



SHIRE OF YORK

## NOTICE OF MEETING

Dear Councillors

I respectfully advise that the ORDINARY COUNCIL MEETING will be held in Council Chambers, York Town Hall, York on Monday, 24 June 2019, commencing at 5.00pm.

MEETING AGENDA ATTACHED

*Paul Martin*

PAUL MARTIN  
CHIEF EXECUTIVE OFFICER  
Date: 14 June 2019

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<p><b>MISSION STATEMENT</b> <i>"Building on our history to create our future"</i></p>
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**Local Government Act 1995 (as amended)****Part 1      Introductory Matters**

## 1.3.      Content and intent

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

**Part 2      Constitution of Local Government****Division 2 Local Governments and Councils of Local Governments**

## 2.7      The Role of Council

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

**Meetings generally open to the public**

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

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



Shire of York

## **G 2.6 PUBLIC QUESTION TIME**

### **Policy Statement**

1.0 "Public Question Time" will be limited to 15 minutes\*. The Council may exercise a discretion to extend the time by resolution if required. If there are questions remaining unasked at the expiration of the time allotted members of the public will be asked to submit their questions in writing to the Chief Executive Officer who will provide a written reply with the response placed in the Agenda of the next Ordinary Meeting of the Council.

*\* A minimum of 15 minutes is provided by Regulation 6(1) of the Local Government (Administration) Regulations 1996 (S.5.24 of the Local Government Act 1995)*

2.0 Questions may be asked at the Ordinary Council Meeting and any Committee meeting on any matter affecting the Council and the Shire's operations. Questions submitted to Special Meetings of the Council will be restricted to the subject matter of the meeting.

3.0 Each questioner will be limited to two (2) questions. Statements or long preamble are not permitted.

4.0 People wishing to ask questions will be encouraged to put their questions in writing or in a prescribed form and submit them to the Chief Executive Officer prior to 10 am on the day of the meeting. This allows for an informed response to be given at the meeting. Oral questions are permitted.

5.0 Priority will be given to questions about matters on the agenda for the meeting and which are submitted in accordance with 4.0 above.

6.0 Every person who wishes to ask a question must identify themselves and register with a Council Officer immediately prior to the meeting. Subject to 5.0 above questions will be taken in the order in which people register.

7.0 Questions containing offensive remarks, reference to the personal affairs or actions of Elected Members or staff, or which relate to confidential matters or legal action will not be accepted. Questions that the Presiding Member considers have been answered by earlier questions at the meeting or earlier meetings may not be accepted.

8.0 On receipt of a question the Presiding Member may answer the question or direct it to the Chief Executive Officer to answer. If the question is of a technical nature the Chief Executive Officer may direct the question to a senior technical officer present. If the question requires research it will be taken on notice.

9.0 There will be no debate on the answers to questions.

10.0 A summary of the question and the answer will be recorded in the minutes of the Council meeting at which the question was asked.

11.0 Public Question Time guidelines incorporating this policy are being prepared and will include information on the other methods of enquiry that are available to members of the public to obtain information from the Shire.

Adopted 21 October 2013

Amended 17 September 2015

Amended 23 November 2015

Reviewed 24 October 2016

### Question(s)

**Name:** \_\_\_\_\_

**Item No. Referred To:**  
(If Applicable) \_\_\_\_\_

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

[illegible]

[illegible]

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## OFFICE USE ONLY

Presented Meeting Date: \_\_\_\_\_ Item No: \_\_\_\_\_

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

## 1 OPENING

### 1.1 Declaration of Opening

### 1.2 Disclaimer

The Shire President advises the following:

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

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

### 1.3 Standing Orders

### 1.4 Announcement of Visitors

### 1.5 Declarations of Interest that Might Cause a Conflict

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

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

### 1.6 Declaration of Financial Interests

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

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

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

### 1.7 Disclosure of Interests that May Affect Impartiality

Councillors and staff are required (Code of Conduct), in addition to declaring any financial interest, to declare any interest that might cause a conflict. The member/employee is also encouraged to disclose the nature of the interest. The member/employee must consider the nature and extent of the interest and whether it will affect

their impartiality. If the member/employee declares that their impartiality will not be affected then they may participate in the decision making process.

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

## 2 ATTENDANCE

2.1 Members

2.2 Staff

2.3 Apologies

2.4 Leave of Absence Previously Approved

2.5 Number of People in the Gallery at Commencement of Meeting

## 3 QUESTIONS FROM PREVIOUS MEETINGS

3.1 Response to Previous Questions Taken on Notice

Nil

3.2 Response to Unasked Questions from the Previous Meeting

**Ms Tricia Walters**

### Question 1:

SY070-05/19 – Progress Report on the YRCC - The Resolution at the Ordinary Council Meeting held on 29 April 2019 Item 2 agreed to provide a) \$80,000 cash support under a Sponsorship Agreement of which \$40,000 is a loan to be repaid and c) provision of stock, furniture and fittings at no cost. My question is:

If the \$40,000 loan is to be used to cover the bar stock, as per a previous meeting request, why is item c) waiving the cost of stock, which theoretically includes all bar stock, for which a loan has been agreed, what other stock costs are being waived and to what value?

### Response provided by the Executive Manager Corporate & Community Services:

Council's resolution of 29 April was a result of on-going negotiations regarding arrangements for the transition of the management of the hospitality functions at the YRCC. Stock includes food and beverage stock on hand at the time of the transition, the final details of which are to be finalised with the body that enters into an agreement with the Shire.

### Question 2:

In relation to my previous question SY018-04/19 Upgrade of Swimming Pool the response from the CEO is 'Officers are not recommending closure of the existing swimming pool'. If this is the case why do Council consider the building of an additional 25m pool is required?

### Response provided by the Executive Manager Corporate & Community Services:

Council is not considering building an additional 25m swimming pool.

## **4 PUBLIC QUESTION TIME**

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

### **6.7 Other procedures for question time for the public**

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

#### **4.1 Written Questions – Current Agenda**

#### **4.2 Public Question Time**

**5 APPLICATIONS FOR LEAVE OF ABSENCE**

**6 PRESENTATIONS**

6.1 Petitions

6.2 Presentations

6.3 Deputations

**7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

Minutes of the Ordinary Council Meeting held 27 May 2019

Confirmation

“That the minutes of the Ordinary Council Meeting held 27 May 2019 be confirmed as a correct record of proceedings.”

**8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

## 9 OFFICER'S REPORTS

### SY077-06/19 DEVELOPMENT APPLICATION - SHED FOR STORAGE OF PRIVATE ASSETS (USE NOT LISTED): LOT 106 (46) BOUVERIE ROAD, YORK

**File Number:** BO2.5770

**Author:** Carly Rundle, Senior Planner

**Authoriser:** Darren Wallace, Executive Manager, Infrastructure & Development Services

**Previously before Council:** Not Applicable

**Appendices:**

1. Site Plan
2. Development Plans

### NATURE OF COUNCIL'S ROLE IN THE MATTER

Quasi-judicial.

### PURPOSE OF REPORT

For Council to make a determination on a development application for a shed for storage of private assets (use not listed) at Lot 106 (Hse 46) Bouverie Road, York.

### BACKGROUND

Lot 106 (46) Bouverie Road, York is 2,412m<sup>2</sup> in area. The property is zoned Residential with a density code of R10 and is surrounded by properties similarly zoned. The property is vacant of development, although most of the property is covered by established olive trees planted between 2002 to 2003.

A Site Plan is provided in **Appendix 1**.

A development application has been received to construct a shed on the property which is proposed to:

- be used for the storage of equipment to service the block and olive trees. No dwelling construction is proposed.
- have dimensions of 9m by 9m (81m<sup>2</sup>).
- have a skillion roof, with wall heights of 2.85m and 3m and ridge height of 3.63m from finished floor level (FFL). The FFL is proposed to be raised 100mm from natural ground level (ngl) to allow for the shed pad. The height of the shed from ngl is therefore proposed to have wall heights of 2.95m, 3.1m and ridge height of 3.73m.
- be setback 16m from Bouverie Road, 6m from the northern lot boundary and 16m from the southern lot boundary.
- have external materials of zincalume for the roof and colorbond for walls. The colours of the walls have not been specified.

A copy of the development plans submitted is provided in **Appendix 2**.

In accordance with the Shire of York Town Planning Scheme No. 2 (Scheme) and *Planning and Development (Local Planning Schemes) Regulations 2015*, the development is not exempt from requiring development approval.

## COMMENTS AND DETAILS

The application is required to be assessed in accordance with the Scheme and *Planning and Development (Local Planning Schemes) Regulations 2015* – Schedule 2 Deemed Provisions (Regulations).

### Land Use Permissibility

The property is zoned 'Residential' with a density code of R10 by the Scheme.

An outbuilding, defined in the Residential Design Codes as *"an enclosed non – habitable structure that is detached from any dwelling, but not a garage"*, would normally be considered ancillary development to a 'single house' which is a permitted use/development and be exempt from planning consent, except where the development requires variation under the Scheme or Local Planning Policy.

The development application proposes the construction of a shed for the storage of private assets on land which is not ancillary to a dwelling or residential use on the property.

Officers did consider if the proposed use involving premises used for the storage of goods, equipment, plant or materials would be consistent with the land use of 'warehouse/storage' (which is an 'X' (prohibited) use in the Residential zone and all other zones except the 'Industry' zone) which is defined as:

*"means premises including indoor or outdoor facilities used for –  
(a) The storage of goods, equipment, plant or materials; or  
(b) The display or sale by wholesale of goods".*

Although it was considered that this land use contemplated a situation which may be more commercial in nature by reference to the use being able to include display or sale by wholesale of goods. As such officers consider that it is more appropriate, that in accordance with clause 3.2.4 of the Scheme, the use be considered as not reasonably falling within a land use mentioned in the Zoning Table. In this instance the local government may:

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

The objectives of the Residential zone in clause 4.8.1 of the Scheme are:

- (a) To encourage single houses as the predominant form of residential development.*
- (b) To require infill residential development in Heritage Precincts to be in accordance with Design Guidelines adopted by the local government.*
- (c) To achieve a high standard of development and residential amenity.*

The property is not within a heritage precinct where objective b) would apply. The Shire of York Council has also adopted a draft new Local Planning Scheme No. 3 (draft Scheme) for public advertising, which is currently being undertaken. The draft Scheme proposes the following modified objectives for the Residential zone:

- "To provide for a range of housing and a choice of residential densities to meet the needs of the community."*

- *To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.*
- *To provide for a range of non-residential uses, in particular tourism and cultural activities, which are compatible with and complementary to residential development.*
- *To achieve a high standard of development and residential amenity that complements the heritage character of York.”*

The construction of a shed for the storage of private assets on land is considered inconsistent with objective a) and c) of the Scheme as it:

- allows for the predominant form of development to be of sheds, particularly when there is no commitment or timeframe established for when a dwelling will be constructed on the property. This is also considered inconsistent with objective c) as it does not achieve a high standard of development consistent with the established amenity and streetscape being single dwellings which have a frontage, clearly defined entrances/front doors and address the streetscape. The location of the outbuilding also has the potential to impact on future development of a dwelling being the predominant form of development given it is located in proximity to Bouverie Road.
- Historical similar examples in the Shire of sheds on vacant land have resulted in properties being used for warehousing and storage of goods on a long term basis ( not associated with a residential use of the property or being used as ‘weekenders’ or being converted ‘habitable purposes’ which results in compliance issues for the Shire and does not encourage the establishment of a single house.
- Approval of the development would set an undesirable precedent, which is likely to result in further applications being received detracting from the objectives of the Residential zone for single houses being the predominant form of development and achieving a high standard of development and residential amenity.
- For the reasons listed above, the use/development is also considered inconsistent with the residential objectives of the draft scheme as it is not related to housing (residential uses), does not facilitate and encourage high quality design, built form and streetscapes throughout residential areas.
- The draft scheme specifies that non-residential uses may be considered where they are compatible and complementary to residential development. In absence of a residential use on site or construction of a dwelling, the use would not be considered complementary to residential development.

The applicant’s justification is that the shed is required to store equipment on the property to maintain the property and olive grove. The Shire’s annual firebreak notice does require that on or before 25 October each year and maintained up to and including 14 April the following year that land within a townsite from 1020m<sup>2</sup> up to 4000m<sup>2</sup> must have a firebreak 2.1 metres wide and be slashed or hazard reduced to ensure inflammable materials are less than 150mm high. Maintenance of vacant blocks is typically undertaken by owners who live locally (with ability to store equipment for maintenance on the property with a dwelling) or by contractors. There are numerous vacant lots within the Shire able to be maintained to a standard compliant with firebreak notices without a need to store materials onsite, and it is also noted there is an existing garden shed available for the small scale need of materials to maintain the property.

The presence of the olive grove is only permitted to be for domestic/personal use, as the growing of olives for commercial production purposes or sale of produce grown solely on the premises (in absence of a dwelling) would either fall under the land use of ‘Agriculture – Intensive’ or ‘Rural Pursuit/Hobby Farm’ which are prohibited land uses in the Residential zone. This is not considered exceptional justification.

Whilst not referred in the application, the landowners are also the current owners of the adjoining Lot 175 to the south of the property containing a dwelling. Although this is not considered exceptional justification as the location of the outbuilding on a separate lot means that either property could be sold at any time thereby removing any link to a residential dwelling and is likely to establish a precedent for similar undesirable developments.

It is recommended that the application be refused because it is inconsistent with objectives a) and c) of the Residential zone.

#### Planning and Development (Local Planning Schemes) Regulations 2015

The Regulations requires that due regard be given to relevant matters listed in clause 67 of Schedule 2 – Deemed Provisions. The following are those most relevant to the application and not covered above:

*(c) any approved State planning policy & (g) any local planning policy for the Scheme area;*

State Planning Policy 3.1 Residential Design Codes (R-Codes) and Local Planning Policy Outbuildings in Residential Zones (policy) apply to development on Residential zoned land.

Although the building is not technically an outbuilding within the definition of the R-Codes as referred above or ancillary to residential land uses, its scale, size and siting has been considered against the R-Codes and policy provisions relating to outbuildings.

The policy provides that outbuildings on vacant sites (that do not have a dwelling constructed or being constructed) require planning approval to be granted, and that it will be assessed against the Scheme, R-Codes and any relevant local planning policy, including this policy.

The proposed shed complies with setbacks and policy requirements in terms of size and siting that would be considered for an outbuilding ancillary to a dwelling.

*(d) any submissions received on the application*

The application was referred to adjoining landowners for comment. No submissions were received.

#### **OPTIONS**

Should Council disagree with officer's recommendation, the following options are available:

1. Approve the development application subject to conditions;
2. Refuse the development application and list alternate reasons why.

#### **IMPLICATIONS TO CONSIDER**

##### **Consultative**

The development was advertised in accordance with requirements of the Shire of York Town Planning Scheme No. 2 and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

##### **Strategic**

The Shire of York 2018-2028 Strategic Community Plan provides the following desired outcome for development: 2.10 The scale, form and timing of development (including the release of development stages and the construction of infrastructure) is to an appropriate standard and minimises and avoids adverse effects and costs on the community and the natural and built environment.



**Policy Related**

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

**Financial**

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

**Legal and Statutory**

The proposal has been assessed in accordance with the statutory framework set by the Scheme and Regulations.

**Risk Related**

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

Standard appeal rights to the State Administrative Tribunal are available to the applicant. The Shire Council recently approved an application for a similar land use on Lot 130 (12) Plaudit Street, York.

**Workforce**

Nil.

**VOTING REQUIREMENTS**

**Absolute Majority: No**

**RECOMMENDATION**

That Council refuses to grant Development Approval for Shed for Storage of Private Assets (Use Not Listed) on Lot 106 (46) Bouverie Road, York for the following reasons:

1. The proposed development does not encourage single houses as the predominant form of residential development, which is inconsistent with clause 4.8.1 a) of the Shire of York Town Planning Scheme.
2. The proposed development does not achieve a high standard of development and residential amenity and is inconsistent with clause 4.8.1 (c) of the Shire of York Town Planning Scheme.
3. Approval of the application would set an undesirable precedent.

**ADVICE NOTES:**

Note 1: If an applicant is aggrieved by this determination there is a right of appeal under the Planning & Development Act 2005. An appeal must be lodged within 28 days of the determination.

**SY078-06/19 DRAFT LOCAL HERITAGE SURVEY, HERITAGE LIST, HERITAGE AREAS AND LOCAL PLANNING HERITAGE CONSERVATION AND DEVELOPMENT - PUBLIC ADVERTISING**

**File Number:** CS.INF.3

**Author:** Carly Rundle, Senior Planner

**Authoriser:** Darren Wallace, Executive Manager, Infrastructure & Development Services

**Previously before Council:** SY064-06/18 Engagement & Consultation Plan

**Appendices:**

1. draft Local Heritage Survey
2. draft Heritage List & Heritage Areas
3. draft amended Local Planning Policy: Heritage Conservation & Development

**NATURE OF COUNCIL'S ROLE IN THE MATTER**

Executive.

**PURPOSE OF REPORT**

To seek Council approval to adopt the draft Local Heritage Survey, Heritage List and amended Local Planning Policy Heritage Precincts and Places for public consultation.

**BACKGROUND**

Section 45 of the *Heritage of Western Australia Act 1990* (the Act) and Part 8 of the Heritage Act 2018 requires the Shire to prepare and maintain an inventory of places that are or may have cultural heritage significance within its district.

The purposes of an inventory, set out in the Heritage Act 2018, which the local government must give regard to when it has effect includes:

- (a) *identifying and recording places that are, or may become, of cultural heritage significance in its district; and*
- (b) *assisting the local government in making and implementing decisions that are in harmony with cultural heritage values; and*
- (c) *providing a cultural and historical record of its district; and*
- (d) *providing an accessible public record of places of cultural heritage significance to its district; and*
- (e) *assisting the local government in preparing a heritage list or list of heritage areas under a local planning scheme.*

The inventory is a database that contains information of a place's cultural heritage significance and identifies the place's level of heritage significance to the district. Places of State significance are listed on the State Register of Heritage Places, although are also generally of significance to the district and included on local inventories.

An inventory itself does not have statutory force and effect in terms of planning controls. The categories assigned to a place in the inventory, provide guidance to the Shire as to the importance of a place's cultural heritage significance to the Shire and thereby providing information on which places are worthy of built heritage conservation and should be afforded statutory protection for

conservation and retention by inclusion on a heritage list or within a heritage area under a local planning scheme.

Inclusion of a place in the heritage list or within a heritage area, adopted under a local planning scheme means that a local government can consider the heritage of a place as part of its decision-making process for proposed development. If a place is not included in the heritage list there may be limited opportunity for heritage matters to be considered.

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

The Shire's current Municipal Heritage Inventory was adopted 2008 identifies 145 places and two heritage precincts containing 69 places identified as having significance to the precinct (216 places in total). The 2008 inventory replaced the 1995 inventory which identified 142 places and 'Objectives and Guidelines' established in 2000 identifying five heritage precincts covering a much larger area than the two precincts adopted in 2008. In accordance with clause 5.1.2.2 of the Scheme, the Inventory is also the Heritage List.

The Shire's Local Planning Policy Heritage Precincts and Places, adopted by Council at its Ordinary Meeting on 22 September 2008, includes assessment criteria and standards to guide appropriate development within heritage precincts and heritage places on development applications received.

The Shire, in conjunction with its heritage advisor Heritage Intelligence, commenced a review of the Municipal Heritage Inventory in 2013, partly to comply with Section 45 of the Act, requiring inventories to be updated annually and reviewed every four years after compilation. The review has been a lengthy process which has been constrained by budget availability, although has now been completed. The Heritage Act 2018 has since removed the statutory timeframe for updates and reviews, instead including in section 103 and 105 a requirement for the Heritage Council to issue guidelines about the preparation, review and periodic updating of local heritage surveys which the local government must have regard to when the Act has effect. Draft guidelines for Local Heritage Surveys (March 2019) have been issued which identify that each local government should adopt a process and timeframe for the periodic review of its LHS.

The guidelines recommend that reviews should take place at intervals consistent with the major review of a local planning strategy or strategic community plan, which is the case with the Shire of York which has recently adopted in 2016 and updated its 2018-2028 Strategic Community Plan and is currently advertising its draft Local Planning Strategy.

A review of the inventory is considered necessary given the time that has elapsed since the last review, adoption of the draft Local Planning Strategy and updated Strategic Community Plans reflecting the community's current aspirations and priorities indicate heritage conservation is a high priority. The current inventory also has places identified with little supporting information to support their listing and its listing of places with similar cultural heritage significance could be considered somewhat inconsistent. A major review was considered necessary.

The review of the Local Heritage Survey (updated term for Municipal Heritage Inventory in the Heritage Act 2018) has now been finalised, providing new and updated information on the cultural heritage significance of places and areas. The review has also logically resulted in a Heritage List and heritage areas being prepared. Modifications to the Heritage List and Heritage Areas, have policy implications, requiring Local Planning Policy Heritage Precincts and Places to be updated to reflect changes to the Heritage List and Survey. The policy update has also been used as an opportunity to undertake some administrative updates and identify exemptions from development approval for minor works.

Council is requested to consider adopting the Shire of York Local Heritage Survey, Heritage List and amended Local Planning Policy Heritage Conservation & Development (included in Appendices 1, 2 and 3) for public advertising.

## COMMENTS AND DETAILS

### Local Heritage Survey (LHS)

The draft guidelines advise that a local government should ensure in review of its LHS that it reflects the current understanding and opinions of the local government and its community, and that the LHS meets current standards.

The Shire of York Strategic Community Plan 2018-2028 and Draft Local Planning Strategy involved extensive community consultation which identified conservation of York's built heritage assets and heritage character was a key priority of the community and that protection should be afforded to maintaining the heritage values.

The LHS has been reviewed giving regard to meeting current standards as set out in:

- Draft Guidelines for Local Heritage Surveys 2019
- Criteria for the Assessment of Local Heritage Places and Areas (SHO March 2012).
- Basic Principles for Local Government Inventories (SHO March 2012).

Preparation of the draft LHS involved the following:

- Review of existing places on the MHI (documentary and physical (site visits)) and identifying any changes to the information of places currently listed on the MHI;
- Documentary and physical research (site visits from public spaces only) to identify places with cultural heritage significance. A number of new places have been identified for inclusion in the LHS, and information for existing listed places has been updated;
- Review and update of Thematic History for the LHS;
- Grading of places to assign levels of significance (current and new) in accordance with State Heritage Office Guidelines. This also involved establishing a grading criterion and grading the significance of places within heritage areas, which had not previously been completed in the 2008 inventory;
- Preparation of an updated LHS report;
- Inclusion of supporting information in the LHS about the process of the review, purpose, implications, formatting to make the document more user friendly and including all relevant information in a central place;
- Updating the significance of places to reflect listings of the State Heritage Register;
- Undertaking of initial public consultation, with the wider community, stakeholders, and owners of places on the existing MHI/Heritage List advising of the review and inviting nominations to be made for new places and information to be submitted on existing listed places. Submissions received from Stage 1 consultation have been reviewed and incorporated into the review where appropriate.

Place sheets were updated to generally include information and criteria recommended by the draft guidelines with the exception of:

- Interior Assessments have not been completed. *The Planning and Development (Local Planning Schemes) Regulations 2015*, exempt the carrying out of interior building works, which do not affect the exterior of a building from requiring development approval (and removing the ability to consider impacts on heritage significance of place) unless a place is on the State Heritage Register, subject of an order or heritage agreement under the Act, or

is included on a heritage list and identified on that list as having an interior with cultural heritage significance. The scope of works for the LHS review did not make provision for the 'interior assessment' of places, and as such this has not been included;

- Some minor recommended headings such as historic theme, values, parent/child places have not been specifically been included on place sheets, although the information may be interpreted via the thematic framework, statement of significance and other listings.

The draft LHS identifies 300 individual places representing a substantial number of newly identified places for inclusion, and the grading of significance of places has been modified as a result of the extensive review creating a consistent inventory which substantiates the inclusion of places based on their cultural heritage significance.

Detailed information and summary of changes is available in the Local Heritage Survey (**Appendix 1**).

The Shire has two existing heritage areas; Blandstown and York Central Heritage Precincts. The revised LHS recommends retaining the heritage areas (revised term for heritage precincts) although:

- modifies the boundary of the York Central Heritage Area to extend to Grey Street including properties south of Ford Street. The intent being that this represents a logical extension incorporating a number of places on the State Register (Faversham House), and Local Heritage Survey (Faversham Barns and Uniting Church, Hall and Manse) and aligns better with the boundaries of the place 'Mongers Precinct';
- recommends excising an area from the existing York Central Heritage Precinct on Avon Terrace between South Street and Mcartney St recognising the distinct historical building form of this section of Avon Terrace from the broader York Central Precinct. The excised area is recognised as a new 'York Town Centre Heritage Protection Area' and development provisions are recommended to be formulated specially for this area;
- modifies the boundary between the York Central Heritage Area, and Blandstown Heritage Area to align with Balladong Street.

### Heritage List

The Shire of York is required to establish and maintain a Heritage List identifying places within the Scheme area that are of cultural heritage significance and worthy of built heritage conservation under Part 3, clause 8 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The heritage list is required to include a description of each place and reason for its entry in the heritage list. as well as listing if the building has been assessed as having a significant interior (if assessed).

The SHO publications recommend that local governments adopt a heritage list that includes all places on the State Register of Heritage Places, plus those local heritage places that require the protection of the local planning scheme. The LHS recommends that all places graded as having an 'A' and 'B' significance are worthy of built heritage conservation under the Scheme and should be included on the Heritage List. This represents 171 places (of which 21 places are also included within a Heritage Area but have been included in the Heritage List representing they are listed as Grade A, and on the State Heritage Register).

A revised draft Heritage List is included in **Appendix 2** which has been updated to reflect the draft Local Heritage Survey and comply with the Regulations.

### Heritage Areas

Part 3, clause 9 of the Deemed Provisions of the Regulations allows the local government to establish heritage areas, where special control is needed to conserve and enhance the cultural heritage significance and character of area.

On designating a heritage area, the Regulations require that a local government adopt a local planning policy for the area that sets out:

- (a) *A map showing the boundaries of the heritage area;*
- (b) *A statement about the heritage significance of the area;*
- (c) *A record of places of heritage significance in the heritage area.*

The draft LHS retains the existing heritage areas with minor modification to the boundaries and identifies a third area excised from the existing York Central Heritage Precinct. The revised heritage area is recommended to be adopted by Council for public advertising. A total of 108 places are identified as contributing to the significance of the heritage areas.

### Local Planning Policy

As required by the Regulations, the Shire's existing Local Planning Policy Heritage Precincts and Places has been updated for consistency with the draft LHS, draft Heritage List and reflecting the modified draft Heritage Areas.

Amendments made to the policy include:

- Change in terminology used to reflect the *Planning and Development (Local Planning Schemes) Regulations 2015* and *Heritage Act 2018*;
- Updating the references and information to align with statutory provisions of the Regulations;
- Minor updates and formatting to align with the State Heritage Office publications and draft guidelines;
- Updating the policy to reflect the addition of the new Heritage Area, and modified Heritage Area map. Policy provisions are proposed to remain split into commercial and residential development standards;
- Updating the policy to reflect the revised levels of significance for places, levels of significance for places within heritage areas and including provisions requiring consideration of the levels of significance in consideration of a development application;
- Updating the list of heritage places, and places within heritage areas to be consistent with the Local Heritage Survey and Heritage List;
- Deletion of the 'Heritage Impact Statement – A Guide', because the policy refers to this being in accordance with the SHO standards which is readily available online and may be updated as a result of the Heritage Act 2018;
- Including exemptions from development approval for minor works which pose a low risk to impact the heritage character of the area and places such as boundary fencing and signage types in certain instances to reduce red tape;
- Including a provision committing to waive the initial application fee to change the colour scheme of a building in certain instances, to reflect that:
  - For places in a heritage area, but not individually listed, that whilst it is considered necessary to approve the colour scheme to assess for compatibility with the heritage values of heritage area, requirement of a payment of an application fee may be considered onerous;

- That the repainting of buildings in alternative colour schemes could be beneficial to the streetscape, and improve maintenance of buildings, and should not be deterred where appropriate.

The revised draft Local Planning Policy Heritage Conservation and Development is included at **Appendix 3**.

## OPTIONS

The following options are also available to Council:

- Adopt the draft Local Heritage Survey, Heritage List and Local Planning Policy Heritage Conservation and Development for public advertising with modification;
- Not adopt the draft Local Heritage Survey, Heritage List and Local Planning Policy Heritage Conservation and Development for public advertising, and list future direction for the review. Not proceeding with a review is not recommended by officers, given the reasons previously listed for initiating the review;
- Determine that additional consultation is required to gauge the community's opinions on heritage prior to adopting the draft documents for formal advertising and request a revised engagement and consultation plan be presented for consideration. Budget implications for additional input from the Heritage Advisor will need to be considered should this option be progressed.

## IMPLICATIONS TO CONSIDER

### Consultative

The Act requires an inventory (survey) to be compiled with proper consultation, although does not define what constitutes 'proper consultation'. The *Heritage Act 2018* does not specify consultation requirements for a Survey, although requires a local government to have regard to draft guidelines issued by the Heritage Council which recommend that the consultation process be consistent with a relevant policy adopted by council that is appropriate for the size and nature of the stakeholder group.

The draft guidelines (March 2019) recommend as a minimum that nominations should be invited from the community for places, consultation with stakeholders who may have information on places be sought, and that a completed draft should be made available to the property owner and any other group or individual who contributed to the assessment.

A consultation and engagement plan for the review was endorsed by Council at the 25 June 2018 Ordinary Council Meeting, which identified the review would be undertaken in stages:

1. Preliminary consultation and seeking of information to inform review;
2. Draft Municipal Inventory Review and Heritage List (and any other associated draft documents required to be amended such as Local Planning Policy No. 3) presented to Council to adopt for the purposes of public advertising. Public Advertising being undertaken;
3. Final Adoption by Council.

The consultation plan is consistent with the draft guidelines for the LHS and statutory requirements of the Regulations for the Heritage List, Heritage Areas and Local Planning Policy. Stage 1 consultation seeking nominations and information on places to inform the review has been completed. This involved:

- Publicly advertising of a notice advising of the above and inviting submissions for a period of 42 days. Notices were placed on social media, newspaper, notice boards, on the Shire's website, media release made available and those registered on the consultation list notified.
- Sending a letter to owners/occupiers of places on the existing municipal heritage inventory advising of the review and inviting information to be submitted on the place.

- A letter was sent to the Heritage Council of Western Australian advising of the review, and opportunity to make a submission to be considered during its preparation.

12 submissions from mostly owners/representatives of existing places, and public were received which provided additional information on existing places. The information provided has been used to inform a review of the place sheets of places on the Local Heritage Survey. No nominations for new places were received.

One further submission was received requesting the removal of 34 Clifford Street from the MHI and Heritage List which was considered by Council as a separate item at Ordinary Council Meeting 25 March 2019, where Council resolved to remove the place to meet the residents wishes and to clarify the issue of the listing of the property and the process that it went through at time of listing in 2007.

The place has been identified as having cultural heritage and has been identified for inclusion in the draft LHS and Heritage List.

Should Council resolve to adopt the draft documents for public advertising, stage 2 consultation will commence as set out in the Consultation and Engagement Plan. This involves a public consultation period of a minimum of 42 days, opportunity for a meeting with the heritage advisor being offered during a fixed time period if there is demand and consultation to meet the statutory requirements of the Regulations.

Submissions received during the submission period will be presented to Council for consideration before determining whether to adopt the Local Heritage Survey, Heritage List and Local Planning Policy.

## **Strategic**

### 2018-2028 Strategic Community Plan

#### *Theme 2: A Leader in Cultural Heritage and Environment*

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

#### *Particular desired outcomes:*

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

*2.3 New development is carried out at a scale and in style which retains, is compatible with and does not overshadow, the historic feel and heritage character of the town of York and other settlements.*

*2.9 There is a high level of community involvement in heritage and environmental protection and restoration.*

#### *Theme 3 Driving the York Economy Forward:*

*To have a vibrant, diverse and prosperous local economy which is sustainable in the long term, makes sustainable use of its natural and built heritage and community assets and delivers benefit in the form of local jobs, business opportunities and a positive image for the Shire.*

Heritage was identified as a key priority area, where projects should be initiated focused on upgrading and protecting heritage buildings.

### 2018-2022 Corporate Business Plan

Identifies heritage buildings and characters to be protected, maintained and promoted.

An audit of the Municipal Heritage Inventory was identified as an action in the Corporate Business Plan.



### Draft Local Planning Strategy

Heritage is identified as a strategic priority in the draft Local Planning Strategy, building on the Strategic Community Plan outcomes. The review and update of the Municipal Inventory and Heritage List was identified as an action to support the protection of important heritage sites, while remove onerous development requirements on sites of lesser significance. The draft LHS is consistent with the draft Strategy, where places of lesser significance (grade C) have not been recommended for inclusion on the Heritage List.

The draft Local Planning Strategy advises that the local planning policy whilst necessary, may regulate minor development unnecessarily, where a policy review undertaken by a qualified heritage architect is recommended to identify minor, low impact development that could be exempted from development approval (such as anti-bird pest spikes) whilst respecting heritage values.

Updates have been undertaken to the policy which identifies development exemptions of low risk (dividing fences and minor signage in certain circumstances). Whilst these have not been reviewed by a qualified heritage architect, they are in the opinion of planning officers low risk as they are mostly detached from buildings, or lightweight attachments (i.e signage of 0.2sqm or less) and unlikely to impact on the cultural heritage significance of a place/area.

### **Policy Related**

There are no other known policy implications.

### **Financial**

Financial implications as a result of the officer's recommendations relate to advertising costs and ongoing costs associated with Heritage Intelligence being involved in the review. Sufficient budget allocation to implement the officers recommendation has been included in the draft 2019/2020 budget.

### Heritage Incentives

Subject to budget allocation, the State government currently offers a grant program for conservation works of properties on the State Register of Heritage Places. This does not extend to places only identified on a local heritage list. There are currently limited other funding/incentives available to privately owned properties on a local heritage list.

The Shire has previously provided a grants program to business on Avon Terrace, who may apply to undertake works such as repainting or similar improving their appearance to the main street. The uptake of this program has been limited and is therefore not being offered in 2019/20 financial year, although may be offered again the future. The Shire also engages a Heritage Advisor able to provide advice to assist property owners through the development application process for minor works subject to budget availability. The Shire of York Town Planning Scheme No. 2 and Regulations provide development incentives to places on the heritage list allowing the Shire to vary any site or development requirement if it facilitates the built heritage conservation of a place, or enhances or preserves heritage values in a heritage area.

The Shire may consider providing additional incentives and assistance to property owners to encourage the retention and conservation of heritage places, as this is a practical and accessible way for local governments to recognise the contribution of owners to the conservation of heritage places, which is in the interests and of benefit to the wider community. Given the number of places recommended for inclusion and potential financial implications of any incentives program, further investigation is required to advise of options and potential implications. Council may also consider that as a condition of providing incentives, an assessment of the interiors would be undertaken by the Shire to determine if they are of cultural heritage significance.

**Legal and Statutory**

*Heritage of Western Australia Act 1990*

*Heritage Act 2018* (when proclaimed and becoming active will repeal the previous 1990 Act)

*Planning and Development Act 2005*

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

Shire of York Town Planning Scheme No. 2

**Risk Related**

Heritage protection and conservation has been identified as a high priority to the community. Not listing properties identified as having a high level of significance to the cultural heritage significance of York on the Heritage List or within a Heritage Area may result in these places being demolished, modified or development occur which is detrimental to heritage conservation and the community's values.

Similarly, inclusion of a place on the heritage list or within a heritage area, gives a statutory requirement to consider any developments impact on the heritage of that place, which may not align with the interests of the landowner for their property. Although inclusion of a place on a heritage list does not mean a property may not be developed, rather requiring development to occur in a way that conserves the elements significant to that place and new development being sympathetic to the heritage values of that place.

**Workforce**

There are no immediate implications as a result of the recommendation. The draft LHS identifies a number of new places for inclusion, which may result in more development applications being received which would otherwise have been exempt from development approval which may have future workforce implications, although this is somewhat uncertain and may be balanced by a policy review identifying new exemptions from development approval.

**VOTING REQUIREMENTS**

**Absolute Majority: No**

**RECOMMENDATION**

That Council:

1. Adopts the Draft Local Heritage Survey 2019 for consultation advertising in accordance with the endorsed Consultation and Engagement Plan (May 2018).
2. Pursuant to clause 8 of Schedule 2 – Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* adopts the draft Heritage List for consultation in accordance with the Consultation and Engagement Plan (May 2018).
3. Pursuant to clause 9 of Schedule 2 – Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* adopts the draft heritage areas for consultation in accordance with the Consultation and Engagement Plan (May 2018).
4. Pursuant to clauses 3, 4 and 9 of Schedule 2 – Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* adopts the draft Local Planning Policy Heritage Conservation and Development for consultation in accordance with the Consultation and Engagement Plan.
5. Requests the Chief Executive Officer to investigate options for incentives for properties on the heritage list and report back to Council prior to formulation of the 2020/21 annual budget.

**SY079-06/19 PROPERTY ASSET MANAGEMENT PLAN AND TRANSPORT ASSET MANAGEMENT PLAN****File Number:** FI.AST**Author:** Darren Wallace, Executive Manager, Infrastructure & Development Services**Authoriser:** Darren Wallace, Executive Manager, Infrastructure & Development Services**Previously before Council:** Not Applicable**Appendices:**

1. Property Asset Management Plan
2. Transport Asset Management Plan
3. Transport Works Programs
4. Transport Asset Project Rating Scoring Sheet

**NATURE OF COUNCIL'S ROLE IN THE MATTER**

Executive

**PURPOSE OF REPORT**

The Property Asset Management Plan and the Transport Asset Management Plan are presented for Council consideration and adoption.

**BACKGROUND**

Asset Management Plans are corporate documents that guide the organisation in the development of ongoing works programs and maintenance schedules to best meet the community and organisation's asset needs. The plans will consider community and organisational/technical needs and wants and the financial capability of the organisation.

Asset Management Plans also form part of the Integrated Planning and Reporting framework. The plans inform the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plan and the Annual Budget and as such are considered "core" informing strategies.

An asset management plan is a living document and should be updated regularly. An important element of an asset management plan is an ongoing development priority list for the refinement of the asset plan. Therefore, an asset management plan does not have to be complete to be a useful planning tool, as long as the plan's limitations are known.

The Shire's current Asset Management Plans are dated 2012 for the Property (Building and Structures) Asset Management Plan and 2014 for the Transport (Roads and Bridges) Asset Management Plan. The 2012 Buildings and Structures Asset Management Plan was received by Council at its ordinary meeting of 20 February 2012. The Roads and Bridges Asset Management Plan was presented to Council at its ordinary meeting 14 April 2014, but was not formally received.

A Shire working group was set up to update these plans and it was determined that a new format be adopted which required the rewriting of the plans although much of the information from the initial plans was reused. Additionally, the buildings were all valued and a condition report was undertaken for all transport assets. This information has been included in the draft asset management plans.

These plans were presented, informally, to Council in mid-2018. The draft plans have been reviewed in line with the comments received and amended.

## COMMENTS AND DETAILS

The Property Asset Management Plan and the Transport Asset Management Plan are attached as Appendix 1 and 2 respectively.

The Property Asset Management Plan contains a Risk Review undertaken by Ben Symmons from Asset Infrastructure Management on page 38. The risk review has further actions for all the high level risks. Shire Officers will be working through these actions as listed.

As identified in the risk review, a new property asset management structure is being finalised. A cyclic condition inspection programme is also being developed. It is anticipated that the cyclic condition inspection program will be implemented and from that information a capital works program developed in time to inform next year's budget process. The capital works program will be added to the Asset Management Program we complete.

Shire Officers are also developing an operation and planned maintenance schedule.

The Transport Asset Management Plan has interim works programs for roads, paths and drainage (Appendix 3).

The roads have had a recent condition report, however the projects have not been ranked against each other to determine the priorities. A multi-criteria analysis (MCA), Appendix 4, has been developed. The application of the MCA will allow projects to be compared and prioritised. One of the criteria included is the RAV rating of the road. Main Roads WA is currently reviewing a number of roads in the Shire. It is anticipated that the reviews will all be completed shortly, which will allow an up to date evaluation of all the road projects. An interim works program, based on the annual level of funding indicated in the Asset Management Plan, funding sources and the existing works program has been included in the asset management plan.

The existing paths program is based on a condition report of existing paths and some identified missing links in the bicycle/path network. All the projects are valid, however missing links in the footpath only network had not been identified. The work program has been updated to include these missing footpath only links, although it is considered further refinement and community consultation will be needed.

The current drainage program is strongly focused on unblocking drains and re-defining table drains. While these tasks are required, they should not be the focus of the capital works program. The culverts are unblocked as part of maintenance programs and the table drains on gravel roads are redefined as part of the winter grading program. These works have been removed from the works program. There are a number of new urban drainage projects that need to be added to works program as well as a number of rural culvert widenings. These projects have yet to be identified and prioritised.

A bridge refurbishment/replacement program needs to be included in the Transport Asset Management Program. This will need to be developed in conjunction with Main Roads WA and timing will be dependent on State/Federal contributions. It is worth noting that due to the adoption of an ongoing bridge maintenance program the Shire is now eligible for funding under the Main Roads run Bridge Program. We have been notified that we are likely to get over \$2,000,000 for bridge repairs in 2020/21.

The Transport Asset Management Plan and the Property Asset Management Plan both contain Improvement plans. The improvement plan outline and prioritise the tasks required to further develop the asset management plans and should be followed.

## OPTIONS

Council can adopt the Asset Management Plans as presented acknowledging that they are a living document to be updated as new and more detailed information is available, or not adopt the Asset Management Plans as presented and requiring additional work before they are represented to Council for consideration.

**IMPLICATIONS TO CONSIDER****Consultative**

The has been no formal community consultation, although the feedback received in the customer satisfaction surveys conducted has been taken into account when formulating the asset management plans.

**Strategic**

The asset management plans inform the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plan and the Annual Budget and as such are considered a “core” informing strategies.

**Policy Related**

The asset management plans have been developed in accordance with the Shire’s Asset Management Policy (G 4.5)

**Financial**

The asset management plans have a direct relation to the long term financial plan and annual budgets.

**Legal and Statutory**

All local governments are required to plan for the future of their district under Section 5.56 (1) of the *Local Government Act 1995*. Regulations under Section 5.56(2) of the Act outline the minimum requirements to achieve this.

**Risk Related**

The Shire is required to have Asset Management Plans as part of its Integrated Planning and Reporting requirements.

**Workforce**

The asset management plan should be considered when formulating/reviewing the Shire’s Workforce Plan.

**VOTING REQUIREMENTS**

**Absolute Majority: No**

**RECOMMENDATION**

That Council:

1. Adopts the Property Asset Management Plan and the Transport Asset Management Plan as presented, understanding that the plans are living documents to be continually updated to reflect changes in the asset, the Shires finances and in line with the improvement plans.
2. Endorses the use of the multi-criteria analysis, transport asset scoring method, as presented at Appendix 4, to assist with prioritising of projects.
3. Notes that the works programs as presented (Appendix 3) in the Transport Asset Management Plan will be updated annually, incorporating issues as outlined in the report, as part of the annual budget process.

**SY080-06/19 RFT 05-18/19 KNOTTS ROAD WIDENING**

**File Number:** AS.TEN.68

**Author:** Darren Wallace, Executive Manager, Infrastructure & Development Services

**Authoriser:** Darren Wallace, Executive Manager, Infrastructure & Development Services

**Previously before Council:** 17 April 2019, SY042-04/19.  
27 May 2019, SY076-05/19.

**Appendices:** Nil

**NATURE OF COUNCIL'S ROLE IN THE MATTER**

Executive

**PURPOSE OF REPORT**

For Council to consider the negotiated variation to the Dowsing Group's Tender for RFT 05-18/19 and award contract.

**BACKGROUND**

The Shire advertised RFT 04-18/19, 18/19 Roads Capital Works Program through the WALGA Equotes system in February 2019, the projects in the Tender were;

- Tenth Road Widening,
- Greenhills South Road Construction,
- Avon Terrace / Spencer Brook Road Widening
- Knots Road Widening.

Council Resolved at its special meeting of 17 April 2019;

*That Council;*

1. *Not accept any Tenders for RFT 04-18/19, 18/19 Roads Capital Works Program, because the prices offered were significantly higher than the project budgets.*
2. *Approves the undertaking of the Tenth Road project in house with an increase of the project budget from \$73,905 to \$115,000 within the existing Roads to Recovery funding.*
3. *Approves the undertaking of Stage 1 of the Greenhills South Road by inhouse works crew. The scope to include installation of drainage and pavement sheeting. Stage 2 sealing component to be completed by 1st December 2019. Ordinary Council Meeting Minutes 27 May 2019 Page 202*
4. *Requests the Chief Executive Officer to call a tender for a rescope of Knotts Road widening with no change to the project budget.*
5. *Approves the deletion of the Avon Terrace-Spencers Brook Road widening project from the 2018/19 works program and reallocate the project budget to the Greenhills South Road project.*
6. *Requests the Chief Executive Officer to amend the 2018/19 Budget accordingly, noting no additional cost to the Shire.*

The Knotts Road Project has been retendered through the WALGA Equotes system with a revised scope, reduced length, as per the Council item and resolution of 17 April 2019.

Tenders were posted on WALGA Equotes on Thursday 23 April 2019 and closed Thursday 9 May 2019. A total of 10 WALGA preselected Contractors were selected and sent the Request for Tender (RFT), including the three who responded to previously tendered RFT 04 – 1819, 18/19 Roads Capital Works Program.

Four Tenders were received via the WALGA Equotes system at the close of Tenders.

Council considered these offers at its ordinary meeting 27 May, 2019 and resolved as follows:

*That Council*

- 1. Selects the Dowsing Group as the successful Tenderer, but not enter into a contract at this time.*
- 2. Authorises the Chief Executive Officer to negotiate with the Dowsing Group to obtain an acceptable project scope and Tender Price for the Knotts Road Widening works.*
- 3. Requests the Chief Executive Officer prepare a further report on the outcomes of the negotiation back to Council for consideration before entering into a contract for the Knotts Road Widening works.*

## **COMMENTS AND DETAILS**

Shire staff met with the successful Tenderer, the Dowsing Group, and discussed options for reducing the total project cost, without significantly reducing the project scope.

A number of aspects of the project were considered, reducing the length of the project and the width of the widening were not considered appropriate. Reducing the drainage works was also not considered appropriate. The possibility of having other contractor undertake the drainage was also considered but was unlikely to result in significant savings and would complicate the delivery of the project. Council staff undertaking the traffic management was one option, however this would have impacts on our own works program. The obvious saving was for the Shire to provide the gravel, which would significantly reduce the purchase price and delivery.

The Dowsing Group has supplied a tender variation of a \$55,443.17 reduction if the Shire provides the gravel for the project. It is estimated that the provision of the gravel would cost the Shire approximately \$15,000.

This represents a new Tender price of \$374,214.45 Ex GST which is \$411,635.90 inc GST. Allowing the Shire's direct cost of approximately \$15,000 ex GST, this gives a project budget in 2019/20 of \$389,000.

The Dowsing Group has based its variation on using gravel from the "Goldfields" pit. The "Goldfields" pit has been tested and complies with Main Roads WA requirements for road basecourse. The owners of the Goldfields pit, KKK Farms Pty Ltd, have indicated they require a price increase for the gravel from their pits from \$3.00 a cubic metre to \$3.50 a cubic metre, with an interim price of \$3.25 (3.575 inc GST) for gravel already pushed up onsite. To allow the project to proceed in a timely manner it is recommended that the higher payment for gravel be approved for this project only. Noting that a further report on gravel prices will be presented to Council early in the new financial year.

## **OPTIONS**

Council options include;

- Not accepting the tender variation and not proceeding with the project.
- Not accepting the tender variation and requesting the CEO to undertake additional negotiation to further reduce the price.
- Accept the tender variation and proceed with the project.

## IMPLICATIONS TO CONSIDER

### Consultative

No consultation has been undertaken.

### Strategic

Roads and Bridges are part of the Corporate Themes of; The Place to Live & Driving the Economy Forward. More specifically these projects fall under, Building Resilience; 4.4 Rural roads are safe and easy to use. 4.6 Town network of safe easily used roads, footpaths, trails and cycle ways.

### Policy Related

The recommendations of this report comply with the Shire's Procurement Policy, F 1.2.

### Financial

This project is 2/3 funded by the State Government as an Regional Road Project. Any expenditure greater than the \$339,000 budgeted will be at full cost to the Shire. It is unlikely that any of the works will be invoiced this financial year. Therefore, the funds (expenditure and income) for this project will need to be carried over to next year's budget. The negotiated preferred Tenderer's Price together with the direct cost to Council for gravel is \$50,000 greater than the current budget.

This gives a project budget of \$389,000 in 2019/2020 which has been included in the draft budget.

If Council does not proceed with the project the it will forfeit the grant funding back to the RRG pool.

### Legal and Statutory

Section 3.57 of the *Local Government Act 1995* requires a Local Government to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods and services.

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

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

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

It also states in Part 4, Section 20(1) "If, after it has invited tenders for the supply of goods or services and chosen a successful tenderer but before it has entered into a contract for the supply of the goods or services required, the local government wishes to make a minor variation in the goods or services required, it may, without again inviting tenders, enter into a contract with the chosen tenderer for the supply of the varied requirement subject to such variations in the tender as may be agreed with the tenderer."

### Risk Related

There is a high reputational risk if the Shire does not proceed with projects that the community expects it to deliver. There is also a high reputational risk if the Shire does not spend its funding wisely.

### Workforce

There are no Workforce implications resulting from this report.

## VOTING REQUIREMENTS

**Absolute Majority: No**



**RECOMMENDATION**

That Council:

1. Accepts the offer and negotiated variation from the Dowsing Group for RFT 05-18/19, Knotts Road Widening, for a total price of \$411,635.90 including GST.
2. Authorises the Chief Executive Officer to formulate and execute the contract documents, including the signing and sealing as required.
3. Accepts the price from KKK Farms Pty Ltd, of \$3.575 per cubic metre including GST for gravel from the Goldfields pit for this project.

**SY081-06/19 APPLICATION TO OPERATE PERSONAL BEE HIVE – LOT 99 (6) PLAUDIT STREET, YORK**

**File Number:** PL1.60293

**Author:** George Johnson, Environmental Health Officer

**Authoriser:** Darren Wallace, Executive Manager, Infrastructure & Development Services

**Previously before Council:** Not Applicable

**Appendices:** Nil

**NATURE OF COUNCIL'S ROLE IN THE MATTER**

- Quasi-Judicial

**PURPOSE OF REPORT**

The applicant has applied to the Shire of York for permission to place up to two (2) Bee Hives for personal use on the property situated at Lot 99 (6) Plaudit Street, York.

**BACKGROUND**

The property located at Lot 99 (6) Plaudit Street, York is 2450sqm with the closest resident being approximately 50m from the proposed Bee Hives.

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

A letter was sent to the fifteen (15) surrounding landowners on 22 May 2019 requesting any feedback on the proposed Bee Hives. No objections to the proposal were received.

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

**COMMENTS AND DETAILS**

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

There is no threat to the environment, it is not detrimental to the well-being of the adjoining neighbours and has no financial impact on Council.

The officer therefore recommends that the applicant be granted permission to house two (2) Bee Hives

**OPTIONS**

The two options available for this application are either approve the placement of up to 2 Bee Hives at any one time on Lot 99 (6) Plaudit Street, York or refuse the Bee Hives from being placed on the property.

**IMPLICATIONS TO CONSIDER****Consultative**

A letter was sent to the fifteen (15) adjoining landowners on 22 May 2019 giving 14 days to respond with any objections or comments. No objections were received for the keeping of Bee Hives at Lot 99 (6) Plaudit Street, York.

**Strategic**

Not applicable

**Policy Related**

No current policy

**Financial**

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

**Legal and Statutory*****Health Local Laws 2000******Division 7 - Bee keeping******Interpretation***

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

***Restrictions on keeping of Bees in Hives***

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

**Risk Related**

Nil

**Workforce**

Nil

**VOTING REQUIREMENTS**

**Absolute Majority: No**

**RECOMMENDATION**

That Council approves the application to keep a maximum of two (2) Bee Hives at any one time on Lot 99 (6) Plaudit Street, York.

**SY082-06/19 DRAFT TRAILS MASTERPLAN REPORT**

<b>File Number:</b>	<b>CS.LCS.13</b>
<b>Author:</b>	<b>Carol Littlefair, Arts and Cultural Heritage Officer</b>
<b>Authoriser:</b>	<b>Paul Martin, Chief Executive Officer</b>
<b>Previously before Council:</b>	<b>25 March 2019 – Stakeholder and Community Engagement Plan and advertising of the Draft for community consultation</b>
<b>Appendices:</b>	<b>1. Final Draft Trails Masterplan for consideration June 2019 2. Draft Vision response during consultation period 13-31 May 2019 3. Individual letters received as feedback during consultation period 13-31 May 2019 4. Draft Vision for public comment during 13-31 May 2019</b>

**NATURE OF COUNCIL'S ROLE IN THE MATTER**

Executive

**PURPOSE OF REPORT**

This report informs Council of progress to date with the Trails Masterplan for the Shire of York and requests that Council:

1. Considers the public comment and feedback (Appendices 2 & 3), on the Draft Trails Vision (Appendix 4) received during the public consultation period 13-31 May 2019 produced in line with the requirements of Shire of York Community Engagement and Consultation Policy G2.9
2. Adopts the Trails Masterplan for the Shire of York prepared by trails consultants Common Ground Trails. (Appendix 1).
3. Selects a priority project to progress resulting from the Trails Masterplan.

**BACKGROUND**

The creation of this Trails Masterplan arose from two previous unadopted Trails Masterplans and recent public demand for Trails facilities, especially from the fast-growing change in the Mountain Bike sector, which has the potential to increase tourism in York substantially.

The Shire has endeavoured to test demand by the running of cycling events on an ad hoc basis over the last two years and numbers of participants have substantiated and often exceeded the projected demand for such facilities in York.

This reflects the current State-wide situation regarding trails, as there are gaps in trails supply across multiple trail types and geographic regions. The Western Australian Strategic Trails Blueprint 2017-21 highlights the overall increase in trails use and the increasing significance of trails in tourism development, for physical and mental health and improving awareness and appreciation of the natural environment.

There is rising demand from both domestic and international visitors for activities and experiences across this tourism sector. Demand for Indigenous tourism experiences at 82% is outweighed by visitor fulfilment of 26%. Cultural tourism accounts for 37% of world travel and this is growing at an annual rate of 15%. Well maintained, publicised and interpreted heritage sites significantly increase tourism to an area and York's many cultural heritage assets are currently underutilised.

Events, Regional tourism and Indigenous tourism are identified as 3 of the 7 key pillars in the State Government Strategy for Tourism in Western Australia 2020. The Trails Masterplan is intended to

provide a structure that will enable the Shire of York to bring social and economic benefits to the community in equal measure.

The plan has been developed with input from local community members, stakeholders and members of state-wide user groups and associations. The details regarding opportunities for input are outlined further in the report and Officers are comfortable with the level of engagement by the consultants with the community.

The draft report is now presented to Council for consideration at Appendix 1.

## **COMMENTS AND DETAILS**

### **Geographical Scope**

The Draft Plan is concerned primarily with land which the Shire of York either owns or manages, or land/roads to which there is public access (such as the DBCA Wandoo woodlands around Mt Observation). It makes recommendations of High and Medium priority only in relation to such land.

Recommendations in the Low Priority category also point up the desirability of trails which are currently restricted by land tenure (such as a York-Northam Riverbank trail, York-Bruce Rock Railway line trail) which may change in the future.

Notwithstanding the focus of the plan on land owned or managed by the Shire, a proposed Mountain Bike trail development concept on private land at Mt Bakewell is noted in the Draft Plan for the following reasons:

- It has the potential to be linked to any trail created by the Shire of York on vested Crown land
- It may be a contributor to the attractiveness of York to the Mountain Bike sector.
- Improved vehicular access to Mt Bakewell for emergency vehicles will be a necessity for developing any walk/bike trails on this Shire-vested land – it will be essential to share emergency access with private landowners as the Shire-vested land is too steep for vehicular access.

### **Priority Project**

As part of this report, Council is asked to determine the priority project for the organisation to focus upon over the next two years. The organisation's limited financial and human resources require prioritisation and focus in the implementation stage.

The trails consultants were engaged to examine all types of trails use to benefit local residents and tourism alike and assess their merits. Officers met with the consultants on Monday 10 June to discuss the public feedback received and possible priority projects.

The consultants have identified a network of trails on Mt Brown as the highest priority, short term project which will require external funding, for the reasons outlined below.

They have also identified high priority, short term projects that can be carried out in-house: Rationalisation of Heritage/cultural Walk trails, including the Avon River walk trail and rationalisation of Self Drive trails. All of the above are recommended to be formatted for a digital platform (Trails WA, which gives unlimited free publicity to well-managed, standards-compliant trails) and can be achieved with in-house resources due to simple infrastructure being required with the main media being electronic and print.

### **High Priority/Short term Project**

As outlined above, the formalisation and development of the trails network on Mt Brown is recommended as the priority short term project to deliver. Rationalisation of the many existing trails into three types; walk, mountain bike and equestrian; creating one well-made example of each type that minimises user conflict and landscape damage. It is likely that the Walk and Mountain Bike trails would be of easy/medium difficulty to appeal to a broad user group of both local residents and visitors alike, especially families. The equestrian trail would be situated near the base/perimeter to minimise erosion and would largely make use of existing/proposed firebreak tracks, so is likely to be the lowest construction cost of the three trails. Mt Brown also has the existing benefit of vehicular access to the summit for both emergency vehicles and the less mobile.

This would also provide an opportunity to upgrade infrastructure at the lookout to ensure universal access. This lookout and associated infrastructure, including interpretation material is in need of upgrade and would benefit from an integrated approach for the entire site.

The proposed network would include trails catering for the following users:

1. Mountain bikers. The trails on Mt Brown are popular due to the proximity to the town centre and the height of the mountain. This interest has been demonstrated by the number of events and participants wanting to use Mt Brown over the past two years. Because of this and pressure on other locations, trails in York are increasing in popularity. This has resulted in the trails being subject to heavy wear from unsanctioned cycle use all year round plus the events 2-3 times per year. Whilst this has clearly demonstrated the demand and potential drawcard from Perth and further afield; long term management of the site now needs addressing urgently. Officers are concerned that if formalisation and development of appropriate trail infrastructure does not occur, steps will need to be made to manage or limit the events in order to manage impact upon the environment and opportunities for remediation.
2. Walkers. Walking on Mount Brown is currently an activity enjoyed by many locals. Walking is a pastime which caters for a wide range of ages and fitness levels and is popular with York residents and visitors alike. Walking tops the list of WA physical recreation activities with 62% of adults participating in walking for recreation\*. (\*Milligan, R., McCormack, G.R., & Rosenberg, M (2007). Physical Activity Levels of Western Australian Adults 2006: results from the Adult Physical Activity Survey. Perth, Western Australia: Western Australian Government).
3. Equestrians. These users currently have no public trails at all and there are a high proportion of leisure horse owners on small acreages in the York area. Riders are vulnerable road users (especially children on ponies) so safe off-road riding is essential and the rural lifestyle, which often includes horse ownership, is a notable drawcard for attracting new residents to York.

However, if Council's objective was entirely focused upon increasing tourism activities in the Shire, Mt Bakewell trails would likely be a better priority project. Whilst development of the Mt Brown Trails Network offers very substantial tourism benefits these are not considered to be 'gamechanging' from a purely economic and tourism perspective.

Mt Brown does in addition to continued tourism opportunities (i.e. events and indigenous cultural tourism) also provide lifestyle benefits to a wide range of local residents and because the trails development would be governed by the results of an environmental survey, enhancement of the environment in York.

### **High Priority/Medium term project**

Mt Bakewell Summit Trail is designed to be a steep climbing walk trail, with many steps up the southern face of Mt Bakewell, designed to be a challenging yet achievable, high quality landscaped experience focused on reaching the summit and sensational views. The main user group would be hikers seeking fitness but it would certainly appeal to the broader market as a tourist attraction for visitors, becoming an iconic drawcard if well promoted and combined with a summit Lookout, modelled on Wineglass Bay Lookout in Tasmania. <https://atravellersfootsteps.com/wineglass-bay-lookout-tasmania/> which states: "Almost every tourist will have Wineglass Bay on their itinerary, and for good reason. Wineglass Bay lookout is located within Freycinet National Park on the East Coast of Tasmania, nestled within a granite mountain range known as the Hazards and surrounded by long stretches of white sand beaches. Wineglass bay trail leads to a lookout that offers panoramic views over Wineglass Bay and the surrounding national park".

The consultants regard this trail as the 'gamechanger' in tourism terms, with more potential to be an iconic drawcard than Mt Brown but particularly in its early years is likely to require marketing through events (such as competitive run/climbs) and promotional advertising, to establish. There is currently no possibility for vehicular access to the summit without accessing neighbouring private land, which makes the development less straightforward than Mt. Brown both in terms of emergency and universal access. For this reason, it has been allocated a High Priority/Medium term rating.

## Implementation requirements

The Trails Master Plan outlines and makes recommendations on the process which should be followed to develop both of the above-mentioned trails, should Council wish to proceed. The consultants have stressed the importance of implementing a sound process to develop either of these priority projects based upon trail industry standards and evidence based upon sound research.

Furthermore, if Council wants to formalise and actively develop the trail network on either Mt Brown or Mt Bakewell, it is recommended that the “purpose” of these reserves is amended to include recreation. This is outlined further in the report.

It is acknowledged that external funding will be required to implement both projects, hence sound processes, involvement and support from the community/stakeholders and appropriate approvals are required to be in place to secure major grant funding.

The construction of trails will also need to be done to the appropriate standards by suitably qualified companies to ensure high quality long lasting facilities.

On this basis, Officers are recommending a measured, staged approach to the development of the trail network on Mt Brown incorporating all of the issues above.

## OPTIONS

Council has the following options in regard to this report:

1. Selecting the High Priority/Short term Project

Mt Brown Trails Network.

Mt Brown offers very substantial, though not ‘gamechanging’ economic and tourism benefits plus lifestyle benefits to a wide range of local residents and as the trails development would be governed by the results of an environmental survey, enhancement of the environment in York.

2. Selecting the High Priority/Medium term project

Mt Bakewell Summit Trail

The consultants regard this trail as the ‘gamechanger’ in tourism terms, with more potential to be an iconic drawcard than Mt Brown but particularly in its early years is likely to require marketing through events (such as competitive run/climbs) and promotional marketing, to establish. There is currently no possibility for vehicular access to the summit without accessing neighbouring private land, which makes the development less straightforward than Mt. Brown both in terms of emergency and universal access.

3. Selecting another trail as priority project

Any of the Medium and one or two of the Low priority projects would be possible to undertake. However when applying for major grant funding from external sources it is generally expected that the professional advice offered in a Trails Masterplan is followed and projects are undertaken in priority order. It may also incur risks as outlined in ‘Risk Related’ below.

4. Not adopt the plan in its current form and require further consultation or exploration of certain issues.

5. Not select any priority project at this stage. This is also an option open to Council but may also incur risks as outlined in ‘Risk Related’ below.

## IMPLICATIONS TO CONSIDER

### Consultative

On 25 March 2019 Council approved the Stakeholder and Community Engagement Plan and advertising of the Draft Vision for community consultation. Since that date, the following consultative processes have taken place:

- The consultants held a meeting with 5 local Noongar Elders on 10 April 2019; several matters about the cultural sensitivity of sites were discussed and noted, along with the generally positive views of the Elders to increasing public awareness about Ballardong Noongar culture, providing that this was done in full consultation with the Ballardong Noongar community.
- Officers met with the Department of Biodiversity, Conservation & Attractions Interpretation Unit in April and obtained useful advice regarding trail signage and interpretation to DBCA standards.
- The consultants ran a Public Open Workshop at York CRC on 11 April which was well attended by approximately 30 participants and the results are recorded in the Draft Vision.
- Officers met with the consultants on 8 May in Dwellingup to discuss the Draft Plan and view the new Dwellingup National Trails Centre project being created by the Shire of Murray, which has successfully secured \$3.5 million through the Australian Government's Building Better Regions Fund along with \$5 million from the Department of Biodiversity, Conservation and Attractions. The project includes many kilometres of quality mountain bike trails, a new Visitor Centre, a suspension bridge, upgrades to 4WD tracks and roads in reserves, plus marketing and promotion. See <https://www.murray.wa.gov.au/dwellingup-national-trails-centre/>
- Advertising of the Draft Trails Vision for public comment and feedback was undertaken during 13-31 May. This was a week less than initially planned due to the consultants' pressure of workload. The comments and feedback have been analysed and collated as Appendix B and additional letters collated as Appendix C of this report for Councillors reference and review.
- The meetings and advertising of the comment period were publicised through the Shire website and Facebook page, in the York Community Matters newspaper and on posters put up around town. The Avon Valley Tracks & Trails group (AVTAT) was also proactive in assisting to spread the word about the Draft Vision. A list of persons and organisations directly contacted is included in the Draft Vision.

The public feedback received has been generally supportive. As can be seen from the survey results (Appendix 2) many of the comments that fell into the 'negative' category did so because participants wished to see certain trails as a higher priority than these had been allocated. There were also three strongly anti-equine comments. Letters from the Equine community in Appendix 3 highlighted concerns about increased use of the area which adjoins York Racecourse and the area initially identified as a trailhead at the foot of Mt. Bakewell. In the final Draft the consultants have made some modifications and recommended the need for further consultation with and in relation to Equine and Offroad Recreational Vehicles (ORV) groups in particular, each of which have specific needs that may conflict with others. This is part of the reason for progressing with Mt Bakewell after Mt Brown, to allow for further consultation and resolution of these matters.

Full and ongoing consultation with the Ballardong Noongar community will be necessary for implementing both the construction and interpretation of trails in the Draft Plan as Noongar cultural heritage is inseparable from Country. The underpinning rights of Aboriginal people as defined by the United Nations Declaration on the Rights of Indigenous Peoples (2007) includes the:

- Right to self-determination.
- Right to full and fair participation in processes, projects and activities that impact on or portray them.
- Right to control, maintain and celebrate culture, heritage and identity.

The Draft Master Plan contains guidelines for formal Aboriginal consultation processes applicable to the creation of Trails. In addition, the National Trust (WA) publication 'We're a Dreaming Country' Guidelines for Interpretation of Aboriginal Heritage (2012) provides ethical guidelines for interpretation processes. Cultural considerations, such as areas for secret/sacred ritual, landmarks with particular significance and oral histories associated with a site are likely to be part of the intangible Noongar heritage of the area and no trails development should take place without full consultation; to do so would risk severely alienating the Noongar community, with whom fragile relationships have been carefully built up over a number of years. Doing trails development with full consultation can provide opportunities for tourism benefits for both the Noongar and wider community.



Full and ongoing consultation with local environmental groups will be essential in the planning and ongoing care and maintenance of these open space assets and good liaison with local members by any professional environmental firm when surveys are carried out will be extremely beneficial to survey outcomes. Once fully surveyed, local groups will have benchmarks for monitoring the environment.

Circumstances, land owners and land uses may change over the ten-year period intended to be covered by this Trails Masterplan and ongoing consultation with State peak bodies and local user groups will be necessary as a continuous part of the trails development process and should be adequately funded throughout the life of the Plan. Shire of York Community Engagement and Consultation Policy G2.9 has been and will continue to be the guiding principle behind community consultation for the Trails Masterplan and its implementation.

Given this Officers are recommending that a Community Engagement Plan be prepared for each project being worked on at that time. In this regard then Officers are recommending that a report be presented to a future Council meeting with a Community Engagement Plan for the development of the priority project (i.e. Mount Brown Trail Network) for Council's consideration.

## **Strategic**

### **The Corporate Business Plan:**

Economic Development: Theme 3: Prepare a comprehensive Trails Master Plan that incorporates walk, bike, drive, bridle trails, signage and interpretation, 2019/20

Priority Budgeted Strategic Capital Projects; Open Space Assets: Theme 4: Improvement Programme – Mt. Brown, planning phase 2019/20, delivery phases 2020/21, 2021/22

### **The Strategic Community Plan:**

Revitalisation: Driving the York Economy Forward, in the context of:

'a programme to use the town's strengths, including heritage' and the Key Challenge of Leveraging the 'Leap Forward' in Heritage and Tourism.

Theme 2: A leader in Cultural Heritage and the Environment, particularly:

- 2.1 Aboriginal culture is respected and showcased under the guidance of the Aboriginal community,
- 2.5 The Avon River and river edges are restored to health, have high levels of biodiversity and people are able to use and enjoy both,
- 2.6 The Shire's wildflower and at-risk habitats are protected,
- 2.9 There is a high level of community involvement in heritage and environmental conservation.

Theme 3: Driving the York Economy forward, particularly:

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

### **Strategic Positioning of Trails Development in York**

Council will need to be cognisant of the fact that a number of local authorities are preparing and implementing trails master plans in their communities. To check the vision for trails in York align with priorities of the State Government involved in trails development across the State, Officers have held meetings with State-level stakeholders, including: Tourism WA and the Department of Local Government, Sport & Cultural Industries, Department of Biodiversity, Conservation and Attractions and Regional Development Australia (Wheatbelt) to discuss the Draft Masterplan and seek feedback about the positioning of York within the Trails network in WA.

All have provided positive feedback about the Draft Plan especially in regard to the realistic building upon York's existing strengths of proven desire for trails, heritage and the arts and location for the short break market. These external stakeholders have all indicated they consider the Draft Plan has been well tailored to its purpose and is realistic, which augurs well for achieving external funding.

## Policy Related

Shire of York Community Engagement and Consultation Policy G2.9.

## Financial

The Trails Masterplan budget allocation for 2018/19 is \$35,000. No overrun of this costing is anticipated although a portion will be carried forward to 2019/20 in order to provide an outline concept plan for the selected priority project.

The budget for next year's priority project is outlined below for Council's consideration and is included in the draft 2019/20 financial year budget:

Trails Master Plan - Implementation Action Plan – Mt. Brown Network	Cost
• Prepare a Concept Plan for support infrastructure and lookout on Mt. Brown	\$30,000
• Prepare detailed analysis and concept plan for trails (3 types) on Mt. Brown	\$30,000
• Noongar cultural consultation	\$10,000
• Plant Hygiene/Dieback Study*	\$15,000
• Environmental Assessment/FF Studies*	\$20,000
<b>Total</b>	<b>\$105,000</b>

Construction, Signage and Revegetation TBC in the following financial year, with the aim of attracting major grant funds from both the State and Federal Government.

Officers have explored the ability to fund some of the planning items identified above using grant funding without success. However if the Trails Master Plan is adopted, priority project selected and funding committed from the Shire towards this project it will make it easier to attract funding for planning should it become available during the course of the year.

\*Note: savings may be possible if these can be combined and undertaken with one firm.

Trails Master Plan - Implementation Action Plan – Other Interpretive Trails	Cost
• Greenhills heritage trail (consistent with other reports presented to Council)	
• Wara Art Trail with York Art & Events	\$3,000
• Town Heritage trails – rationalise into loops, online/print format	\$3,000
• Self Drive trails – rationalise, online/print format	\$3,000
• Design and production of waymarkers for all trails	\$10,000
<b>Total</b>	<b>\$19,000</b>
<b>Total for all projects</b>	<b>\$124,000</b>

## Legal and Statutory

For both the Shire-vested Crown land on Mt Bakewell (C Class Reserve) and Mt Brown (A Class Reserve), areas identified as High Priority for trails development, it has been identified that a statutory amendment to the purpose/use of these reserves will be required if Council wants to progress with the recommendations in the plan.

Whilst the use of these reserves has been able to accommodate adhoc events, if Council now wants to formally sanction and develop either of these sites for permanent trails use an amendment of the purpose of the reserve is required.

This amendment would need to add the use "Recreation" to the permitted purpose in the Management Orders for both reserves.

The adoption of the Trails Master Plan is considered to be an appropriate time to consider the future uses of these open space assets as Council is making a strategic decision regarding the future use and purpose of these land parcels.

Council may choose to only request the amendment/change to the use/purpose of Mt Brown at this stage and consider any changes to Mt Bakewell in the future should that priority project be progressed.

Preliminary advice from the Department of Planning, Lands and Heritage advises:

- a written request from Council is required to change/add the purpose 'Recreation' to the existing purposes of Parklands (Mt Brown) Parklands and Grazing (Mt Bakewell)
- C Class requires the Shire of York to fill out a Crown Land Enquiry Form and each case is considered on its merits.
- A Class has the highest protection and the proposed amendment has to be tabled in parliament for 14 sitting days, prior to tabling it has to be advertised in the local paper for 30 days for any comments or objections.
- The advertising and tabling is done by the Department of Planning Lands and Heritage can take considerable time.

As this is a complex process Officers recommend seeking further detailed advice from the DPLH and provide a report to a future Council meeting with full information of the procedure required to amend the purposes of either or both of these reserves.

### **Risk Related**

Not going ahead with the Masterplan poses a moderate environmental risk due to ongoing unsanctioned use of Mt Brown which if left unaddressed poses the risk of degrading areas of sensitive environment. Conversely there is a possible moderate reputational risk and consequent economic effect upon tourism if the already proven demand for trails goes unfulfilled and all use of the site has to be curtailed.

It will be essential for a Change of Use application to define how the current environment of Mt Brown, which is somewhat degraded environmentally, will be enhanced following the development of trails due to an understanding and protection of sensitive areas.

This understanding, gained through a professional environmental survey (ideally during August to October) will ensure better management and channelling of recreational use into official, sanctioned and waymarked trails rather than the current unofficial use which is increasing rapidly. (Rottnest Island is an example of a well-managed A-Class Reserve for recreation and conservation). Although the Shire-vested Crown land on Mt Bakewell is classified as a C Class Reserve it is generally considered by environmental experts to be a far more pristine environment with sensitive flora, although most of the sensitive flora is found on private land, not the Shire vested areas.

For these reasons it is recommended that these surveys are carried out prior to any Change of Use application and to a high standard, which Officers recommend be commensurate with Environmental Protection Agency guidelines. See <http://www.epa.wa.gov.au/policies-guidance/technical-guidance-flora-and-vegetation-surveys-environmental-impact-assessment>. A reconnaissance survey followed by a targeted survey, as defined by EPA guidelines are likely to be required, with possibly a detailed survey dependant on findings.

By rigorous analysis of environmental considerations, the Trails Masterplan priority project will be able to demonstrate and communicate exactly how the environment of the area selected will be enhanced, or remain unharmed, by trails development which is planned around avoidance of sensitive areas and provides the opportunity to improve degraded areas.

Should a Change of Use be refused for any reason, such surveys will inform the future environmental care of the sites in line with their existing classifications, something which should be considered in the light of the Shire's aim to be 'A Leader in Heritage and the Environment'.

### **Workforce**

As with any plan prepared, the Shire needs to be cognisant of its ability to implement the plan considering both human and financial resources. To this end, Officers have identified capacity to progress with one priority project at any one time. Whilst with unlimited capacity it would be ideal to

progress more than one project, this is not an option for an organisation like the Shire of York. This therefore requires Council to select (if any) the priority project it wishes the organisation to progress.

Officers have also identified some quick wins in the plan which can be implemented within existing staffing resources but require financial resources from Council.

To implement the project selected by Council, Officers will continue the cross organisational working group to coordinate actions and ensure all aspects of trails development are considered and addressed.

## **VOTING REQUIREMENTS**

**Absolute Majority: No**

### **RECOMMENDATION**

That Council:

1. Adopts the Trails Masterplan for the Shire of York prepared by trails consultants Common Ground Trails as attached at Appendix 1 with minor typographical corrections if required.
2. Selects the development of the Mt. Brown Trail Network as the first priority project for implementation from the Trails Masterplan.
3. Requests the Chief Executive Officer to include in the draft budget resources identified in the Financial section of this report for progressing the development of the Mt Brown Trails Network, including: An environmental assessment of flora, fauna and plant hygiene/dieback survey of the site; detailed analysis of the existing trails and concept plan for Mt Brown and associated infrastructure including the lookout; and a Noongar cultural heritage survey of the site.
4. Requests the Chief Executive Officer to present a report to Council detailing the requirements of a formal Change of Use in the Management Order for Shire-vested Crown land on the selected Priority site through the Department of Planning, Lands and Heritage once some of the above-mentioned studies are completed.
5. Requests the Chief Executive Officer to present a Community Consultation and Engagement Plan in accordance with Council Policy G.2.9 for the development of the Mt Brown Trails Network for Councils consideration.

**SY083-06/19 PROGRESS REPORT ON THE YRCC MANAGEMENT TRANSITION PROCESS****File Number:** CCP.7.1**Author:** Joanna Bryant, YRCC Project Officer**Authoriser:** Suzie Haslehurst, Executive Manager, Corporate & Community Services

**Previously before Council:** OCM 28 November 2016 SY141-11/16  
OCM 27 February 2017 SY14-02/17  
OCM 24 April 2017 SY039-04/17  
OCM 26 June 2017 SY069-06/17  
OCM 18 September 2017 SY113-09/17  
OCM 30 October 2017 SY000-10/17  
OCM 17 December 2018 SY184-12/18  
OCM 25 February 2019 SY014-02/19  
OCM 25 March 2019 SY034-03/19  
OCM 29 April 2019 SY052-04/19  
OCM 27 May 2019 SY070-05/19

**Appendices:**

1. **Notes - YRCC Management Steering Group Meeting 21 May 2019**
2. **Legal advice - Inc Assoc vs Coop - McLeods**

**NATURE OF COUNCIL'S ROLE IN THE MATTER**

Executive

**PURPOSE OF REPORT**

This report presents a progress report regarding the YRCC Management Steering Group as per Resolution 141218 from the OCM held on 17 December 2018.

**BACKGROUND**

At the Ordinary Council Meeting held on **29 April 2019**, it was resolved:

*That Council;*

1. *Notes that a meeting of delegates will take place on 14 May and a meeting with the YRCC Management Steering Group and Councillors will take place on 21 May 2019, the outcomes of which will be presented to Council at the June Ordinary Council Meeting.*

Previously, at the Ordinary Council Meeting on **17 December 2018**, it was resolved:

*That Council:*

1. *Notes that the process of transitioning management of the YRCC Bar and Restaurant to a Sporting and/or Community Association may take considerably longer than anticipated, with no guarantee that an agreement will be reached.*
2. *Agrees to extend the time allowed for the transition of the management of the YRCC Bar and Restaurant to a sporting and/or Community Association to June 30, 2019.*
3. *Agrees that should a transition agreement not be reached by June 30, 2019, that Officers will put the management of the YRCC Bar and Restaurant to public tender.*
4. *Requests the Chief Executive Officer to conduct a review of the service levels provided at the YRCC Bar and Restaurant, with a view to improving management efficiency, and bring*

*suggested changes to Council.*

5. *Requests that Officers report to Council on progress relating to the YRCC each month until June 30, 2019.*

## COMMENTS AND DETAILS

A meeting with Councillors and the Management Steering Group took place on 21 May at 7pm. The minutes of this meeting are attached at Appendix 1 for Council's information.

The group reported on the outcome of the delegates only meeting on 14 May and stated that delegates were disappointed with Council's decision to provide \$80,000 cash support of which \$40,000 is a loan to be repaid according to terms agreed by both parties. Questions remain as to how the loan is to be repaid, who is the guarantor and what is the Association set up going to look like. Several of the group expressed concern about themselves or their clubs being liable for the \$40,000 debt.

It has been continually stated by club/community delegates that in their opinion the operator of choice to continue management of the Bar/Cafe is the Shire of York, however at the Steering Committee meeting held 24 January 2019 delegates voted unanimously to agree in principle to form an association to manage the hospitality facilities at the YRCC.

At the meeting on 21 May, the Group moved to request Shire officers to prepare a draft constitution for review by the group in one month, or to present an update to the group.

After the most recent meeting, group members raised the question as to whether the structure of the new organisation should be a Co-operative or an Incorporated Association. Officers sought legal advice from McLeods (Appendix 2) regarding the most appropriate entity the group should adopt and the advice is to form an Incorporated Association since this option places less responsibility onto a volunteer Committee.

Whilst some progress has been made in the negotiations, with less focus now on the opposition of the notion of a community association taking over the management of the facility, an agreement has yet to be reached.

The group appears to see limited benefit in the opportunity for a community association to take over the management of the hospitality facilities and is not demonstrating any ownership of the project to move it forward.

Whilst officers are preparing a draft constitution to present to the group at the next meeting, no input has come from the group as to the possible objects of their new organisation.

In view of Council's resolution on 17 December 2018, where it was agreed that should a transition agreement not be reached by June 30, 2019, Officers will put the management of the YRCC Bar and Restaurant to public tender, Officers now seek direction from Council regarding whether the commitment by the delegates made to date satisfies the intention of Council's resolution.

Officers propose the following options for Council's consideration.

## OPTIONS

1. Continue discussions with the YRCC Management Steering Group and attempt to reach an agreement to transition the management of the YRCC Restaurant and Bar to a community association, whilst recognising that resistance is still strongly held against this option by the group and therefore progress will continue to be slow.
2. Disband the YRCC Management Steering Group and request Officers to prepare documentation for outsourcing the management of the hospitality facilities via public tender and present a report to Council.
3. A combination of options 1 & 2, to continue discussions with the group whilst exploring outsourcing options.

4. Disband the YRCC Management Steering Group and agree that the Shire will continue to operate the YRCC hospitality facilities.

Officers will discuss this with the delegates at the meeting to be held on 19 June and provide an officer recommendation following the meeting.

## **IMPLICATIONS TO CONSIDER**

### **Consultative**

YRCC Management Steering Group

McLeods Barristers and Solicitors

### **Strategic**

A review of the YRCC Management was included as a strategic priority in Year One of the *Corporate Business Plan 2016-2020* adopted by Council in May 2016. This action was changed to reflect implementations of the new management model in the *Corporate Business Plan 2018 – 2022* adopted February 2018.

This matter also relates to the following in the Council's Corporate Plan 2018-2022;

*The Place to Live*

*1.7 Positive, active and involved community*

*Strong and Effective Leadership*

*5.1 Effective and informed governance and decision-making*

### **Policy Related**

There are no policy implications as a result of the recommendations of this report.

### **Financial**

Nil

### **Legal and Statutory**

Nil

### **Risk Related**

Nil

### **Workforce**

Nil

## **VOTING REQUIREMENTS**

**Absolute Majority: No**

### **RECOMMENDATION**

To be distributed following the meeting of the YRCC Management Group to be held on 19 June 2019.

**SY084-06/19 COUNCILLOR PROFESSIONAL DEVELOPMENT**

<b>File Number:</b>	<b>OR.CLR.2</b>
<b>Author:</b>	<b>Helen D'Arcy -Walker, Council and Executive Support Officer</b>
<b>Authoriser:</b>	<b>Paul Martin, Chief Executive Officer</b>
<b>Previously before Council:</b>	<b>Not Applicable</b>
<b>Appendices:</b>	<b>1. Report on Community Leadership 2. Report on Dealing with Conflict</b>

**NATURE OF COUNCIL'S ROLE IN THE MATTER**

Review

**PURPOSE OF REPORT**

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

**BACKGROUND**

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

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

**COMMENTS AND DETAILS**

Attached to this report is a copy of the reports received by the Chief Executive Officer from Cr Trent following his attendance at the WALGA Elected Member Training for Effective Community Leadership on 29 April 2019 and Dealing with Conflict on 30 April 2019.

**OPTIONS**

Nil

**IMPLICATIONS TO CONSIDER****Consultative**

Nil

**Strategic**

Nil

**Policy Related**

This item addresses the report requirements of Council Policy G1.2 Councillors: Professional Development.

**Financial**

Nil



**Legal and Statutory**

Nil

**Risk Related**

Nil

**Workforce**

Nil

**VOTING REQUIREMENTS**

**Absolute Majority: No**

**RECOMMENDATION**

That Council notes the reports received from Cr Trent attached to this item in accordance with Policy G1.2 Councillors: Professional Development.

**SY085-06/19 REQUEST FOR COMMENTS - PROPOSED LOCALITY BOUNDARY REALIGNMENT**

**File Number:** OR.BOU.1

**Author:** Anneke Birleson, Finance Officer (Rates & Debtors)

**Authoriser:** Suzie Haslehurst, Executive Manager, Corporate & Community Services

**Previously before Council:** 27 November 2017

**Appendices:** 1. Proposed locality boundary realignment

**NATURE OF COUNCIL'S ROLE IN THE MATTER**

Executive

**PURPOSE OF REPORT**

To provide Council with information regarding a proposed boundary realignment as requested by Landgate and seek Council's approval of the officer's recommendation.

**BACKGROUND**

On 27 November 2017, Council resolved to submit an application to the Local Government Advisory Board to change the existing boundary between the Shire of York and the Shire of Northam in the Quellington locality. This change only affected one lot, being Lot 1 on Diagram 93692, where the previous boundary split the lot in two parts across the Shire of York and the Shire of Northam.

The submission was successful and was gazetted on 29 June 2018.

Following this amendment, Landgate determined the boundary needs to be realigned to remove an anomaly. Landgate proposes to move the locality boundary to coincide with the centrelines of Grass Valley South Road and Gentle Rd, see Appendix 1.

**COMMENTS AND DETAILS**

The proposed realignment will not affect any existing addresses or the position of the boundary. The minor amendment will align the boundary in accordance with current Landgate Policy and Standards and will also ensure all of Lot 1 on Diagram 93692 falls within one locality (Quellington).

Landgate would ordinarily only require approval from an officer in the Planning Department who has delegated authority. There is currently no delegation for Shire of York officers relevant to this decision. Therefore, Council's approval is required.

**OPTIONS**

Council could resolve to not approve the minor amendment but this will leave the boundary non-compliant and may also cause ambiguity around whether the entirety of Lot 1 rests within the Quellington locality only.

**IMPLICATIONS TO CONSIDER****Consultative**

Landgate

**Strategic**

Theme 5: Strong Leadership and Governance

- 5.1 The Council supported by the administration of the Shire of York is effective and informed in its decision-making and exhibits good practice in its governance role.

## Policy Related

*Landgate Policies and Standards for Geographical Naming in Western Australia, Version 01:2017*

### 4.1.4 Boundary delineation

*The submission for the creation of new or modification of existing locality boundaries shall only be reviewed if the following has been taken into consideration:*

- all boundaries shall be clearly defined, contiguous and must not overlap another locality boundary*
- boundaries shall align with road centrelines (major highways, divided carriageways and railways), cadastral information or obvious topographical features such as rivers, shorelines, creeks*
- locality boundaries for corner blocks shall be the same as those for neighbouring properties accessed from the same road*
- if a property is situated on a corner and the block is subdivided with one or more of the new properties accessed from a road generally defined as being addressed to a different locality, the locality boundary shall be changed to incorporate the new subdivided properties*
- if a natural feature such as a waterway is to be used as the boundary for a locality, the boundary should be applied to the centreline of such a feature*
- a locality shall not be defined as an island within another locality. For instance, all localities should have boundaries that run alongside two or more other localities or one other locality and a state or sea boundary*
- a locality boundary should not separate any areas which are considered to be of community interest*
- boundaries shall not bisect single lots or land parcels. Exceptions that may be considered by Landgate for endorsement may include large areas such as forest, lakes or national parks.*

## Financial

Not applicable

## Legal and Statutory

### **Land Administration Act 1997**

26. Land districts and townsites, constitution etc. of

(1) In this section —  
townsite —

(a) means townsite constituted under subsection (2); and

(b) except in subsection (2)(a), includes land referred to in clause 37 of Schedule 9.3 to the Local Government Act 1995.

(2) Subject to section 26A, the Minister may by order —

(a) constitute land districts and townsites; and

(b) define and redefine the boundaries of, name, rename and cancel the names of, and, subject to this section, abolish land districts and townsites; and

(c) name, rename and cancel the name of any topographical feature, road or reserve.

(3) An order made under subsection (2) may include such matters enabled to be effected under an order made under another provision of this Act as the Minister thinks fit.

[Section 26 amended by No. 38 of 2005 s. 8.]

## Risk Related

The Compliance risk is Insignificant (1)

The likelihood of recurrence is Unlikely (2)

The overall Risk Rating is Low (2)

**Workforce**

The proposed boundary realignment has no impact on the current workforce.

**VOTING REQUIREMENTS**

**Absolute Majority: No**

**RECOMMENDATION**

That Council approves the proposed minor boundary realignment along the Quellington/Throssell locality boundary, to be coincident with the road centrelines and in accordance with Landgate's policy and standards.

**SY086-06/19 OUTSTANDING RATES AND CHARGES - PAYMENT AGREEMENTS**

**File Number:** FI.DRS.3.1

**Author:** Anneke Birleson, Finance Officer (Rates & Debtors)

**Authoriser:** Suzie Haslehurst, Executive Manager, Corporate & Community Services

**Previously before Council:** 29 April 2019

**Appendices:** 1. Payment Agreement Application Summary - Confidential

**NATURE OF COUNCIL'S ROLE IN THE MATTER**

Executive

**PURPOSE OF REPORT**

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

This report seeks Council's approval to accept the officer recommendation regarding the proposed arrangement as detailed in Confidential Appendix 1.

**BACKGROUND**

At the Ordinary Council Meeting held on 25 February 2019, Council resolved to accept a revised Finance Policy F1.1 Revenue Collection.

The policy and Delegation 3-3 authorises the Chief Executive Officer to accept payment arrangements, for outstanding rates and charges where there are no arrears and the balance will be paid in full by 30 June of the relevant financial year. Any applications outside this scope must be presented to Council for review and acceptance or rejection. Any application for a payment arrangement relating to sundry debtor charges must be referred to Council as there is currently no delegation.

**COMMENTS AND DETAILS**

Council has already considered 36 applications for the 2018/19 financial year.

The Shire has since received one (1) further application that does not qualify under DE3-3 and therefore, requires Council consideration.

The applicants are experiencing financial difficulties relating to their current circumstances. Given the proximity to 30 June 2019, officers are recommending the expiry date for the arrangement is set as 30 June 2020.

Confidential Appendix 1 details the current debt and a brief reason why the debtor cannot meet the standard payment options. The table also provides an officer recommendation for the application.

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

Any application that is approved is subject to the condition where any default may result in legal action for debt recovery without further notice. Debtors (excluding pensioners and sundry debts) are also made aware that interest continues to accrue.

**OPTIONS**

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

**IMPLICATIONS TO CONSIDER****Consultative**

Not Applicable

**Strategic**

Theme 5: Strong Leadership and Governance

5.3 The Shire's public finances are sustainable in the short and long-term.

**Policy Related**

F1.1 Revenue Collection

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

**Financial**

The total debt associated with the payment arrangements relating to rates and charges, as at 28 May 2019 is \$3,002.53.

This represents approximately 0.2% of the outstanding rates and charges as at 31 April 2019.

**Legal and Statutory*****Local Government Act 1995******6.49. Agreement as to payment of rates and service charges***

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

**Risk Related**

The Financial Risk is Insignificant (1).

The Likelihood of occurrence is Possible (3).

The overall risk rating is Low (3).

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

The financial risk reduces as debts are paid.

**Workforce**

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

**VOTING REQUIREMENTS**

**Absolute Majority: No**

**RECOMMENDATION**

That Council:

1. Approves the application for a payment agreement as detailed within Confidential Appendix 1, with the condition that any default may result in legal action.
2. Requests the Chief Executive Officer to report back to Council regarding progress after 30 June 2020.

**SY087-06/19 FINANCIAL REPORT FOR MAY 2019****File Number:** FI.FRP**Author:** Tabitha Bateman, Finance Manager**Authoriser:** Suzie Haslehurst, Executive Manager, Corporate & Community Services**Previously before Council:** Not Applicable**Appendices:**

1. Monthly Financial Report - May 2019
2. Creditors Payments Listing - May 2019
3. Business Card Statement and Summary - April 2019

**NATURE OF COUNCIL'S ROLE IN THE MATTER**

- Legislative
- Review

**PURPOSE OF REPORT**

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

**BACKGROUND**

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

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

**COMMENTS AND DETAILS**

The Financial Report for the period ending 31 May 2019 is presented for Council's consideration and includes the following;

- Monthly Statements for the period ended 31 May 2019
- List of Creditor Payments
- Business Card Statement and Transaction Summary

The following information provides balances for key financial areas for the Shire of York's financial position as at 31 May 2019;



Outstanding Rates and Services

The total outstanding rates were \$1,240,798 compared to \$1,340,133 as at 30 April 2019.

Current Year	Properties	31/05/2019	%	Properties	30/04/2018	%
3 years and over	65	\$374,900.13	30%	47	\$257,210.94	21%
2 years and over	92	\$194,131.62	16%	75	\$237,741.02	19%
1 year and over	130	\$238,851.25	19%	140	\$281,124.57	22%
<b>Total Prior Years outstanding</b>		<b>\$807,883.00</b>	65%		<b>\$776,076.53</b>	62%
Current Rates	687	\$432,915.11	35%	668	\$476,551.29	38%
<b>Total Rates Outstanding</b>		<b>\$1,240,798.11</b>			<b>\$1,252,627.82</b>	

Officers continue to work with ratepayers to reduce the outstanding balance and are currently managing approximately 50 payment arrangements. Since 1 July 2018, the balance of the 3 years and over category has been reduced by \$106,057. The Shire has collected more of the current rates than at this time last year which can be attributed to improved debt collection processes. The main issue between years relates directly to the long-outstanding rates in the 3 years and over category.

Once rates become outstanding for 3 years or more a local government can take possession of the property under the Local Government Act and sell the property, however this process is time-consuming and complex in nature. Officers continue to liaise with ratepayers, mortgagees and liquidators in relation to a number of properties and are actively seeking payment of outstanding rates and charges.

Outstanding Sundry Debtors

Total outstanding sundry debtors as at 31 May 2019 were \$284,432 compared to \$312,346 as at 26 April 2019. Included in the outstanding balance is \$252,000 reported in the 90 days and over category which relates to a single debt. A contingent liability for this amount has been included in the Balance Sheet. Officers have sought legal advice regarding this debt which is the subject of another report presented to Council in June.

Current Year	31/05/2019	%	31/05/2018	%
90 days and over	\$272,426.15	96%	\$276,990.43	86%
60 days and over	\$3,549.42	1%	\$1,333.85	1%
30 days and over	\$7,723.64	3%	\$30,162.09	9%
Current	\$732.90	0%	\$12,796.52	4%
<b>Total Debtors Outstanding</b>	<b>\$284,432.11</b>		<b>\$321,282.89</b>	

**OPTIONS**

Not applicable

**IMPLICATIONS TO CONSIDER****Consultative**

Not applicable

**Strategic**

Theme 5: Strong and Effective Leadership

5.1 Effective and informed governance and decision-making

- 5.3 A financially sustainable Shire
- 5.4 Open and accountable systems

### Policy Related

Policy F1.2 Procurement

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

DE 3.1 Authority to make Payments from Trust and Municipal Funds

### Financial

This report and its appendices provides a summary of the financial position of the Shire at the end of the reporting period.

### Legal and Statutory

- Legal and Statutory

#### **Local Government Act 1995**

6.10. *Financial Management Regulations may provide for —*

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

#### **Local Government (Financial Management) Regulations 1996**

13. *Payments from municipal fund or trust fund by CEO (Act s. 6.10)*

(1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*

- (a) *the payee's name; and*
- (b) *the amount of the payment; and*
- (c) *the date of the payment; and*
- (d) *sufficient information to identify the transaction.*

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

(1A) *In this regulation —*

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

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

- (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*
- (b) *budget estimates to the end of the month to which the statement relates; and*

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

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

### **Risk Related**

It is a requirement of the *Local Government (Financial Management) Regulations 1996* that local governments prepare a Statement of Financial Activity within two months after the end of the reporting period. This report mitigates the risk of non-compliance with the regulations.

### **Workforce**

Not applicable

### **VOTING REQUIREMENTS**

**Absolute Majority: No**

**RECOMMENDATION**

That Council receives the Monthly Financial Report and the list of payments drawn from the Municipal and Trust accounts for the period ending 31 May 2019 as summarised below:

**May-19**

MUNICIPAL FUND	AMOUNT
Cheque Payments	13,490.15
Payroll Debits	212,252.60
Electronic Funds Payments	451,623.58
Payroll Debits - Superannuation	41,627.33
Bank Fees	905.07
Corporate Cards	1,165.36
Fuji Xerox Equipment Rental	<u>161.41</u>
<b>Sub total - Municipal</b>	<b>721,225.50</b>
 TRUST FUND	
Electronic Funds Payments	4,566.15
Direct Debits Licensing	<u>168,682.60</u>
<b>Sub total - Trust</b>	<b>173,248.75</b>
 <b>TOTAL DISBURSEMENTS</b>	 <b>894,474.25</b>

**SY088-06/19 INVESTMENTS - MAY 2019****File Number:** FI.FRP**Author:** Tabitha Bateman, Finance Manager**Authoriser:** Suzie Haslehurst, Executive Manager, Corporate & Community Services**Previously before Council:** Not applicable**Appendices:** 1. Investments - May 2019**NATURE OF COUNCIL'S ROLE IN THE MATTER**

- Legislative
- Review

**PURPOSE OF REPORT**

To report to Council the balance and distribution of investments held by the Shire of York as at 31 May 2019.

**BACKGROUND**

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

**COMMENTS AND DETAILS**

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

- a) Council's Investments as at 31 May 2019
- b) Application of Investment Funds
- c) Investment Performance

**OPTIONS**

Not applicable

**IMPLICATIONS TO CONSIDER****Consultative**

Standard and Poor's Australia - Global ratings

Financial institutions

**Strategic**

Not applicable

**Policy Related**

Policy F1.4 *Investment*

DE 3-2 Invest Money Held in Municipal and Trust Funds

## Financial

Revenue from investments is a funding source for the Shire and assists in maintaining the value of reserve funds. Policies and procedures are in place to ensure appropriate, responsible and accountable measures are in place to protect the Shire's funds.

## Legal and Statutory

### *Local Government Act 1995*

#### **6.14. Power to invest**

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

### *Local Government (Financial Management) Regulations 1996*

#### **19. Investments, control procedures for**

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

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

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

- (c) *invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;*
- (d) *invest in bonds with a term to maturity of more than 3 years;*
- (e) *invest in a foreign currency.*

**Risk Related**

Funds are invested with various financial institutions in accordance with the global credit framework outlined in the Shire's investment policy to reduce risk.

**Workforce**

Not applicable

**VOTING REQUIREMENTS**

**Absolute Majority: No**

**RECOMMENDATION**

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

**10      MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**11      QUESTIONS FROM MEMBERS WITHOUT NOTICE**

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



**13 MEETING CLOSED TO THE PUBLIC****13.1 Matters for which the Meeting may be closed****RECOMMENDATION**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 5.23(2) of the Local Government Act 1995:

**SY089-06/19 - Confidential - Debt Recovery - Outstanding Sundry Debt - Settlers House Development**

This matter is considered to be confidential under Section 5.23(2) - d, e(ii) and e(iii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting, a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government and a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government.

**SY090-06/19 - Confidential - Request for Write Off - Rates and Charges - A6659**

This matter is considered to be confidential under Section 5.23(2) - e(iii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government.

**13.2 Public Reading of resolutions to be made public****14 CLOSURE**