heritage place based solely on the economic viability of redeveloping a site or because a building has been neglected.

If structural failure is cited as the primary justification for the demolition of a heritage place, evidence must be provided from a registered structural engineer that the structural integrity of the building has failed to the point where it cannot be rectified without removal of a majority of its significant fabric and/or prohibitive costs.

Where Council supports the demolition of a heritage place, the applicant may be required, as a condition of approval, to submit an archival record of the place prior to the demolition occurring.

The archival record is to be in accordance with the Council's standards for archival. **(Appendix H)**

### 2.5 APPLICATION REQUIREMENTS

When making an application for planning approval or seeking approval for demolition of a building, the Council may seek additional information other than that required under the provisions of the relevant Town Planning Scheme. Such additional information may include:

- a) A Heritage Impact Statement.

An applicant may be required to complete an impact assessment on any new development proposal or demolition permit as part of any formal application Council. **(Appendix F)**

If a proposal will have a substantial impact on the exterior fabric of a place, the Shire may require a heritage impact statement to be submitted, which would address three main questions:

- ⌚ how will the proposed works affect the significance of the place or area?
- ⌚ what alternatives have been considered to ameliorate any adverse impacts?
- ⌚ will the proposal result in any heritage conservation benefits that might offset any adverse impacts?

If a proposal affects a place that is entered in the State Register of Heritage Places it will be referred to the Heritage Council of Western Australia for comment.

- b) A Structural Condition Assessment in the Case of Demolition.

The Council retains the right to seek any independent advice, including the comments of the Heritage Council of Western Australia or their Regional Heritage Advisor, on development proposals or

applications for demolition. The Council also retains the right of passing on the costs of obtaining such advice to the applicant.

## **2.6 DEVELOPMENT OF BUILDINGS ON THE STATE REGISTER OF HERITAGE PLACES**

Any new development of a building on the State Register of Heritage Places may be discussed and negotiated with the Heritage Council of Western Australia and Shire of York prior to the submission of a development application.

Development proposals affecting places on the State Register must be referred by the Shire of York to the Heritage Council for advice as per the *Heritage of Western Australia Act 1990*.

## **3.0 RESIDENTIAL DEVELOPMENT**

### **3.1 EXTENT OF APPLICATION**

These Policy Guidelines shall apply to all residential development within the Central York and Blandstown Precincts. Residential development shall include new buildings and the extension, alteration, addition or modification of existing buildings. Where the residential development occurs on the same site as a commercial building or with some other form of mixed use development, the Policy Guidelines shall be given due consideration.

All residential development within the Precincts is required to comply with the Residential Design Codes. Where there is inconsistency between the Residential Design Codes and the provisions of this Policy and the Scheme, the Scheme and Policy shall prevail.

### **3.2 POLICY OBJECTIVES**

- a) To facilitate residential development that respects the existing character of an area;
- b) To ensure that all new residential buildings, alterations or extensions to existing dwellings are sympathetic to the predominant form, siting and appearance of existing and neighbouring buildings and the streetscape;
- c) To maintain the heritage value of significant buildings and streetscapes.

### **3.3 POLICY DEFINITIONS**

All terms shall have the meanings applied to them under the Shire's Town Planning Schemes and the definitions included in **Appendix G** to the Local Planning Policy.

### **3.4 POLICY GUIDELINES**

The policy includes commentary notes in shaded text boxes. These notes are not part of the policy requirements, though they provide explanation and a context for the policy provisions and should be read in conjunction with the policy.

### 3.4.1 Scale and Size

The scale of a building is its size in relation to its context, either as part of an existing house, existing neighbouring buildings or landscape, or a combination of these. The resulting development proposal should look as if it belongs to the area in terms of scale. Scale is one of the prime determinants of an area's character, and if scale is not correctly determined, there is little prospect of correcting the negative impact of an out-of-scale development. The use of tree and shrub plantings to hide over-scale buildings is rarely successful and should not be relied upon as a correction tool.

Most dwellings in the Precincts are single storey. The pattern of arrangement and size of buildings in Blandstown & Central York is an important part of its character and this varies little from street to street. The street layout and subdivision pattern provide a strong influence in scale through the width of streets and the frontage of blocks to those streets.

Further subdivision can alter this aspect of scale and for this reason, any applications for subdivision within the Precincts will be carefully scrutinised by the Shire prior to any recommendation made to the Western Australian Planning Commission.

The size of additions or extensions to existing buildings is also important and must comply with the same principles. Additions should not be more imposing than the original building. For verandah restorations, look for evidence of what may have been removed before planning a replacement and in the absence of evidence, ensure that the design approach matches the style for the period of construction of the place.

The scale of all residential development must respect:

- a) The scale of adjoining and nearby buildings in the street;
- b) The surrounding landscape; and
- c) The scale of the existing building, in the case of additions, extensions or modifications.

**Note:** The current Residential Planning Design Codes over Blandstown is R40, where sewer is available, other lots are zoned R10/General Agriculture, which are under review. Development at this scale is considered excessive and to meet the design criteria and the objectives development should be favoured at R40.

Two storey buildings will only be supported on lots of a size consistent with the R40 density code or higher.

On lots less than the R40 density, residential development shall maintain the appearance of a predominantly single storey streetscape. Two storey buildings may be considered on lots of a size less than the R40 density code where:

- a) the additional storey is situated under the natural ground level at the street, due to the slope of the land and without the need for substantial cut and fill;
- b) Where the bulk of the second storey is situated towards the rear of the building, or
- c) Where there is evidence that the below ground storey is demonstrated to be protected from inundation.

Other architectural design techniques, such as the breaking up of long walls into bays, the arrangement of openings and fragmenting roof forms, should be considered to reduce the scale of larger buildings.

All development must be sympathetic to the existing land contours and natural features. No more than 500mm of cut or fill may be permitted as part of any residential development, unless such cut or fill is to match the height and scale of an existing building. Retaining walls shall not exceed a height of 500mm, unless the natural contours of the land prior to development occurring warrant higher retaining walls. No filling shall be permitted on the Avon River flood plain.

A minimum 15 degree roof pitch is required on all new verandah's. The addition of a verandah to an existing building shall either continue the same roof pitch of the existing building or change the pitch, provided that a minimum 15 degree roof pitch is achieved.

### 3.4.2 Form

The form of the building is its overall shape, size and the general arrangement of its main parts. Traditionally, residences in the Precincts have been simple and rectangular, with steeply pitched roofs. Although other features can be disguised or concealed, roof lines will remain prominent, especially on a hillside.

Residential development in Central York and Blandstown Precinct should be sympathetic to the predominant form of the neighbouring dwellings and existing building, in the case of additions and modifications. Where a building form is highly repetitive, such as in the smaller scale streets of the Blandstown Precinct, significant departures in form will appear at variance to the streetscape. New buildings in highly cohesive streetscapes should not interrupt that cohesiveness of form.

The treatment of the façade in terms of the proportions, materials, number of openings, ratio of window to wall etc. will also affect how a new building relates to its neighbours and how an addition relates to an existing building. Symmetrical facades with doors into central corridors are commonly used in the Blandstown Precinct and this motif could be used for new buildings.

All residential development shall respond to and reinforce the existing characteristics of a streetscape or neighbourhood with regard to building appearance, plate and wall heights, roof form, ridge lines, parapet lines, roof slopes and eaves overhangs.

Roof lines shall be hipped or gabled and shall have a minimum slope of 25 degrees. Eave overhangs shall be a minimum of 300mm wide. A skillion roof as an extension of an original roof form may be acceptable.

All window and door openings shall have a vertical emphasis, which means they shall be long and narrow in appearance.

Additions, extensions and modifications to existing buildings shall not be more visually imposing than the original building. Front facades should not be extended forward of the existing building.

Additions, extensions or modifications shall respect and integrate with the roof line of an existing building.

Two storey extensions to an existing building should be set well back towards the rear of the property to minimise the visual impact on the streetscape or could be accommodated within the existing roof space.

No structural development shall be allowed within the designated Flood Plain of the Avon River as determined by the Department of Water.

Council shall set the minimum floor levels in the areas within the 100 year flood event limit in consultation with the Department of Water to take into account the likelihood of inundation, the streetscape, accessibility and other factors.

### 3.4.3 Siting

Another critical factor that influences character is building siting in relation to boundaries and, in particular, front setbacks from the street. When new buildings are developed in an historic context, they should be sympathetic to the local streetscape and the predominant front and side setbacks of the streetscape should be maintained. The adjoining properties in a streetscape provide the best guide as to the correct approach for the siting of new buildings. Obviously the siting, size and construction of front fences is also important and this subject is addressed later in the guidelines.

Importantly, buildings in Blandstown are set parallel to the street and are oriented to the street frontage. In other words, the principal elevation and entrance to a building faces the street. New buildings should be oriented in the same manner. Front setback patterns, where they exist, should be repeated, irrespective of the prevailing residential density code provisions. Usually houses on smaller lots in narrow streets have small front setbacks and houses on larger lots in wider streets have greater front setbacks.

Most of Blandstown historic development was completed before the motor vehicle came into common usage. Garages and carports in York could become a dominant and negative feature in the streetscape.

Additions to existing properties should also respect the pattern of siting and be located so as to avoid giving them undue prominence.

Consideration must be given to Federal and State objectives for energy efficiency in relation to siting.

For new residential development and additions, extensions or modifications to existing residential dwellings shall be located parallel to the street and shall observe any established front and side building setbacks of the neighbouring properties in the street.

Entries to a dwelling shall be at the front of the dwelling or be an obvious feature when viewed from the street. Entries which are central to a facade are encouraged. A blank wall facing the street is unacceptable.

All garages and carports shall be designed to have a minimal visual impact on the streetscape. Where side or rear access is available, vehicular access should be provided from these points and parking area, including garages and carports, located accordingly.

Garages and carports located in front of the building line of an existing dwelling will only be permitted if it cannot be located on any other part of the property. Garages and carports located in front of the building line must not obscure the front elevation of a building and their width shall not exceed 30% of the frontage of the property.

Car parking areas in new residential development should be incorporated into the design of a new house and should be setback from the primary street in line with or behind the building line of the proposed dwelling.

Note: The policy requirements relate to the location of parking area. Further requirements on the design and appearance of garages and carports are included in the Materials and Colours section.

### 3.4.4 Materials and Colours

Residential buildings in the Precincts use a variety of materials, which relate to the historic phases of development of the town. These materials, textures, colours and decorative treatments are important elements of character and significance.

Residential development, including garages, carports and outbuildings, should use materials, textures and colours that are characteristic in the adjacent buildings and the local area generally.

While it is not necessary or desirable to copy the existing patterns in every detail, the use of similar materials and colours assists with developing harmony in the streetscape. Modern materials are not precluded, providing their proportions, textures, details and colours are sympathetic with the surrounding context and are not in sharp

contrast. The quality of new materials should be equal with those of existing buildings.

When restoring or repairing important historic places, replacement materials should match like-with-like where possible. In conservation projects, doors and windows should replicate the type used when the building was originally constructed. Materials that were not intended to be painted, such as brick, should not be painted. Rendering or painting existing brick in older buildings will cause the brickwork to deteriorate and is a poor maintenance strategy.

Although weatherboard buildings are comparatively rare in the Precincts, new timber framed buildings are permitted. When restoring timber framed houses, new materials should match the original. Timber framed extensions are also permitted for brick buildings.

Traditional colour schemes in the Precincts feature several colours in combination. Rendered walls have been left unpainted or are natural tones of cream or stone. Window and door frames are a combination of dark and light colours, which generally contrast the base colour of material of the external walls.

The acceptable materials for new residential buildings, including outbuildings, garages and carports and additions, retaining walls, extensions or modifications to existing buildings are as follows:

a) Walls

- Red through to orange brick with cream joints. Darker brick accents are acceptable.
- Local stone.
- Smooth render.
- Timber weatherboards, corrugated iron or mini orb profile walls in a galvanised, painted or Colourbond finish are appropriate for side and rear walls, outbuildings, carports and garages.
- Use of limestone materials in retaining walls will not be permitted unless it is consistent with existing development.

b) Windows and doors

- Timber framed, especially when visible from the street.
- Commercial quality, box powder-coated aluminium framed, especially when visible from the street.
- Timber to match the existing materials being replaced or the period of development for residential places being restored.
- Small paned windows are encouraged in street elevations, if appropriate to the location of the development.

### c) Roofs

- Custom Orb profile sheeting. Preferred sheeting is galvanised, although Zinalume or Colourbond in an appropriate colour is acceptable.
- Galvanised sheeting is generally required for buildings listed in the State Register of Heritage Places.
- Clay tiles, if appropriate to the location.

### d) Gutters

- Half round galvanised gutters for places pre-1890.
- Ogee and colonial profile or quad for heritage places.
- Quad or half round for new places.

The colours to be used in all residential development will have regard to the following criteria:

- a) The colours used in an existing building and in neighbouring properties in the streetscape;
- b) Colours selected from heritage ranges will be acceptable. Guidance may be taken from the colour palette available for viewing at the Shire of York offices;
- c) For new buildings, sympathetic modern colours may be acceptable;
- d) Colours which take their inspiration from local, natural elements such as tree leaves, bark and soils may also be appropriate; and
- e) The use of bright or garish colours in large areas visible from the street is not permitted.

The colours to be used in heritage places, including places on the State Register of Heritage Places, the Shire of York Municipal Inventory of Heritage Places or any Heritage List of a Town Planning Scheme, should be based on the original colours used in the building based on paint scraping where possible.

Garages and carports shall be designed to have a minimal impact on the streetscape and shall be constructed to consider the following:

- a) The garage or carport should be built to reflect the style of the existing or proposed house, but not be so elaborately detailed as to detract from the house. The design should be sympathetic to the style of the house without copying the detailing used on the existing or proposed house;
- b) Roof form, materials and pitch should be the same as the existing house. Walls and/or piers should match existing brickwork or render as closely as possible;
- c) Timber posts used in a carport should respond to the style of the verandah posts on the house. Timber decoration may be used to relate the new structure to the existing or proposed house, but

should not make the garage or carport more important than the house;

- d) The materials and colours of garage doors should not detract from the heritage character of the Blandstown Precinct; and
- e) Where the side wall of a garage faces a street it shall be designed and treated in such a manner that it presents an articulated and detailed facade to the street. Eaves of a minimum 300mm shall be provided.

### 3.4.5 Detailing

Similar and common details in residential development also assist in creating character. There was a fairly common approach to detailing in various periods of development. There are similarities in the approach to chimneys, verandah's, doors and windows. Modern buildings are generally more simply designed than buildings in the historic context. This difference in approach to detailing in modern buildings can disrupt the harmony of a historic streetscape.

Using a sympathetic approach to the design and detailing of residential development can help create relationships between the new and old. Modern design features can reinterpret traditional details and contemporary detailing can provide visual interest that contributes to the character of the place.

Many residential buildings in the area have or have had front verandah's. Restoring a verandah to its original form can add significantly to the value of the building and enhance the streetscape. Verandah details, such as timber fretwork, iron lacework and turned posts, provide important elements of decoration on traditional buildings.

Other decorative elements include gables, lead lights and rendered corbelling on chimneys. Early York homes are characterised by tall brick chimneys with decorative corbelling (brick protrusions near the top of the chimney, commonly with decorative render).

The proportions and shapes of windows and doors give traditional Blandstown Precinct buildings a vertical emphasis. Their positions and relative size on a building façade are important components of the streetscape. The styles of windows and doors vary according to the date of construction however their position, proportions and shape remain relatively constant.

Decorative detailing should be used sparingly on new residential development and additions, extensions and modifications to existing buildings. New buildings should never copy traditional decorative elements. If decoration is required, it should be appropriate for the date of construction of the building.

New chimneys shall be tall, extending beyond the maximum height of the roof at any point.

The style of a replacement verandah roof, posts and decoration should be appropriate to the style of an existing building. In the

absence of any documentary evidence regarding the original verandah, a simple replacement verandah without elaborate decoration shall be used. Reinstatement of missing decorative detailing on existing buildings is encouraged.

The original door or window openings on an existing building are to be maintained. Where a door or window needs replacing, it is preferable to use a copy of the original.

Windows and doors in new buildings should not be copies of traditional styles. Where windows are visible from the street, they shall be simple timber-framed or commercial quality, box, powder coated aluminium-framed windows giving the appearance of timber framing, with proportions reflecting traditional openings. Some details may be adapted to allow buildings to harmonise with the traditional streetscape, such as using a slight arch of vertical brickwork over the window.

### 3.4.6 Setting

The treatment of front setback area to primary and secondary streets has a significant impact on streetscape. Fences and gates in the Precincts generally reflect the rural atmosphere of the town and few existing houses in the area have substantial front fences.

Traditional driveways and paths in the Blandstown Precinct were of local gravel or red clay. Front gardens are an important part streetscape and remnants of traditional gardens can be as important to the character and atmosphere of a heritage town as the original buildings. It is important to the landscape of the town that, where possible, these be conserved and ideally, new gardens would be designed to integrate with them.

While the policy does not provide controls on the materials used in driveways and paths or the nature of residential gardens, some general guidelines are contained in Appendix E for interested persons.

Fences and gates associated with residential development shall be consistent with the following requirements:

- a) For existing houses or properties, fencing and gates shall match the period of development. Local stone, timber picket, picket and red brick or local stone pier, or timber post and rail with chain mesh may be appropriate. Hedges may be appropriate as an alternative to fencing.
- b) Fibre cement sheeting or steel, iron or colourbond sheeting as a fencing material shall be avoided on any street frontage in front of the building line;
- c) Fibre cement sheeting or steel, iron or colourbond sheeting may be used to fence back yards if its visual impact from the street will be limited;

- d) Limestone fencing is not permitted in the Precincts;
- e) Front fencing shall be open in style to allow views to and from the house;
- f) Solid fencing on front boundaries and on side boundaries in front of the building line shall not exceed a height of 1200mm;
- g) Any fencing on front and side boundaries in front of the building line over 750mm shall be truncated a minimum of 1.5m at the entries to driveways and the intersection of streets.

Suggested materials for driveways and paths in residential Area are gravel, stabilised clay, red brick paving, brown or red asphalt or brown concrete.

## **4.0 COMMERCIAL DEVELOPMENT**

### **4.1 EXTENT OF APPLICATION**

These Policy Guidelines shall apply to all commercial development within the Central York Precinct. Commercial development shall include new buildings and the extension, alteration, addition or modification of existing buildings. Where the commercial development includes a residential component, the Policy Guidelines contained in Section 3 shall also be considered.

### **4.2 POLICY OBJECTIVES**

- To facilitate commercial development that respects the existing character of an area.
- To ensure that the primacy and heritage significance of Avon Terrace is maintained.
- To protect and encourage the conservation of the important heritage places within the Central York Precinct.
- To ensure that all commercial development, including new development and the modification or extension of existing buildings, respects the scale, form, siting, appearance and general fabric of existing buildings and the streetscape in the Central York Precinct.
- To ensure that new development is of a high architectural quality that contributes to, and enhances, the Precinct as a whole.

### **4.3 POLICY DEFINITIONS**

**‘Commercial development’** shall refer to all non-residential development in the Central York Precinct.

All terms shall have the meanings applied to them under the Shire's Town Planning Schemes and the definitions included in **Appendix G** to the Local Planning Policy.

## 4.4 POLICY GUIDELINES

The policy includes commentary notes in shaded text boxes. These notes are not part of the policy requirements, though they provide explanation and a context for the policy provisions and should be read in conjunction with the policy.

### 4.4.1 Scale and Size

The scale of a building is its size in relation to an existing commercial building, neighbouring buildings or the surrounding landscape. The resulting development proposal should look as if it belongs to the area in terms of scale. Scale is one of the prime determinants of an area's character and if scale is not correctly determined, there is little prospect of correcting an out of scale development.

The street layout and subdivision pattern provide a strong influence in the scale of development because of the width of the street and the frontage of blocks to the road. New buildings should be appropriate to the immediate surroundings.

The scale of all commercial development must respect:

- a) The scale of adjoining and nearby buildings in the street;
- b) The surrounding landscape; and
- c) The scale of the existing building, in the case of additions, extensions or modifications.

Commercial development is permitted up to two storeys in height, provided that the development is sympathetic and in scale with the adjoining buildings. New buildings that need to be larger than the buildings in their immediate surroundings can be reduced in scale through architectural design techniques, such as the breaking up of long walls into bays, the appropriate arrangement of openings, the fragmenting of roof forms and the setting back of upper levels.

The requirements for second storey additions to single storey heritage buildings are contained in following Section 4.4.2.

### 4.4.2 Form

The form of the building is its overall shape, volume and the general arrangement of its main parts. New commercial development and alterations to existing commercial development in the Central York Precinct shall be sympathetic to the predominant form of the neighbouring buildings and/or the existing building, where traditional main street building forms have been followed.

Where a building form is highly repetitive, such as in Avon Terrace, significant departures in form will appear at variance to the streetscape. The main design elements of new buildings in the street façade (i.e., proportions, number of openings, ratio of window to wall areas, etc.) will

also affect how a new building relates to its neighbours and how an addition relates to an existing building.

## **General Guidelines**

All commercial development shall respect and maintain the traditional pattern and appearance of the commercial buildings in the Central York Precinct and shall achieve the following criteria:

- a) Commercial buildings shall consist of horizontal strips of development broken into a vertical rhythm by the component shops or tenancies and the windows to individual shop fronts or tenancies;
- b) Large, single use buildings must maintain the appearance of articulated, individual frontages to the street through the use of architectural design features;
- c) Monolithic buildings with blank street frontages, large scale panel systems and sheet metal cladding are not acceptable;
- d) Corner sites provide an opportunity for landmark buildings and two storey development on street corners is appropriate; and
- e) New commercial developments should be simply treated, well-proportioned and detailed, though should not endeavour to copy history types in general.

## **Verandahs and Awnings**

New commercial development shall have a verandah or awning over the public footpath of sufficient dimensions so as to provide effective weather protection for pedestrians. The awning should be located at first floor height, and not at any level above. The awning should be simple in design and should line through with any existing awnings on adjacent development. Awnings should preferably extend for the full width of the building to allow continuous weather protection of the footpath below. Awnings supported by verandah posts are acceptable.

The requirement for an awning over the public footpath may be waived in locations where there is no continuous current or proposed streetscape.

For existing buildings, the reinstatement of verandahs with verandah posts located on the public footpath will normally be permitted, provided it can be demonstrated that such a verandah would be consistent with the original form and design of the building and its heritage integrity. Verandahs should only be reinstated where there is good evidence of their original existence, and must take into account modern standards for public safety.

- Restoration or reinstatement of traditional verandahs or awnings should be based on archival evidence;
- Buildings constructed without an awning or verandah should not have a traditional awning or verandah constructed;
- A simple contemporary awning or canopy may be permitted on any building, provided it does not detract from the significance of the place. In particular, it should not introduce undue separation of the ground floor from the upper levels.

## ***Compatibility of Building Forms***

The design of all commercial development shall consider the horizontal alignments of principal levels for over-pavement awnings, canopies, parapet tops, window heads and sills, wherever practicable, with the adjoining development in a streetscape.

All commercial development shall respond to and reinforce the existing characteristics of rooflines in the Central York Precinct, as follows:

- a) Plate and wall heights, roof form, ridge lines, roof slopes and parapet lines shall be consistent with the neighbouring buildings in the streetscape;
- b) Roof slopes shall achieve a minimum pitch of 25 degrees; and
- c) All verandahs shall have a minimum pitch of 10 degrees; and
- d) Commercial buildings may have an articulated front parapet wall as an acceptable alternative to the pitched roof.

## ***Parapets***

The decorative details of many original parapets are an important part of the building's original design style, and add to the distinctive character of the area. The alignment of parapets is an important component defining the skyline of the Precinct when viewed from the street.

- Parapets shall be retained in the adaptation of an existing building and should remain the main element defining the roof line when viewed from the street;
- A parapet to the primary street façade of a new building should be of comparable height to adjacent buildings; and
- New parapets may be simple or complex in their design and articulation, but should be designed in a manner that takes account of the form of parapets on adjacent buildings.

## ***Upper Floor Additions to Heritage Buildings***

A second floor may be added to an existing one storey heritage building. The overall height, however, must still be restricted to two storeys.

The additional floor shall be set back a minimum distance of 3m from the façade(s) of the heritage building and no external elements or attachments such as air conditioning plant may be placed forward of this building line.

The additional floor or new roof will be visible from Avon Terrace and other view points, so careful consideration of their appearance from all aspects is required.

- The design of a new upper floor to an existing heritage building, including its roof form, should not detract from its heritage significance;

- The form, articulation and detail of the addition should be considered carefully, and it should not detract from, or dominate, the style of the existing building;
- Simple “clean” lines, contemporary forms and proportions that derive from the original building are appropriate.

### ***Shopfronts and Windows***

New shop fronts should be encouraged to take the form of dado below glazing, with a central or side recessed entry. The entry may be set in a truncated recess.

Windows onto the street should not be tinted or treated with reflective film. Views into and out of commercial buildings are to be maximised to create visual interest and to provide for greater security through casual surveillance. A minimum of 80% of all window space of a building facing a public street shall be kept transparent, and not rendered opaque by advertising signage.

### **4.4.3 Siting**

A critical factor that influences the character of an area is the siting of buildings relative to boundaries, particularly setbacks from the primary street. New buildings in a historic context must be sympathetic to the local streetscape and reinforce the existing front and side setbacks to maintain the established patterns of development. The adjoining properties in a streetscape usually provide the best guide as to the correct approach for the setback of buildings. Commercial development in the Central York Precinct, and in most traditional urban main street centres, has been built up to the street edge. This provides an appropriate urban “feel” and maximises opportunities for businesses to interact with passing pedestrians. Commercial development which is set back from the street edge with car parking area in front of buildings are principally car-orientated, are not pedestrian-friendly and are inappropriate to the Central York Precinct.

Older buildings constructed on lots which are not parallel to the Avon Terrace road reserve have generally been located on the front boundary edge, even though this has resulted in the front walls being set at an angle to the side walls. This siting characteristic has helped maintain a continuous built edge to the footpath and is a feature of the precinct which should be retained.

### ***Front Setbacks***

All new commercial development, and the extension, addition, alteration or modification of existing commercial buildings, shall maintain a zero setback to the street. Commercial development shall be located parallel to the street and must be built up to the public footpath edge. This shall occur even if the lot is set at an acute angle to the road reserve.

Awnings or verandahs on building facades built up to the public footpath edge are permitted to be built over the public footpath.

## ***Car Parking Location***

In general terms, no car parking bays and car parking areas shall be provided in front of any building between the building and a public footpath.

Car parking areas associated with all commercial development shall comply with provisions of the Town Planning Scheme.

### **4.4.4 Materials and Colours**

The Central York Precinct has a variety of materials and colours that relate to the main historic phases of development of York. These materials, textures, colours and decorative treatments are important elements of character and heritage significance.

The main materials that contribute to the streetscape value of the Central York Precinct are those used in the walls of buildings and their window treatments. Roofs tend to play a less significant role as they are often concealed, or partially concealed, by parapets.

Commercial development should use characteristic materials, textures and colours that are in use locally and in many of the heritage buildings. Materials and colours of the surrounding buildings may be used as a point of reference for new development. It is not necessary or desirable to copy the existing patterns of development in every detail; however the use of similar materials and colours assists with developing harmony in a streetscape. Modern materials are not precluded, providing their proportions, textures and details are sympathetic with the surrounding context and are not in sharp contrast. The quality of new materials should be equal with those of existing buildings.

When restoring or repairing important historic places, replacement materials should match like-with-like where possible. In conservation projects, doors and windows should replicate the type used when the building was originally constructed. Materials that were not intended to be painted, such as brick, should not be painted. Rendering or painting existing brick in older buildings will cause the brickwork to deteriorate and is a poor maintenance strategy.

The acceptable materials for new commercial buildings and additions, retaining walls, extensions or modifications to existing commercial buildings are as follows:

#### **Walls**

- Red through to orange brick with cream joints. Darker brick accents are acceptable.
- Local stone.
- Smooth render.
- Timber weatherboards, corrugated iron or mini orb profile walls in a galvanised, painted or Colorbond finish are appropriate for side and rear walls and outbuildings.
- Use of limestone materials will generally not be permitted.

## **Windows and Doors**

- Timber framed, especially when visible from the street.
- Commercial quality, box powder-coated aluminium framed, especially when visible from the street.
- Steel framed.
- Timber to match the existing materials being replaced or the period of development for commercial places being restored.

## **Roofs**

Roofing materials are mostly concealed behind parapets, but there are instances of clay tiles and custom orb profile steel sheeting being exposed to view, particularly on corner sites. Preferred roofing materials include:

- Custom orb profile sheeting. Preferred sheeting is galvanised, although zincalume or Colorbond in an appropriate colour are acceptable.
- Galvanised sheeting is generally required for buildings listed in the State Register of Heritage Places.
- Clay tiles, if appropriate to the location.

Where roofing can be viewed from the street and surrounding area, large scale and large profile roofing is not acceptable. Roofing materials must not be used in large quantities as façade treatments.

## **Gutters**

- Half round galvanised gutters for places pre-1890.
- Ogee and colonial profile or quad for heritage places.
- Quad or half round for new places.

## **Colours**

The colours to be used in all commercial development will have regard to the following criteria:

- a) The colours used in an existing building and in neighbouring properties in the streetscape. Colours should respond to the original colours used or a contemporary interpretation of those colours;
- b) Colours selected from heritage ranges will be acceptable. Guidance may be taken from the colour palette available for viewing at the Shire of York offices;
- c) For new buildings, sympathetic modern colours may be acceptable;
- d) Colours which take their inspiration from local, natural elements such as tree leaves, bark and soils may also be appropriate;
- e) The use of bright or garish colours in large areas visible from the street is not permitted.
- f) Feature brickwork should not be painted.

- g) Colour schemes should include a range of tones of varying intensity to complement and enhance the complexity of architectural detail and decoration of the existing buildings.
- h) Monochromatic schemes are not appropriate on heritage buildings in the Central York Precinct and should be avoided.
- i) The application to new and existing buildings of “Corporate Standard” colour schemes or materials that are not sympathetic to the character of the Central York Precinct will not be supported.

The colours to be used in heritage places, including places on the State Register of Heritage Places, the Shire of York Municipal Inventory of Heritage Places or any Heritage List of a Town Planning Scheme, should be based on the original colours used in the building, which can usually be determined by paint scrapings.

### 4.4.5 Detailing

Similar and common details used in commercial development can also assist in creating character. There was a fairly common approach to detailing in various periods of development. Modern buildings are generally more simply designed than buildings in the historic context. This difference in approach to detailing in modern buildings can disrupt the harmony of an historic streetscape.

The civic and commercial buildings in the Central York Precinct are characterised by well detailed facades generally set on the front boundary with classically derived frontages above verandahs and awnings. Building fronts are predominantly glazed below the verandah or canopy level with doors located either centrally or to one side. Older shops have tall boards, in-goes and high ceilings. Verandahs are either bull-nosed or skillion with fascia for signage.

New development should respond to its context in terms of detailing, but may employ contemporary forms of expression. The detailing may draw on the examples of historic buildings in the Central York Precinct, but should not attempt to copy or reproduce them.

#### ***Verandahs***

The style of a replacement verandah roof, posts and decoration should be appropriate to the style of an existing building. In the absence of any documentary evidence regarding the original verandah, a simple replacement verandah without elaborate decoration should be used. Reinstatement of missing decorative detailing on existing buildings is encouraged.

#### ***Street Facades***

Alterations to the main street façade of heritage dwellings should be minimised.

The original pattern of the façade, the relationship of windows and walls and any architectural design or patterns, shall be retained.

Facades of new buildings, even though they may be of contemporary design and materials, should reflect, or be derived from, the articulation of the

facades of the existing significant buildings. There shall be a visual harmony between the new façade and the existing street elevation.

New buildings should never copy traditional decorative elements. If decoration is required, it should be appropriate for the date of construction of the building.

### ***Windows and Doors***

Windows should follow similar patterns to those used in existing buildings and the streetscape. Front entries should be central to the façade or offset to one side, facing directly onto the street.

Windows and doors in new buildings should not be copies of traditional styles. Where windows are visible from the street, they should be simple timber framed, or commercial quality, box aluminium framed windows with proportions reflecting traditional openings. Steel windows may also be acceptable.

The original door or window openings on an existing building are to be maintained. Where a door or window needs replacing, it is preferable to use a copy of the original.

Security to a premises should be provided in a way that is sympathetic to the fabric and character of a building and is not unduly intrusive. Roller doors will not be permitted.

### ***Lighting***

External lighting of a commercial building must be designed to be in keeping with the character of the street, to light the building effectively without drawing undue attention to it, and to provide an effective level of public amenity along the footpath. Lighting from the underside of awnings and verandahs is acceptable. Low key lighting to facades from verandahs and canopies is also acceptable.

### ***External Fixtures***

Elements fixed to the façade of a heritage building that are not part of the fabric of the building, such as air-conditioners, coolers, satellite dishes, antennas, etc., are inconsistent with the existing streetscape of Avon Terrace, and will not generally be permitted.

Council shall require a Development Application for proposed satellite dishes, antennas and the like under the following circumstances:

- On any property located within a heritage precinct;
- When, in the opinion of the Council, the size, position, or visual impact of the satellite dish, antenna or air conditioning unit will have a significant impact on adjoining sites or the general locality; and
- Where a proposed antenna will be visible from the street, or the proposed antenna is larger than that required for television reception.

### ***Chimneys***

New chimneys shall be tall in height, extending beyond the maximum ridge height of the roof at any point.

#### 4.4.6 Setting

Fences and gates in the Central York Precinct generally reflect the rural atmosphere of the town. It is important to ensure that fences fronting a street respond to the streetscape and the historical significance of the place to which it is relevant.

New development must allow for direct and level access from public footpaths. In addition, high building pads should not be created as part of any new development.

This Policy aims to ensure that the palette of paving materials used in the commercial area is confined to a narrow range, to maintain a high degree of visual harmony both within the streetscape and in the area immediately adjacent to it.

##### ***Paved Areas & Levels***

Footpaths and paved areas in commercial projects, other than rear car parks, are to be brick paved, paved in red asphalt with a laterite aggregate or imprinted concrete in appropriate colours & designs. Tessellated tiles may be appropriate for commercial building in-goes (recessed door entries). Rear car parks not visible from Avon Terrace may be laid in normal hot mix with a grey finish.

Every effort should be made in commercial developments to provide a flat (universal) access for pedestrians to and through the front door from the public footpath. Any changes in level should take place inside the building.

All development must be sympathetic to the existing land contours and natural features. No more than 500mm of cut or fill may be permitted as part of any commercial development, unless such cut or fill is to match the height and scale of an existing building. Retaining walls shall not exceed a height of 500mm, unless the natural contours of the land prior to development occurring warrant higher retaining walls.

##### ***Fences & Gates***

Fences and gates associated with commercial development shall be consistent with the following requirements; where there is conflict with the Shire of York Local Law on Fences, this Policy shall prevail:

- a) For existing buildings, fencing and gates shall match the period of development. Local stone, timber picket, picket and red brick or stone pier, or timber post and rail with chain mesh may be appropriate;
- b) For new development, fibre cement sheeting or steel fencing, iron or Colorbond sheeting as a fencing material shall be avoided on any street frontage in front of the building line;
- c) Fibre cement sheeting or steel fencing, iron or Colorbond sheeting may be used to fence back yards if its visual impact from the street can be limited.
- d) Limestone fencing is usually inappropriate, but may be permitted where it is proposed to be used to augment existing heritage walls;

- e) It is preferred that front fencing shall be open in style to allow views to and from the building, however if solid fencing on front and side boundaries in front of the building line is required, it shall not exceed 1200mm in height; and
- f) Any fencing on front and side boundaries in front of the building line over 750mm shall be truncated a minimum of 1.5 at the entries to driveways and the intersection of streets.

## 5. SIGNAGE

### 5.1 EXTENT OF APPLICATION

These Policy Guidelines shall apply to all applications for signage within the Central York and Blandstown Heritage Precincts.

It is likely that the Shire of York will develop Local Laws and Policies to address all signage applications throughout the entire district. These Policy Guidelines aim to provide a basis for signage in the Precincts, pending the preparation and gazettal and/or adoption of these more detailed requirements.

New signage must be approved by the Shire of York.

### 5.2 POLICY OBJECTIVES

- To permit adequate identification and business advertising.
- To recognise that advertising signs can help to express the character of the Heritage Precincts, creating an attractive daytime and evening atmosphere.
- To limit the number, scale and positioning of advertising signs.
- To ensure that advertising signs are in keeping with the scale and character of the building upon which they will be attached and do not detract from the architecture of the building.
- To ensure that signage is designed and located in a manner which enhances and conserves the heritage place with which it is associated.

### 5.3 Policy Definitions

**'Freestanding Sign'** means a sign that is displayed on an advertising structure that is mounted on the ground on one or more supports.

**'Monolith Sign'** means a sign that is not attached to a building or any other structure and with its largest dimension being vertical. Such signs may

consist of a number of modules and is generally uniform in shape from ground level to the top of the sign.

**‘Pylon Sign’** means a sign supported on one or more piers, not attached to a building or other structure, and includes a detached sign framework supported on one or more piers to which sign infill may be added.

**‘Signage or Signs’** means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, used for the purposes of advertisement, announcement or direction and includes any hoarding or similar structure used for the display of advertisements. The term includes any airborne device anchored to any land or building, the painting of any building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising.

**‘Temporary Special Event Signs’** means a temporary sign which is erected for a short term event such as a fair or festival for charitable, religious, educational, sporting organisations or the like, which has been approved by the Shire of York. Temporary Special Event Signs must be removed at the completion of the event and consent must be sought from the Shire of York when signs are to be placed in a thoroughfare or a reserve.

**‘Tower Sign’** means a sign affixed to or placed on a tower, chimneystack or open structural mast.

All other terms shall have the meanings applied to them under the Shire’s Town Planning Schemes and the definitions included in **Appendix G** to the Local Planning Policy.

## 5.4 Policy Guidelines

This policy includes commentary notes in shaded text boxes. These notes are not part of the policy requirements, though they provide explanation and a context for the policy provisions and should be read in conjunction with the policy.

In heritage precincts such as Central York and Blandstown, architectural and overall setting characteristics must be the dominant elements, and signage must play a minor role. The design and placement of signs on or near heritage buildings and places requires careful consideration to be compatible with, and not detract from, the heritage significance of the building or place.

Traditionally, signs were rarely placed on pilasters, architectural mouldings or across incised decorative patterns. They were placed so as to allow the architectural details of buildings to remain prominent.

Signs must also be visually subservient to the building to which they are attached. Given that motor traffic moves at relatively low speeds through the town, it is not considered that signs need to be large.

While advertising signage will mostly appear in the commercial area, some residents who operate legally established home businesses may also wish to advertise.

Applicants are encouraged to commission a reputable graphic designer for the design of their signage, to ensure that signs are designed to a high standard, and respect the unique setting of the Central York & Blandstown Precincts.

This Local Planning Policy does not provide controls for the following types of signs: street numbers, real estate signs, open/closed signs, building site signs and temporary special event signs.

### ***Complying Principles***

All signs within the Central York and Blandstown Precincts shall comply with the following principles:

- a) Signs shall be discreet and shall complement the building and streetscape in which it is located;
- b) Signs shall be of a size, nature, colour and position so that the architectural characteristics of a building remain the dominant element of the building;
- c) Signage must respect and not cover important architectural detail on historic buildings;
- d) Signage should respect the heritage values of the building and streetscape on which it is located, however should not attempt to recreate a historic character through the use of “olde” lettering or other imitation styles;
- e) Signs shall be attached to a building in a manner which does not damage or compromise the structural integrity or heritage values of the building;
- f) Views into and out of shop windows should not be significantly obscured by signage;
- g) All signs should be of a high standard in terms of materials, construction and graphics. All signs shall be designed, constructed, finished, installed and maintained to a standard compatible with its surroundings, including buildings, landscaping and other signs; and
- h) Background colours used in signs shall generally be white or cream or colours from the colour palette available for viewing at the Shire of York offices.

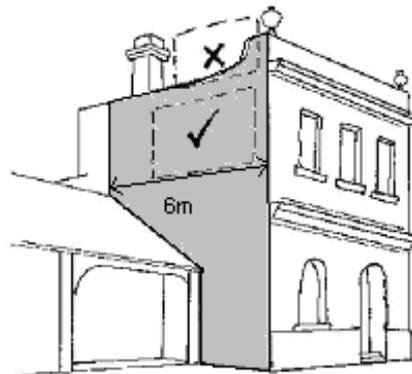
### ***Prohibited Signs***

The following signs **are not permitted** within the Central York and Blandstown Precincts:

- a) Signs which consist of modern standardised corporate advertising, unless such signage is modified by placing the modern sign in a panel with a perimeter margin and the background colour of the sign is generally white or cream or colours from the colour palette available for viewing at the Shire of York offices, or appropriate to the period and the building to which it is affixed;
- b) Signs that obstruct the views to and/or from a street or public place and that have the potential to impede safe traffic movement;
- c) Signs that are likely to be confused with or mistaken for an official traffic light or sign, so as to contravene the *Traffic Act 1919* or the Traffic Regulations;
- d) Signs which are affixed to a building in a manner that will damage the building, will negatively impact on the heritage values of the building, or which will affect the stability of the building;
- e) Free-standing or portable signs, including A-frame signs, in a street or a public place, unless they are placed in a location(s) so that they do not impede pedestrian access or cause any form of hazard.
- f) Pylon, tower or monolith signs;
- g) Rotating, flashing and internally lit signs. Small neon signs hanging inside the windows of shops may be appropriate, provided they are of a size and dimension to not become a dominant townscape element;
- h) Roof signs or signs which break a parapet or roof line;
- i) Signs which involve the construction of walls or parapets that would not have been part of the traditional streetscape;
- j) The painting of whole building facades or parapets in bright or corporate colours;
- k) The painting of signage on historic buildings on unpainted brickwork or stonework;
- l) Fluorescent and iridescent paint colours;
- m) A sign located in any position where it would unreasonably obstruct or obscure the existing views from a dwelling or building of a significant feature such as the river or a public park; and
- n) Flags and bunting.

**Signs on Side Walls**

Signage on the side walls of buildings may be permitted, provided that the signs do not protrude above the parapet breaking the silhouette of the building, and do not have an area greater than 10 sq.m or exceed 10% of wall area, whichever is the lesser. In situations where the side of the building does not front a street, the visible area of the wall up to a maximum depth of 6m, shall be used to calculate the surface area of the wall to determine the size of the sign.



Example of appropriate and prohibited signage on the side wall of a building.

Signs shall not extend above the parapet and break the silhouette of the building.

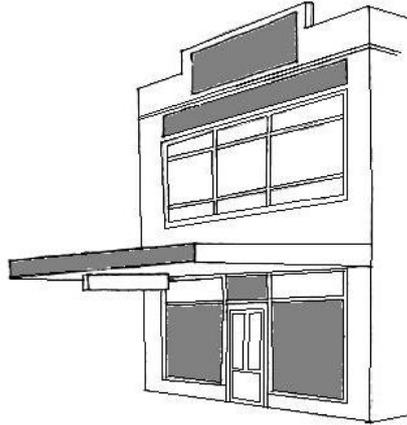
Figure shows how to calculate the surface area of the wall to determine size of the sign. The sign shall not exceed 10% or 10 sq.m of the area hatched in grey, whichever is the lesser amount.

**Appropriate Locations for Signs**

Generally the following areas on a heritage building are suitable for locating signage, although it is not suggested that all these opportunities should be exploited at the same time:

- the solid parapet above the cornice (horizontal sign);
- the horizontal panel below the cornice (horizontal sign);
- on upper storey side walls;
- small signs on ground or first floor windows; and
- attached to verandahs (verandah fascia and under-awning signs).

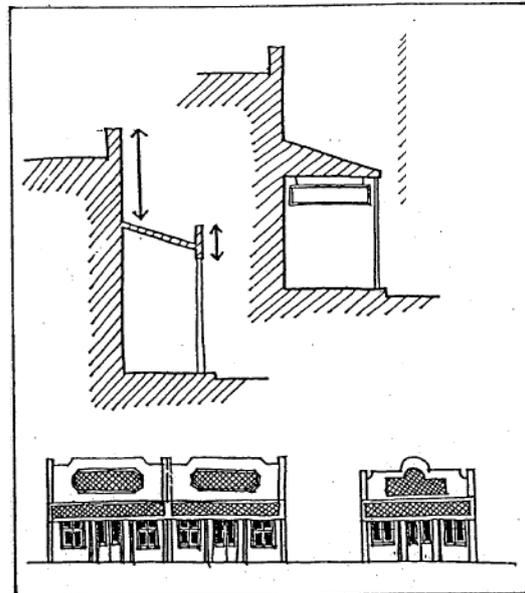
The aggregate number of signs on a building, including the painting of the building and freestanding signs, shall be minimised. The total aggregate of all signs on the frontage of the building to the street shall not exceed 10% of the total (silhouette) area of a building's principal frontage.



The total area of the shaded portions shall not exceed 10% of the total area of the face of the building to the street.

NOTE: This Fig needs to be altered to remove 80% of the shading from the windows.

Signage shall be placed in locations on a building which would traditionally have been used as advertising area. If the building has no such locations, the signage may be deemed inappropriate. Preferred locations for signage shall include: awnings, fascia's, doors, walls and hanging under verandahs, either facing the street or at right angles to the street above the footpath.



Example of areas of traditional locations of signage.

### ***Required Overhead Clearance***

All signage situated over the footpath or other pedestrian thoroughfare shall maintain a minimum clearway of 2.75m from the natural ground level. Signs situated under the verandah of a building shall not project beyond the outer edge of the verandah.

### ***Permitted Signage Content***

The information to be included on a sign shall be limited to:

- a) The name, address, telephone number, email address or website associated with the premises;

- b) The name of the business(es) contained within the premises;
- c) The type of services, activities or products available within the premises.

Unrelated or third party advertising is not permitted.

Lettering on signs is restricted to 300mm high, except on larger two storey buildings, where the lettering on the principal sign may be 380mm high.

### ***Corporate Colours & “Branding”***

Signs which consist of modern standardised corporate colours and advertising are not generally permitted, unless such signage is modified by placing the modern sign in a panel with a perimeter margin and the background colour of the sign is generally white or cream or colours from the colour palette available for viewing at the Shire of York offices, or appropriate to the period and the building to which it is affixed;

The use of corporate colours and business logos shall not exceed 40% of the total surface area of the sign. The remaining background colours of the signs shall generally be white or cream or colours from the colour palette available for viewing at the Shire of York offices.

### ***Illumination of Signs***

The illumination of signs may be appropriate in some circumstances. The illumination of signs may only occur from external lighting sources or spot lighting of architectural elements or the sign itself. All lighting shall be discreet and all transformers and cabling shall be concealed.

### ***Home Occupation & Business Signs***

Signage relating to home occupation or home business within a residential dwelling shall be restricted to one advertising sign placed on a wall of the residence or the front fence of the property. The sign shall have a maximum area of 0.2 sq.m and shall display the name of the business and street address only. Where these standards are achieved, no application for planning approval is necessary.

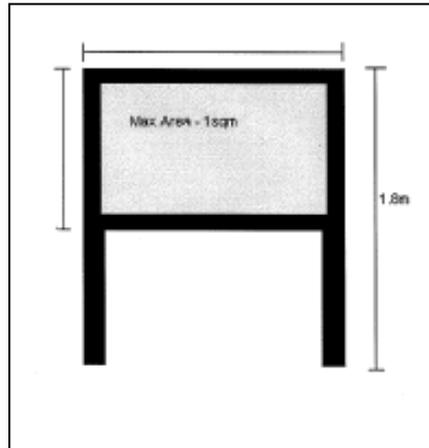
### ***Freestanding Signs***

Freestanding signs are only permitted on lots where the building is set back from the street, and must comply with the following;

- a) The information included on the sign shall be limited to the name, address, telephone number, email address or website, and hours of operation of the business carried out on the premises;
- b) A maximum of one (1) free standing sign is permitted per property;
- c) The area of the sign (excluding supports) must not exceed 1 sq.m and a maximum length of 2.4m; (IS THIS CORRECT – 2.4M?)

## SHIRE OF YORK: POLICY MANUAL

- d) The sign shall have a maximum height of 1.8m above natural ground level;
- e) The sign shall be permanently fixed to the ground; and
- f) Sign must be positioned in a suitable location so that pedestrian movement and views into and out of the premises is not obstructed.



|                            |  |
|----------------------------|--|
| <b>Policy Owner:</b>       | Planning Department  |
| <b>Person Responsible:</b> | Manager Planning   |
| <b>Date of Origin:</b>     |  |
| <b>Endorsed:</b>           | 15 September 1997<br>21 August 2006 – Council Resolution 190806<br>22 September 2008 – Council Resolution 170908<br>17 August 2009 – Council Resolution 040809 |
| <b>Amended:</b>            | 17 August 2009 – Council Resolution 040809   |
| <b>Version:</b>            | 1  |

## YORK MUNICIPAL INVENTORY LIST OF HERITAGE PLACES AND PRECINCTS

### KEY

REF - Place Reference Number

CAT.

**1A** State Registered or on the Assessment Program of the Heritage Council of Western Australia.

A place of exceptional cultural heritage significance for the Shire of York and the State of Western Australia, that is either in the Heritage Council of WA's Register of Heritage Places, or worthy of consideration for entry into the Register.

Recommend: Retain and Conserve the place.

A development application needs to be submitted to Heritage Council of WA for approval for any proposed development prior to it being submitted to Council.

**1B** A place of considerable cultural heritage significance to Shire of York that is worthy of recognition and protection through provisions of the Shire of York's Town Planning Scheme.

Recommend: Retain and Conserve the place.

Planning application needs to be submitted to Shire of York for any proposed development. Full consultation with property owner prior to making the recommendation.

**2** A place of considerable cultural heritage significance to Shire of York that is worthy of recognition and protection through provisions of the Shire of York's Town Planning Scheme.

Recommend: Retain and Conserve the place.

Planning application needs to be submitted to Shire of York for any proposed development. Full consultation with property owner prior to making the recommendation.

**3** A place of some cultural heritage significance to Shire of York.

Recommend: Encourage retention of the place and document the place (Archival Record Required) if retention is not possible.

No particular heritage planning constraints.

**4** A site without built features, but of some cultural heritage significance to Shire of York.

No particular heritage planning constraints.

Recommend: Interpret the place and/or Archival Record the place.

| Cat. | Level of Significance      | Description   | Desired Outcome   |
|------|----------------------------|---|---|
| 1A   | Exceptional significance   | Essential to the heritage of the locality. Rare or outstanding example.   | <p>The place should be retained and conserved unless there is no feasible and prudent alternative to doing otherwise.</p> <p>Any alterations or extensions should reinforce the significance of the place, and be in accordance with a Conservation Plan (if one exists for the place).</p> |
| 1B/2 | Considerable significance  | Very important to the heritage of the locality. High degree of integrity/authenticity.  | <p>Conservation of the place is highly desirable.</p> <p>Any alterations or extensions should reinforce the significance of the place.</p>  |
| 3    | Some/Moderate significance | Contributes to the heritage of the locality. Has some altered or modified elements, not necessarily detracting from the overall significance of the item. | <p>Conservation of the place is desirable.</p> <p>Any alterations or extensions should reinforce the significance of the place, and original fabric should be retained wherever feasible.</p>   |
| 4    | Little Significance        | Does not fulfil the criteria entry in the local Heritage List.  | Photographically record prior to major development or demolition. Recognise and interpret the site if possible.   |

## SHIRE OF YORK: POLICY MANUAL

| DESCRIPTION   | ADDRESS                          | HCWA No. | ASSESS No.                               | CAT. |
|---|----------------------------------|----------|--|------|
| Wansborough House & Grounds   | Avon Tce. No. 22                 | 2830     | 11640                                    | 1A   |
| York Town Hall  | Avon Tce. No. 79-81              | 2880     | 31319/31320                              | 1A   |
| Imperial Hotel & Outbuildings   | Avon Tce. No. 83                 | 10725    | 12790                                    | 1A   |
| Post Office   | Avon Tce. No. 134                | 2855     | 50028                                    | 1A   |
| Fire Station  | Avon Tce. No. 151                | 2860     | 14300                                    | 1A   |
| Police Stn., Court House and Gaol   | Avon Tce. Lot 22997              | 2852     | 50096                                    | 1A   |
| Police Stn. cottages  | rear Avon Tce. Lot 22997         | 2882     | 50021/50022                              | 1A   |
| former Monger's Store   | Avon Tce. cnr. Pool Street Lot 2 | 3980     | 4270                                     | 1A   |
| Dwelling Eliza's Cottage  | Bland St. No. 9                  | 2868     | 14150                                    | 1A   |
| Old Hospital  | Brook St.                        | 3019     | 50037                                    | 1A   |
| Residency Museum  | Brook St.                        | 2870     |  | 1A   |
| Flour Mill  | Broome St. No. 7-13              | 2872     | 10462                                    | 1A   |
| Sandalwood yards – Part of Monger's Store                                 | Ford St. cnr. Avon Sts.          |          | 13090                                    | 1A   |
| Gwambygine Farm & Pool  | Great Southern Hwy               | 14880    | 800                                      | 1A   |
| Faversham House   | Grey St. No. 24                  | 2876     | 50035                                    | 1A   |
| York Primary School   | Howick St.                       | 2877     | 50031                                    | 1A   |
| Holy Trinity Church/Hall/Rectory  | Newcastle St. cnr. Pool St.      | 3213     | Combined                                 | 1A   |
| Marwick's Barn  | Newcastle St. No. 19-21          | 2884     | 9732                                     | 1A   |
| Balladong farm group - Balladong Farm - Granary & Stables - Shearing Shed | Parker St. cnr. Avon St.         | 2867     | Taken Balladong House from this section. | 1A   |

## SHIRE OF YORK: POLICY MANUAL

|   |   |      |       |           |
|---|---|------|-------|-----------|
| Homestead 'Korrawilla'  | Quairading Rd. Greenhills                   | 4184 |       | 1A        |
| Monument and Park   | Railway St.                                 | 2891 |       | 1A        |
| York Railway station - Incl. Platforms & Quarters, Landscape and settings | Railway St.                                 | 2899 | 50030 | 1A        |
| Bridge House & Grounds  | Redmile Rd. No. 1                           | 2893 | 11350 | 1A        |
| St. Patrick's Catholic Church Presbytery - St. Patrick's Church Hall      | South St. cnr. Grey St.                     | 2878 | 50082 | 1A        |
| Ragged Robin  | South St. No. 25                            | 2898 | Done  | 1A        |
| fmr. Convent of Mercy   | South St. No. 29                            | 2879 | 50038 | 1A        |
| York Beverley Race Club Building  | York Shire                                  | 3426 |       | 1A        |
| <b>Blandstown Heritage Precinct (Refer to other index)</b>                | <b>York (as shown on map at Appendix B)</b> |      |       | <b>1B</b> |
| <b>Central York Heritage Precinct (Refer to other index)</b>              | <b>York (as shown on map at Appendix B)</b> |      |       | <b>1B</b> |
| Girl Guides Barn  | Ford St.                                    |      |       | 2         |
| "Hartleap" Farmhouse and Outbuildings                                     | Forrest St.                                 |      |       | 2         |
| "Hillside" Farmhouse  | Forrest St.                                 |      |       | 2         |
| Uniting Church & Hall (fmr. Wesley Church)                                | Grey St. Pt. Suburban Lot D                 |      |       | 2         |
| Dwelling  | Henry Rd. No. 44                            |      | 7050  | 2         |
| Dwelling  | Henry Rd. No. 45                            |      |       | 2         |
| Dwelling "Peppercorn Cottage"   | Henry Rd. No. 68                            |      |       | 2         |
| Tipperary Church fmr. St Pauls  | Northam Rd.                                 |      |       | 2         |
| Dwelling "Laurelville"  | Panmure Rd. No. 18                          |      |       | 2         |

## SHIRE OF YORK: POLICY MANUAL

|                                |   |      |       |   |
|--------------------------------|---|------|-------|---|
| St Andrews Church and Cemetery | Quairading Rd.<br>Greenhills              |      |       | 2 |
| Four Julias                    | South St.                                 |      |       | 2 |
| Farmhouse 'Spice's Farm'       | Spices Rd.                                | 5999 | 780   | 2 |
| Anglican Rectory & Grounds     | Suburban St. No. 75                       | 4201 | 50026 | 2 |
| Dwelling                       | Alfred St. No. 2                          |      | 12960 | 3 |
| Dwelling and Shop              | Avon Tce. No. 208<br>(Cnr River Street)   | 5960 | 6560  | 3 |
| Dwelling                       | Bird St. No. 25                           |      | 9070  | 3 |
| Dwelling                       | Bird St. No. 26                           |      | 7830  | 3 |
| Dwelling                       | Bland Rd. No. 16                          |      | 11590 | 3 |
| Dwelling                       | Bland Rd. No. 24                          |      | 11560 | 3 |
| Dwelling                       | Brunswick St. No. 59                      |      | 14181 | 3 |
| Guest House "Hope Farm"        | Carter Rd. No. 15                         |      | 4170  | 3 |
| Dwelling                       | Centennial Drive.<br>No. 87               |      | 7340  | 3 |
| Dwelling "Cotmore"             | Clifford St. No. 9                        |      |       | 3 |
| Dwelling                       | Clifford St. No. 11<br>(cnr Seabrook St.) |      |       | 3 |
| Dwelling                       | Clifford St. No. 33                       |      | 8260  | 3 |
| Dwelling                       | Clifford St. No. 34                       |      | 7811  | 3 |
| Dwelling                       | Dinsdale St. No.3                         |      | 11930 | 3 |
| Dwelling "Sunny Hill"          | Dinsdale St. No. 16                       |      | 60315 | 3 |
| Dwelling                       | Ford St. No. 2                            |      |       | 3 |
| Dwelling                       | Ford St. No. 44                           |      | 8141  | 3 |
| Dwelling "The Mount"           | Fraser St. No. 29                         |      |       | 3 |
| Dwelling "Lavender Cottage"    | Georgiana St. No. 6                       |      |       | 3 |

## SHIRE OF YORK: POLICY MANUAL

|                                       |  |  |       |   |
|---------------------------------------|--|--|-------|---|
| Dwelling                              | Glebe St. No. 1                            |  | 11800 | 3 |
| Recreation                            | Glebe St. No. 8                            |  | 31280 | 3 |
| Dwelling "Avonlea"                    | George St. No. 13                          |  | 60086 | 3 |
| Farmhouse<br>"Woodlands"              | Goldfields Rd.<br>(east of Marwick Rd.)    |  |       | 3 |
| St Ronan's Well Reserve               | Great Southern Hwy.<br>15kms towards Perth |  |       | 3 |
| Dwelling                              | Grey St. No. 17                            |  |       | 3 |
| Dwelling                              | Grey St. No. 35                            |  | 6503  | 3 |
| Dwelling                              | Grey St. No. 55                            |  | 60047 | 3 |
| Dwelling                              | Harriott St. No. 37                        |  | 4500  | 3 |
| Kingdom Hall –<br>Jehovah's Witnesses | Knight St. No. 9                           |  |       | 3 |
| Dwelling –<br>"Chinaman's Cottage"    | Lee Cres.                                  |  |       | 3 |
| Dwelling                              | Lincoln St. No. 11                         |  | 5520  | 3 |
| Dwelling                              | Macartney St. No. 26                       |  | 13120 | 3 |
| Dwelling                              | Macartney St. No. 28                       |  | 6521  | 3 |
| Dwelling                              | Macartney St. No. 30                       |  | 6520  | 3 |
| Dwelling                              | Macartney St. No. 35                       |  | 5180  | 3 |
| Dwelling                              | Macartney St. No. 45                       |  | 6870  | 3 |
| Dwelling                              | Macartney St. No. 54                       |  | 13960 | 3 |
| Dwelling                              | Macartney St. No. 66                       |  | 13670 | 3 |

## SHIRE OF YORK: POLICY MANUAL

|                                |                                 |      |       |   |
|--------------------------------|---------------------------------|------|-------|---|
| Dwelling                       | Macartney St. No. 68            |      | 7270  | 3 |
| Dwelling                       | Macartney St. No. 74            |      | 12830 | 3 |
| Dwelling "Glenidel"            | Maud St. No. 20                 |      | 12350 | 3 |
| Dwelling                       | Meares St. No. 3                |      | 12440 | 3 |
| Dwelling "Cottage Garden"      | Meares St. No. 14               |      | 7960  | 3 |
| Dwelling                       | Meares St. No. 19               |      | 4770  | 3 |
| York Cemetery                  | Mount Street                    | 2885 | 30750 | 3 |
| Dwelling                       | Newcastle St. No. 1             |      | 10550 | 3 |
| Dwelling                       | Newcastle St. No. 15            |      | 9870  | 3 |
| Dwelling – Kairey Cottage      | Newcastle St. No. 16            |      |       | 3 |
| Dwelling                       | Newcastle St. No. 22            |      | 9731  | 3 |
| Dwelling                       | Newcastle St. No. 24            |      | 9730  | 3 |
| Dwelling                       | Newcastle St. No. 25            |      | 4540  | 3 |
| Dwelling                       | Newcastle St. No. 28            |      | 11520 | 3 |
| Dwelling "Stone Grange"        | Newcastle St. No. 29            |      | 12920 | 3 |
| Dwelling                       | Newcastle St. No. 37            |      | 4640  | 3 |
| Dwelling                       | Newcastle St. No. 42            |      | 5710  | 3 |
| Dwelling                       | Newcastle St. No. 49            |      | 12650 | 3 |
| Dwelling                       | Newcastle St. No. 53            |      | 8530  | 3 |
| Dwelling                       | Newcastle St. No. 71            |      | 6530  | 3 |
| Dwelling Mt Bakewell homestead | North Rd. (opposite racecourse) | 5986 | 55    | 3 |

## SHIRE OF YORK: POLICY MANUAL

|   |                               |      |                        |   |
|---|-------------------------------|------|------------------------|---|
| Dwelling "Lott's Cottage"                       | Northam Rd. No. 12            |      |                        | 3 |
| Prunster Cottage and Barne's Cottage            | Northam Rd. No. 57            |      |                        | 3 |
| Dwelling  | Osnaburg Rd. 2                |      |                        | 3 |
| Dwelling  | Panmure Rd. No. 12            |      | 7400                   | 3 |
| Dwelling  | Panmure Rd. No. 24            |      | 8340                   | 3 |
| Dwelling 'Four Winds'                           | Panmure Rd. No. 38            | 5993 | 6400                   | 3 |
| Dwelling  | Panmure Rd. No. 67            |      | 10950                  | 3 |
| Dwelling  | Panmure Rd. No. 93            |      | 11601                  | 3 |
| Dwellings - group of railway - workers cottages | Pelham St. Nos. 15,17,19 & 21 | 5994 | 12875/12876/6310/12877 | 3 |
| Suspension Bridge                               | Pool St.                      | 2889 |                        | 3 |
| Dwelling - "Job Bailey's Cottage"               | Pool St. No. 2                |      |                        | 3 |
| Dwelling  | Pool St. No. 4                | 5996 | 7720                   | 3 |
| Dwelling  | Pool St. No. 7                | 5997 | 5070                   | 3 |
| Dwelling  | Pool St. No. 15               |      | 7650                   | 3 |
| Dwelling  | Pool St. No. 17               |      | 9820                   | 3 |
| Dwelling  | Pool St. No. 19               |      | 7700                   | 3 |
| Dwelling  | Pool St. No. 21               |      | 14130                  | 3 |
| Dwelling "Layla's Cottage"                      | Pool St. No. 23               |      | 7980                   | 3 |
| Dwelling  | Suburban Rd. No. 36           |      | 9030                   | 3 |
| Dwelling 'The Roundhouse'                       | Spencer Brook Rd. No. 38      | 5998 | 6010                   | 3 |
| Dwelling  | Suburban Rd. No. 40           |      | 9520                   | 3 |

## SHIRE OF YORK: POLICY MANUAL

|  |   |              |              |   |
|--|---|--------------|--------------|---|
| Dwelling   | Suburban Rd. No. 42                             |              | 6210         | 3 |
| Dwelling   | Suburban Rd. No. 50                             |              | 8660         | 3 |
| Dwelling   | Suburban Rd. No. 56                             |              | 8310         | 3 |
| Dwelling   | Suburban Rd. No. 58                             |              | 9900         | 3 |
| Dwelling   | Tenth Rd. No. 9                                 |              | 14090        | 3 |
| Dwelling   | Tenth Rd. No. 11                                |              | 14120        | 3 |
| Dwelling   | Tenth Rd. No. 17                                |              | 10100        | 3 |
| Dwelling   | Tenth Rd. No. 24                                |              | 6578         | 3 |
| Dwelling   | View St. No. 7                                  |              | 8420         | 3 |
| Dwelling<br>"Simmonswood<br>Cottage"               | View St. No. 13                                 |              | 60042        | 3 |
| Dwelling 'Mile Pool'<br>homestead (ruin)           | Cowan Rd.                                       | 5963         |              | 4 |
| Farmhouse  | Doodenanning Rd.<br>Greenhills                  | 5964         |              | 4 |
| Pony Club  | Ford St., Dinsdale<br>St. and Ulster<br>Roads   | 5966         |              | 4 |
| Site of the Gilgerring<br>hamlet                   | Great Southern<br>Highway                       | 5970         |              | 4 |
| Dwelling 'Look Out'                                | Great Southern<br>H'way / Beverley              | 5971         |              | 4 |
| View - 'Top Of The<br>World Hill'                  | Great Southern<br>Hwy 7kms west of<br>Avon Tce. | 5972         |              | 4 |
| Ruin -convict station<br>'Southoban' farm          | Great Southern<br>Highway                       | 5973         | 1560         | 4 |
| Farmhouse<br>remains/stock shelter<br>'Glen Irwin' | Gwambygine Rd.<br>East                          | 5975<br>5975 | 3691<br>3691 | 4 |
| Ruins/farmhouse<br>'Glen Irwin'                    | Gwambygine Rd.<br>East                          |              | 3691         |   |
| Sheep dip 'Glen Irwin'                             | Gwambygine Rd.                                  |              |              |   |

## SHIRE OF YORK: POLICY MANUAL

|  |  |      |       |   |
|--|--|------|-------|---|
|  | East                                   |      |       |   |
| Site/Carob & Peppercorn trees            | Ulster Rd. No. 122.<br>cnr. Carter Rd. | 6900 | 12230 | 4 |
| Site / (with almond tree close to fence) | Water St. cnr.<br>Spencer Rd.          | 6901 | 7540  | 4 |
| Tipperary School                         | York Shire                             |      |       | 4 |
| Grigson's Well                           | York Shire                             |      |       | 4 |
| Burges Siding                            | York Shire                             |      |       | 4 |

**YORK MUNICIPAL INVENTORY**  
**LIST OF HERITAGE PLACES AND AREAS**

**BLANDSTOWN HERITAGE PRECINCT – CAT 1B**

**KEY**

To Locate a property refer to street name alphabetically and then house number.

**NOTE:** LEVEL OF CONTRIBUTION TO PRECINCT YET TO BE DETERMINED.

| DESCRIPTION   | ADDRESS                | HCWA No.  | ASSESS No. |
|---|------------------------|-----------|------------|
|   |                        |           |            |
| House   | Avon Tce. No. 7        | 2824      | 6740       |
| House   | Avon Tce. No. 13       | 2825      | 9380       |
| Fmr Albion Hotel & Grounds                            | Avon Tce. No. 19       | 2826/2828 | 5480       |
| Langford House  | Avon Tce. No. 18       | 2827      | 10830      |
| Brook Cottage   | Avon Tce. No. 21       | 2829      | 7330       |
| Wansbrough House & Grounds                            | Avon Tce. No. 22       | 2830      | 11640      |
| House and Outbuildings<br>(fmr. Bakery and Residence) | Avon Tce. No. 29       | 2831      | 9250       |
| House   | Avon Tce. No. 31       | 2832      | 13430      |
| House   | Avon Tce. No. 49       | 2833      | 10590      |
| House   | Avon Tce. No. 51       | 2834      | 5560       |
| Dwelling Eliza's Cottage                              | Bland St. No. 9        | 2868      | 14150      |
| Blands Brook & bridge                                 | Blandstown             | 2865      |            |
| Old Hospital  | Brook St.              | 3019      | 50037      |
| Residency Museum                                      | Brook St.              | 2870      |            |
| 'Bygraves' House (fmr. Shop)                          | Great Southern Highway | 2875      |            |

## SHIRE OF YORK: POLICY MANUAL

|  |                          |      |       |
|--|--------------------------|------|-------|
| Balladong farm group<br>Balladong Farm<br>Granary & Stables<br>Shearing Shed | Parker St. cnr. Avon St. | 2867 | Done  |
| Bridge House &<br>Grounds  | Redmile Rd. No. 1        | 2893 | 11350 |
| Redmile House &<br>Grounds   | Redmile Rd. No. 2        | 2892 | 5980  |
| House – Clementine   | Redmile Rd. No.13        | 6905 | 9180  |
| House  | Redmile Rd. No.22        | 2894 | 5740  |
| House  | Wheeler St. No. 2        | 2901 | 13310 |
| House  | Wheeler St. No. 4        |      | 12390 |
| House  | Wheeler St. No. 10       |      | 7510  |
| House  | Wheeler St. No. 12       | 2902 | 5550  |
| House  | Wheeler St. No. 14       | 2903 | 10610 |
| Dwelling 'Crossing<br>Cottage'   | William St. Nos. 13/15   | 6902 | 5261  |

Levels of contribution/Significance of Heritage Places to be completed in conjunction with the Council's Heritage Advisor

**YORK MUNICIPAL INVENTORY**  
**LIST OF HERITAGE PLACES AND AREAS**

**CENTRAL YORK HERITAGE PRECINCT – CAT 1B**

**KEY**

To Locate a property refer to street name alphabetically and then house number.

**NOTE:** LEVEL OF CONTRIBUTION TO PRECINCT YET TO BE DETERMINED.

| DESCRIPTION  | ADDRESS                       | HCWA No. | ASSESS No.         |
|--|-------------------------------|----------|--------------------|
| Spencer's Bakery   | Avon Tce. No. 53              | 2835     | 11500              |
| York Town Hall   | Avon Tce. No. 79-81           | 2880     | 31319/31320        |
| Imperial Hotel & Outbuildings  | Avon Tce. No. 83              | 10725    | 12790              |
| Castle Hotel & Outbuildings  | Avon Tce. No. 95              | 2863     | 5860               |
| Shop - Galileo   | Avon Tce. No. 91-93           | 10708    | 4690               |
| Davies Buildings<br>Eastern Districts<br>Building Co.<br>& Building Premises | Avon Tce. No. 96-102          | 2854     | 6160               |
| Collins Buildings  | Avon Tce. No. 104-106         | 2809     | 11620/4560         |
| Central Buildings  | Avon Tce. No. 105,107,111-113 | 2838     | 11170/11821        |
| Shops  | Avon Tce. No. 108,110-112     | 2837     | 8440               |
| Bendigo Bank   | Avon Tce. No. 114             | 2839     | 50017              |
| Shops  | Avon Tce. No.115              | 2840     | 11990              |
| Shops  | Avon Tce. No. 117-119         | 2840     | 13270/13271        |
| York Motor Museum  | Avon Tce. No. 116-120         | 10519    | 6673/6672          |
| Four Shops   | Avon Tce. No. 125-135         |          | 6662/6663/<br>6664 |
| Settlers House incl. courtyard & grounds                                     | Avon Tce. No. 125-135 (rear)  | 10518    | 6660               |
| Post Office  | Avon Tce. No. 134             | 2855     | 50028              |

## SHIRE OF YORK: POLICY MANUAL

|  |                                  |       |             |
|--|----------------------------------|-------|-------------|
| Shops and former garage                            | Avon Tce. No. 137 - 141          |       | 6659        |
| York Co-op Building incl. Quarters behind          | Avon Tce. No. 138-140            | 11551 | 14240       |
| York Hotel (fmr. Palace Hotel)                     | Avon Tce. No. 145                | 2861  | 6040        |
| Westpac Bank (fmr. Bank of NSW & Quarters)         | Avon Tce. No. 147                | 2849  | 13800       |
| ANZ Bank & Quarters                                | Avon Tce. No. 148                | 2841  | 4420        |
| Fire Station                                       | Avon Tce. No. 151                | 2860  | 14300       |
| Kookaburra's Backpackers                           | Avon Tce. No. 152                | 2842  | 4950        |
| Commercial Building<br>Motor Museum & Workshop     | Avon Tce. No. 153                | 2843  | 6671        |
| C.W.A. House                                       | Avon Tce. No. 154                | 2844  | 5845        |
| Commercial Building (fmr. Bank)                    | Avon Tce. No. 155                | 2845  | 7570        |
| House & Outbuildings                               | Avon Tce. No. 156-158            | 2846  | 8512        |
| Police Stn., Court House and Gaol                  | Avon Tce. Lot 22997              | 2852  | 50096       |
| Police Stn. cottages                               | rear Avon Tce. Lot 22997         | 2882  | 50021/50022 |
| former Monger's Store                              | Avon Tce. cnr. Pool Street Lot 2 | 3980  | 4270        |
| Site of original cemetery                          | Balladong St. cnr. Avon Sts.     | 2866  | 31290       |
| Flour Mill   | Broome St. No. 7-13              | 2872  | 10462       |
| Sandalwood yards                                   | Ford St. cnr. Avon Sts.          |       | 13090       |
| Dwelling   | Ford St. No. 2                   | 5965  | 9410        |
| York Primary School (fmr. York Junior High School) | Howick St.                       | 2877  | 50031       |
| Masonic Hall                                       | Joaquina St.                     | 2881  | 14280       |
| Monument and Park                                  | Railway St.                      | 2891  |             |
| York Railway station                               | Railway St.                      | 2899  | 50030       |

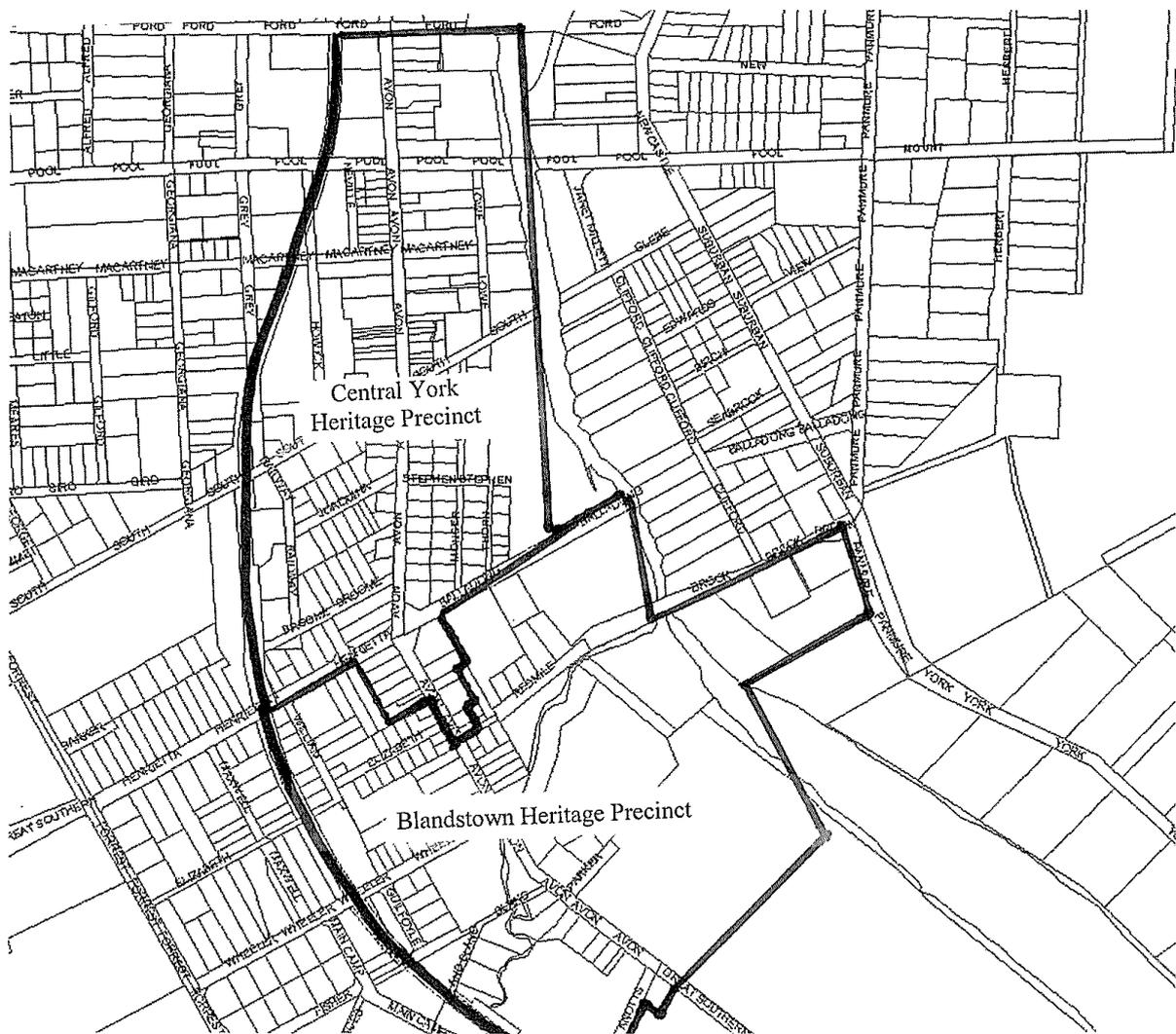
## SHIRE OF YORK: POLICY MANUAL

|   |   |      |       |
|---|---|------|-------|
| Incl. Platforms & Quarters,<br>Landscape and settings                 |   |      |       |
| St. Patrick's Catholic Church Presbytery<br>St. Patrick's Church Hall | South St.<br>South St.<br>South St. cnr. Grey St. | 2878 | 50082 |
| House   | South St. No. 9                                   | 2896 | 6390  |
| House   | South St. No. 11                                  | 2897 | 10450 |
| Ragged Robin Robin (frm. York Library and St Patrick's Convent)       | South St. No. 25                                  | 2898 | Done  |
| fmr. Convent of Mercy   | South St. No. 29                                  | 2879 | 50038 |
| House   | South St. No. 46                                  | 4200 | 11080 |

**Levels of contribution/Significance of Heritage Places to be completed in conjunction with the Council's Heritage Advisor**

# Shire of York

## Heritage Precincts



**YORK MUNICIPAL INVENTORY  
LIST OF HERITAGE PLACES AND AREAS**

**BLANDSTOWN HERITAGE PRECINCT – CAT 1B**

**KEY**

To Locate a property refer to street name alphabetically and then house number.

**NOTE:** LEVEL OF CONTRIBUTION TO PRECINCT YET TO BE DETERMINED.

| DESCRIPTION  | ADDRESS                | HCWA No.  | ASSESS No. |
|--|------------------------|-----------|------------|
| House  | Avon Tce. No. 7        | 2824      | 6740       |
| House  | Avon Tce. No. 13       | 2825      | 9380       |
| Fmr Albion Hotel & Grounds                         | Avon Tce. No. 19       | 2826/2828 | 5480       |
| Langford House                                     | Avon Tce. No. 18       | 2827      | 10830      |
| Brook Cottage                                      | Avon Tce. No. 21       | 2829      | 7330       |
| Wansbrough House & Grounds                         | Avon Tce. No. 22       | 2830      | 11640      |
| House and Outbuildings (fmr. Bakery and Residence) | Avon Tce. No. 29       | 2831      | 9250       |
| House  | Avon Tce. No. 31       | 2832      | 13430      |
| House  | Avon Tce. No. 49       | 2833      | 10590      |
| House  | Avon Tce. No. 51       | 2834      | 5560       |
| Dwelling Eliza's Cottage                           | Bland St. No. 9        | 2868      | 14150      |
| Blands Brook & bridge                              | Blandstown             | 2865      |            |
| Old Hospital                                       | Brook St.              | 3019      | 50037      |
| Residency Museum                                   | Brook St.              | 2870      |            |
| 'Bygraves' House (fmr. Shop)                       | Great Southern Highway | 2875      |            |

## SHIRE OF YORK: POLICY MANUAL

|  |                          |      |       |
|--|--------------------------|------|-------|
| Balladong farm group<br>Balladong Farm<br>Granary & Stables<br>Shearing Shed | Parker St. cnr. Avon St. | 2867 | Done  |
| Bridge House &<br>Grounds  | Redmile Rd. No. 1        | 2893 | 11350 |
| Redmile House &<br>Grounds   | Redmile Rd. No. 2        | 2892 | 5980  |
| House – Clementine   | Redmile Rd. No.13        | 6905 | 9180  |
| House  | Redmile Rd. No.22        | 2894 | 5740  |
| House  | Wheeler St. No. 2        | 2901 | 13310 |
| House  | Wheeler St. No. 4        |      | 12390 |
| House  | Wheeler St. No. 10       |      | 7510  |
| House  | Wheeler St. No. 12       | 2902 | 5550  |
| House  | Wheeler St. No. 14       | 2903 | 10610 |
| Dwelling 'Crossing<br>Cottage'   | William St. Nos. 13/15   | 6902 | 5261  |

Levels of contribution/Significance of Heritage Places to be completed in conjunction with the Council's Heritage Advisor

**YORK MUNICIPAL INVENTORY  
LIST OF HERITAGE PLACES AND AREAS**

**CENTRAL YORK HERITAGE PRECINCT – CAT 1B**

**KEY**

To Locate a property refer to street name alphabetically and then house number.

**NOTE:** LEVEL OF CONTRIBUTION TO PRECINCT YET TO BE DETERMINED.

| DESCRIPTION  | ADDRESS                          | HCWA No. | ASSESS No.         |
|--|----------------------------------|----------|--------------------|
| Spencer's Bakery   | Avon Tce. No. 53                 | 2835     | 11500              |
| York Town Hall   | Avon Tce. No. 79-81              | 2880     | 31319/31320        |
| Imperial Hotel & Outbuildings  | Avon Tce. No. 83                 | 10725    | 12790              |
| Castle Hotel & Outbuildings  | Avon Tce. No. 95                 | 2863     | 5860               |
| Shop - Galileo   | Avon Tce. No. 91-93              | 10708    | 4690               |
| Davies Buildings<br>Eastern Districts<br>Building Co.<br>& Building Premises | Avon Tce. No. 96-102             | 2854     | 6160               |
| Collins Buildings  | Avon Tce. No. 104-106            | 2809     | 11620/4560         |
| Central Buildings  | Avon Tce. No.<br>105,107,111-113 | 2838     | 11170/11821        |
| Shops  | Avon Tce. No. 108,110-<br>112    | 2837     | 8440               |
| Bendigo Bank   | Avon Tce. No. 114                | 2839     | 50017              |
| Shops  | Avon Tce. No.115                 | 2840     | 11990              |
| Shops  | Avon Tce. No. 117-119            | 2840     | 13270/13271        |
| York Motor Museum  | Avon Tce. No. 116-120            | 10519    | 6673/6672          |
| Four Shops   | Avon Tce. No. 125-135            |          | 6662/6663/<br>6664 |
| Settlers House incl.<br>courtyard & grounds                                  | Avon Tce. No. 125-135<br>(rear)  | 10518    | 6660               |

## SHIRE OF YORK: POLICY MANUAL

|  |  |       |             |
|--|--|-------|-------------|
| Post Office  | Avon Tce. No. 134                            | 2855  | 50028       |
| Shops and former garage                            | Avon Tce. No. 137 - 141                      |       | 6659        |
| York Co-op Building incl. Quarters behind          | Avon Tce. No. 138-140                        | 11551 | 14240       |
| York Hotel (fmr. Palace Hotel)                     | Avon Tce. No. 145                            | 2861  | 6040        |
| Westpac Bank (fmr. Bank of NSW & Quarters)         | Avon Tce. No. 147                            | 2849  | 13800       |
| ANZ Bank & Quarters                                | Avon Tce. No. 148                            | 2841  | 4420        |
| Fire Station                                       | Avon Tce. No. 151                            | 2860  | 14300       |
| Kookaburra's Backpackers                           | Avon Tce. No. 152                            | 2842  | 4950        |
| Commercial Building<br>Motor Museum & Workshop     | Avon Tce. No. 153                            | 2843  | 6671        |
| C.W.A. House                                       | Avon Tce. No. 154                            | 2844  | 5845        |
| Commercial Building (fmr. Bank)                    | Avon Tce. No. 155                            | 2845  | 7570        |
| House & Outbuildings                               | Avon Tce. No. 156-158                        | 2846  | 8512        |
| Dwelling and shop                                  | Avon Tce. No. 208 (sth. side) crn. River Rd. | 5960  | 6560        |
| Police Stn., Court House and Gaol                  | Avon Tce. Lot 22997                          | 2852  | 50096       |
| Police Stn. cottages                               | rear Avon Tce. Lot 22997                     | 2882  | 50021/50022 |
| former Monger's Store                              | Avon Tce. cnr. Pool Street Lot 2             | 3980  | 4270        |
| Site of original cemetery                          | Balladong St. cnr. Avon Sts.                 | 2866  | 31290       |
| Flour Mill   | Broome St. No. 7-13                          | 2872  | 10462       |
| Sandalwood yards                                   | Ford St. cnr. Avon Sts.                      |       | 13090       |
| Dwelling   | Ford St. No. 2                               | 5965  | 9410        |
| York Primary School (fmr. York Junior High School) | Howick St.                                   | 2877  | 50031       |

## SHIRE OF YORK: POLICY MANUAL

|   |   |      |       |
|---|---|------|-------|
| Masonic Hall  | Joaquina St.                                      | 2881 | 14280 |
| Monument and Park   | Railway St.                                       | 2891 |       |
| York Railway station<br>Incl. Platforms &<br>Quarters,<br>Landscape and<br>settings | Railway St.                                       | 2899 | 50030 |
| St. Patrick's Catholic<br>Church Presbytery<br>St. Patrick's Church<br>Hall         | South St.<br>South St.<br>South St. cnr. Grey St. | 2878 | 50082 |
| House   | South St. No. 9                                   | 2896 | 6390  |
| House   | South St. No. 11                                  | 2897 | 10450 |
| Ragged Robin (frm.<br>York Library and St<br>Patrick's Convent)                     | South St. No. 25                                  | 2898 | Done  |
| fmr. Convent of Mercy   | South St. No. 29                                  | 2879 | 50038 |
| House   | South St. No. 46                                  | 4200 | 11080 |

**Levels of contribution/Significance of Heritage Places to be completed in conjunction with the Council's Heritage Advisor**

## LANDSCAPING AND GARDEN SETTING GUIDELINES

While the policy does not provide controls on the materials used in driveways, paths or the nature of residential gardens, some general guidelines are provided for interested persons.

### Driveways and Paths

Traditional driveways and paths in the Central York and Blandstown Precincts were of local gravel or red clay.

The suggested materials for new driveways in the Heritage Precincts include gravel, stabilised clay, red brick paving, brown or red asphalt or brown concrete. Footpaths in gravel and brick paving are suitable for older houses. Brick and concrete paving is suitable for contemporary houses.

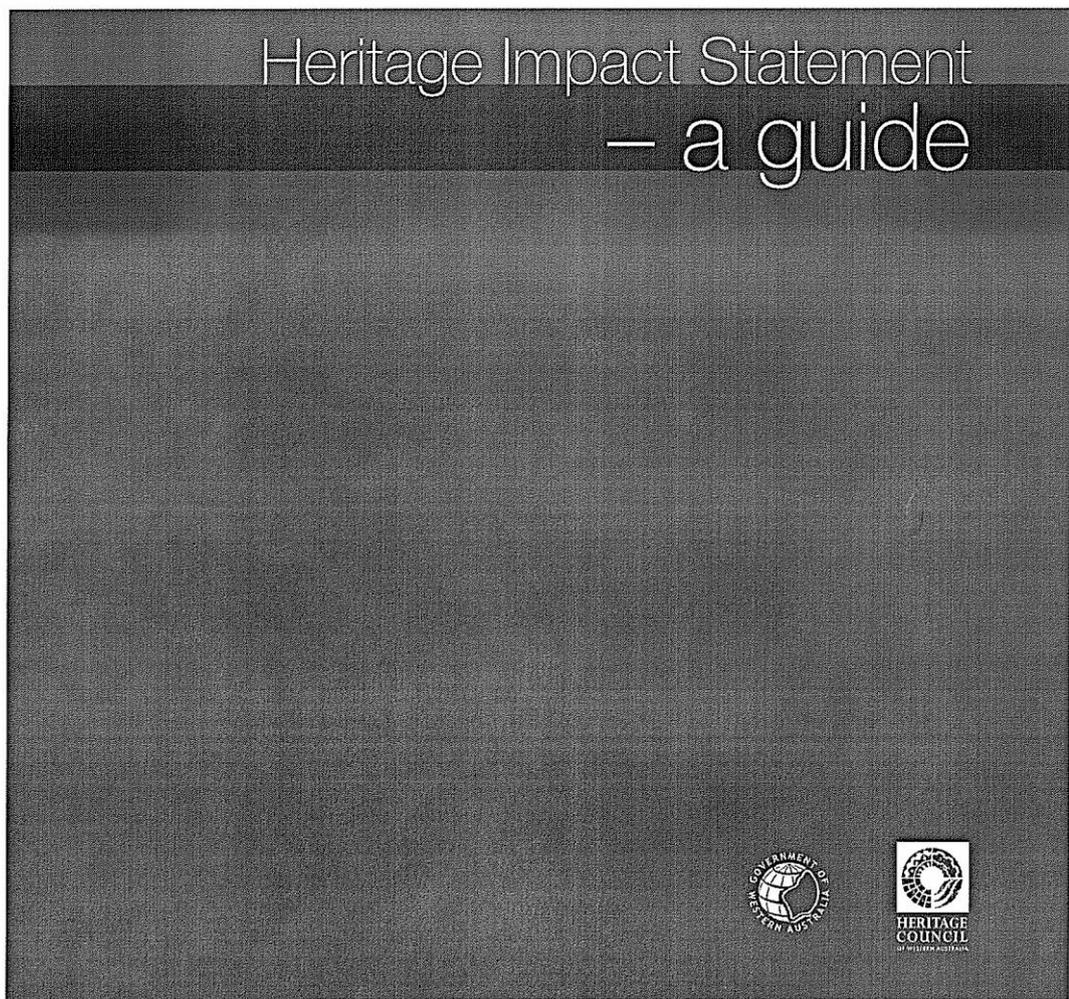
### Gardens

Gardens are a source of delight and an expression of individuality. Remnants of traditional gardens are as important to the character and atmosphere of a heritage town as the original buildings. It is important to the landscape of the town that these be conserved and ideally, new gardens would be designed to integrate with them. Front gardens are an important part of the streetscape and every endeavour should be made to enhance the character of York. Using traditional garden layouts and species that are tolerant of low water usage can also be an effective landscape strategy.

In order to maintain the garden settings of the Blandstown Precinct, the following landscaping principles are recommended:

- Landscaping associated with new development should reflect current 'Waterwise' garden principles, while maintaining a sympathetic approach to their general context. Use of drought tolerant species to encourage water conservation is preferred.
- Significant gardens that reflect their origins and contain authentic plant material should be conserved and integrated with new features in a sympathetic manner.
- Typically gardens in Blandstown area are simply laid out with a central path, lawns, planting beds and specimen tree planting. New gardens should be simply planned with a high proportion of lawn or low native ground covers over garden beds, perimeter beds, central beds and specimen tree plantings in larger gardens.
- Traditional tree plantings include Olive, jacaranda, magnolia, flooded gum, fruit trees and Canary Island Palms in larger gardens. In small gardens, fruit trees including mulberry, almond, citrus and crepe myrtle are common.
- Trees that shed branches, such as Sugar Gums and Lemon Scented Gums, are to be avoided.
- The principles of a traditional garden layout include:
  - Simple format and balanced layout, with less formality in planting.
  - A straight path from the gate to the front door, preferably centrally placed. Alternatively, the path may follow the side boundary and cut across at right angles to the front door.

- For larger gardens a circular path or driveway with a central feature such as a specimen tree, flower bed or fountain.
- Symmetrical garden layout to match a symmetrical house façade. Asymmetrical facades, i.e. buildings with side verandahs, should be treated differently.
- Garden beds usually small in relation to lawn (or ground cover) area.
- Lawns (or ground covers) planted with specimen trees, including deciduous trees, conifers, fruit trees or eucalypts.
- Planting designed to create variety and year-round interest.
- The common use of climbers, creepers, edging plants, hedges and bulbs.



# Heritage Impact Statements – a guide

## Introduction

This guide explains what a heritage impact statement is, when one is needed, and the level of detail that is needed.

This guide has been prepared to:

- (a) assist people who wish to carry out development that could impact on a heritage place or area; and
- b) assist local governments in considering whether to approve such development.

*Local governments may adapt the document to suit their own circumstances.*

### **What is a statement of heritage impact?**

A heritage impact statement (HIS) describes and evaluates the likely impact of a proposal.

An HIS is a clear and concise account of the proposed work that addresses three basic questions:

- i. How will the proposed works affect the significance of the place or area?
- ii. What measures (if any) are proposed to ameliorate any adverse impacts?
- iii. Will the proposal result in any heritage conservation benefits that might offset any adverse impacts?

### **When is a heritage impact statement needed?**

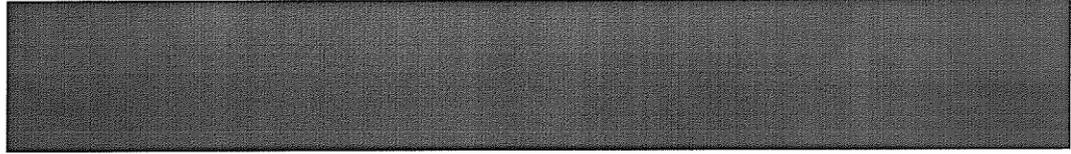
Many local governments encourage proponents to submit an HIS with any development proposal affecting a heritage place.

Whether or not a local government may require an HIS, and the amount of detail expected, will depend on:

- (a) the significance of the place; and
- (b) the likely impact of the proposal on that significance.

For instance, a proposal to partially demolish, or construct an addition to a place that is listed in the highest category in the local Heritage List, will typically require a detailed HIS.

Minor works to a place of lesser significance may not require an HIS at all.



## **How is the significance of a place or area determined?**

An HIS will always be based on a Statement of Significance for the place, which clearly spells out the identified heritage values.

Typically, this will be drawn from a State Register entry, a Local Government Inventory entry, or a Conservation Plan. If none of these sources exist, it may be necessary for a significance statement to be prepared.

It may also be necessary if an existing statement is very brief and gives little useful guidance about the significance of the place and its fabric.

If a Conservation Plan exists, direct reference should be made to the conservation policies set out in the plan.

## **How should a heritage impact statement be presented?**

An HIS should be concise.

It should contain a conclusion that addresses the three key questions outlined above (under "What is an HIS?").

In preparing the HIS, it may be useful to address some more detailed questions, such as those **outlined in the table at Appendix 1**. If the Local Government or heritage agency dealing with the proposal has **decision guidelines or planning policy** in relation to the place or area, these should be specifically addressed.

Relevant supporting documentation, where it exists (e.g. a statement of significance, conservation plan or conservation policy, physical condition report or any other consultant's report), should be referred to in the statement and relevant extracts attached. These documents should not simply be repeated verbatim within the HIS.

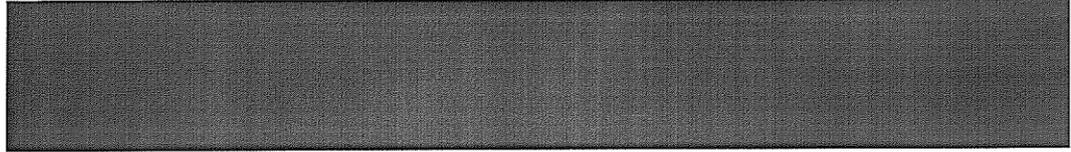
A 'model' HIS is attached as an example of how one can be presented (Appendix 2).



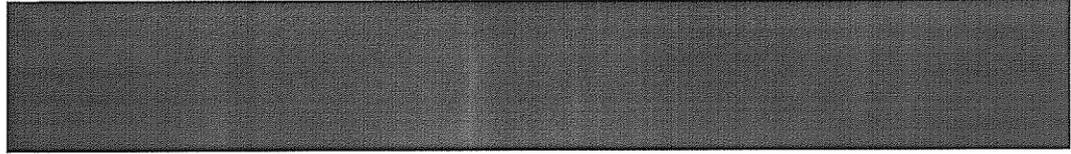
## Appendix One

# Questions to be answered in a Heritage Impact Statement

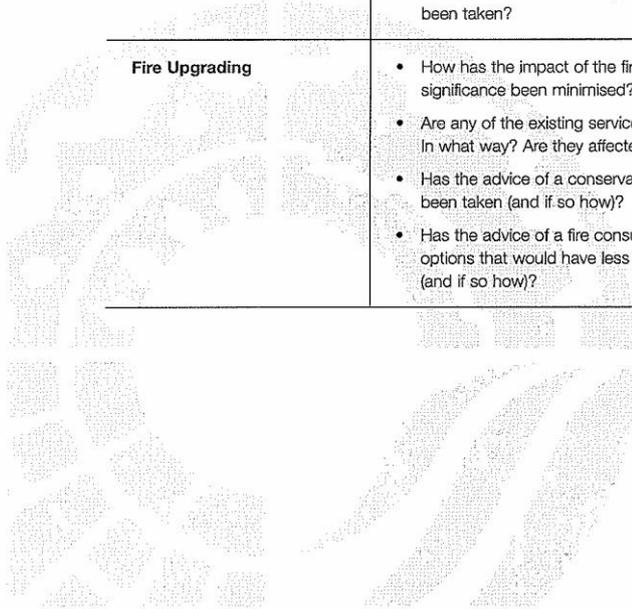
| Proposed Change to Heritage Place  | Some Questions to be Answered in a Statement of Heritage Impact   |
|--|---|
| <p><b>Demolition of a building or structure</b></p> <p><i>NB. Check the Statement of Planning Policy for Historic Heritage</i></p> | <ul style="list-style-type: none"> <li>• Have all options for retention and adaptive re-use been explored?</li> <li>• Is demolition essential at this time, or can it be postponed in case future circumstances make retention and conservation more feasible?</li> <li>• Can any new development can be located elsewhere on the site, so the significant elements of the place can be retained?</li> <li>• Has the advice of a heritage consultant been taken? If not, why not?</li> </ul>                                  |
| <p><b>Minor partial demolition</b><br/>(including internal elements)</p>   | <ul style="list-style-type: none"> <li>• Is the demolition essential for the heritage place to function?</li> <li>• Are important features of the place affected by the demolition (e.g. fireplaces or staircases)?</li> <li>• Is the partial demolition sympathetic to the heritage significance of the place?</li> <li>• If the partial demolition is proposed because of the condition of the fabric, is it certain that the fabric cannot be repaired?</li> </ul>   |
| <p><b>Change of use</b></p>  | <ul style="list-style-type: none"> <li>• Has the advice of a heritage consultant been implemented? If not, why not?</li> <li>• Does the existing use contribute to the significance of the heritage place?</li> <li>• Why does the use need to be changed?</li> <li>• What changes to the fabric are required as a result of the change of use?</li> <li>• What changes to the site are required as a result of the change of use?</li> <li>• Has the advice of a heritage consultant been taken? If not, why not?</li> </ul> |

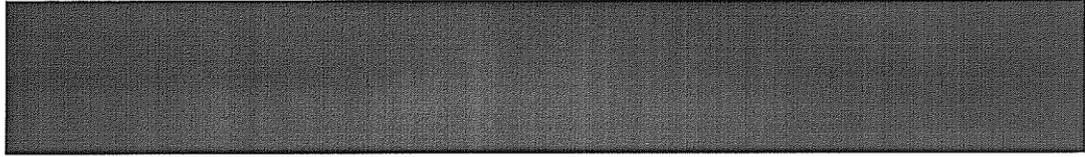


| Proposed Change to Heritage Place  | Some Questions to be Answered in a Statement of Heritage Impact   |
|--|---|
| <p><b>Minor additions</b></p> <p>(see also minor partial demolition)</p>                                     | <ul style="list-style-type: none"> <li>• How is the impact of the addition on the heritage significance of the place to be minimised?</li> <li>• Can the additional space be located within an existing structure? If not, why not?</li> <li>• Will the additions visually dominate the heritage place?</li> <li>• Are the additions sympathetic to the heritage place? In what way (e.g. form, proportions, design, materials)?</li> </ul>   |
| <p><b>New development adjacent to a heritage place</b></p> <p>(additional buildings and major additions)</p> | <ul style="list-style-type: none"> <li>• How is the impact of the new development on the heritage significance of the place or area to be minimised?</li> <li>• Why is the new development required to be adjacent to a heritage place?</li> <li>• How does the new development affect views to, and from, the heritage place? What has been done to minimise negative effects?</li> <li>• Is the new development sympathetic to the heritage place? In what way (e.g. form, siting, proportions, design, materials)?</li> <li>• Will the new building(s) visually dominate the heritage place? How has this been minimised?</li> <li>• Will the public and users of the place, still be able to view and appreciate its significance?</li> </ul> |
| <p><b>Subdivision</b></p>  | <ul style="list-style-type: none"> <li>• Could future development resulting from this subdivision compromise the significance of the heritage place (e.g. by requiring demolition of part of a heritage building, or by siting new buildings too close to a heritage building)? How are negative impacts to be minimised?</li> <li>• Could future development that results from this subdivision affect views to, and from, the heritage place? How are negative impacts to be minimised?</li> </ul>  |
| <p><b>Repainting</b></p> <p>(Using new colour schemes)</p>   | <ul style="list-style-type: none"> <li>• Have previous (including original) colour schemes been investigated? Are previous schemes being reinstated?</li> <li>• Will the repainting affect the conservation of the fabric of the heritage place?</li> </ul>   |



| Proposed Change to Heritage Place                                | Some Questions to be Answered in a Statement of Heritage Impact   |
|--|---|
| <p><b>Re-roofing/re-cladding</b></p>                             | <ul style="list-style-type: none"> <li>• Have previous (including original) roofing/cladding materials been investigated (through archival and physical research)?</li> <li>• Is a previous material being reinstated?</li> <li>• Will the re-cladding effect the conservation of the fabric of the heritage place?</li> <li>• Are all details in keeping with the heritage significance of the place (e.g. guttering, cladding profiles)?</li> <li>• Has the advice of a heritage consultant or skilled tradesperson (e.g. roof slater) been taken?</li> </ul> |
| <p><b>New services</b><br/>(e.g. air conditioning, plumbing)</p> | <ul style="list-style-type: none"> <li>• How has the impact of the new services on the heritage significance of the place been minimised?</li> <li>• Are any of the existing services of heritage significance? In what way? Are they affected by the new work?</li> <li>• Has the advice of a heritage consultant (e.g. architect) been taken?</li> </ul>  |
| <p><b>Fire Upgrading</b></p>                                     | <ul style="list-style-type: none"> <li>• How has the impact of the fire upgrading on the heritage significance been minimised?</li> <li>• Are any of the existing services of heritage significance? In what way? Are they affected by the new work?</li> <li>• Has the advice of a conservation consultant (e.g. architect) been taken (and if so how)?</li> <li>• Has the advice of a fire consultant been taken as to options that would have less impact on the heritage place (and if so how)?</li> </ul>  |





| Proposed Change to Heritage Place  | Some Questions to be Answered in a Statement of Heritage Impact  |
|--|--|
| <p><b>New landscape works and features</b></p> <p>(including carparking and fences)</p>  | <ul style="list-style-type: none"> <li>• How has the impact of the new work on the heritage significance of the existing landscape been minimised?</li> <li>• Has evidence (archival and physical) of previous landscape work been investigated/ Are previous works being reinstated?</li> <li>• Has the advice of a consultant skilled in the conservation of heritage landscapes been sought? If so, have their recommendations been implemented?</li> <li>• Are any known or potential archaeological deposits affected by the landscape works? If so, what alternatives have been considered?</li> <li>• How does the work impact on views to, and from, adjacent heritage items?</li> </ul> |
| <p><b>Tree removal or replacement</b></p> <p><i>NB: Always check the tree preservation provisions of your local government when proposing the removal of trees</i></p> | <ul style="list-style-type: none"> <li>• Does the tree contribute to the heritage significance of the place?</li> <li>• Why is the tree being removed?</li> <li>• Has the advice of a tree surgeon or horticultural specialist been taken (and if so how)?</li> <li>• Is the tree being replaced and with what species? Why?</li> </ul>  |
| <p><b>New Signage</b></p> <p><i>NB: Check whether the local government has a signage policy or design guidelines</i></p>   | <ul style="list-style-type: none"> <li>• How has the impact of the new signage on the heritage significance of the place been minimised?</li> <li>• Have alternative signage forms been considered (and if not why not)?</li> <li>• Will the signage visually dominate the heritage place or heritage area?</li> <li>• Can the sign be remotely illuminated rather than internally illuminated?</li> </ul>   |

**Appendix Two**

HERITAGE  
IMPACT STATEMENT

**NAME OF PLACE:**

**DATE:**

**PREPARED BY:**

**PREPARED FOR:**

SAMPLE ONLY

**THE PLACE/AREA:**

**PREPARED BY:**

**PREPARED FOR:**

**DATE:**

**HERITAGE LISTINGS:**

**STATEMENT OF SIGNIFICANCE:**

SAMPLE ONLY

The following aspects of the proposal respect or enhance the heritage significance of the place or area, for the following reasons:

The following aspects of the proposal could detrimentally impact on heritage significance. The reasons are explained as well as the measures to be taken to minimise impacts:

**CONCLUSION:**

**REFERENCES AND ATTACHMENTS:**



The Heritage Council of WA  
108 Adelaide Terrace  
East Perth WA 6004  
Telephone: 08 9221 4177  
Fax: (08) 9221 4151  
Email: [heritage@hc.wa.gov.au](mailto:heritage@hc.wa.gov.au)  
Website: [www.heritage.wa.gov.au](http://www.heritage.wa.gov.au)



**INTERPRETATIONS & DEFINITIONS**

**Adaptation** means modifying a place to suit the existing use, or a proposed use.

**Amenity** means the liveability of the place that makes it a pleasant and agreeable place in which to live. It refers to accessibility to services and to those things influenced by design.

**Association** means the special connections that exist between people and a place.

**Built Form** means the configuration of the aggregate of all buildings, structures, etc., which make up a town or Shire.

**Bulk** means the combined effect of the arrangement, volume, and shape of a building or group of buildings. Generally refers to structures which in their context appear relatively large.

**Character** is essentially the combination of the public and private domains. Every property, public place or piece of infrastructure makes a contribution, whether large or small. It is the cumulative impact of all these contributions that establishes neighbourhood character. The physical qualities of character in the Central York and Blandstown Heritage Precincts are diverse and include:

- the era of the majority of development;
- the grid subdivision pattern;
- the siting and orientation of development / built form on lots;
- the form and distribution of open space;
- building height, scale and proportion; and
- distinctive building styles, particular design elements, materials and finishes.

**Compatible use** means a use which respects the cultural significance of a place. Such a use involves no, or minimal impact, on cultural significance.

**Conservation** means all the processes of looking after a place, so as to retain its cultural significance.

**Contemporary design** means design styles that are of their time and that do not use the design elements of another time, such as historicism.

**Context** means the specific character, quality, physical, historic and social context of a building's setting and may, according to circumstances, be a group of buildings, a part of a street, whole street, part of a town or the whole town.

**Cultural significance** means aesthetic, historic, scientific, social, or spiritual value, for past or future generations. Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects.

**Curtilage** means a defined area that surrounds a dwelling or property, but in the wider sense is the area that defines the limits of a significant place or precinct.

**Development** has the same meaning as is given to it in and for the purposes of the *Planning & Development Act 2005*.

**Fabric** means all the physical material of the place, including components, fixtures, contents and objects.

**Form** means the overall shape and volume of a building and the arrangement of its parts.

**Grain** means the pattern of arrangement and size of the buildings on their lots, and the subdivision pattern. The pattern or arrangement contributes to the texture on an area. Fine Grain is the quality or fine texture resulting from small and frequent subdivisions.

**Heritage Item** means a place, building, work, archaeological site, landscape or garden, or moveable relic, or place of Aboriginal significance identified on a heritage register.

**Historic Character** means the combination of particular characteristics or special qualities of a place related to its period or style of construction. This is generally summed up in the Statement of Significance.

**Historicism** means an excessive regard for past styles and may include copying them, as opposed to using contemporary design.

**Infill** means a new building in an established and valued historic context. Good infill is sympathetic to its surroundings and context, and creates a new structure that enhances and complements the existing character. Infill shall be distinguishable from the existing context but shall look like a well mannered neighbour.

**Interpretation** means all the ways of presenting the cultural significance of a place.

**Maintenance** means the continuous protective care of the fabric and setting of a place and shall be distinguished from repair. Repair involves restoration or reconstruction.

**Meanings** denote what a place signifies, indicates, evokes, or expresses.

**Massing** means the size and volume of a building.

**Mixed Use Development** means the mixing of compatible land uses in a balanced blend, integrated in close proximity to each other. Physically it includes both vertical and horizontal mixing of uses. No single use shall dominate other uses, although residential use is often the major component.

**Place** means site, area, land, landscape, building, or other work, group of buildings or other works, and may include components, contents, spaces and views.

**Preservation** means maintaining the fabric of the place, in its existing state, and retarding deterioration.

**Reconstruction** means returning a place as nearly as possible to a known earlier condition by the introduction of materials, new or old, into the fabric.

**Related place** means a place that contributes to the cultural significance of another place.

**Related objects** mean an object that contributes to the cultural significance of a place, but is not at the place.

**Restoration** means returning the existing fabric of a place to a known earlier state by removing accretions, or by reassembling existing components, without the introduction of new material.

**Scale** means the size of a building or addition and its relationship with surrounding buildings, the existing building in the case of an addition, or the landscape.

**Setting** means the area around a heritage place or item that contributes to and is part of its heritage significance. It may include views to and from the place. The setting may be pristine landscape, culturally modified landscape, gardens and streetscapes.

**Statement of significance** means a summary of those things that are of particular importance in relation to a particular place and tells us why a place has cultural heritage significance. It also guides how a place that is significant may be managed.

**Streetscape** (a) means the total visual impression gained from any one location within a street including the natural and man-made elements; and (b) is made up of the appearance of, and the relationships between, buildings in terms of design, scale, materials, colours, finishes, signs, external furniture, paving materials for roads, footpaths and landscaping.

**Sympathetic** or **Complementary** means a design outcome that shares the characteristics of the context and while it will not be the same as historic neighbours, will not look out of place amongst them.

**Unobtrusive** means not noticeable, especially when viewed from a public place.

**Urban Form** means the broad shape and structure of an urban community and the distribution of its major features.

**Use** means the function of a place, as well as the activities and practices that occur at such a place.




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## RESTRICTION ON BUILDING MATERIALS (PPI)

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|                            |  |
|----------------------------|--|
| <b>Policy Owner:</b>       | Planning Department                        |
| <b>Person Responsible:</b> | Manager Planning                           |
| <b>Date of Origin:</b>     | 21 August 2006 – Council Resolution 190806 |
| <b>Endorsed:</b>           |  |
| <b>Amended:</b>            |  |
| <b>Version:</b>            | 1  |

### Local Planning Policy No. 1

#### Restricted Building Materials Area

##### Objective:

The objective of this policy is to provide guidelines addressing special conditions of planning, design and development in certain areas of the York townsite.

##### Policy:

1. All class of buildings, except class 10 buildings, which may be erected in that portion of the district of the Shire of York bounded in the first instance by Ulster Road, Macartney Street, Grey Street, Tenth Road and Henry Road and in the second instance by Panmure Road, Steere Street, Pioneer Road, Chandos Road, Mount Street, Cemetery Road and Herbert Road as indicated by the area bordered black on the plan being the schedule hereto shall comply with the following requirements:
  - (a) All dwellings, extensions or renovations shall have external walls constructed of brick, stone or other like substance, whether finished in facework or render.
  - (b) External walls of dwellings, additions or renovations are not to be constructed wholly or partly of wood, iron, straw, or fibro cement sheets.
  - (c) Any building being erected as a habitable dwelling shall have a minimum floor area of 110m<sup>2</sup>. Such specified area to exclude carports or garages associated with the building.
2. The Council may consider an exemption from this policy where the applicant establishes that special or extraordinary circumstances exist or where the building material proposed has the same outwards appearance and texture of face or rendered brick work. An exemption shall be made by a resolution of the Council and will be for a particular application for a permit to build.
3. Where the Council receives an application for an exemption the Council shall give notice in the following manner:

# SHIRE OF YORK: POLICY MANUAL

- a) Notice of the proposed development to be served on all owners and occupiers of land within an area determined by the Council as likely to be affected by the proposal stating that submissions may be made to the Council within twenty-one days of the serving of such notice; and
- b) Notice of the proposal to be published in a newspaper circulating in the district stating that submissions may be made to the Council within twenty-one days from the publication thereof.

The Council resolved that the following delegations be approved on 10<sup>th</sup> August 2006:

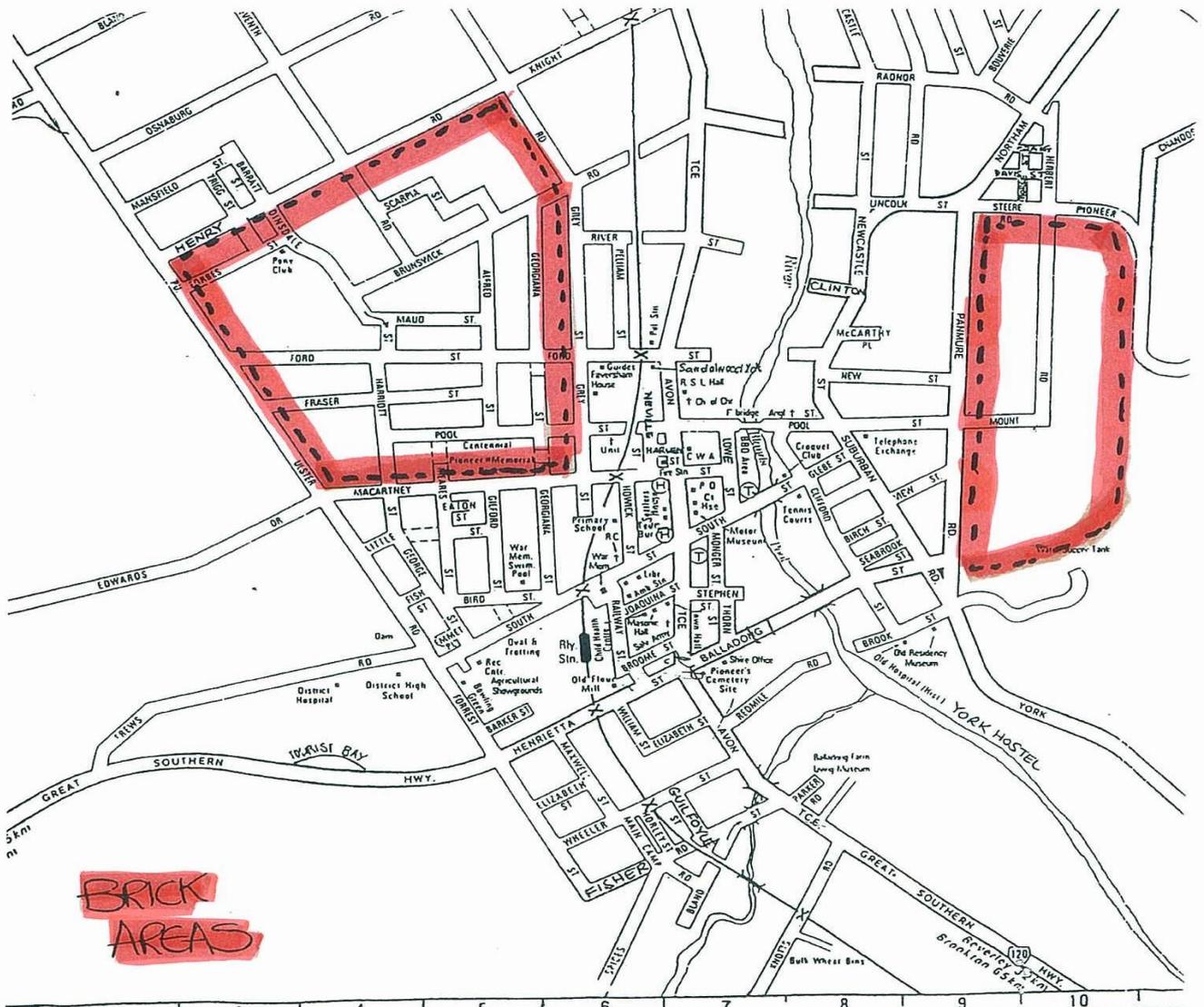
TO: The Chief Executive Officer

DELEGATIONS: Delegated authority be given to the Chief Executive Officer for products that are listed below and exempt persons from the planning policy relating to a restriction on building materials.

GUIDELINES OR CONDITIONS:

Subject to the following conditions:

The dwelling is to be finished externally with a high profile textured coating, such as Dulux Acratex and Solvatex Coarse or an equally approved product that provides the same outward appearance and texture of face or rendered brick work. The finish must be applied prior to occupancy.





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## SEA CONTAINERS

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|                            |  |
|----------------------------|--|
| <b>Policy Owner:</b>       | Planning Department                          |
| <b>Person Responsible:</b> | Manager Planning                             |
| <b>Date of Origin:</b>     | 17 December 2012 – Council Resolution 031212 |
| <b>Endorsed:</b>           |  |
| <b>Amended:</b>            |  |
| <b>Version:</b>            | 1  |

### Shire of York Town Planning Scheme No. 2

#### Local Planning Policy No. 2

##### Sea Containers

###### 1. POLICY STATEMENT

It is Council's objective to regulate the use of sea containers within the Shire of York so as to ensure that they do not detract from the amenity of the area.

###### 2. PURPOSE

The purpose of this Policy is to outline Council's development standards in regards to the location and use of sea containers within the Shire.

###### 3. BACKGROUND

In recent years there has been increased use of sea containers within the Shire of York as sheds on properties throughout the area. Sea containers can serve a useful purpose, however they have the potential to have a significant adverse effect on visual character of streets and neighbourhoods, particularly in areas of cultural and heritage significance.

The York Town Planning Scheme No. 2 makes no direct reference to sea containers and Council regulates them under the provisions of a local planning policy that is adopted to address local issues in accordance with the provisions of Clause 8.8 of the York Town Planning Scheme No. 2.

On 18 August 2008, the Shire of York adopted a Local Planning Policy to regulate the location of sea containers. The Policy had not been reviewed since its introduction and a Compliance Program initiated in 2011 landowners, residents and Councillors identified a number of issues with the Policy. It was therefore considered timely to undertake a review.

This Policy clearly outlines the Policy requirements, exemptions and conditions for approval to provide the community, landowners and Shire staff a clear and precise position on the use of sea containers within the Shire of York.

#### 4. STATUTORY POWERS

##### 4.1 Authority to prepare and adopt a Local Planning Policy

Clause 8.8 of the Shire of York Town Planning Scheme No. 2 (the

Scheme) allows Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Shire of York.

##### 4.2 Relationship of this Policy to the Scheme

If a provision of this Policy is inconsistent with the Scheme, the Scheme prevails.

This Policy is not part of the Scheme and does not bind Council in respect of any application for planning Consent. However, Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

In addition to the provisions of this policy, Council will have due regard to Clause 5.8 of the Scheme relating to transportable dwellings. Under this Clause, Council will not grant planning consent for transportable dwelling if the land is within a Heritage Precinct.

#### 5. APPLICATION

This Policy applies to all land within the Shire of York and will supersede the previously adopted Policy (18 August 2008). The Policy does not address the placement of transportable dwellings, relocated dwellings, railway carriages, or transportable offices, or the type of building commonly referred to as a “Donga”.

This Policy does not apply retrospectively to sea containers in place prior to the introduction of this Policy.

#### 6. POLICY

##### 6.1 General Conditions and Requirements

The following general conditions and requirements apply to all land within the Shire of York, unless otherwise specified in the Policy:

6.1.1 A planning application will be required to be submitted for assessment and approval is to be obtained prior to locating a sea container on-site with the exception of sea containers located on General Agricultural or Industrial zones (refer to Part 4 of the Policy).

6.1.2 This policy is based on sea containers up to 6 metres (20 feet) in length for Residential, Rural Residential, Rural Smallholding and Rural Townsite zones and up to 12 metres (40 feet) in length for General Agriculture and Industrial zones. Container(s) larger than this may need to satisfy additional requirements.

6.1.3 In all zones, a sea container may be placed on a property to store building materials in conjunction with approved building works, without prior Shire approval. A sea container

must not be placed on the property prior to the issue of a building licence for the construction and must be removed immediately upon completion of construction or expiry of the building licence.

6.1.4 Sea containers will not be permitted in the town centre or on heritage listed properties or properties located within a designated heritage precinct unless the container is being temporarily used in conjunction with approved building works.

6.1.5 Sea containers will not be permitted for habitable use or conversion for habitable use unless it can be demonstrated that the proposal meets the provisions of the Building Code of Australia and will not detrimentally impact the amenity of the locality where the development is to be situated.

6.1.6 Temporary development is permitted development under the York Town Planning Scheme No. 2 and is defined as 48 hours or a period agreed by the local government. Applications for temporary use of a sea container may be considered for periods up to 3 months, where a request is received in writing prior to the siting of the sea container providing valid reasons for the request. No application fees or advertising will be applicable to temporary applications.

### 6.2 Residential Zone Conditions and Requirements

Sea containers may be approved in a residential zone, subject to the following requirements:

6.2.1 Container(s) to be painted and in good condition prior to location upon any property.

6.2.2 Container(s) shall be suitably screened and/or fenced from the road frontage and be situated at the rear of the property unless otherwise determined by Council.

6.2.3 A container will not be permitted within the front setback area.

6.2.4 Container(s) must satisfy the setback requirements according to the Residential Design Codes.

6.2.5 Container(s) are not to be located over septic tanks and/or leach drains or utilities.

6.2.6 A maximum of one (1) sea container will be considered per property.

6.2.7 Sea containers are to be used for purpose of storage only.

6.2.8 Council may require additional works or measures other than those already mentioned to properly address any amenity issues arising from the location of a sea container.

### 6.3 Rural Residential, Rural Smallholding and Rural Townsite Zone Conditions and Requirements

Sea containers may be approved in Rural Residential, Rural Smallholding and Rural Townsite zones, subject to the following requirements:

- 6.3.1 Container(s) may only be used for the purpose of storage of approved materials in Rural Residential, Rural Smallholding and Rural Townsite areas.
- 6.3.2 Container(s) shall be suitably screened and/or fenced from the road frontage and be situated at the rear of the property unless otherwise determined by Council.
- 6.3.3 The use of container(s) shall relate directly to, and be ancillary to, the predominant use of the property as approved by Council.
- 6.3.4 Container(s) are not to be located over septic tanks and/or leach drains or utilities.
- 6.3.5 In Rural Residential, Rural Smallholding and Rural Townsite areas a maximum of two (2) containers will be permitted per property.
- 6.3.6 Council may request additional works or measures other than those already mentioned to properly address any amenity issues arising from the location of a sea container.
- 6.4 General Agricultural and Industrial Zoned Land and Requirements

The use of up to two (2) sea containers on land zoned 'General Agriculture' or 'Industrial' is permitted and does NOT require prior Council approval, subject to the following conditions:

- 6.4.1 Containers are located to the rear of buildings and that they are not prominently visible from the street.
- 6.4.2 Containers shall be located within building setbacks in the York Town Planning Scheme No. 2.
- 6.4.3 Container(s) shall not be stacked vertically.
- 6.4.4 Containers shall not be located over septic tanks, leach drains or utilities.
- 6.4.5 A planning application may be considered in General Agriculture or Industrial zones for the use of more than two (2) sea containers, or for sea containers that do not comply with the setback requirements or are visible from the street, subject to the requirements of 6.1.3 and 6.1.6.

### 7. Application Requirements

The following details shall be submitted:

- 7.1 A completed Application for Planning Consent and payment of the application and advertising fees.

- 7.2 A legible, and if possible scaled, site plan showing the proposed location of the sea container and detailing setbacks to boundaries. The site plan should also include other buildings, septic systems, access ways, watercourses and vegetation on the property.
- 7.3 The proposed size and use of the sea container and if approval is being sought for a temporary period (state time period) or on a permanent basis.

Note: Any retrospective applications will attract an application fee in accordance with the *Town Planning Regulations 1967* (as amended).

### 8. Application Process

- 8.1 Once an application is received, the application will be checked to ensure all required information has been submitted. A site inspection may also be carried out to confirm the proposed location and to make an assessment of any potential impacts.
- 8.2 All planning applications for sea containers will be advertised for a minimum of 14 days in accordance with the provisions of Clause 7.3 of the York Town Planning Scheme No. 2 in one or more of the following ways:
- Written notice to adjoining and/or affected landowners;
  - Notice in a local newspaper circulating the scheme area;
  - Notice on Council's website;
  - Application displayed at Council's Offices; and/or
  - Sign displayed on site.
- 8.3 Any person may inspect the application and make a submission within the advertising period. The contents of any submissions may be discussed with the applicant to resolve the issues of concern.
- 8.4 The application will be assessed in accordance with the York Town Planning Scheme No. 2, the provisions of this Policy, and taking into consideration the matters listed in Clause 7.5 of the Scheme.
- 8.5 The application may be determined under delegated authority or may require Council resolution.
- 8.6 Generally planning applications take 4 to 6 weeks to process. However, this process may be longer if a Council resolution is required.
- 8.7 Once determined, the applicant will be advised of the outcome in writing and be required to comply with any conditions of approval.
- 8.8 Council's Compliance Officer carries out follow up inspections on all planning approvals to monitor development and ensure compliance with the conditions.



## ADVERTISING SIGNAGE

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### 1. Introduction

Advertisements play a vital role as a means of advertising the service and product available from a business or organisation. The display of advertisements is beneficial in providing a public service through providing information to the community.

The over-use of advertisements, however, contributes to an accumulation and eventual proliferation of signage clutter, to the extent that the advertisements become ineffective and impact negatively on the amenity of the streetscape and character of the area. Inappropriately located advertisements may also create a hazard to pedestrians and road users.

In order to ensure that advertisements are used for best advantage, organisations, businesses and property owners are encouraged to demonstrate the reasonable and appropriate use of advertisements, and focus more on providing short, distinct signage and branding to limit the number of words and the use of suitable contrasting colours and text that make advertisements distinct and clearly legible.

### 2. Policy Objectives

The objectives of this policy are to:

- (a) ensure that advertisements are appropriately sized and sited for their location;
- (b) require advertisements to maintain and enhance the amenity of the immediate area, including areas of historical or environmental significance;
- (c) discourage the ineffective, visually intrusive and proliferation of excessive advertisements; and
- (d) provide guidelines for consistent decision making for advertisements on zoned or reserved land within the Shire of York.

### 3. Statutory Environment

#### 3.1 York Town Planning Scheme No. 2

The York Town Planning Scheme No. 2 defines an advertisement as:

*“advertisement means any word, letter, model, sign, placard, board, notice device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements.”*

Clause 4.1 of the Scheme requires that all development, including the erection, placement and display of any advertisements, requires the prior approval of the local government. A person must not commence or carry out any development without first having applied for and obtained the planning consent of the local government under Part 7.

Clause 4.2 of the Scheme permits, without planning consent, any works that are temporary and in existence for less than 48 hours or such longer time as the local government agrees.

A Local Planning Policy is adopted under clause 8.8 of the York Town Planning Scheme No. 2, although it is not part of the Scheme and does not bind the Council in respect of any application for planning approval, the Council must have due regard to the provisions of the policy and the objectives which the policy is designed to achieve before making its determination.

Local Planning Policies are guidelines used to assist Council in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme, they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes.

In considering an application for Planning Approval, the Council must have due regard to relevant Local Planning Policies as required under clause 7.5.

If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

### **3.1.1 Local Planning Policy – Heritage Precincts and Places**

Signage on heritage listed buildings and places, or on properties within a designated heritage precinct must comply with the requirements of this Policy and the York Local Planning Policy – Heritage Precincts and Places. In the event of an inconsistency, the provisions of the Local Planning Policy – Heritage Precincts and Places prevail in regards to heritage.

### **3.2 Main Roads Act 1930**

The Main Roads Act 1930 gives the Commissioner of Main Roads the statutory authority and responsibility for the care, control and management of the State's highways and main roads. The Act also includes provision for the Control of Advertisements.

Specifically, Section 33B of the Act allows the Governor, on the recommendation of the Commissioner, to make regulations to control advertisements on or in the vicinity of highways and main roads where hoardings or other advertising structures are considered to be:

- (a) hazardous to traffic safety; and/or
- (b) aesthetically objectionable.

The Mains Roads Roadside Advertising Policy must also be considered in conjunction with the requirements of the Act. The Policy defines an Advertising Device as:

*“Advertising Device means any poster, hand bill, placard, notice or sign affixed to or painted or supported by a Hoarding and other Advertising Structures (see definitions) including a tri-vision illuminated and pylon mounted sign.”*

The Main Roads Policy states: “The Commissioner of Main Roads approval is required for all advertising devices on or in the vicinity of highways and main roads.” The Policy provides both the general and specific permission criteria upon which applications for approval are to be assessed to ensure that the proposed advertising device conforms with the intent of the Main Roads Act and these Regulations.

## **4. Interpretation**

Advertising Signage has the same meaning as in the York Town Planning Scheme No. 2 as follows: *“advertisement means any word, letter, model, sign, placard, board, notice device or representation, whether illuminated or not, in the nature of, and employed wholly or partly*

*for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements.”*

Awning Sign means a sign displayed under an awning or the eaves of a building, and includes signs on blinds, sunshades and similar structures attached to an awning, verandah, balcony or eaves of a building.

Banner Sign means a temporary advertisement that is printed onto plastic sheeting or similar material and which is hung between posts or from a verandah of a building.

Building Construction Sign means a sign that provides details of a development occurring on a property which is displayed during the course of construction of a building.

Community or Sporting Group means a recognised local not-for-profit community or sporting group.

Display Home Sign means a portable sign placed within a public street to advertise that a Display Home Centre is open for inspection.

Election or Political Signage means a sign or poster which advertises any aspect of a forthcoming Federal, State or Local Government election.

Emblem means a logo, design, symbol or feature incorporated into a sign that identifies or represents a place, such as a shopping centre.

Entrance Statement means a sign used to identify a subdivisional area or suburb primarily for marketing purposes.

First Party means an advertisement that is displayed for a business, a building or a landmark located on the land on which the advertisement is placed.

Inflatable Sign means a sign or other recognisable figure or emblem that is painted, stencilled or attached to an inflated device, such as a balloon which is anchored to a building or land.

Main Distributor Roads means for the purposes of this policy any Primary Distributor Road or District Distributor Road as per the Scheme.

Major Development means where the total area of the land that is proposed to be developed exceeds five hectares, including the aggregate area of separate stages of a development or 100 dwellings/units.

Minor Development means where the overall area of the land that is proposed to be developed does not exceed five hectares or 100 dwellings and is no less than 4,000 m<sup>2</sup> (including separate stages of a development) or 10 dwellings/units.

Monolith Pylon Sign means a pylon sign which is in-filled from the ground level to the top of the sign to appear as a solid structure and where the supporting columns cannot be seen.

Portable Signs means a free-standing portable sign not permanently attached to a structure or fixed to the ground or pavement and includes an A-Frame Sign.

Projecting wall sign means a sign fixed to an external wall of a building by at least one end and attached or bracketed perpendicular to the wall of a building.

Protest Signage is a form of advertising signage.

Property Sale Sign means a sign displayed during a period over which a single property transaction is offered and negotiated.

Pylon Sign means a free-standing sign that is not attached to another building and is supported by one or more posts and includes a frame within which sign infill can be added.

Roof sign means a sign displayed on or above the external surface of the plane of the roof cover at any point of the roof.

Sign or Signage are interchangeable terms for advertisement as defined by the Scheme.

Sign Face Area means the aggregate area on which wording, numbers, pictures and motifs are displayed on any side of the sign, including any border.

Sign Infill means a panel that can be fitted into a pylon sign framework.

The Scheme means the Shire of York Town Planning Scheme No. 2. For the purposes of this policy, definitions and interpretations shall be applied in accordance with Scheme 2.

Third Party means an advertisement that is for a commodity, good or service that may be available or related to the place or premises where the advertisement is displayed.

Wall sign means a sign displayed on an external wall, fascia, façade or awning of a building. The painting of a building in colours depicting the corporate colour scheme of the tenant or landowner of the building is wall signage for the purpose of this policy.

Window sign means a sign displayed on any glazed portion of an external window or door of a building.

## **5. Policy Provisions**

### **5.1 Applications for Advertisements**

Applications for advertisements will be considered as per the Scheme and Parts 3 and 4 of this Policy.

### **5.2 Exempt Advertisements**

Clause 4.2 of the Scheme permits any works which are temporary and in existence for less than 48 hours or such longer time as the local government agrees without prior planning approval.

Schedule 8 of the Scheme identifies advertisements that are exempt from requiring planning approval from Council. A copy of Schedule 8 is reproduced at Appendix 1 of this Policy.

Exemptions provided in the Scheme and this Policy does not apply to places or buildings that are included on the State or Local Heritage List or within a designated Heritage Precinct.

Notwithstanding the provisions of this Policy, approval is not required for the following types of advertisements:

#### **5.2.1 Portable Direction Signs**

A portable direction sign that does not exceed 1 m in height or 1m<sup>2</sup> in area, provided that the sign is placed on an infrequent or occasional basis only to direct attention to a place, activity or event during the hours of that activity or event.

#### **5.2.2 Inflatable Signs**

Roof top balloons or other types of inflatable signage are permitted without Council approval for a maximum of 7 days, if the following specifications are met:

- (a) the maximum dimensions of a roof top balloon or other type of inflatable sign shall be a height of 9.0 metres, measured from the top of the roof directly below the sign and a width or diameter of 7.0 metres, unless otherwise approved by Council;
- (b) an inflatable sign should be appropriately anchored to the roof or ground to ensure safe use during expected or unexpected strong wind conditions;
- (c) each inflatable sign shall be covered by general public liability insurance to a minimum of \$10 million by the property or business owner and a copy of this cover is to be submitted with the application together with confirmation that the cover does extend to the sign;
- (d) approval must be sought from Main Roads WA where the proposed sign location is near a traffic signal controlled intersection or when it is visible from, or adjacent to, a road that is under the care and control of Main Roads WA;
- (e) the applicant is to confirm in writing at the time of application, the period during which an inflatable sign is to be erected; and
- (f) the sign shall not be internally or externally illuminated.

### **5.2.3 Community or Sporting Group Signage**

Community or sporting groups may erect a single sign that meets the following specifications without prior approval from the local government under the provisions of this Policy:

- (a) one sign up to 2m<sup>2</sup> in area and up to 2.7 metres in height;
- (b) located wholly within the boundary of the site where the sport, meetings or activities are conducted;
- (c) wording may only contain the name of the group and contact details;
- (d) may not be an illuminated sign; and
- (e) approval must be sought from the land owner prior to erection of the sign.
- (f) approval must be sought from Main Roads WA where the proposed sign location is near a traffic signal controlled intersection or when it is visible from, or adjacent to, a road that is under the care and control of Main Roads WA.

#### **1.2.3.1 York Recreation and Convention Centre, Forrest Oval**

The following requirements specifically apply to any signage erected or displayed at the Forrest Oval Complex:

##### **(a) Community or Sporting Group Signage**

Community or sporting groups may erect a single sign that meets the following specifications without prior approval from the Shire of York under the provisions of the Local Planning Policy for Advertising Signage:

- i. one sign up to 2m<sup>2</sup> in area and up to 2.7 metres in height;
- ii. located wholly within the boundary of the site;
- iii. wording may only contain the name of the group and contact details;
- iv. not being an illuminated sign; and
- v. written notification must be submitted to Council prior to the erection of the sign.

### **(b) Sponsor Signage**

Community or sporting groups may erect signage advertising one or more sponsors with the prior written approval from the Shire of York that meets the following specifications:

- i. individual signs up to 5m<sup>2</sup> in area and up to 2.7 metres in height;
- ii. located wholly within the boundary of the site facing inwards towards the Oval complex;
- iii. wording may only contain the sporting group and approved sponsors details and logo(s);
- iv. not being an illuminated sign; and
- v. approval must be sought from the Shire of York in writing prior to the erection of the sign.

### **(c) Signage Facing a Public Street or Thoroughfare**

- i. Any signage affixed to perimeter fencing and facing the street or thoroughfare, including the railway, requires prior planning approval.
- ii. A planning application must be submitted to the Shire of York together with plans of the signage and the appropriate application fees.
- iii. It should be noted that planning applications can take approximately 4-6 weeks to process and is a merit based process. It is advised that these proposals be discussed with the Shire's Planning section prior to submission.

### **(d) Temporary Signage**

- i. Temporary signage, including banners, in conjunction with special events may be erected for up to 2 weeks prior to the event without prior approval. All temporary signage must be removed within 2 days of the completion of the event.

## **5.2.4 Election or Political Signage**

Election or political signage that meets the following specifications does not require prior approval from the local government under the provisions of this Policy:

- (a) being erected at least 30 metres from any intersection;
- (b) being free standing and not being affixed to any existing sign, post, power or light pole, or similar structure;
- (c) being placed so as not to obstruct or impede the reasonable use of a thoroughfare, or access to a place by any person;
- (d) being placed so as not to obstruct or impede the vision of a driver of a vehicle entering or leaving a thoroughfare or crossing;
- (e) being maintained in good condition;
- (f) not being erected until the election to which it relates has been officially announced;
- (g) being removed within 48 hours of the close of polls on voting day;
- (h) not being placed within 100 m of any works on a thoroughfare;
- (i) being securely installed;
- (j) not being an illuminated sign;
- (k) not incorporating reflective or fluorescent materials; and
- (l) not displaying only part of a message which is to be read with other separate signs in order to obtain the whole message.

## 2.5 Protest Signage

Protest signage may be erected by a landowner (or with prior landowner's permission) without prior approval from the local government if the signage complies with the following:

- (a) Signs must be located a minimum distance of fifteen (15) metres from the centreline of a road.
- (b) Signs must contain factual information and must not contain messages that could be considered derogatory to a person or group of persons, including tourists.
- (c) Signs must not contain content that could potentially mislead road users, clash in colour or nature to other regulatory signs, are not reflective and must not be illuminated.
- (d) Property owners are permitted to display one (1) sign on their own property that meets the requirements of (a), (b) and (c) above without Council approval for the duration of the application process unless the property is heritage listed or is located within a heritage precinct.
- (e) No signage shall be permitted in the Central York or Blandstown Heritage Precincts or on a heritage place. Any existing signage is to be removed.
- (f) Signage displayed by a person(s) not the landowner must obtain Council and landowner(s) approval.
- (g) Signs located on a road reserve are to be removed.
- (h) Signs located on public land (including Council land) are to be removed, unless the landowner(s) and Council approval has been obtained.
- (i) A landowner who is permitted to display a sign on a property with frontage to a Main Roads controlled road must also obtain Main Roads approval. If Main Roads approval cannot or is not obtained, then the sign must be removed.

### 5.2.6 Window/Glazing Signs

A window/glazing sign may only be provided on the ground and first floor levels of a building, and must not cover more than one-quarter (25%) of the total glazed surface area of each level of the building along each elevation of the building.

### 5.2.7 Maintenance and Repair of Existing Signage

Planning approval is not required for maintenance and repair of existing signage. Council may direct property and/or business owners to carry out maintenance or a repair to signage to ensure the signage is kept in good condition.

### 5.2.8 Replacement of Identification Signs

The replacement of an existing building identification sign or the content of such a sign, or an existing business identification sign or the content of such a sign, is permitted without Council approval if the following specifications are met:

- (a) replacement of a lawful sign, and
- (b) is not greater in size than the sign that is replaced, and
- (c) is not a sign that is flashing or animated, and
- (d) does not involve any alteration to the structure or vessel on which the sign is displayed, and
- (e) does not obstruct or interfere with traffic signs.

## 5.3 Main Roads WA referral and Approval

Comment from Main Roads WA will be sought where signs are directly facing or within view of a road that is under the care and control of Main Roads.

Notwithstanding the provisions of this policy, advertisements that are listed as exempt in this policy or Schedule 8 of the Scheme may require approval under the provisions of the Main Roads (Control of Advertisements) Regulations 1996. It is the responsibility of the applicant to obtain Main Roads WA approval if required under the Regulations.

## 5.4 Signage Concept Plans

A Signage Concept Plan generally identifies locations on land, buildings or premises where advertisements may be affixed, erected or displayed.

Should a Signage Concept Plan be required as a condition of planning approval, it is to be submitted to and approved by Council prior to issuing of a building licence. The Signage Concept Plan must address the provisions of this Policy and include:

- (a) a sketch, photomontage or other plan that details, indicates or superimposes the proposed advertisement(s) onto the land or building; and
- (b) the dimensions (in metres) of the areas on the building and the site for advertisements, with the height, width and depth clearly indicated.

Once approved, advertisements for the development shall be consistent with the Signage Concept Plan in terms of size and siting, having regard to Parts 3 and 4 of this Policy.

## 5.5 Third Party Advertisements

Third party advertisements are not appropriate unless they are a benefit to the local community, do not detrimentally impact the locality and comply with the advertising standards in Part 3.

## 6. Advertising Standards

### 6.1 Awning, Banner and Projecting Wall Signs

An awning, banner or projecting wall sign may be considered based on the following standards:

- one sign type per frontage of the subject building or tenancy. Buildings with multiple tenancies should aim for utilising a consistent design in terms of size, siting, dimensions and materials used;
- the sign is placed towards the middle of the building elevation or tenancy frontage;
- the minimum clearance between the underside of the sign and the footpath below shall be:
  - 2.4 metres where located within private property; or
  - 2.4 metres where located over a pedestrian way in a road reserve.

In addition to the above specifications awning signs shall:

- an awning sign shall be in keeping with the architectural style of the building and not detract from the amenity of the streetscape;

- the awning sign shall be no longer than half of the width of the awning or eave, and a maximum height of 600 mm; and
- the awning sign must not extend past the awning.

In addition to the above specifications each banner sign has a maximum sign face area of 4 m<sup>2</sup>.

In addition to the above specifications projecting wall signs shall:

- a projecting sign shall be in keeping with the architectural style of the building, and not detract from the amenity of the streetscape;
- buildings with multiple tenancies should aim for utilising a consistent design in terms of size, sizing, method of attachment to the building (i.e. a decorative sign bracket, etc.), dimensions and materials used; and
- only internal solid illumination will be considered.

### **6.2 Entrance Statement Signs**

Any structure associated with an entrance statement sign is encouraged to be located within privately owned land. This shall include the footings, capping, attachments and the like for any proposed structure. Council will not accept any liability for structures on public land, including road reserves.

The following design principles should be incorporated into any entrance statement signage:

- structures are to be designed in accordance with crime prevention through environmental design (CPTED) principles;
- the emphasis of landscaping associated with an entrance statement shall be of native plants and preferably locally endemic species because of their general hardiness, low water requirements and contribution to supporting local fauna species and biodiversity;
- the design shall be sympathetic with the surrounds and designed to ensure vehicular and pedestrian sightlines are not compromised; and
- the entrance statement shall be low maintenance.

Should a proposed entrance statement sign be located within existing or future public open space, Council will require the preparation and approval of a public open space management plan. The management plan must address:

- the development of the public open space, including the proposed entrance statement sign and any associated landscaping;
- the maintenance program during the developer's period of responsibility;
- the requirements prior to handover to Council; and
- Council's future maintenance program.

Should a proposed entrance statement sign compromise the use of public open space, Council may not recognise the area occupied by the entrance statement sign to be credited towards the public open space contribution.

### **6.3 Election or Political Advertisements**

Advertisements for upcoming elections and political parties that require approval, including campaign advertising shall only be permitted on a property on which the campaign office is

situated, and on polling day at the registered polling places. The relevant requirements for signage in these instances are as specified in this policy.

### 6.4 Portable Signs

Portable signs requiring approval shall:

- not exceed 2 metres in height;
- not exceed 1.5m<sup>2</sup> total area on any side;
- contain letters not less than 200mm in height;
- not be illuminated nor incorporate reflective or fluorescent materials;
- have no moving parts once the sign is in place;
- contain sign writing that is of a professional standard and quality, and is appropriately maintained;
- be secured in position in accordance with any requirements of the local government;
- only incorporate the name of the business operating from the lot, i.e. not incorporate third party advertising;
- be assessed against the Assessment Criteria in Part 4 of this Policy.

### 6.5 Pylon Signs

Pylon signs (including monolith pylon signs) are considered to be a suitable approach to advertise a series of businesses which may occupy one site, or to advertise a business adjacent to a street boundary where the building has been designed set back from the street frontage where for example parking has been provided in front of the building.

A monolith pylon or pylon sign shall comply with the following specifications:

- have no part less than 2.75 metres, or more than 6.0 metres, above the natural ground level immediately below the pylon sign; or
- have no part more than 6.0 metres above the natural ground level immediately below the monolith pylon sign;
- maximum width of 2.5 metres, measured horizontally across the extremities of the pylon sign structure;
- have a sign face area no greater than 6 m<sup>2</sup>;
- display the street number of the subject site, except where a street number is already clearly visible from the road;
- be limited to one sign on each property, irrespective of the number of tenancies;
- have sign infill, either translucent or opaque, for the complete height and width of the monolith pylon sign; and
- have regard to the provisions covered in sections 3.6B, 3.6C and Part 4 of the Policy.

#### 6.5.1 Location of Pylon Signs

A pylon sign or monolith pylon sign shall:

- (a) be wholly contained within the lot boundaries of the land that it is intended to be used for non-residential purposes;
- (b) achieve minimum side boundary setbacks of 6.0 metres and a front boundary setback of 1.8 metres;
- (c) be set a minimum 6.0 metres apart from any other sign erected on the same lot, including free-standing and those attached to a building;

- (d) be placed in a location that can demonstrate that it does not detrimentally interfere with sight-lines and the visibility of traffic and pedestrians entering and leaving the lot, adjacent property, car parking area or road;
- (e) be in a position where it can be demonstrated to have no detrimental impact on a view or vista from a dwelling to an artificial or natural waterway or any other natural feature of cultural significance;
- (f) be in a position that can be demonstrated to not undermine the existing amenity of the locality and would be suitable to the locality; and
- (g) demonstrate that the location will not obstruct or impede the reasonable use of a public street.

### 6.5.2 General Sign Design

All pylon signs and monolith pylon signs must:

- be geometrically two sided, i.e. not 'v' shaped;
- allocate sign infill for some or all business tenancies located on the property to advertise; and
- must only incorporate the name of the businesses operating from the lot, i.e. must not incorporate third party advertising.

### 6.7 Roof Signs

Advertisements proposed to be erected or displayed on roofs are not supported by Council unless they are temporary in nature. Refer to Section 5.1.2 of this Policy.

### 6.8 Wall Signs

Wall signs may be considered using the following criteria:

- (a) Only one wall advertisement may be displayed per building elevation.
- (b) Approval may granted for a wall advertisement only if:
  - a. the advertisement is integrated with the design of the building on which it is to be displayed, and
  - b. for a building having:
    - i. an above ground elevation of 200 m<sup>2</sup> or more—the advertisement does not exceed 10% of the above ground elevation, and
    - ii. an above ground elevation of more than 100 m<sup>2</sup> but less than 200 square metres—the advertisement does not exceed 20m<sup>2</sup>, and
    - iii. an above ground elevation of 100 m<sup>2</sup> or less—the advertisement does not exceed 20% of the above ground elevation, and
  - c. the advertisement does not protrude more than 300 millimetres from the wall, unless occupational health and safety standards require a greater protrusion, and
  - d. the advertisement does not protrude above the parapet or eaves, and
  - e. the advertisement does not extend over a window or other opening, and
  - f. the advertisement does not obscure significant architectural elements of the building, and
  - g. a building identification sign or business identification sign is not displayed on the building elevation.

In this clause, **building elevation** means an elevation of a building as commonly shown on building plans.

## 7. Assessment of Applications

### 7.1 Principles for Assessment

The location, siting, size, shape and materials and the erection, placement and display of advertisements should be:

- (a) consistent with the desired character of areas or zones as described by their objectives;
- (b) consistent with the predominant character of the urban or rural landscape; or
- (c) in harmony with any building or site of heritage value or heritage significance in the locality.

Advertisements should not detrimentally affect by way of their siting, size, shape, scale, glare, reflection or colour the amenity of areas, zones, or localities, in which they are situated.

Advertisements should not impair the amenity of areas, zones or localities in which they are situated by creating or adding to clutter, visual disorder, and the untidiness of buildings and spaces.

Advertisements should:

- (a) have regard to all aspects, be designed and positioned to:
- (b) be compatible with other advertisements in the locality and with buildings, structures and spaces either on the site or nearby sites;
- (c) assist achievement of the intended future character of a zone as indicated by the zone provisions; and
- (d) avoid the immediate and future damage, pruning or lopping of vegetation on the site or on adjoining land;
- (e) be designed and developed integrally with development or redevelopment of a site to achieve a co-ordinated, attractive and effective communication of all messages;
- (f) be minimised in number so as to increase or maintain the effectiveness of individual advertisements and maximise visual appearances; and
- (g) afford reasonable exposure to other advertisements on the site or nearby sites.

### 7.2 Assessment Criteria

In considering an application for an advertisement under the Scheme and this policy, the applicant and Council is to have regard to the following assessment criteria.

#### 7.2.1 Character of the area

- Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?
- Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?

#### 7.2.2 Special areas

- Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?

**7.2.3 Views and vistas**

- Does the proposal obscure or compromise important views?
- Does the proposal dominate the skyline and reduce the quality of vistas?
- Does the proposal respect the viewing rights of other advertisers?

**7.2.4 Streetscape, setting or landscape**

- Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?
- Does the proposal contribute to the visual interest of the streetscape, setting or landscape?
- Does the proposal reduce clutter by rationalising and simplifying existing advertising?
- Does the proposal screen unsightliness?
- Does the proposal protrude above buildings, structures or tree canopies in the area or locality?
- Does the proposal require ongoing vegetation management?

**7.2.5 Site and building**

- Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?
- Does the proposal respect important features of the site or building, or both?
- Does the proposal show innovation and imagination in its relationship to the site or building, or both?

**7.2.6 Associated devices and logos with advertisements and advertising structures**

- Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?

**7.2.7 Illumination**

- Would illumination result in unacceptable glare?
- Would illumination affect safety for pedestrians, vehicles or aircraft?
- Would illumination detract from the amenity of any residence or other form of accommodation?
- Can the intensity of the illumination be adjusted, if necessary?
- Is the illumination subject to a curfew?

**7.2.8 Safety**

- Would the proposal reduce the safety for any public road?
- Would the proposal reduce the safety for pedestrians or bicyclists?
- Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?

## York TPS 2, Schedule 8 – Exempted Advertisements

| LAND USE AND/OR DEVELOPMENT   | EXEMPTED SIGN TYPE AND NUMBER<br>(includes the change of posters or poster signs and applies to non-illuminated signs unless otherwise stated)  | MAXIMUM AREA   |
|---|---|--|
| Dwellings   | One professional nameplate as appropriate.  | 0.2m <sup>2</sup>  |
| Home Business or Home Occupation  | One advertisement describing the nature of the home business or home occupation.  | 0.2m <sup>2</sup>  |
| Places of Worship, Meeting Halls and Places of Public Assembly                                  | One advertisement detailing the function and/or the activities of the institution concerned.  | 0.2m <sup>2</sup>  |
| Cinemas, Theatres and Drive-In Theatres   | Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.   | Each advertisement sign not to exceed 5m <sup>2</sup>  |
| Shops, Showrooms and other uses appropriate to a Shopping Area                                  | All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to compliance with the requirements of the Signs Hoarding and Bill Posting Local Laws.*   | Not Applicable   |
| Industrial and Warehouse Premises   | <p>A maximum of four advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building and excluding signs which are connected to a pole, wall, or other building.</p> <p>A maximum of two freestanding advertisement signs not exceeding 5 metres in height above ground level.</p>   | <p>Total area of such advertisements are not to exceed 15m<sup>2</sup></p> <p>Maximum permissible total area is not to exceed 10m<sup>2</sup> and individual advertisement signs are not to exceed 6m<sup>2</sup>.</p> |
| Showroom, racecourses, major racing tracks, sports stadia, major sporting grounds and complexes | All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets.  | Not Applicable   |
| Public Places and Reserves  | <p>Advertisement signs (illuminated and non-illuminated) relating to the functions of Government, a public authority or local government excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and</p> <p>Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the local government, and</p> | <p>Not Applicable</p> <p>Not Applicable</p>  |

## SHIRE OF YORK: POLICY MANUAL

|   |  |   |
|---|--|---|
|   | Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein. | Not Applicable                                |
| Railway Property  | Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon railway station.   | No sign shall exceed 2m <sup>2</sup> in area. |
| Advertisements within Buildings   | All advertisements placed or displayed within buildings, which cannot ordinarily be seen by a person outside of those buildings.   | Not Applicable                                |
| All classes of buildings other than single family dwellings   | One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.  | 0.2m <sup>2</sup>                             |
| <b>TEMPORARY SIGNS</b>  |  |   |
|   | <b>EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)</b>   | <b>MAXIMUM AREA</b>                           |
| Building Construction Sites (advertisement signs displayed only for the duration of the construction) as follows:                       |  |   |
| Dwellings   | One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.   | 2m <sup>2</sup>                               |
| Multiple dwellings, shops, commercial and industrial properties   | One sign as for (a) above.   | 5m <sup>2</sup>                               |
| Large development or redevelopment projects involving shopping centres, office or other buildings exceeding three (3) storeys in height | One sign as for (a) above<br><br>One additional sign showing the name of the project builder.  | 10m <sup>2</sup><br><br>5m <sup>2</sup>       |
| Sales of goods or livestock   | One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose   | 2m <sup>2</sup>                               |
| Property transactions   |  |   |
| Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows:    |  |   |

## SHIRE OF YORK: POLICY MANUAL

|  |  |  |
|--|--|--|
| Dwellings  | One sign per street frontage for each property relating to the Sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed.                           | Each sign is not to exceed an area of 2m <sup>2</sup>  |
| Multiple dwellings, shops, commercial and industrial properties  | One sign as for (a) above.   | Each sign is not to exceed an area of 5m <sup>2</sup>  |
| Large properties comprised of shopping centres, buildings in excess of four (4) storeys and rural properties in excess of five (5) hectares. | One sign as for (a) above  | Each sign is not to exceed an area of 10m <sup>2</sup> |
| Display Homes  | One sign for each dwelling on display.   | 2m <sup>2</sup>  |
| Advertisement signs displayed for the period over which homes are on display for public inspection   | In addition to (a) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display. | 5m <sup>2</sup>  |

|                            |  |
|----------------------------|--|
| <b>Policy Owner:</b>       | Planning Department                          |
| <b>Person Responsible:</b> | Manager Planning                             |
| <b>Date of Origin:</b>     | 17 October 2011 – Council Resolution 041011  |
| <b>Endorsed:</b>           | 16 December 2013 – Council Resolution 031213 |
| <b>Amended:</b>            | 16 December 2013 – Council Resolution 031213 |
| <b>Version:</b>            | 1  |



## RETROSPECTIVE PLANNING APPLICATIONS

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### 1. STATEMENT OF INTENT

This Policy is intended to be used to provide guidance to Shire Officers and landowners within the Shire of York when considering applications for retrospective planning approval.

### 2. RELATIONSHIP OF A POLICY TO THE SCHEME

Clause 7.14 of the York Town Planning Scheme No. 2 states that Council may grant planning consent to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.

If a provision of the Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

The Local Planning Policy is not part of the Scheme and does not bind the Local Government in respect of any application for planning approval but the Local Government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

### 3. GENERAL GUIDELINES

#### 3.1 Extent of Application

This policy applies to the Shire of York.

#### 3.2 General Policy Objectives

- (a) To set out a procedure for the retrospective approval of planning applications.
- (b) To ensure that where a retrospective approval is required it can be assessed in a timely manner.

#### 3.3 Definitions

**applicant** means the person applying for the planning approval. The applicant is not necessarily the landowner, but has the landowner's consent.

**landowner** means the person or entity that holds the title to the land.

**Council** means the elected members of the Shire of York.

**development** means the development or use of any land, including —

- (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;
- (b) the carrying out on the land of any excavation or other works;
- (c) in the case of a place to which a Conservation Order made under section 59 of the *Heritage of Western Australia Act 1990* applies, any act or thing that —

- (i) is likely to change the character of that place or the external appearance of any building; or
- (ii) would constitute an irreversible alteration of the fabric of any building;

**development application** means an application under a planning scheme, or under an interim development order, for approval of development;

**land** includes —

- (a) land, tenements and hereditaments; and
- (b) any interest in land, tenements and hereditaments; and
- (c) houses, buildings, and other works and structures;

**local planning scheme** means a planning scheme of effect or continued under Part 5 of the *Planning and Development Act 2005*;

**responsible authority**, except as provided in regulations made under section 171A(2)(a) of the *Planning and Development Act 2005*, means —

- (a) in relation to a local planning scheme or local interim development order, the local government responsible for the enforcement of the observance of the scheme or order, or the execution of any works which under the scheme or order, or this Act, are to be executed by a local government; and
- (b) in relation to a region planning scheme, regional interim development order or planning control area, the Commission or a local government exercising the powers of the Commission; and
- (c) in relation to an improvement scheme, the Commission;

**Retrospective planning application** means applications are applied for developments within the Shire that have been commenced or completed without first obtaining approval for a variety of reasons.

**Shire** means the Shire of York.

**TPS 2** means the Shire of York Town Planning Scheme No 2.

## 4. POLICY GUIDELINES

### 4.1 Process for Obtaining Planning Consent

#### 4.1.1 Form of Application

An application for retrospective planning approval must be made on the approved planning application form (refer to Schedule 9 of the TPS2) and accompanied by the applicable fees and accompanying information.

In addition to the standard application requirements, all applications for retrospective approval need to be accompanied by a written justification

as to why Council should accept the application and not instigate compliance action.

### 4.1.2 Application Fees

All application fees for retrospective planning fees will be charged in accordance with Schedule 2 of the *Planning and Development Regulations 2009* and Council's adopted Annual Budget.

The Regulations stipulate that a planning application for development where the development has commenced or been carried out is the adopted planning application fee, plus by way of penalty, twice that fee.

The applicable application fees will be charged at the time of making the application. Where the applicant believes that there are extenuating circumstances, a waiver of fees may be considered by Council following receipt of a written request.

### 4.1.3 Assessment and Determination of Applications

- (a) Applications will be assessed as if they are new proposals for planning approval.
- (b) All applications for retrospective planning approval will be publicly advertised as a 'retrospective planning application' and in accordance with the requirements of Clause 7.3 of TPS2.
- (c) If an application relates to a heritage listed property or a property located in a flood affected area, the application will be referred to the appropriate state agencies for comment.
- (d) If a submission is received regarding the proposal then the application will be determined by Council.
- (e) If no submissions are received, then the application will be determined by Council Officers under delegated authority.

## 4.2 Post-Determination Requirements

An application for retrospective planning approval may be determined by Council or under delegated authority by approving or refusing the application. Following determination of an application, an applicant must:

### 4.2.1 Approval

- (a) If the application relates to a structure, it is the applicant and/or landowner's responsibility to obtain a building licence or building certificate prior to re-commencement or finalisation of work.

- (b) If the application relates to a use, it is the applicant and/or landowner's responsibility to comply with the conditions of consent within the specified time period.
- (c) It is also the applicant's responsibility to comply with any State agency requirements, such as the Water Corporation.

**4.2.2 Refusal**

- (a) If the planning application is refused then it is the landowner's responsibility to rectify the situation, either by ceasing the land use or removing the unapproved structure.
- (b) Council may also instigate legal proceedings to rectify the situation.

|                            |  |
|----------------------------|--|
| <b>Policy Owner:</b>       | Planning Department                      |
| <b>Person Responsible:</b> | Manager Planning                         |
| <b>Date of Origin:</b>     | 18 July 2011 – Council Resolution 040711 |
| <b>Endorsed:</b>           | 18 July 2011 – Council Resolution 040711 |
| <b>Amended:</b>            |  |
| <b>Version:</b>            | 1  |



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## OUTBUILDINGS IN RESIDENTIAL ZONES

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### **PURPOSE**

To provide criteria consistent with the provisions of the Residential Design Codes for the construction of outbuildings in the Residential, Rural Town Site and Rural-Residential zones.

### **POLICY OBJECTIVES**

- a) To provide flexibility for outbuilding size, construction and materials to meet the needs of local residents.
- b) To ensure that outbuildings are constructed and located in such a way as to minimise their impact on the amenity of the locality.
- c) To provide direction and clarity on the application of the Performance Criteria with regard to Clause 6.10.1 – Outbuildings of the Residential Design Codes (R-Codes).

### **BACKGROUND**

Under the Shire of York's Town Planning Scheme No. 2, planning approval is required for the construction of outbuildings when the site is located in a heritage precinct or when the proposed outbuilding does not meet the requirements of the R-Codes acceptable development criteria.

The R-Codes is a state-wide policy and does allow sufficient flexibility to cater for the individual needs of owners of residential, rural townsite and rural-residential properties, particularly with regards to the size and height of outbuildings.

Local planning policies are policies that are adopted to address local issues. Council has identified the need for a local planning policy to regulate the construction of outbuildings on land that is primarily used for residential purposes and to enable appropriate variations of the provisions of the R-Codes without being subjected to the requirements of a planning application.

This Policy enables the construction of outbuildings in residential, rural townsite and rural-residential zones without planning approval and for complying development proposals to be required to be approved through the Building Licence process only.

### **SCHEME PROVISIONS**

Clause 4.2 of the York Town Planning Scheme No. 2 (the Scheme) permits ancillary outbuildings to be constructed without first obtaining planning consent from the Shire, unless the proposal requires Council to use the exercise of discretion to vary the provisions of the Residential Design Codes, or if the development will be located in a heritage precinct designated under the Scheme.

Clause 8.8 of the Scheme enables Council to prepare a planning policy for any matter related to the planning or development of the Scheme Area.

## RESIDENTIAL DESIGN CODES

The State Government introduced the Residential Design Codes (or R-Codes) to provide a comprehensive basis for the control, through local government, of residential development throughout Western Australia. They are intended to cover all requirements for development control purposes and to minimise the need for local government to introduce separate planning policies concerning residential development and apply to all R-coded (residential) land.

The acceptable development criteria for outbuildings are set out in Clause 6.10.1 as follows:

*“Outbuildings that:*

- i. are not attached to the dwelling;*
- ii. are non-habitable;*
- iii. collectively do not exceed 60 sq m in area or 10 per cent in aggregate of the site area, whichever is the lesser;*
- iv. do not exceed a wall height of 2.4 m;*
- v. do not exceed a ridge height of 4.2 m;*
- vi. are not within the primary street setback area;*
- vii. do not reduce the amount of open space required in table 1; and*
- viii. comply with the siting and design requirements for the dwelling, but do not need to meet rear setback requirements of table 1.”*

Where a proposed development for an outbuilding does not comply with the acceptable development criteria of the R-Codes, a development can be assessed against the performance criteria.

The Performance Criteria of Clause 6.10.1 for outbuildings states:

*“Outbuildings that do not detract from the streetscape or the visual amenity of the residents or neighbouring properties.”*

A proposal for an outbuilding that meets the criteria of this Policy is considered by Council to meet the performance criteria outlined in the R-Codes.

## APPLICATION OF POLICY

This Policy applies to outbuildings that require planning approval under the York Town Planning Scheme No. 2 and not to outbuildings that require only a Building Licence, such as permitted development under the Scheme or that comply with the provisions of the R-Codes.

An outbuilding is defined as ancillary residential development in the Scheme and R-Codes and means any Class 10A building under the Building Code of Australia, which is not substantially connected to a dwelling. Sea containers are not included in the definition of an outbuilding. Refer to Council’s Local Planning Policy for Sea Containers.

Pre-fabricated garden sheds, kennels and other animal enclosures (such as aviaries) less than 20m<sup>2</sup> in aggregate area and less than 2.1 metres in height are exempt from this policy.

Outbuildings on vacant sites (that do not have a dwelling constructed or being constructed), grouped and multiple dwelling properties require planning approval to be granted. The development will be assessed against the Scheme, R-Codes and any relevant Local

Planning Policy, including this Policy. Planning Approval must be granted prior to issue of a Building Licence.

Notwithstanding that Planning Approval is not required, or may be granted by Council, a Building Licence is required to be sought and issued prior to on-site works commencing. The outbuilding will need to meet all relevant requirements under the Building Code of Australia and Australian Standards. Building Licence fees and levies are payable in accordance with the current Shire of York Fees and Charges.

## **THE POLICY**

This policy is made pursuant to Clause 8.8 of the York Town Planning Scheme No. 2 and applies to all residential, rural townsite and rural-residential zoned land within the Shire of York.

### **Residential Zones**

If the proposed outbuilding meets the following criteria, it is considered that the proposal meets the performance criteria of Clause 6.10.1 of the R-Codes and does not require planning consent:

1. General:
  - a. are not attached to the dwelling;
  - b. are non-habitable or used for commercial or industrial purposes;
  - c. are not within the primary street setback area;
  - d. do not reduce the amount of open space required in the R-Codes; and
  - e. comply with the siting and design requirements of the R-Codes for the dwelling, with the exception of the rear setback requirements.
2. Floor Area:
  - a. Outbuildings on a residential lot coded R12.5 and above that have a combined area not exceeding 80m<sup>2</sup> in area or 10 per cent in aggregate of the site area, whichever is lesser shall be deemed as meeting the performance criteria of Clause 6.10.1 of the Residential Design Codes; or
  - b. Outbuildings on a residential lot coded R10 and below that have a combined area not exceeding 100m<sup>2</sup> or 10 per cent in aggregate of the site area, whichever is lesser shall be deemed as meeting the performance criteria of Clause 6.10.1 of the Residential Design Codes; or
  - c. Outbuildings on a residential lot that is within 5% of the requirements of a or b above and the applicant has provided a copy of the proposed plans (including elevations of the proposed outbuilding) that have been endorsed in writing on the plans by the affected adjoining property owner(s) indicating that there is no objection to the proposed outbuilding.
3. Height:
  - a. Outbuildings on a residential lot coded R12.5 and above that has a maximum wall height less than 3.0m and ridge height of 4.2m; or
  - b. Outbuildings on a residential lot coded R10 and below that has a maximum wall height of 3.5m, a ridge height of 4.2m; or
  - c. An outbuilding on a residential lot that is within 5% of the requirements of a or b above and the applicant has provided a copy of the proposed plans (including elevations of the proposed outbuilding) that have been endorsed in writing on the plans by the

affected adjoining property owner(s) indicating that there is no objection to the proposed outbuilding.

#### 4. Materials:

- a. Outbuildings on sites located within Council's Restricted Building Materials areas, must be constructed in accordance with the adopted Policy.
- b. Second-hand materials may only be used where the materials are in good condition and are sufficient to provide a consistent appearance to the building. Council's Building Surveyor may request a report from a structural engineer for use of second-hand building materials.
- c. Materials of low-reflectivity should be used to ensure that the structure does not adversely impact on neighbours.

### **Rural Townsite Zone**

If the proposed outbuilding meets the following criteria, planning approval is not required:

#### 1. General:

- a. are not attached to the dwelling;
- b. are non-habitable or used for commercial or industrial purposes;
- c. are not within the primary street setback area; and
- d. are setback at least 1 metre from the side and rear boundaries.

#### 2. Floor Area:

- a. Outbuildings on a rural townsite lot that have a combined area not exceeding 80m<sup>2</sup> in area or 10 per cent in aggregate of the site area, whichever is lesser; or
- b. Outbuildings on a rural townsite lot that is within 5% of the requirements of the above and the applicant has provided a copy of the proposed plans (including elevations of the proposed outbuilding) that have been endorsed in writing on the plans by the affected adjoining property owner(s) indicating that there is no objection to the proposed outbuilding.

#### 3. Height:

- a. Outbuildings on a rural townsite lot that has a maximum wall height less than 3.0m and ridge height of 4.2m; or
- b. An outbuilding on a rural townsite lot that is within 5% of the requirements of the above and the applicant has provided a copy of the proposed plans (including elevations of the proposed outbuilding) that have been endorsed in writing on the plans by the affected adjoining property owner(s) indicating that there is no objection to the proposed outbuilding.

#### 4. Materials:

- a. Outbuildings on sites located within Council's Restricted Building Materials areas, must be constructed in accordance with the adopted Policy.
- b. Second-hand materials may only be used where the materials are in good condition and are sufficient to provide a consistent appearance to the building. Council's Building Surveyor may request a report from a structural engineer for use of second-hand building materials.
- c. Materials of low-reflectivity should be used to ensure that the structure does not adversely impact on neighbours.

**Rural-Residential Zone**

If the proposed outbuilding meets the following criteria, planning approval is not required:

1. General:
  - a. are not attached to the dwelling;
  - b. are non-habitable or used for commercial or industrial purposes;
  - c. are not within the primary street setback area; and
  - d. are setback at least 15 metres from a side or rear boundary.
2. Floor Area:
  - a. Outbuildings on a rural-residential lot that have a combined area not exceeding 200m<sup>2</sup> in area or 10 per cent in aggregate of the site area, whichever is lesser; or
  - b. Outbuildings on a rural townsite lot that is within 5% of the requirements of the above and the applicant has provided a copy of the proposed plans (including elevations of the proposed outbuilding) that have been endorsed in writing on the plans by the affected adjoining property owner(s) indicating that there is no objection to the proposed outbuilding.
3. Height:
  - a. Outbuildings on a rural townsite lot that has a maximum wall height less than 3.0m and ridge height of 4.2m; or
  - b. An outbuilding on a rural townsite lot that is within 5% of the requirements of the above and the applicant has provided a copy of the proposed plans (including elevations of the proposed outbuilding) that have been endorsed in writing on the plans by the affected adjoining property owner(s) indicating that there is no objection to the proposed outbuilding.
4. Materials:
  - a. Outbuildings on sites located within Council’s Restricted Building Materials areas, must be constructed in accordance with the adopted Policy.
  - b. Second-hand materials may only be used where the materials are in good condition and are sufficient to provide a consistent appearance to the building. Council’s Building Surveyor may request a report from a structural engineer for use of second-hand building materials.
  - c. Materials of low-reflectivity should be used to ensure that the structure does not adversely impact on neighbours.

|                            |  |
|----------------------------|--|
| <b>Policy Owner:</b>       | Planning Department                        |
| <b>Person Responsible:</b> | Manager Planning                           |
| <b>Date of Origin:</b>     | 15 August 2011 – Council Resolution 150811 |
| <b>Endorsed:</b>           | 15 August 2011 – Council Resolution 150811 |
| <b>Amended:</b>            |  |
| <b>Version:</b>            | 1  |



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## RELOCATED SECOND-HAND DWELLINGS

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### Shire of York Town Planning Scheme No. 2

#### Local Planning Policy No. 7

##### 1. PRELIMINARY

###### 1.1 Authority to prepare and adopt a Local Planning Policy

Clause 8.8 of the Shire of York Town Planning Scheme No. 2 (the

Scheme) allows Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Shire of York.

###### 1.2 Relationship of this Policy to the Scheme

If a provision of this Policy is inconsistent with the Scheme, the Scheme prevails.

This Policy is not part of the Scheme and does not bind Council in respect of any application for planning Consent. However, Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

In addition to the provisions of this policy, Council will have due regard to Clause 5.8 of the Scheme relating to transportable dwellings. Under this Clause, Council will not grant planning consent for transportable dwelling if the land is within a Heritage Precinct.

###### 1.3 Relationship of this Policy to the Residential Design Codes

This Policy is to be read in conjunction with the Residential Design Codes where it relates to the use of Second-Hand Dwellings on properties zoned 'Residential' or otherwise provided with a density code by the Scheme.

##### 2. APPLICATION OF THE POLICY

###### 2.1 Application and Exemptions

The purpose of this Local Planning Policy is to control the development and use of relocated second-hand dwellings within the designated Townsite of the Shire of York. The Townsite is identified on the Scheme mapping.

This policy does not apply to:

- Newly constructed purpose built transportable dwellings;
- Other new transportable dwellings that have not been previously installed on any other location;
- Relocated buildings for non-habitable uses;
- Sea and shipping containers (refer to separate Policy); and
- Caravans and park homes (whether previously used as permanent accommodation or not).

Council will not support the relocation or use of buildings referred to as 'dongas' or 'park homes' for use as permanent residential dwellings.

## 2.2 Definition of Relocated Second-Hand Dwelling

For the purposes of this Policy, a relocated second-hand dwelling is defined as any building, either designed to be transportable or not, that has been previously installed at any other location either within or outside of the Shire of York and is either designed or will be equipped for habitation.

## 3. POLICY OBJECTIVES

The primary objectives of this policy are to:

- Provide clear standards as to what constitutes an acceptable type of relocated second-hand building to be used as a dwelling or for other habitable purposes;
- Ensure compliance with the relevant provisions of Council's Town Planning Scheme No. 2 in a manner that is realistic and that ensures that the relocation of second-hand dwellings is undertaken to an approved standard that pays regard to local amenity and aesthetics; and
- Ensure the style, construction and design of relocated dwellings is in keeping with the character of the surrounding dwellings in particular and the locality in general.

## 4. APPROVAL REQUIREMENTS

### 4.1 Requirement for Council Planning Consent Prior to Relocation

All proposals for the use of relocated second-hand dwellings require planning consent from the Shire of York **prior to relocation of the building onto the proposed site.**

Application is to be made on Council's standard application form together with the following information:

- a site plan showing the proposed location of the building on the property;
- plans and details of the building;
- photographs of the building showing the external appearance; and details of modifications and other works to be carried out on the building such as re-cladding, painting, construction of verandahs, etc.

- Council's standard Planning Application fee is payable in accordance with the current Shire of York Adopted Fees and Charges.

### 4.2 Engineering Assessment

Certification from a practicing structural engineer that the design and condition of the building is suitable for transportation and re-erection is required to be lodged with the application for Planning Consent. The building is also to be certified in accordance with Australian Standard 1170.4 – Structural Design Actions – Earthquake Actions in Australia by a suitably qualified Structural Engineer.

### 4.3 Need for a Building Permit

Notwithstanding that Planning Consent may be granted by Council, a

**Building Permit is required to be sought and issued prior to relocation commencing.** The building will be classed as a new building and will need to meet all relevant requirements under the Building Code of Australia and Australian Standards. Standard Building Permit fees and levies are payable in accordance with the current Shire of York Adopted Fees and Charges.

### 4.4 Approval to Transport

Prior approval of Council's Engineering Services to transport relocated second-hand dwellings along local roads is required. Such approval shall be granted subject to any conditions Council's Manager of Works and Projects considers appropriate. This approval is in addition to any required Main Roads permits.

## 5. DEVELOPMENT GUIDELINES

### 5.1 Minimum Dwelling Standard

The following minimum dwelling standard applies:

- At least one (1) bedroom separate from the other rooms in the
- dwelling;
- A lounge, meals and kitchen area (may be open plan); and
- A separate bathroom and laundry.

To be used as a dwelling, the building will be assessed against and must comply with the requirements for Class 1 buildings under the Building Code of Australia and the Building Regulations 2012.

### 5.2 Asbestos

Relocated second-hand dwellings that contain asbestos materials are to comply with the following:

- The dwelling and its transport and reinstallation is to comply with section 7A of the Health (Asbestos) Regulations 1992 at all times; and
- The engineering assessment required by section 4.2 of this Policy to include assessment of the asbestos materials as being suitable for relocation in a safe manner.

### 5.3 Amenity

When giving consideration to an application for Planning Consent, Council shall give consideration to:

- The dwelling in its relocated position being rendered visually acceptable by the use of verandahs, screening and / or landscaping; and
- The design, scale and bulk of the proposed dwelling being compatible with the type of dwellings that exist in the locality in which it is to be located.

Council will not grant Planning Consent for relocating any dwellings if it is considered to be in conflict with the age and design of dwellings in the immediate vicinity of the proposed new location.

### 5.4 Appearance of the Dwelling

Council will place any conditions on the Planning Consent it deems appropriate to ensure the relocated second-hand dwelling meets the objectives of this policy in relation to the external appearance of the dwelling.

Council may require external repainting and/or re-cladding of the dwelling.

Where the dwelling does not currently have verandahs, Council will require an appropriate verandah to be constructed as a condition of Planning Consent.

Where the roof pitch of the dwelling is not consistent with surrounding dwellings, Council will require alterations to ensure the dwelling does not detract from the amenity of the locality.

### 5.5 Landscaping

To ensure the relocated second-hand dwelling is established as quickly as possible in its new location, landscaping of the area between the street and building will be required as a condition of Planning Consent. This landscaping is to be planted and maintained to the satisfaction of Council.

## 5.6 Plumbing and Electrical Wiring

All plumbing and electrical wiring is to meet the current Building Code of Australia and relevant Australian Standards requirements.

## 5.7 Other requirements

All relevant requirements of Council's Town Planning Scheme No. 2,

Residential Design Codes, and Council Policies are applicable to the development of relocated second-hand dwellings.

## 6. BOND

### 6.1 Payment

In accordance with Clause 5.8.3 of the Scheme, as a condition of Planning Consent for a relocated second-hand dwelling, a \$30,000 bond per individual building is to be lodged with the Shire of York **prior to issue of a Building Permit and relocation of the building taking place**. Bank or other guarantees are not acceptable.

Additionally, a signed statutory declaration outlining a bond agreement is to be entered into by the owner(s) prior to issue of a building permit. The agreement is to outline a staged repayment of the performance bond, as follows:

#### Stage 1 – 25% of bond returned

- Dwelling correctly positioned on site, as per approved site plan in accordance with the planning approval and building permit.
- Dwelling is correctly stumped and site filled, drained and graded satisfactorily, such as it is structurally adequate in accordance with the engineer's certification.
- Dwelling is to lock-up stage (all external windows, doors, fittings and fixtures installed and/or repaired).

#### Stage 2 – Further 25% of bond returned

- All gutters, fascia and downpipe work completed.
- All roof end/roofing work is completed (flashings on ridge and gable ends installed).
- All external surfaces to be painted to a tradesman like standard in accordance with the planning and building approvals (including wall, doors, window surrounds, sills, etc).

#### Stage 3 - Final 50% of bond returned

- Compliance with all conditions of planning approval.
- Approved effluent disposal system installed. System has been inspected by Council's Environmental Health Officer and a permit to use has been issued.
- Completion and certification of all electrical work.

- Completion and certification of all plumbing work.
- All wet area tiling completed in accordance with the Building Code of Australia.
- Kitchen fit-out completed (cupboards, benches, stove/hotplate installed).
- Building has reached practical completion stage.

Note: The agreement is to clearly state that should Stage 1 and Stage 2 completion not be reached within 90 days of the building's placement on site or Stage 3 completion not reached within 12 months of issue of a building permit, then the bond monies are to be forfeited to the Shire of York and the building removed from the site.

### 6.2 Time Limit of Works

The time for completion of all work is twelve (12) months from the relocation of the dwelling or prior to occupation, whichever comes first. Should Council not be satisfied with works undertaken to date at the time of expiry of the time limit, Council will take measures to ensure the works are completed as soon as is practicable. These measures may include the use of the bond to complete outstanding works.

### 6.3 Forfeiture of Bond

Notwithstanding clause 6.2, failure to comply with all conditions placed by

Council on the planning consent will result in forfeiture of the bond and removal of the building unless otherwise determined by Council.

|                            |  |
|----------------------------|--|
| <b>Policy Owner:</b>       | Planning Department                          |
| <b>Person Responsible:</b> | Manager Planning                             |
| <b>Date of Origin:</b>     | 19 November 2012 – Council Resolution 041112 |
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## HERITAGE MANAGEMENT – INTERPRETATIVE SIGNAGE

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### Shire of York Town Planning Scheme No. 2

#### Local Planning Policy No. 8

### 1. INTRODUCTION

Interpretation is a communication process, which helps people to make sense of and understand more about a site and/or event. In the context of this policy interpretative signage will be used as a means of providing a tangible reminder and as a communicative tool for the identification and understanding of places of cultural heritage, which have been demolished and/or removed within the Shire.

It is to be noted that applications for the demolition of buildings identified as having heritage value are generally not supported by the Shire. Different development options, which incorporate/retain the building identified with heritage value, must be exhaustively pursued prior to the consideration of an application for demolition.

### 2. OBJECTIVES

- To generate awareness of the rich and diverse historic and social cultural heritage within the Shire of York's built environment.
- To provide a procedure to recognise buildings approved to be demolished within the Shire of York which are considered to hold historic and/or social cultural heritage values not reflected directly in the building's structure, style or physical appearance.
- To encourage innovative and varied forms of heritage interpretation, which recognises different opportunities, depending on the type and scale of development.

### 3. POLICY STATEMENT

#### 3.1 General

- 3.1.1 Prior to obtaining a Demolition Licence for the demolition of either a residential and/or commercial building within the Shire of York, a Planning Application for the demolition of a building is required to be submitted to and approved by the Shire.

A planning application involving demolition may require a heritage assessment to be undertaken to review whether a place has historic, aesthetic, social and scientific values, to determine whether the place meets the threshold to be entered on the Shire of York's Municipal Heritage Inventory.

3.1.2 If Council resolves that a building proposed for demolition has solely historic and/or social significance that is deemed by the Council as not directly reflected in the building's structure, style or physical appearance, the Council may approve the planning application for demolition and require a form of interpretation to be displayed on the site of the building proposed to be demolished.

3.1.3 The poor condition of a place is not a determining factor in the assessment of cultural heritage significance. If structural failure is cited as a justification for demolition, evidence should be provided, from a structural engineer that states that the structural integrity of the place has failed, to the point where it cannot be rectified without the removal of a majority of its significant fabric.

#### 4. Development under the Value of \$1,000,000

4.1 Where a place is to be demolished and the replacement building is a small scale development under the value of \$1,000,000 the applicant and/or owner of the building to be demolished is to be notified that a plaque or an alternative form of interpretation is to be displayed on the site of the existing building.

4.2 The plaque is to meet the following specifications (refer to figure 1);

- it is to be no smaller than A4 size or thereabouts;
- the plaque is to contain a minimum of 100 words and should incorporate a photographic image or drawing of the former building;
- the text is to incorporate explicit recognition of the identified heritage values of the place to be demolished as identified in the Heritage Assessment for the place;
- it is to include the Shire of York logo;
- the text is to be approved by the Shire Planner prior to proceeding;
- is to be made of durable material that will not deteriorate visually over time; and
- the signage is to be located in a position which is visible from the public domain.

4.3 The specification details, including the content and proposed location of the plaque or alternative form of interpretation is to be approved by the Shire of York before the issuing of a Demolition Licence and/or Building Licence, whichever occurs first.

4.4 The plaque or the alternative form of interpretation is to be installed prior to first occupancy of the new development on the site.

#### 5. Development over the Value of \$1,000,000

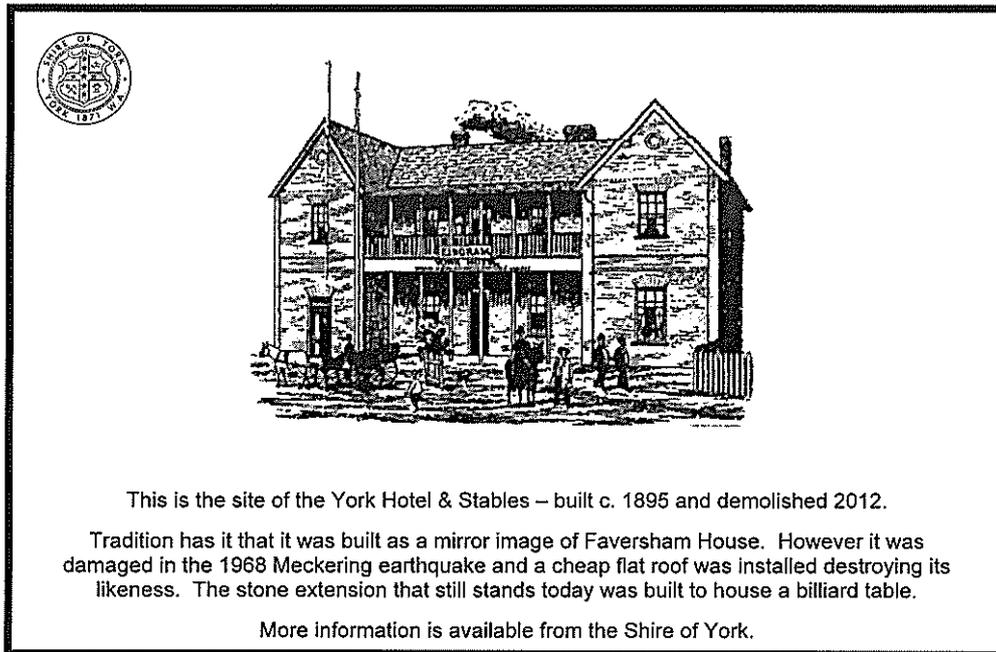
5.1 Where a place is to be demolished and the replacement building is a larger scale development over the value of \$1,000,000, the applicant and/or owner of the building to be demolished is to be notified that a form of interpretation is to be incorporated on the site of the existing building.

5.2 The applicant/owner may integrate the proposed interpretation as part of the Percentage for Public Art requirement of the development. The interpretation;

- 5.2.1 is to follow the processes outlined in and be in accordance with the Shire of York's Policy No. 3.5.13 relating to Percentage for Public Art;
- 5.2.2 is to incorporate through different mediums explicit recognition of the identified heritage values of the place to be demolished as identified in the Heritage Assessment for the place. The interpretation of the place may be visually expressed through the following artistic mediums:
- murals, tiles, mosaics, bas-relief covering walls, gates, floors and walkways;
  - neon or glass artworks, photographs and prints that will be permanently positioned in full view of the public domain; and
  - sculptures, that will be permanently positioned in full view of the public domain.
- 5.2.3 is to also incorporate descriptive text, which is to be located in a position which is visible from the public domain and contain a minimum of 100 words detailing the following:
- the name of the place if relevant;
  - the former use of the place;
  - the date of construction;
  - the date of demolition; and
  - the cultural heritage value attributed to the place.
6. Other Provisions
- 6.1 In the event that a demolition application is submitted and/or approved without a redevelopment proposal the Town may require one of the following:
- 6.1.1 A notification being lodged under section 70A of the Transfer of Land Act, prior to the issue of a Demolition Licence, notifying proprietors and/or (prospective) purchasers of the property of the interpretation proposal requirement and that the interpretative proposal, which has been prepared in accordance with the Shire of York's Local Planning Policy relating to Interpretive Signage will be required to be installed prior to the first occupation of the development; or
- 6.1.2 The owner(s)/applicant lodge an appropriate interpretation assurance bond with the Shire. The assurance bond will only be released to the owner(s)/applicant in the following circumstances:
- the interpretation proposal has been submitted to and approved by the Town and subsequently installed on the property; or
  - a Statutory Declaration on the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development,' for demolition has been submitted to and approved by the Town; or
  - the subject 'Approval to Commence Development' did not commence and subsequently expired.

- 6.1.3 A copy of the plaque and associated heritage assessment will be uploaded onto the Town's dedicated heritage website to ensure information about the former place is widely accessible.

Figure 1 - Example of interpretative plaque.



**Policy Owner:** Planning Department

**Person Responsible:** Manager Planning

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## EXTRACTIVE INDUSTRIES – ROAD MAINTENANCE CONTRIBUTION

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### Shire of York Town Planning Scheme No. 2

#### Local Planning Policy No. 9

#### 1. STATEMENT OF INTENT

This policy provides information and guidance on road maintenance contributions applicable to Extractive Industries that are developed on land within the Shire of York. The policy aims to ensure that road maintenance and repair costs to the Shire of York, attributed to vehicle movements from the operations of Extractive Industry, are accordingly borne by the Industry.

This policy, in keeping with the *Road Traffic Act 1974*, clarifies the liability and responsibility for maintenance of Shire of York roads due to heavy and extraordinary traffic.

#### 2. OBJECTIVES

- To ensure those portions of Shire of York controlled roads affected by the activities relating to Extractive Industries are maintained to a minimum acceptable standard at no extra burden of cost to Council.
- To prescribe an annual road maintenance contribution, applicable to all Extractive Industries within the Shire of York, for recovery of expenses towards maintenance and repair of roads due to heavy and/or extraordinary traffic associated with the operation of an Extractive Industry, in keeping with Sections 84 and 85 of the *Road Traffic Act 1974*.
- To ensure that the prescribed road maintenance contribution correlates with activity and usage of the Shire of York road network.

#### 3. INTERPRETATION

Extractive Industry means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry – mining.

*Note: Definition is consistent with that of “Industry – Extractive” under the Shire of York Local Planning Scheme No. 2.*

Road means any highway, road or street open to, or used by, the public and includes every carriageway, footway, reservation, median strip and traffic island thereon.

*Note: Definition is consistent with Road Traffic Act 1974.*

License means a license issued under the Shire of York Extractive Industries Local Law (as amended).

Licensee means the person named in the license as the licensee.

## 4. STATUTORY POWER

This Local Planning Policy has been prepared in accordance with Clause 8.8 of the Shire of York Local Planning Scheme No. 2.

A Local Planning Policy is not part of the Scheme and does not bind the Council in respect of any application for planning approval but the Council is to have due regard to the provisions of the policy and the objectives which the policy is designed to achieve before making its determination.

Local Planning Policies are guidelines used to assist Council in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme, they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes.

In considering an application for Planning Approval, the Council must have due regard to relevant Local Planning Policies as required under clause 7.5.

If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

Extractive industry proposals will need the relevant approvals and comply with the relevant legislation, policies and guidelines of other agencies including the Department of Mines and Petroleum, Environmental Protection Authority, Department of Environment and Conservation, and the Department of Water.

Planning applications may be referred to relevant government authorities or agencies during the assessment process.

## 5. POLICY STATEMENT

### Application of Policy

This policy applies to all Extractive Industry operations within the Shire of York.

### Road Maintenance

Those portions of Shire of York controlled roads affected by the activities relating to an Extractive Industry site shall be maintained to a standard acceptable to the Shire of York at the licensee's cost.

To achieve this, the licensee shall pay an annual road maintenance contribution equivalent to an amount specified within the Shire of York's Annual Schedule of Fees and Charges, for expenses incurred by the Shire of York for the repair and maintenance of Council's roads.

The road maintenance contribution shall be based on the estimated tonnage of material to be transported to and from the Extractive Industry site.

## SHIRE OF YORK: POLICY MANUAL

The road maintenance contribution shall be made annually for the lifetime of the facility, the conclusion of which will be marked by the completion of all rehabilitation works to the satisfaction of the Shire of York.

Payment of the road maintenance contribution shall be made in advance, with the first payment due upon the commencement of operations. Thereafter, payment may be made on a quarterly basis.

A report detailing all activities and tonnages of material transported to and from the Extractive Industry site for the financial year period ending 30th June is to be submitted to the Shire of York by 31st July each year.

The advance payments made through the year shall be reconciled against the actual activities and additional payments shall be sought or credited as appropriate.

Road maintenance contributions for Extractive Industries within the Shire of York are applicable from the date of effect of this policy.

Note: These provisions are in addition to the requirements of the Shire of York Extractive Industry Local Law as amended. All applications are still required to satisfy the requirements of the Shire of York Extractive Industry Local Law as amended.

|                            |  |
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| <b>Policy Owner:</b>       | Planning Department                          |
| <b>Person Responsible:</b> | Manager Planning                             |
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## DEVELOPER CONTRIBUTIONS FOR ROAD & FOOTPATH UPGRADING

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### Shire of York Town Planning Scheme No. 2

#### Local Planning Policy No. 10

#### PURPOSE

This policy sets the basis for seeking contributions for the upgrading of the Shire's road and footpath network as a result of the subdivision and development of land. The policy will allow a consistent approach to be applied to all subdivisions and relevant development and will provide guidance on Council's decision making. The policy will also provide certainty to the community in estimating the costs of the subdivision and development process.

This policy does not apply to 'greenfield subdivision' sites or subdivisions where developer contribution requirements are specified in the Scheme, Structure or Outline Development Plan or other planning document.

#### OBJECTIVES

The objectives of the Policy are to:

- To provide a basis for seeking financial contributions to the upgrading of the road and footpath network as a result of the subdivision process.
- To provide a basis for seeking financial contributions to the upgrading of the road and footpath network as a result of development proposals.
- To ensure consistency in the recommendations made to the Western Australian Planning Commission on subdivision applications.
- To provide clear and consistent advice to the community on the Shire's expectations for road and footpath upgrading.

#### STATUTORY POWERS

This Policy relates to determinations made by the Western Australian Planning Commission under the *Planning and Development Act 2005*. This Act gives the Commission the power to require developer contributions as part of the subdivision of land.

Where a development proposal requires the upgrading of the road and or footpath network, Council may require developer contributions under Clause 6.1.1 of the Shire of York's Town Planning Scheme No. 2.

This Policy has regard to the information contained within the Western Australian Planning Commission's State Planning Policy 3.6 – Development Contributions for Infrastructure and is made pursuant to Clause 8.8 of the Shire of York Local Planning Scheme No. 2.

A Local Planning Policy is not part of the Scheme and does not bind the Council in respect of any application for planning approval but the Council is to have due regard to the provisions of the policy and the objectives which the policy is designed to achieve before making its determination.

Local Planning Policies are guidelines used to assist Council in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme, they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes.

In considering an application for Planning Approval, the Council must have due regard to relevant Local Planning Policies as required under clause 7.5. If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

### INTERPRETATION

Road has the same definition applied to it under the *Road Traffic Act 1974* which includes any highway, road or street open to, or used by, the public and includes every carriageway, footway, reservation, median strip and traffic island thereon.

Footpath means any land or thoroughfare used by pedestrians and/or cyclists and shall include pathways, dual use paths and any other walkway designed for this use.

Greenfield subdivision means a property outside an existing urban or subdivision area that requires the extension of services to the subdivision.

### POLICY

- 1.1 All applications for subdivision or development approval made within the Shire of York, where there is an identified nexus between the requirements for a road and/or footpath upgrade and the proposal, will be subject to the provisions of this policy. This policy does not supersede or influence any other requirement for developer contributions as part of the subdivision or development approval process toward other facilities or infrastructure, such as public open space, community facilities, etc.
- 1.2 In making recommendations to the Western Australian Planning Commission on applications for subdivision where at least one additional lot will be created from the parent lot(s), the Council will consider seeking a financial contribution to be made towards the upgrading of the road and/or footpath network.
- 1.3 The Council reserves the right to seek a financial contribution towards the upgrading of the road and/or footpath network in the case of boundary rationalisation applications where no additional lots will be created, if it is considered warranted under certain circumstances.
- 1.4 When determining a development application, if in the opinion of Council the development generates the requirement for a road and/or footpath upgrade, the Council will seek a financial contribution to be made towards the upgrading of the road and/or footpath network.
- 1.5 Contributions towards the upgrading of the road and footpath network will be based on the standards contained in Table No. 1 of this Policy. The standards and costs will be reviewed periodically.

## SHIRE OF YORK: POLICY MANUAL

- 1.6 The road and footpath upgrading contribution will be a pro-rata calculation of 50% of the road/footpath as contained in Table No. 1, based on the per kilometre/per metre frontage of the parent lot(s) to the road. Where a secondary street exists, the Council reserves the right to seek a contribution for the secondary street in addition to the primary street frontage, however the Council will take into account traffic movements and existing rights of entry.
- 1.7 If a subdivision requires that the created lots be provided with constructed road access that does not currently exist or the road access in existence is not to an acceptable standard, this policy shall not supersede any requirements for the developer to pay the full construction costs and/or upgrading to provide suitable road access as prescribed in Clause 5.6 of the York Town Planning Scheme No. 2. and any relevant Guidelines.
- 1.8 Nothing in this policy shall prohibit Council from seeking the construction of a footpath network within a subdivision or associated with a development at the developer's expense.
- 1.9 In terms of the expenditure of the financial contributions made as part of the subdivision of land, the following principles shall apply:
- a. Should the applicant not construct the road, the construction and/or upgrading of the road(s) will be included into the Shire's Works Program; and
  - b. The upgrading of any footpath network shall occur within three (3) years following the completion of all subdivisions affecting a particular area, or prior to this date as determined by Council.
- 1.10 The Council may vary the requirements of this policy, where it is considered that full compliance with the policy is impractical or such variation is warranted in the circumstances of the subdivision or development.
- 1.11 This Policy does not apply to main roads.

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| <b>Policy Owner:</b>       | Planning Department                          |
| <b>Person Responsible:</b> | Manager Planning                             |
| <b>Date of Origin:</b>     | 19 November 2012 – Council Resolution 041112 |
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**TABLE NO. 1 – DEVELOPER CONTRIBUTION RATES****1. Contributions for sealed roads in Residential areas**

|   |                      |
|---|----------------------|
| Re-Seal of Road (occurs every 15 years)   | \$28,000 per km (a)  |
| Reconstruction of road every forty years<br>(Includes removal and replacement of kerbing)   | \$140,000 per km (b) |
| Total Whole of Life Road Works<br>(For the purposes of a subdivision, whole of life<br>( $c = a*2 + b$ ) is the cost of upgrading works over<br>a 40 year period) | \$196,000 per km (c) |
| Total Road Works per lineal metre   | \$196 per metre      |

In calculating the contribution for residential lots, it will be 50% of the lineal metre calculation based on the frontage of the property to the road. Each year this figure is to be revised for CPI increases and changes to the cost of materials.

**2. Contributions per kilometre for sealed roads in Rural and Rural-Residential areas**

|   |                      |
|---|----------------------|
| Re-Seal of Road (occurs every 15 years)   | \$28,000 per km (a)  |
| Reconstruction of road every forty years  | \$100,000 per km (b) |
| Total Whole of Life Road Works<br>(For the purposes of a subdivision, whole of life<br>( $c = a*2 + b$ ) is the cost of upgrading works over<br>a 40 year period) | \$196,000 (c)        |
| Total Road Works per lineal metre   | \$196 per metre      |

In calculating the contribution for Rural and Special Rural lots (gravel roads), it will be 50% of the lineal metre calculation based on the frontage of the property to the road. Each year this figure is to be revised for CPI increases and changes to the cost of materials.

**3. Contributions per kilometre for gravel roads**

|   |                 |
|---|-----------------|
| Re-sheet of Gravel Road (occurs every 10 years) | \$33,000 per km |
| Total Road Works per lineal metre               | \$33 per metre  |

In calculating the contribution for Rural and Special Rural lots (gravel roads), it will be 50% of the lineal metre calculation based on the frontage of the property to the road. Each year this figure is to be revised for CPI increases and changes to the cost of materials.

**4. Contributions per lineal metre for footpath construction and upgrading**

|   |                         |
|---|-------------------------|
| Construction of standard residential dual use path<br>(hot mix construction with one-coat seal) | \$90 per lineal metre** |
|---|-------------------------|

\*\* This figure is for a standard residential dual use path only. This figure does not apply to situations where a footpath may be constructed of some other material (i.e. brick paving) or where a higher standard of footpath is required (i.e. in the case of industrial areas where a higher standard of footpath is required to carry heavy loads). Where a footpath requires a higher standard of construction, other than a residential dual use path, the Shire will calculate the appropriate per lineal metre cost based on the construction standards required.

**5. Contributions per lineal metre for multi-use paths**

Construction of a 6 metre wide multi-use path in designated area is subject to Council Policy.



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## BARN STYLE SHED HOUSES

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### Shire of York Town Planning Scheme No. 2

#### Local Planning Policy No. 12

#### 1. INTRODUCTION

In the late 1990's a trend developed for the marketing of "barn style" sheds as permanent dwellings. The Building Code of Australia can be applied to recognise such structures as dwellings but concerns have been raised about the amenity and appearance of such structures in a residential environment. Essentially the buildings have the appearance and finish of a shed and their location in the town site can detract from the appearance and amenity of surrounding residential lots.

#### 2. OBJECTIVES

- To achieve a high stand of development and residential amenity.
- To protect the natural and historic beauty of the York town site.
- To make provisions as to the nature and location of residential buildings.
- To ensure infill residential development in heritage precincts and near heritage places to be of a high standard and not to detract from the place or precinct.

#### 3. STATUTORY POWERS

This Local Planning Policy is made pursuant to Clause 8.8 of the Shire of York Local Planning Scheme No 2.

A Local Planning Policy is not part of the Scheme and does not bind the Council in respect of any application for planning approval but the Council is to have due regard to the provisions of the policy and the objectives which the policy is designed to achieve before making its determination.

Local Planning Policies are guidelines used to assist Council in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme, they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes.

In considering an application for Planning Approval, the Council must have due regard to relevant Local Planning Policies as required under clause 7.5. If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

#### 4. POLICY PROVISIONS

The development of “barn style” dwellings and any other type of dwelling based on a shed design or frame will not be permitted in the York town site.

Where proposed on the larger lots of the Rural Residential, Rural Townsite and General Agricultural zones the Shire will consider approving these forms of construction where the impact on surrounding properties can be minimised (landscaping, aspect, siting of building, etc).

|                            |  |
|----------------------------|--|
| <b>Policy Owner:</b>       | Planning Department                          |
| <b>Person Responsible:</b> | Manager Planning                             |
| <b>Date of Origin:</b>     | 19 November 2012 – Council Resolution 041112 |
| <b>Endorsed:</b>           | 19 November 2012 – Council Resolution 041112 |
| <b>Amended:</b>            |  |
| <b>Version:</b>            | 1  |



## SEAVROC TREE CROPPING

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### Shire of York Town Planning Scheme No. 2

#### Local Planning Policy

#### 1. Background

Tree crops have the potential to become an important land use in medium to low rainfall agricultural areas in Western Australia (WA). Landholders and private investors are looking to capitalise on emerging opportunities for farm forestry in these regions, diversify income streams and to gain the on-farm environmental benefits that integrated tree crops can provide. Given the increasing opportunities and interest in tree crop development, it is timely for local governments to ensure that these developments are adequately supported and addressed in local planning.

The South East Avon Voluntary Regional Organisation of Councils (SEAVROC) member local governments, which are the Shires of Brookton, Beverley, York, Quairading and Cunderdin, wish to maximise the benefits and opportunities associated with tree crops, such as new industry development and regional investment, while minimising any potential negative impacts. They also recognise that having consistent policy across the region can facilitate planning approvals and provide landowner and investor confidence.

Background information relating to tree crops is provided in the report, Opportunities and Issues Associated with Farm Forestry in the South East Avon Low Rainfall Region.

#### 2. Objectives/Purpose

**The objectives of this Local Planning Policy are to:**

- Achieve a consistent, efficient and equitable system for assessing and approving tree crop applications, in particular ensuring consistency across the five Shires;
- Allow local governments to keep track of tree crop developments, which will assist in promoting the region to potential processors;
- Demonstrate that SEAVROC local governments support and promote tree crops as a land use in the General Agriculture Zone;
- Encourage tree crop developers to adhere to industry guidelines and standards as specified in relevant codes of practice and other documents; and
- Identify specific issues that local governments wish to see addressed in the planning and development of tree crops.

Any tree crop development shall not be justification for an application for subdivision nor any proposed tree cropping or an approved application for tree cropping on any land be deemed a precursor to subdivision.

A body of legislation, policy and guidelines relevant to tree crops already exists and a range of government agencies and other stakeholders are involved in regulating and managing tree crop issues.

This policy aims to be consistent and complementary with existing regulations and not to place additional undue burden on landowners and investors wishing to pursue tree crop development.

### **3. Definitions**

#### **Applicant**

An Applicant is defined as the person or entity (e.g. company or organisation) responsible for management of the tree crop. The Applicant does not have to be the owner of the trees or the land on which trees are planted (e.g. the Applicant could be a third party management agency). The Applicant is responsible for ensuring adherence to this policy and other relevant legislation and regulations.

#### **Tree crop**

For the purpose of application of this policy a tree crop is defined as:

- Trees planted with the intent of producing commercial products. Commercial products include all wood and non-wood products that can be sold to a third party. Wood products are produced when trees are harvested, such as woodchips or sawlogs, while non-wood products include products such as environmental services; and
- Trees under the management of one Applicant with an aggregate area greater than 40 hectares in any one Shire in the Shires of Brookton and Beverley and an aggregate area greater than 10 hectares in the Shires of Cunderdin, Quairading and York or a contiguous area greater than 10 hectares in the Shires of Brookton and Beverley.

#### **Landowner**

A Landowner is defined as the person or entity that holds the title to the land.

#### **Management Plan**

Provides details of the way in which a tree crop will be developed and managed, and aims to demonstrate the means by which the principles of environmental care, cultural and fire management objectives are achieved.

#### **A Management Plan includes the following components:**

- Establishment plan;
- Plantation Management plan; and
- Fire Management plan.

#### **Code of Practice**

Code of Practice for Timber Plantations in Western Australia 2006, produced by Forest Industries Federation WA, Forest Products Commission Australian Forest Growers, or as revised.

## **Guidelines for Plantation Fire Protection**

Guidelines for Plantation Fire Protection 2001, produced by Fire and Emergency Services Authority WA (FESA), or as revised.

### **4. Areas of application**

This policy applies to land zoned 'General Agriculture' or 'Farming' in the Local Planning Schemes of the Shires of Brookton, Beverley, York, Quairading and Cunderdin.

### **5. Application and approval requirements**

#### **5.1. When is an application required?**

A Tree Crop Development Application must be submitted and approved prior to the commencement of a tree crop development.

In the Shires of Brookton and Beverley, an application is required for all tree crop developments greater than 40 hectares in size. If an Applicant has tree crops with an aggregate area of less than 40 hectares or less than 10 contiguous hectares within any one Shire an application is not required. However, the Applicant is required to submit a Tree Crop Development Application when new tree crop developments will result in the total aggregate area exceeding 40 hectares.

In the Shires of Cunderdin, Quairading and York a Development Application is required when an applicant has an aggregate area of tree crops which is 10 hectares or greater.

In the Shires of Beverley and Brookton, an application is required when an applicant has a contiguous area of tree crops which is 10 hectares or greater.

A Tree Crop Development Application can cover multiple tree crop developments, which may be on different titles, provided they are under the management of one Applicant.

#### **5.2. Tree Crop Development Application requirements**

In addition to Shire requirements for Development Applications, a Tree Crop Development Application is to contain the following three parts:

##### **1) Registration - which must contain the following information:**

- Title details of the subject land;
- Name of the Landowner(s);
- Name of the Applicant (tree crop manager);
- Address and contact details of the Applicant;
- Area (hectares) to be planted and species to be planted; and
- Signatures of the Applicant and the Landowner(s).

*A Registration form is provided in Attachment 1.*

##### **2) Management Plan.**

- A checklist of information that should be included in a Management Plan is provided in Attachment 2. The checklist is based on the guidelines in the Code of Practice.
- The Management Plan must address the policy measures described in Section 6 of this Policy.

### **3) Map - which should show the following:**

- Location of tree crops;
- Access roads;
- Structures and buildings;
- Natural features including native vegetation and water courses; and
- Other relevant information such as hazards or significant features.

#### **5.2.1. Modification to Tree Crop Development Application**

An Applicant with an existing Tree Crop Development Application approval may modify the existing application, including the addition of new tree crops or expansion of existing tree crops. Additional areas of tree crops may therefore be managed under existing Management Plans, without the need for the Applicant to prepare a new Management Plan for every new tree crop development. However the Applicant must ensure that the management measures in an existing Management Plan are relevant to new tree crops and the sites on which they will be developed, and meet the requirements of this policy.

If this is not the case the Applicant is required to submit a modified or new Management Plan.

If an Applicant transfers management responsibilities to another organisation they are required to notify the Shire and provide details of the new managing entity.

#### **5.3. Assessment of applications**

Tree Crop Development Applications should be submitted to the Shire in which the development will occur.

Assessment of Tree Crop Development Applications is to have regard to the application requirements and policy measures described in Sections 5.2 and 6 of this Policy.

### **6. Additional policy measures**

The following policy measures must be addressed in the Management Plan.

#### **6.1. General tree crop management**

The Shires encourage all tree crop developments to be undertaken with appropriate consideration to the specifications and guidelines in the Code of Practice and Guidelines for Plantation Fire Protection.

The Code of Practice provides management goals and operational guidelines to tree managers to “ensure tree crop operations in WA are conducted in a manner that is in accordance with accepted principles for good plantation management, while recognising that a primary aim of tree crops is to be economically competitive and sustainable”.

#### **6.2. Access and roads**

When planning tree crop developments, Applicant’s should consider how tree crops will be accessed for management, harvesting and removal of products (if applicable). Potential access roads should be identified on the Map.

The harvest and haulage of tree crop products results in 'wear and tear' of roads and other transport infrastructure and the Shires are seeking to minimise adverse affects on local roads within their control.

The future locations of processing facilities in or near the SEAVROC region are currently unknown, and it is therefore difficult to prepare a transport strategy prior to commencement of tree crop development.

### 6.3. Fire management

A fire management plan must be included as part of the overall Management Plan (see Attachment 2).

The Guidelines for Plantation Fire Protection contain guidelines for appropriate tree crop location, design and fire protection measures.

Any Fire Management Plan must be consistent with Guidelines for Plantation Fire Protection 2001, produced by Fire and Emergency Services Authority WA, or as revised. Should the Fire Management Plan not be consistent with the guidelines then the application will normally be refused.

|                            |   |
|----------------------------|---|
| <b>Policy Owner:</b>       | Planning Department                     |
| <b>Person Responsible:</b> | Manager Planning                        |
| <b>Date of Origin:</b>     | 17 May 2010 – Council Resolution 110510 |
| <b>Endorsed:</b>           | 17 May 2010 – Council Resolution 110510 |
| <b>Amended:</b>            |   |
| <b>Version:</b>            | 1                                       |

## Attachment 1

# Tree Crop Development Application Registration Form

### Section 1 – New application or modification

Select one of the following:

New Tree Crop Development Application

Complete all Sections except Section 6

Modification to existing Tree Crop Development Application Complete all Sections except Section 5

-----  
-----

### Section 2 – Applicant details

Name of Applicant (company or individual): -----

Name of contact person: -----

Address: -----

Telephone: -----

Fax: -----

-----  
-----

### Section 3 – Landowner details (if multiple Landowners provide details of additional Landowners on page 3)

As above (tick box): or -----

Name of landowner: -----

Address: -----

Telephone: -----

Fax: -----

-----  
-----

**Section 4 – Land title**

Title details of the land on which trees will be planted (if multiple titles, specify the area to be planted on each title):

-----  
-----  
-----  
-----

**COMPLETE IF NEW APPLICATION**

**Section 5 – Tree crop information (new applications only)**

Total area to be planted (hectares): .....

Species to be planted (and area of each): .....

Proposed planting dates: .....

Management Plan attached (circle one): Yes / No .....

Map attached (circle one): Yes / No .....

*Note: a Management Plan and a Map are prerequisites for approval of a new Tree Crop Development Application*

.....  
.....

**COMPLETE IF APPLICATION MODIFICATION**

**Section 6 – Tree crop information (modifications only). Complete relevant sections**

Reason for modification (e.g. new or changed tree crop area) .....

.....

Additional area to be planted (hectares): .....

Species to be planted: .....

Proposed planting dates: .....

Management Plan attached (circle one): Yes / No .....

Map attached (circle one): Yes / No .....

*Note: previously approved Management Plans and Maps may be used for modification if relevant*

# SHIRE OF YORK: POLICY MANUAL

If no, provide reference to relevant Management Plan and/or Map

Signature of Applicant .....

Print Name - Date .....

Signature of Landowner (if land owner is not Applicant) .....

Print Name- Date .....

## **SHIRE USE ONLY**

Application received on: .....

Application reviewed by: .....

Approved / Not approved: .....

Reasons for non-approval: .....

Advice provided to Applicant on: .....

Tree crop register updated on: .....

**Additional Landowners**

**Landowner 2**

Name of landowner: .....

Address: .....

Land title: .....

Telephone: .....

Fax: .....

**Landowner 3**

Name of landowner: .....

Address: .....

Land title: .....

Telephone: .....

Fax: .....

**Landowner 4**

Name of landowner: .....

Address: .....

Land title: .....

Telephone: .....

Fax: .....

**Signature of Landowner 2**

Print Name .....

Date.....

**Signature of Landowner 3**

Print Name .....

Date.....

**Signature of Landowner 4**

Print Name .....

Date.....

## Attachment 2

## Tree Crop Development Application Management Plan Checklist

### Tree Crop Development Application

#### Management Plan Checklist

The following is provided as a checklist of information recommended to be included in a tree crop Management Plan. It is based on the guidelines in the *Code of Practice for Timber Plantations in Western Australia* and provides a reference to the relevant sections of the Code of Practice where relevant.

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**Section in Code of Practice**

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#### Establishment Plan

This should outline the following topics and how they will be managed:

- Areas of native vegetation **4.3**
  
- Management and protection, including setback distances,  
of watercourses, wetlands, reservoirs and significant features **4.3**
  
- Setback distances to structures, dwellings and gazetted infrastructure
- Note: *the Guidelines for Plantation Fire Protection recommend a setback distance of 50 metres.*
  
- Areas to be planted and size of compartments
- *The Guidelines for Plantation Fire Protection* contain guidelines on compartment size.
  
- Access and firebreaks **4.5, 4.7.6**

Also refer to the *Guidelines for Plantation Fire Protection*.

- Species to be planted **4.6.2**
  
- Direction of planting lines in relation to contours and natural drainage **4.6.3**
  
- Soil preparation methods **4.6.3**
  
- Pest and weed control methods/prescription,  
including control of declared animals and plants **4.6.5 – 4.6.7**
  
- Planting methods/prescription

- Fertilising methods/prescription **4.6.4**

## **Maintenance Plan**

This should outline the activities to be conducted during the tree crop rotation and how they will be managed:

- Pest and weed control methods/prescription, including control of declared animals and plants **4.6.5 – 4.6.7**
- Grazing strategy **4.7.6**
- Fertilising methods/prescription **4.6.4**
- Pruning and thinning regimes **4.6.9**
- Access and firebreak maintenance **4.5, 4.7.6**

## **Fire Management Plan**

This should contain the following details:

- Contact names and telephone numbers
- Names and addresses of local fire control bodies
- Map or details of access roads, firebreaks, water points etc.  
*Note: this information may be included on the main Map that forms part of the Tree Crop Development Application*
- Location of fire fighting equipment, including details of cooperative arrangements
- Specific measures to protect services e.g. power lines and gas supplies, or surrounding values (if relevant)

### NOTE:

Any Fire Management Plan must be consistent with Guidelines for Plantation Fire Protection 2001, produced by Fire and Emergency Services Authority WA, or as revised. Should the Fire Management Plan not be consistent with the guidelines then the application will normally be refused.

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## TEMPORARY ALFRESCO DINING AREAS

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### **Policy Objective:**

To provide proponents clear principles and guidelines for the development of a Temporary Alfresco Area

### **Policy Scope:**

This policy applies to the development and approval of a Temporary Alfresco Area on the road reserve.

### **Policy Statement:**

#### **Introduction**

The Shire of York recognises that alfresco dining in the York town centre adds to the vibrancy of the town and to the experience of visitors and locals alike. There are a limited number of locations for alfresco dining. This Policy set a way forward to establish other locations for alfresco dining.

#### **Principles**

- (a) The safety and amenity of the road and footpath users is always the most important consideration in reviewing any temporary alfresco dining areas.
- (b) To encourage a greater range and type of experience available to visitors and residents in York.
- (c) To ensure the Heritage of the York Town Centre is not detracted from by inappropriate development of alfresco dining areas.

#### **Provisions**

##### **1. General.**

- 1.1 A Temporary Alfresco dining area will only be approved where the proposal is an extension of an approved food business within an adjacent building.
- 1.2 Applies only to properties in the York Town centre.
- 1.3 Does not apply to properties between South/Glebe streets and Macartney Street.
- 1.4 All aspects of the Shires "Guidelines for Alfresco Dining and Trading in a Public Place", Appendix A attached are to be met at all times.
- 1.5 A Temporary Alfresco dining area will not be approved where, in the opinion of Council, the gathering of customers or the elements of design will unreasonably impede pedestrian or vehicular movements, or cause conflicts with other activities.
- 1.6 All Temporary Alfresco Dining Area applications will require community consultation of 14 days including advertising via the Shires website and Social Media and a letterbox drop to all properties in the same block.

**2. Design Considerations.**

- 2.1 The Alfresco area is to be within the width of existing car park bays so as not to impede traffic flow.
- 2.2 The Alfresco structure must not impede the stormwater drainage flow along the road kerb line.
- 2.3 The Alfresco area is to be a minimum of 1.5 m from a property driveway, (which is the same distance that car parking bays are usually marked at), to allow access to and from driveways
- 2.4 The Alfresco structure is to be substantially visibly permeable above a height of 1.15 m. To allow reasonable sight distance for vehicles using parking bays or driveways near the Alfresco and allowing passive surveillance.
- 2.5 Colour scheme to be sympathetic to the Heritage precinct and generally consistent with the Shire heritage policy.
- 2.6 Building materials to be sympathetic to the Heritage Precinct and generally consistent with the Shire heritage policy.
- 2.7 The Alfresco area is to be a minimum of 0.6 m from a car parking bay. Bollards may be required to protect vehicles and the alfresco structure.
- 2.8 Where the building in front of which the proposed Temporary Alfresco Dining Area is to be located is on the Shire's Municipal Heritage Inventory/Heritage List, the proposed scale and form and materials are to be consistent with conserving the heritage values of the building and precinct and is generally consistent with the Shire heritage policy.

**3. Maintenance Obligations.**

- 3.1 Maintenance of the structure is the responsibility of the approved applicant.
- 3.2 The Shire can have the alfresco area closed if it considers the structure is in need of repair.
- 3.3 Furniture and equipment is to be sensitive to the amenity and character of the locality.
- 3.4 All furniture and equipment must be maintained in a clean and safe condition by the approved applicant.
- 3.5 Loose furniture to be removed from site when business is closed.
- 3.6 Un-maintained alfresco structures to be removed at the owner's cost.
- 3.7 All plants to be maintained in a neat and tidy manner.
- 3.8 The alfresco area is to be swept daily and all loose rubbish removed before closing for the day.

**4. Other**

- 4.1 Temporary Alfresco Dining Areas approved under this Policy will be required to comply with all other relevant Council Policies.

**Key Terms/Definitions**

**Alfresco Dining:** Alfresco dining refers to an outdoor eating facility or establishment which is located on any part of a 'public place' which is not on private land.

**Public place:** includes any thoroughfare or place which the public are allowed to use and any local government property.

**Policy Administration**

Responsible Directorate/Division: Executive Manager Infrastructure & Development Serv

Contact Officer Position: Executive Manager Infrastructure & Development Serv

Relevant Delegation:

Relevant Legislation

Date Adopted: 25 March 2019

Reviews/Amendments 25 November 2019

## APPENDIX A

### Shire of York Guidelines for Alfresco Dining and Trading in a Public Place

'Alfresco Dining' is a term used to describe an outdoor eating area that is located on the thoroughfare (on the footpath or other Council controlled land).

'Trading in a Public Place' is the display of goods in any public place for the purpose of offering them for sale or reward.

#### How to Apply

Application forms are available from the Council office. They must be completed and returned with the following information:

- A plan to scale, showing location of chairs and tables and other furniture;
- Photographs of proposed furniture; and
- Certificate of public liability insurance.

A licence fee is payable. Approval is valid from 1 July to 30 June each year.

#### Public Liability Insurance

Prior to a licence being issued the applicant is required to provide a current copy of their public liability insurance for no less than \$10 million, covering the outside area. A copy of the insurance renewal must be submitted each year.

#### Furniture and Goods

Furniture includes all chairs, tables, umbrellas and planter boxes.

Goods include all saleable objects and fixtures used for display purposes.

All furniture and goods are required to be free standing and must be removed at the close of business each day.

The furniture must be sturdy, durable and well maintained. It must also be appropriate for the York main street. Any umbrellas must be adequately secured and have a minimum height of 1.8 metres.

The number of chairs and tables that may be located in an alfresco is calculated at one chair per metre square taking into account any permanent fixtures such as street trees.

#### Cleaning

Cleaning of the approved area is the responsibility of the proprietor, and must be maintained throughout the day and at the close of business each day. All rubbish is to be removed and is not to be deposited into the Council's street bins.

#### Alcohol

The consumption of alcohol is permitted within the alfresco area provided that the appropriate licence has been obtained from the Liquor Licensing Division.

#### Permitted Locations

A minimum of 1.5 metres of footpath width is to be kept clear at all times. If the approved area is located at the kerb at least 500mm must be maintained between the kerb and the furniture.

Only the area directly adjacent to the premises is to be utilised for trading. If at any time the chairs, tables or goods are obstructing pedestrian or vehicular traffic the proprietor will be requested to move the obstruction.

The Council may confiscate unapproved furniture or goods that are obstructing the footpath in any way.



## Miscellaneous Policies

The Policies contained in this section remain in force and will be received in the course of the 2016/17 year.





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VANDALISM OF COUNCIL PROPERTY

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|                            |   |
|----------------------------|---|
| <b>Policy Owner:</b>       | Chief Executive Officer   |
| <b>Person Responsible:</b> | Executive Manager Corporate and Community Services              |
| <b>Date of Origin:</b>     | 20 May 1996   |
| <b>Endorsed:</b>           | 15 September 1997<br>21 August 2006 – Council Resolution 190806 |
| <b>Amended:</b>            |   |
| <b>Version:</b>            | 1   |

**OBJECTIVE**

To minimise the effect of vandalism in the community.

**POLICY STATEMENT**

That the council approve the posting of a reward of \$500 for information leading to the successful prosecution of person's wilfully damaging council property.



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## GATES ACROSS ROAD RESERVES

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|                            |   |
|----------------------------|---|
| <b>Policy Owner:</b>       | Chief Executive Officer                                   |
| <b>Person Responsible:</b> | Executive Manager Infrastructure and Development Services |
| <b>Date of Origin:</b>     | 20 September 2010 – Council Resolution 100910             |
| <b>Endorsed:</b>           | 20 September 2010 – Council Resolution 100910             |
| <b>Amended:</b>            |   |
| <b>Version:</b>            | 1   |

### OBJECTIVE

To ensure that decisions are made in a consistent manner and that no approvals are granted for a gate/s across any road reserve or public thoroughfare in the Shire of York.

### POLICY

That the Council does not support and shall not issue an approval for a gate licence across a road reserve or public thoroughfare.

Council may consider the use of other devices eg: grid to control straying stock.



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## WESTERN POWER – DISTRIBUTION POWER LINES CLEARANCES AT ROAD CROSSINGS & OVER LAND

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|                            |  |
|----------------------------|--|
| <b>Policy Owner:</b>       | Works Department                                   |
| <b>Person Responsible:</b> | Executive Manager Corporate and Community Services |
| <b>Date of Origin:</b>     | 16 October 2006 – Council Resolution 211006        |
| <b>Endorsed:</b>           | 16 October 2006 – Council Resolution 211006        |
| <b>Amended:</b>            |  |
| <b>Version:</b>            | 1  |

- Policy titled: *Placement of poles along roads with speed limit not exceeding 70km/h.*

**POLICY STATEMENT:**

Power poles should be installed on a standard alignment, between 2.4 and 3 meters from property boundaries, as defined in Appendix B of the *Utility Providers Code of Practice* (the Code). However, poles installed on this alignment must also comply with policy titled: *Placement of poles along roads with speed limit not exceeding 70km/h.*

Poles may be installed on other alignments, provided that an agreement in writing is obtained from any utility providers affected by the proposed location (see Sections 3.2 and 8.2 of the Code).

Poles should also be located in positions that avoid existing entrances to properties and other obstacles and provide for future development (see Section 8.2 of the Code).

As well as meeting the requirements of the Code, poles should be installed according to the following guidelines.

**GUIDELINES:**

- 1) **Maximum number of customer services:** in order to minimise costs, poles should be positioned so as to maximise the number of customers serviced from one pole.
- 2) **Street lighting:** distribution poles are used to carry street lights. Therefore, they should be positioned to take into account street lighting design requirements.
- 3) **Future extensions:** In order to minimise future costs, consideration should be given to the likelihood/possibility of extensions to the existing/proposed distribution network (e.g. requirements for "tee-offs", ground/aerial stays etc). See Figure 1.

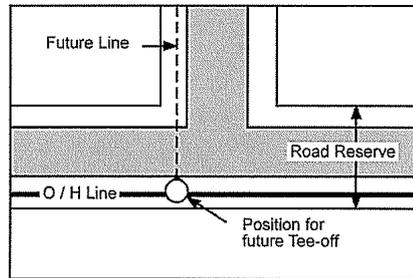


Figure 1: Consideration of future requirements

- 4) **Customer service poles:** consideration should also be given to any advantage that may be achieved by positioning poles on the side of a street that will minimise the number of customer service poles required when service connections are run across the road, as shown in Figure 2.
- 5) **Vegetation clearing:** it is important to minimise the impact Western Power's assets have on the environment. Therefore, consideration should be given to positioning poles on the side of the road that will minimise the need for vegetation-clearing, as shown in Figure 2.

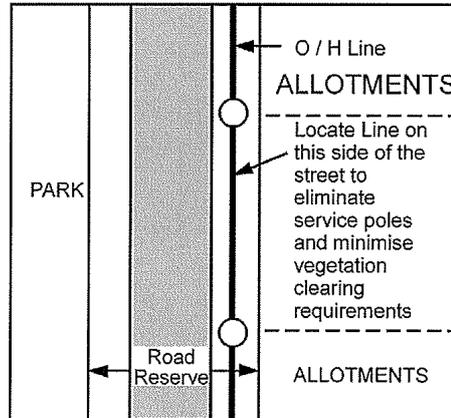


Figure 2: The advantage of careful pole positioning

- 6) **Deviation stays:** stays can restrict land use and obstruct pedestrian traffic. Therefore, conductor deviation angles should be avoided or installed in a way that eliminates or reduces the need for deviation stays.

If an overhead deviation angle is unavoidable, then adopt the following decision-making process to select the most appropriate option:

- a) If the deviation bay length is shorter than 35 metres, use an inline stay for the main conductor and low tension (slack) for the deviation bay, without installing deviation stays.
- b) If the deviation bay is longer than 35 metres, carry out an evaluation of the ground conditions and determine the suitability of a stronger pole. This is to ensure that corner poles will not be moved because of conductor tension, resulting in unacceptable conductor sag across the road.
- c) If the deviation bay is longer than 35 metres and it cannot be constructed without deviation stays, deviation stays may be installed, provided they will not obstruct pedestrian traffic, access to property and will not become a visual obstruction (see Section 16 of this policy).

- d) Use an underground option if deviation stays are necessary but cannot be installed without breaching the guidelines in c) above.

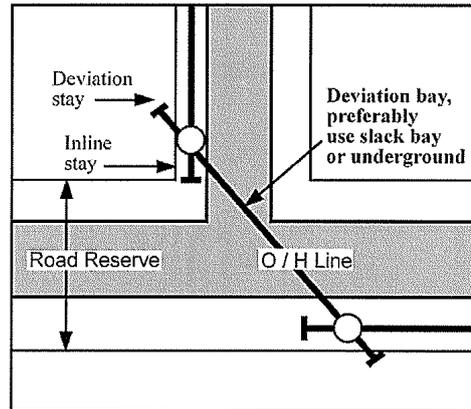


Figure 3: Deviation angles

- 7) **No conductors inside property:** in built-up areas it is not acceptable for new overhead power lines to be located inside property boundaries.

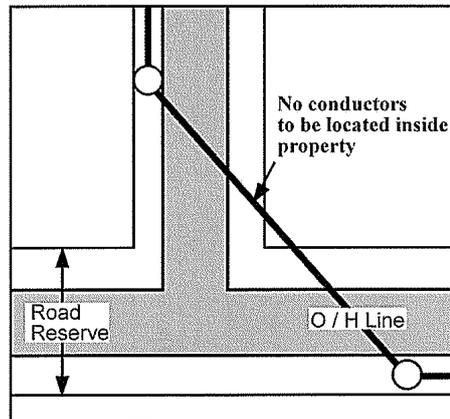


Figure 4: No conductors inside properties

- 8) **Compliance with ENA C(b)1, Section 9:** bare overhead power lines can be built only on the 2.7-metre alignment in areas zoned for a building setbacks of 6 metres, or in areas with a special dispensation setbacks of 3 metres. If zoning allows properties to be built along the front property boundary, bare overhead line construction should not be used.

This type of construction in these circumstances would not satisfy the requirements of ENA C(b)1, Section 9, as shown in Figure 5 below. The distance between a building and the closest conductor could be reduced to 1.3 metres as a result of blowout caused by strong wind. The required minimum clearance from the wall is 1.5 metres and from the window it is 2.1 metres.

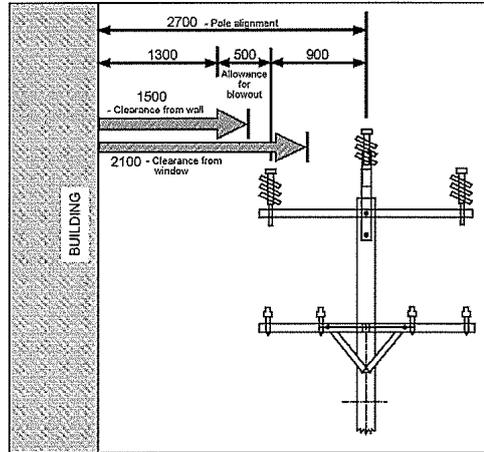


Figure 5 Compliance with ENA C(b)1

- 9) **Stays across driveways:** stays should not bridge existing or potential driveways. Aerial stays are best avoided and should be used only after all other options have been exhausted.

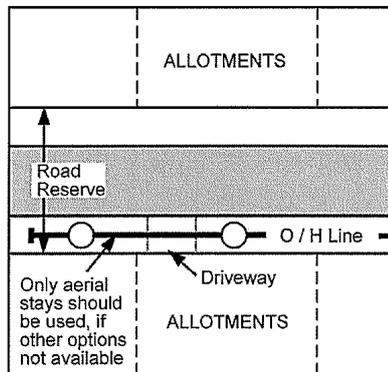


Figure 6: Location of stay poles

**10) HV Earthing**

- a) HV earthing (e.g. earthing for conductive HV poles, pole-top-switches or pole mounted transformers) should not be located within 15 metres of telecommunication assets. This is because the telecommunication asset could be damaged, or there could be a safety hazard during their maintenance because of the voltage difference between local and remote earths. This includes telecommunication jointing pits, pillars, manholes, and telephone cabinets.
- b) If an HV earth is to be located within 15 metres of any telecommunication assets (other than cables), then Telstra (or other relevant communication utility) must be notified and their written approval obtained.
- b) Poles supporting pole-top-switches should not be located close to existing or proposed driveways and access ways, to avoid damage to the earthing mat during driveway construction. There should be a minimum distance of 2 metres between the driveway and a pole.

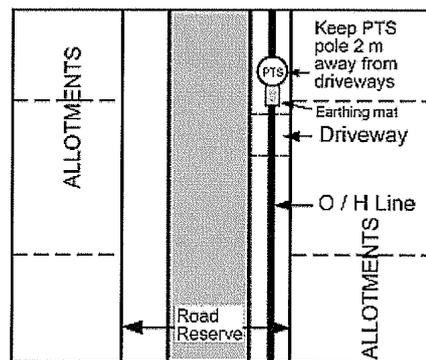


Figure 7: Positioning of earthed poles

- 11) **Driveway crossovers:** poles and stays should not be located within 1 metre of an existing or planned driveway crossover.

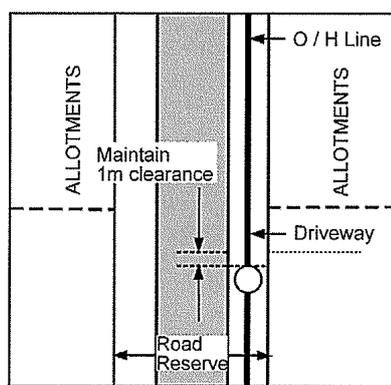


Figure 8: Poles near driveway crossovers

- 12) **Common lot boundary projection:** poles and stays should normally be located at the projection of a common lot boundary. However, where lots are truncated (eg. battleaxe lots) poles should be positioned on or outside the truncation projection.

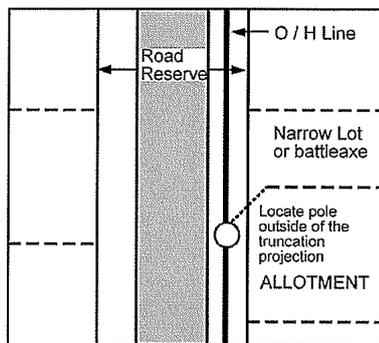


Figure 9: Location of poles on common lot boundaries

- 13) **Proximity to underground services:** poles should not be located in positions that prevent or inhibit access to underground services (e.g. underground power cables, road crossing conduits, gas pipelines, telephone cables or water pipes). Also, adjacent underground services may be damaged during the pole installation process.

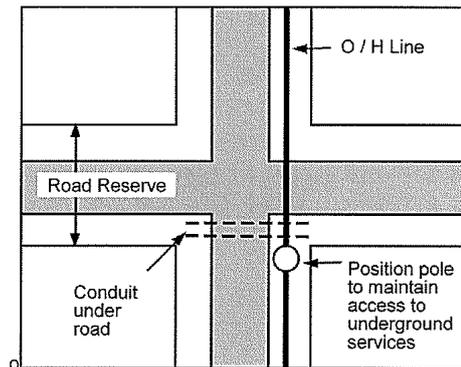


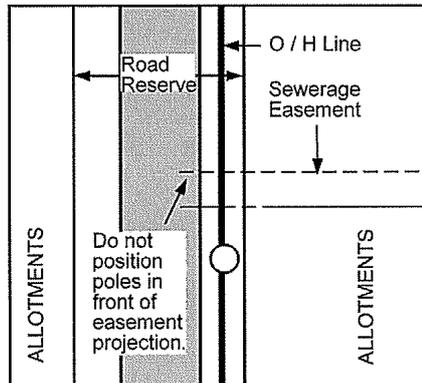
Figure 10: Proximity to underground services

- 14) **Road Intersections:** Poles near intersections should be installed at least 1 metre away from the roadway, as specified in policy number titled, *Placement of poles along roads with speed limit not exceeding 70km/h.*

It is necessary to discuss the placement of these poles with local government staff before finalising designs.

Poles should not be installed in the vicinity of an intersection area if they will need to be relocated due to planned intersection upgrading work.

- 15) **Easements:** poles and stays should not be located within the projection of sewerage, drainage and gas pipe easements existing on a property.



**Figure 12: Poles within easements**

- 16) **Visual obstruction:** it is important to install overhead assets so that they do not become a visual obstruction. Nor should they become significant landmarks. For example, the following situations have generated customer complaints:

- LV ABC conductors installed across a view of the lake; and
- a pole-top transformer installed above surrounding houses and trees, obstructing the view of properties on higher ground some distance away.



## ONSITE EFFLUENT DISPOSAL FACILITY

|                            |  |
|----------------------------|--|
| <b>Policy Owner:</b>       | Health & Building Department                       |
| <b>Person Responsible:</b> | Executive Manager Corporate and Community Services |
| <b>Date of Origin:</b>     | 17 December 2012 – Council Resolution 061212       |
| <b>Endorsed:</b>           | 17 December 2012 – Council Resolution 061212       |
| <b>Amended:</b>            |  |
| <b>Version:</b>            | 1  |

### 1. INTRODUCTION

A large portion of the York town site is currently un-sewered with occupiers of small land holdings relying on septic tanks and leach drains to cater for all effluent produced on site.

Due to clay soils, high ground water tables and rock being present, a large number of leach drains continually fail allowing effluent to the surface of the ground and to enter adjacent streets.

Aerobic Treatment Units are now available to replace the primitive septic tanks and leach drains where new construction is proposed on R10 coded blocks of land.

This policy will effectively exclude the installation of septic tanks and leach drains from being installed on R10 coded residential land and residential lots less than 2000 square meters in area.

### 2. OBJECTIVES

To prevent environmental health problems caused by defective leach drains.

### 3. STATUTORY POWERS

- Health Act 1911
- Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974

### 4. POLICY PROVISIONS

Only approved aerobic treatment units will be approved by Council's Environmental Health Officers for proposed new residential development within the Shire of York on land with a R10 or higher density residential design code and any land less than 2000 square meters in areas where reticulated sewer is not available within 90 meters of the development.




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## STAFF SUPERANNUATION – WA LOCAL GOVERNMENT SUPERANNUATION PLAN - CONTRIBUTION

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|                            |  |
|----------------------------|--|
| <b>Policy Owner:</b>       | Governance   |
| <b>Person Responsible:</b> | Executive Manager Corporate and Community Services |
| <b>Date of Origin:</b>     | 20 September 1993                                  |
| <b>Endorsed:</b>           | 19 September 1994                                  |
|                            | 29 February 1996                                   |
|                            | 15 September 1997                                  |
|                            | 20 June 2005 – Council Resolution 150605           |
|                            | 21 August 2006 – Council Resolution 190806         |
| <b>Amended:</b>            | 20 June 2005 – Council Resolution 150605           |
| <b>Version:</b>            | 1  |

### OBJECTIVE

To ensure that the Shire of York meets industry standards for employment conditions.

### POLICY STATEMENT

That the Council approve participation in the WA Local Government Superannuation Plan Contributory Scheme effective 1 July 2005, on the basis of providing superannuation contributions in keeping with industry accepted standards and as a tool to attract and retain experienced local government members of staff, with council's matching contribution to commence at 3% of the employee's eligible salary and increasing by one percent each financial year thereafter to a maximum of 5%.



## TEMPORARY ACCOMMODATION POLICY

|                            |  |
|----------------------------|--|
| <b>Policy Owner:</b>       | Health & Building                            |
| <b>Person Responsible:</b> | Manager Health & Building                    |
| <b>Date of Origin:</b>     | 17 December 2012 – Council Resolution 081212 |
| <b>Endorsed:</b>           | 17 December 2012 – Council Resolution 081212 |
| <b>Amended:</b>            |  |
| <b>Version:</b>            | 1  |

### 1. INTRODUCTION

Living in a caravan or camping for a period of time greater than (3) days in any 28 day period on land that you own or are legally entitled to occupy is not permitted without written approval from the Council.

Council may grant permission for a period not exceeding 3 months however, upon request for an extension of time, up to 12 months may be conditionally granted.

Council may consider allowing temporary accommodation while building a house with the condition that the applicant must be in possession of a building permit for a residence.

Monetary penalties of up to \$1000.00 may be applied to offences involving camping and or occupying a caravan without permission.

### 2. OBJECTIVES

To give approval for temporary residence in a caravan provided it can be demonstrated basic health and safety requirements can be achieved and a defined time limit is in place (2 years).

### 3. STATUTORY POWERS

- Caravan Parks & Camping Ground Regulations 1997
- Building Regulations 2011

### 4. POLICY PROVISIONS

The only form of temporary accommodation to be approved shall be within a caravan in accordance with the Caravan Parks and Camping Grounds Regulations 1997 for a period up to 12 months.

Applicants and occupiers must own or have a legal right to occupy the land.

Applications for temporary accommodation shall only be considered for land in the Special Residential; Rural Small Holdings and Agricultural Local zones as identified in the Shire of York Town Planning Scheme.



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CONTRACTOR MANAGEMENT POLICY

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|----------------------------|---|
| <b>Policy Owner:</b>       | Governance  |
| <b>Person Responsible:</b> | All Executive Managers  |
| <b>Date of Origin:</b>     | 12 June 2006 – Council Resolution 050605  |
| <b>Endorsed:</b>           | 21 August 2006 – Council Resolution 190806<br>17 August 2009 – Council Resolution 140809<br>21 February 2011 (Version: No: 3) – Council Resolution 100211 |
| <b>Amended:</b>            |   |
| <b>Version:</b>            | 1   |

### **POLICY STATEMENT**

The Shire of York recognises the complications that may be introduced by outsourcing some of its functions and relying on contractors. The presence of contractors and sub-contractors has the potential to create greater risks in the workplace / worksite, this can be attributed to a number of reasons; unfamiliar work sites, less training and supervision than regular employees, pressure of time and long working hours.

The Shire of York acknowledges that they have the same Occupational Safety and Health obligations to contractors, and sub-contractors, as they do to their employees. As the Principal, the Shire of York understands that the duty of care to contractors/sub-contractors cannot be contracted out, and to ensure that all contractors/sub-contractors are protected from risk of injury or ill health while on the premises or when carrying out their designated duties.

### **Relevant Legislation**

- Occupational Safety and Health Act 1984, and 2005 amendments
- Occupational Safety and Health Regulations 1996, and 2005 amendments



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## VOLUNTEER MANAGEMENT

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|----------------------------|---|
| <b>Policy Owner:</b>       | Governance  |
| <b>Person Responsible:</b> | All Executive Managers  |
| <b>Date of Origin:</b>     | 12 June 2006 – Council Resolution 050606  |
| <b>Endorsed:</b>           | 21 August 2006 – Council Resolution 190806<br>17 August 2009 – Council Resolution 140809<br>21 February 2011 (Version: No: 3) – Council Resolution 100211 |
| <b>Amended:</b>            |   |
| <b>Version:</b>            | 1   |

### 1. INTRODUCTION

Shire of York recognises the responsibility to ensure that the following points apply to the management of volunteers in the organisation. The Shire of York will maintain a register of volunteers to ensure they are covered by the organisation's insurance policy.

The Council will comply with the national standards for volunteer involvement which represent and explain the tenets of best practice in the management of volunteers.

The following points identify policy considerations for volunteering involving organisations and can be addressed as part of the process to implement the national standards.

- interview and employ volunteer staff in accordance with anti-discrimination and equal opportunity legislation;
- provide volunteer staff with orientation and training;
- provide volunteer staff with a healthy and safe workplace;
- provide appropriate and adequate insurance coverage for volunteer staff;
- not place volunteer staff in roles that were previously held by paid staff or have been identified as paid jobs;
- differentiate between paid and unpaid roles;
- define volunteer roles and develop clear job descriptions;
- provide appropriate levels of support and management for volunteer staff;
- provide volunteers with a copy of policies pertaining to volunteer staff;
- ensure volunteers are not required to take up additional work during Industrial disputes or paid staff shortage;
- provide all volunteers with information on grievance and disciplinary policies and procedures;

- acknowledge the rights of volunteer staff;
- ensure that the work of volunteer staff complements but does not undermine the work of paid staff;
- offer volunteer staff the opportunity for professional development;
- reimburse volunteer staff for out of pocket expenses incurred on behalf of the organisation;
- treat volunteer staff as valuable team members, and advise them of the opportunities to participate in agency decisions;
- acknowledge the contributions of volunteer staff.

### **2. SCOPE**

This policy applies to all management, employees, councillors and volunteers working on Shire activities or official Shire committees.

### **3. VOLUNTEER REGISTER**

A register will be kept, Volunteers between the ages of 16 and 80 are covered for personal accident insurance. If volunteers are outside this age group, contact will be made with Local Government Insurance Services to seek approval for insurance cover.