



UNCONFIRMED MINUTES

Ordinary Council Meeting Tuesday, 27 August 2024

Date: Tuesday, 27 August 2024

Time: 5:00pm

Location: Council Chambers, York Town Hall, York

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**MINUTES OF SHIRE OF YORK
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, YORK TOWN HALL, YORK
ON TUESDAY, 27 AUGUST 2024 AT 5:00PM**

1 OPENING

1.1 Declaration of Opening

Cr Kevin Trent, Shire President, declared the meeting open at 5.00pm.

1.2 Acknowledgement / Disclaimer

The Shire President advised the following:

"The York Shire Council acknowledges the Ballardong people of the Noongar Nation who are the Traditional Owners of this country and recognise their continuing connection to land, water, sky and culture. We pay our respects to all these people and their Elders past, present and emerging.

This meeting is being recorded on a digital audio and visual device to assist with minute taking purposes. The public is reminded that in accordance with Section 6.16 of the Shire of York Local Government (Council Meetings) Local Law 2016 that nobody shall use any visual or vocal recording device or instrument to record the proceedings of Council without the written permission of the presiding member.

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

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

1.3 Standing Orders

Nil

1.4 Announcement of Visitors

Nil

1.5 Declarations of Interest that Might Cause a Conflict

Nil

1.6 Declaration of Financial Interests

*Cr Kevin Trent - SY080-08/24 - Request for new Multi-Year Funding Agreement - York RSL
Chris Linnell - SY087-08/24 - Confidential - Chief Executive Officer's - 2023/24 Performance Appraisal, Key Performance Indicators for 2024/25 and review of Total Reward Package*

Alina Behan - SY087-08/24 - Confidential - Chief Executive Officer's - 2023/24 Performance Appraisal, Key Performance Indicators for 2024/25 and review of Total Reward Package

Lindon Mellor - SY087-08/24 - Confidential - Chief Executive Officer's - 2023/24 Performance Appraisal, Key Performance Indicators for 2024/25 and review of Total Reward Package

1.7 Disclosure of Interests that May Affect Impartiality

Nil

2 ATTENDANCE

2.1 Members

Cr Kevin Trent, Shire President

Cr James Adamini; Cr Chris Gibbs; Cr Kevin Pyke; Cr Denese Smythe; Cr Peter Wright

2.2 Staff

Chris Linnell, Chief Executive Officer; Alina Behan, Executive Manager Corporate & Community Services; Lindon Mellor, Executive Manager Infrastructure & Development Services; Vanessa Green, Council & Executive Support Officer

2.3 Apologies

Cr Denis Warnick, Deputy Shire President

2.4 Leave of Absence Previously Approved

Nil

2.5 Number of People in the Gallery at Commencement of Meeting

There were three (3) people in the Gallery at the commencement of the meeting.

3 QUESTIONS FROM PREVIOUS MEETINGS

3.1 Response to Previous Public Questions Taken on Notice

Nil

3.2 Response to Unasked Questions from the Previous Meeting

Nil

4 PUBLIC QUESTION TIME

Public Question Time is conducted in accordance with the *Local Government Act 1995* and Regulations. In addition to this the Shire's *Local Government (Council Meetings) Local Law 2016* states:

6.7 Other procedures for question time for the public

- (1) A member of the public who wishes to ask a question during question time must identify themselves and register with a Council Officer immediately prior to the meeting.
- (2) A question may be taken on notice by the Council for later response.
- (3) When a question is taken on notice the CEO is to ensure that—
 - (a) a response is given to the member of the public in writing; and
 - (b) a summary of the response is included in the agenda of the next meeting of the Council.

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

Public Question Time commenced at 5.04pm.

4.1 Written Questions – Current Agenda

Nil

4.2 Public Question Time

Nil

As there were no questions asked Public Question Time concluded at 5.04pm.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 PRESENTATIONS

6.1 Petitions

Nil

6.2 Presentations

Nil

6.3 Deputations

Nil

6.4 Delegates' reports

6.4.1 Cr Denese Smythe

Cr Denese Smythe advised she had attended the following meetings and events during July 2024:

DAY	MEETING/EVENT DESCRIPTION	VENUE
04/07/2024	44 th Battalion Memorial	War Memorial
08/07/2024	WALGA Training	Zoom
09/07/2024	Dr Shayne Silcox	CRC
09/07/2024	Concept Forum	Council Chambers
16/07/2024	Agenda Briefing	Council Chambers
23/07/2024	Ordinary Council Meeting	Council Chambers
26/07/2024	WALGA Diploma	Virtual Classroom
29/07/2024	WALGA Training	Zoom

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

**RESOLUTION
090824**

Moved: Cr Denese Smythe

Seconded: Cr Chris Gibbs

That the minutes of the Ordinary Council Meeting held on 23 July 2024 and the Special Council Meeting held on 6 August 2024 be confirmed as a correct record of proceedings.

In Favour: Crs Kevin Trent, James Adamini, Chris Gibbs, Kevin Pyke, Denese Smythe and Peter Wright

Against: Nil

CARRIED 6/0

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

8.1 Meetings and Events Attended

The Shire President advised he had attended the following meetings and events during July 2024:

DAY	MEETING/EVENT DESCRIPTION	VENUE
01/07/2024	Flew to Canberra with CEO	Canberra
2-5/07/2024	Attended ALGA National General Assembly	Canberra
07/07/2024	Attended Ballardong BBQ	Wongborel/Mt Brown
09/07/2024	Meeting with CEO	Shire Administration
09/07/2024	Concept Forum	Council Chambers
12/07/2024	Wheatbelt North Regional Road Group Avon Sub Group Meeting	Northam Works Depot
14/07/2024	Tree Planting for NAIDOC Week	241 Avon Terrace

16/07/2024	Meeting with CEO	Shire Administration
16/07/2024	Agenda Briefing	Council Chambers
18/07/2024	Audit & Risk Committee Meeting with Auditors	Council Chambers
22/07/2024	AROC Meeting	Shire of Toodyay
23/07/2024	LEMC Meeting	York VFES Building
23/07/2024	Meeting with CEO	Shire Administration
23/07/2024	Ordinary Council Meeting	Council Chambers

9 OFFICER'S REPORTS

SY078-08/24 DRAFT LICENCE AGREEMENT - SEED ORCHARD - SPENCERS BROOK-YORK ROAD

File Number:	4.7712
Author:	Anneke Birleson, Manager Governance & People
Authoriser:	Chris Linnell, Chief Executive Officer
Previously before Council:	Not Applicable
Disclosure of Interest:	Nil
Appendices:	<ol style="list-style-type: none"> 1. Seed Orchard Brochure ↓ 2. Draft Licence Agreement - Seed Orchard - Confidential

NATURE OF COUNCIL'S ROLE IN THE MATTER

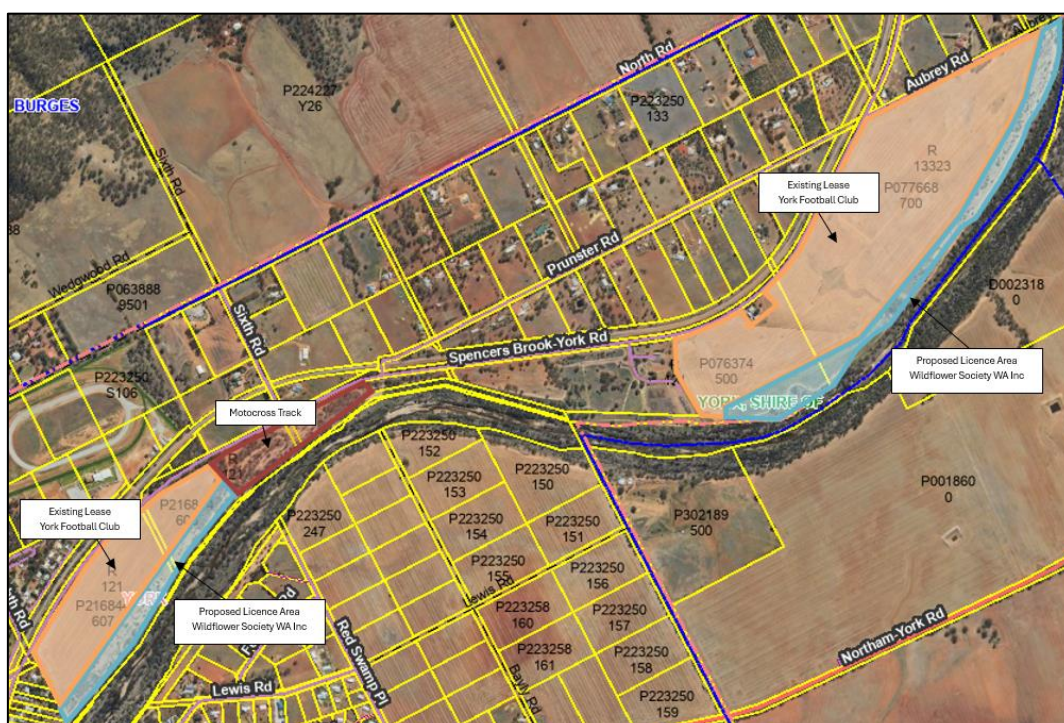
Executive

PURPOSE OF REPORT

To seek Council approval to enter into a Licence Agreement with the Wildflower Society of Western Australia (WSWA) for use of portions of Reserve 121 and 13323 for the purpose of a seed orchard and uses ancillary thereto.

BACKGROUND

Reserves 121 and 13323 are located adjacent to the river and the Oliver Battista Motocross Track, accessed off Spencers Brook-York Road. The seed orchard has been established and tended to by the York Branch of the Wildflower Society (York Branch WS) for approximately twenty (20) years. A brochure outlining the Seed Orchard is presented in Appendix 1.



COMMENTS AND DETAILS

Due to the land being frequently accessed by members of the public a Licence Agreement is the most appropriate mechanism as opposed to a lease, which usually involves exclusive use of a land and/or building. Part of the proposed licence area forms part of a proposed shared use trail within the Shire of York's Trails Master Plan 2019-2028.

The York Branch WS is not an incorporated body. Therefore, to be valid, the agreement must be between the Shire of York and WSWA on behalf of the York Branch WS.

Officers have prepared a draft Licence Agreement, presented in confidential Appendix 2, that will provide WSWA with access to the orchard for propagation and maintenance whilst still allowing full public access for the purpose of walk trails. The agreement also defines the maintenance and management responsibilities of the York Branch WS and the Shire respectively.

Whilst not required under the *Local Government Act 1995*, to provide transparency and good governance, the Shire locally advertised its intent to enter into a licence agreement with the WSWA from 29 May 2024 to 14 June 2024. No submissions were received.

The draft licence agreements were provided to WSWA and they considered them at their monthly meeting on 24 July 2024. Their response stated they see no reason why WSWA would not sign them.

Proposed Licence Terms

a. Permitted Purpose

Seed Orchard and uses reasonably ancillary thereto.

b. Licence Fee

A Peppercorn licence fee of \$1.00 (plus GST) per annum is proposed for the term of the licence.

c. Term

A term of five (5) years is proposed commencing 1 September 2024 and expiring 31 August 2029 with the option of a further three (3) five (5) year terms.

d. Insurance

The Licensee must effect and maintain the following insurances as a minimum:

- a. Public Liability of not less than twenty million dollars (\$20,000,000)
- b. Contents insurance to cover the Licensee's equipment
- c. Any applicable employer's insurance (for example, workers compensation insurance)
- d. Insurances to cover any damage and/or theft to the Licensee's property

The Shire (Lessor) is not required to take out or maintain any insurance in respect of the land or the improvements.

e. Firebreaks

York Branch WS is responsible for the management of the land including installing and maintaining the firebreaks, in accordance with the *Bush Fires Act 1954* and the Shire's reasonable requirements.

f. Development

Any development proposals will require a development approval.

OPTIONS

Council has the following options:

Option 1: Council could choose not to approve the draft Licence Agreement.

Option 2: Council could choose not to support the presented draft Licence Agreement and propose additional or modified clauses for inclusion.

Option 3: Council could choose to agree to the draft licence agreement and direct the Chief Executive Officer to conclude negotiations.

Option 3 is the recommended option.

IMPLICATIONS TO CONSIDER

Consultative

York Branch of Wildflower Society WA

Wildflower Society WA

Strategic

Strategic Community Plan 2020-2030

Goal 1: The Place to be

To be a close-knit community, full of life, in a welcoming and accessible place for all.

Goal 3: A Leader in Sustainable Environment

To be a place which is renowned for the quality of its natural environment, the astounding beauty of the landscape, and the care taken by the community

Goal 4: Built for Lifestyle and Resilience

To have a built environment which support community, economy and the environment, respects the past and creates a resilient future

Goal 5: Strong Leadership and Governance

To have effective and responsive leadership and governance, where a sense of collective purpose and shared direction combine to work together.

Policy Related

G21 Execution of Documents and Execution of the Common Seal

G19 Risk Assessment and Management

Financial

The peppercorn rental applicable to the licence between the Shire and the WSWA has been fixed at \$1.00 (plus GST) per annum.

The WSWA and York Branch WS is responsible for providing their own Public Liability insurance, insuring any building/structure that is placed on the land including contents insurance and any workers compensation insurance they may need to cover their volunteers.

There are minor costs involved with registering the Licence Agreement with Landgate.

Legal and Statutory

As a general rule, Shire property is to be disposed of in accordance with Section 3.58 of the Act. However, Regulation 30 of the *Local Government (Functions and General) Regulations 1996* provides an exemption where the intended licensee is a not-for-profit entity.

Section 3.58 of the Act is applicable to the disposal of property and states:

“3.58. Disposing of property

(1) *In this section —*

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

property includes the whole or any part of the interest of a local government in property but does not include money.

- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
 - (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
 - (a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.”

Regulation 30 of the *Local Government (Functions and General) Regulations 1996* is also applicable to property disposals and states:

“30. Dispositions of property excluded from Act s. 3.58

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if —

- (a) *the land is disposed of to an owner of adjoining land (in this paragraph called the transferee) and —*
 - (i) *its market value is less than \$5 000; and*
 - (ii) *the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;*

or
 - (b) *the land is disposed of to a body, whether incorporated or not —*
 - (i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
 - (ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*

or
 - (c) *the land is disposed of to —*
 - (i) *the Crown in right of the State or the Commonwealth; or*
 - (ii) *a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or*
 - (iii) *another local government or a regional local government;*

or
 - (d) *it is the leasing of land to an employee of the local government for use as the employee's residence; or*
 - (e) *it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land; or*
 - (f) *it is the leasing of land to a person registered under the Health Practitioner Regulation National Law (Western Australia) in the medical profession to be used for carrying on his or her medical practice; or*
 - (g) *it is the leasing of residential property to a person.*
- (2a) *A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been —*
- (a) *put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government; or*
 - (b) *the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable; or*
 - (c) *the subject of Statewide public notice under section 3.59(4) of the Act, and if the business plan referred to in that notice described the property concerned and gave details of the proposed disposition including —*
 - (i) *the names of all other parties concerned; and*
 - (ii) *the consideration to be received by the local government for the disposition; and*
 - (iii) *the market value of the disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition.*
- (2b) *Details of a disposition of property under subregulation (2a) must, for a period of 1 year beginning on the day of the initial auction or tender —*
- (a) *be made available for public inspection; and*

- (b) *be published on the local government's official website.*
- (3) *A disposition of property other than land is an exempt disposition if —*
 - (a) *its market value is less than \$20 000; or*
 - (b) *the entire consideration received by the local government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than \$75 000.*

Risk Related

There is a moderate risk to Council if it does not have an agreement in place as the land is currently being used for the proposed purpose. An agreement will secure WSWA's interests in the seed orchard and clearly outline the responsibilities of the Shire and the York Branch of WSWA in relation to care and maintenance of the land.

The York Branch WS is proposing to construct a shed for storage of equipment. Any development proposals will require Council approval. This is stipulated within the draft agreement.

Workforce

The scope of this report can be managed within current operational capacity.

VOTING REQUIREMENTS

Absolute Majority: No

RESOLUTION 100824

Moved: Cr Denese Smythe

Seconded: Cr James Adamini

That, with regard to Draft Licence Agreement – Seed Orchard – Spencers Brook-York Road, Council:

- 1. Agrees to the licence with the Wildflower Society of WA Inc (the Licensee) on behalf of the York Branch of the Wildflower Society of WA Inc, as presented in confidential Appendix 2, for portions of Reserves 121 (Part Lots 607, 608 and 500) and 13323 (Part Lot 700) Spencers Brook-York Road, York, in accordance with the following essential licence terms:**
 - a. A term of five (5) years commencing 1 September 2024.**
 - b. Option to renew for a further three (3), five (5) year terms.**
 - c. Peppercorn rental of \$1.00 per annum (plus GST).**
 - d. Permitted Purpose to be used for seed orchard and uses reasonably ancillary thereto.**
 - e. Public Liability insurance of not less than twenty million (\$20,000,000) to be the responsibility of the Licensee.**
- 2. Requests the Chief Executive Officer to seek the consent of the Minister for Lands in accordance with the above terms.**
- 3. Authorises the Shire President and Chief Executive Officer to engross the licence documentation and apply the common seal, as per the terms and conditions of the licence, subject to receiving the Minister for Land's approval.**
- 4. Requests the Chief Executive Officer to advise the Wildflower Society of WA Inc that the land is provided on an 'as is' basis and does not commit the Shire of York to financial contributions for capital or operating expenditure.**

5. Notes any development proposals will require development approval to be in line with the permitted use.
6. Authorises the Chief Executive Officer to make any minor typographical and formatting changes to the licence prior to signing.

In Favour: Crs Kevin Trent, James Adamini, Chris Gibbs, Kevin Pyke, Denese Smythe and Peter Wright

Against: Nil

CARRIED 6/0

The beginnings...

In the late 1990s the York Land Conservation District Committee, coordinated by Liz Manning, initiated the planting of some local species on the block; the Seed Orchard was born. Members of the Apex Club and LCDC fenced off access to the river with materials provided by the Waters and Rivers Commission.



The phasing out of the LCDC program meant the potential demise of the Seed Orchard, but thanks to the formation of another like-minded group in 2004, the Avon (now York) Branch of the Wildflower Society of WA, it has continued to grow and thrive. Yearly plantings of local species have ensured there is a continuous source of locally grown native seed for community revegetation projects.

Inaugural members of the Branch Bruce and Pat McGregor deserve recognition for the many hours they have dedicated to the Orchard, using their own resources.

As well as providing a source of locally grown seed, the Orchard acts as a buffer between the adjacent cropped land and the river, preventing chemicals from leaching into the water.



Prickly leaved species such as *Hakea preissii* provide shelter for nesting birds.

Hakea nuts provide food for endangered black cockatoos.



A small band of volunteers carries out weed control throughout the year, pruning of overgrown vegetation and annual planting in autumn, involving many hours of labour and machinery.

If you are interested in helping in the Seed Orchard, please contact us at:

yorkswa@gmail.com



York Seed Orchard



Eucalyptus macrocarpa

The York Branch of the Wildflower Society have developed and maintained the Seed Orchard since 2004. It is situated on 2 strips of land on the west bank of the Avon River north of the township, and owned by the Shire of York.

The north and south sections are separated by the Motocross Track and Avon Waste Transfer Station.

Access to both blocks is via Spencers Brook Road.



Callistemon phoeniceus (Lesser Bottlebrush) is a local species noted for its bright red terminal bottlebrush flowers. Flowering times are Sept to Dec.

Eucalyptus macrocarpa is a mallee with the largest of all eucalypt flowers. Flowering occurs from Sept to Dec.



Acacia lareolata is a Priority 3 species endemic to the Avon Wheatbelt. It flowers from June to August.

Splendid Fairy-Wren. Males are blue. Matriarch runs a communal group.



Banksia cuneata or Matchstick Banksia flowers from Sept to Dec, pollinated by honeyeaters. It is a Threatened species.



Hakea bucculenta or Red Pokers, is a great screening plant that attracts nectar feeding birds during Winter-Spring.



Calothamnus quadrifidus or One-sided Bottlebrush attracts honeyeaters to its red flowers over Spring-Summer.

What to look for....

South Orchard

Alyogyne hakeafolia
Acacia ligustrina
A. lasiocalyx
A. lirrelata
Banksia caleyi
B. cuneata
Callistemon phoeniceus
Calothamnus quadrifidus
E. erythrocorys
E. kingsmillii
E. macrocarpa
E. rhodantha
E. woodwardii
Hakea bucculenta
H. francisiana
H. neurophylla

North Orchard

Acacia sessilispicca
Banksia attenuata
B. prionotes
Calothamnus rupestris
Eucalyptus caesia subsp. *caesia*
E. eremophila
E. drummondii
E. forrestiana
Hakea preissii
H. pandanocarpa
H. victoriae
H. scoparia
Leptospermum erubescens
L. nitens
Melaleuca macrorychia
M. lateriflora
M. thyoides
M. uncinata
Viminaria juncea



Banksia caleyi. Bushy shrub, 0.6-2 m high. Flowers are red/pink & cream, Sept to Jan. Cones hang downwards and are partially concealed by the foliage.



White-browed Babblers form monogamous pairs that build a dome-shaped nest with a hooded side entrance.



Eucalyptus caesia subsp. *caesia* A mallee growing to 10m with miniritchie bark and flowers with pink filaments & yellow anthers in June, July & Sept



Banksia prionotes Orange flowers in autumn, winter & spring. Also known as Acorn Banksia due to the cones becoming orange from the bottom up.



Hakea petiolaris or Sea urchin hakea grows to 3m high and flowers from June-Sept. Drought tolerant once established.



Hakea francisiana or Emu Tree, flowers from July to Oct. The nuts are favoured by Carnaby's black cockatoos

SY079-08/24 REQUEST FOR NEW MULTI-YEAR FUNDING AGREEMENT - FLOUR MILL EMPORIUM INC

File Number: 4.7710

Author: Sam Good, Manager Community & Place

Authoriser: Alina Behan, Executive Manager Corporate & Community Services

Previously before Council: 25 May 2021 (080521)

Disclosure of Interest: Nil

Appendices: 1. Flour Mill Emporium Application - Confidential

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

This report presents a request for a new Multi-year Funding Agreement (MFA) for the Flour Mill Emporium Inc (FME) for Council's consideration.

BACKGROUND

Most local governments in Western Australia provide a mechanism for the support of community, business and economic activities. Policies C3 - Community Funding: Grants and Sponsorship and C4 - Sponsorship of Tourism Events provide the parameters for considering applications for support.

In certain circumstances Council has resolved to provide multi-year funding to organisations and/or events that have a demonstrated capacity to contribute to the Shire's objectives annually, and over an extended period.

In accordance with the above policies, multi-year funding agreements can be offered for a maximum of three (3) years and formalised through a written multi-year funding agreement which outlines the obligations of each of the parties.

COMMENTS AND DETAILS

Officers are requesting Council consider entering into a new MFA with the FME, in an effort to provide surety of funding and to ease the burden of ongoing paperwork for funding applications on the FME committee whilst they work towards becoming self-sustaining. The FME have received annual funding through the Community Sponsorship rounds over several consecutive years and with an allocation included in past budgets for the Meet the Makers program.

The FME initially applied for Community Grant Funding in April 2024. Officers engaged with the applicant to discuss their application, and based on feedback from the Evaluation Panel, provided guidance around the need to work towards self-sustainability of their initiatives and the benefits of applying for an MFA towards this end goal.

Officers have considered the request against the guidelines against the following Community Sponsorship criteria:

1. Compliance with guidelines and policy
2. Value for investment
3. Community, social and sporting benefit

4. Alignment to the Strategic Community Plan and Corporate Business Plan aspirations and outcomes
5. Level of dedication and proven commitment demonstrated by the applicant (previous funding acquittals, matched funding contributions, project's reach and participation levels)

The assessment panel consisting of the Manager Community & Place, Manager Tourism & Economic Development and Finance Manager provided an assessment rating to inform the request and recommendations presented.

Assessment was undertaken against the following scoring criteria.

CRITERIA	SCORING INSTRUCTIONS	ASSIGNED SCORE				
Event Classification	Local/community, Emerging, Major, or Significant event (as described below)					
	Application	1	2	3	4	5
Economic Impact	1 (nil/minor) to 5 (high/significant impact)					
Social Benefit	1 (no/minor benefit) to 5 (high/major benefit)					
Environmental Impact	1 (high negative environmental impact) to 5 (low negative environmental impact)					
Strategic Benefit	1 (nil/minor benefit) to 5 (high/major benefit)					
Promotional Benefit (Benefit to the Shire)	1 (no/minor benefit) to 5 (high/major benefit)					
Total						

The assessment panel considers the merits of each request in accordance with Policy C3 - Community Funding Grants & Sponsorship and its associated guidelines.

With regards to the FME's application for an MFA, it is noted that the 'Meet the Makers' workshops have been successfully running since 2022, offering community entertainment, encouraging interest in local arts and artisans, supporting local musicians and contributing to York's business, cultural and tourism industries.

The Flour Mill volunteers have been building the Emporium's stock over many years and are opening seven (7) days per week, providing a destination for visitors to York. The premises provides disabled access via ramps, parking and amenities and activities with no participation costs, creating inclusivity for all. The FME proposal aligns with the Shire's Strategic Community Plan.

The FME is a not-for-profit organisation with all income received being invested back into its constitutional objectives of promotion and support of artists, artisans, local traders and tourism ventures in York.

The application requests \$4,000 per annum (\$12,000 over three (3) years). However, based on discussions and assessment against the guidelines and criteria, the recommendation from the Evaluation Panel is to provide staggered funding up to a total of \$9,000 over three (3) years as detailed below.

TABLE 1.

FLOUR MILL EMPORIUM INC. PROPOSED MFA 2025 - 2027			
FINANCIAL YEAR	SPONSORSHIP	FIRST PROGRESS PAYMENT (90%)	FINAL PAYMENT ON ACQUITTAL (10%)

2024/25	\$4,000 ex GST	September 2024	1 June 2025
2025/26	\$3,000 ex GST	July 2025	1 June 2026
2026/27	\$2,000 ex GST	July 2026	1 June 2027

A copy of the Flour Mill Emporium's funding application is presented in confidential Appendix 1.

OPTIONS

Council has the following options:

Option 1: Council could choose to support the Officers' recommendations as presented.

Option 2: Council could choose to seek further details from the applicant prior to a resolution.

Option 3: Council could choose to reduce the amounts of funding.

Option 4: Council could choose to reject the application for funding as presented.

Option 1 is the recommended option.

IMPLICATIONS TO CONSIDER

Consultative

Officers have engaged with the applicant where required or as detailed in this report and provided opportunity to discuss proposals prior to the application being submitted.

Strategic

Strategic Community Plan 2020-2030

Goal 1: The Place to Be

To be a close-knit community, full of life, in a welcoming and accessible place for all.

Goal 2: Driving the York Economy Forward

To have a vibrant, diverse and prosperous local economy which creates local jobs, business opportunities and a positive image for the Shire.

Goal 5: Strong Leadership and Governance

To have effective and responsive leadership and governance, where a sense of collective purpose and shared direction combine to work together.

Policy Related

C3 Community Funding; Grants & Sponsorship

C4 Sponsorship of Tourism Events

Financial

The 2024/25 budget includes an allocation for Area Promotion, totalling \$120,500 of which an allocation of \$4,000 can be made to support this activity this financial year.

TABLE 2.

BUDGET ALLOCATION	GL ACCOUNT	AVAILABLE FUNDING
Area Promotion	132145	\$4,000
Total Funding Pool Available		\$4,000

Legal and Statutory

All Council supported events need to comply and be assessed against any statutory policies and legislation. Events funded through the community funding round still require applications and assessment in accordance with the Shire's events approvals process ahead of the event occurring.

Risk Related

Should Council choose not to enter into multi-year funding agreements for recurring activities and event, this poses a reputational risk which is considered moderate to high in this particular instance and a potential financial risk which is rated moderate. Entering into agreements ensures that the expectations on both parties are clear and reduces the risk to ratepayer funds.

Workforce

The scope of this report can be managed utilising existing resources.

VOTING REQUIREMENTS

Absolute Majority: No

RESOLUTION

110824

Moved: Cr Denese Smythe

Seconded: Cr Chris Gibbs

That, with regard to the Request for new Multi-Year Funding Agreement - Flour Mill Emporium Inc, Council:

- 1. Receives the request for multi-year funding from the Flour Mill Emporium Inc, as presented in confidential Appendix 1.**
- 2. Requests the Chief Executive Officer to negotiate a multi-year funding agreement with the Flour Mill Emporium Inc under the following conditions:**
 - a. The Agreement will be in place from 1 July 2024 and expire on 30 June 2027.**
 - b. The amount of sponsorship will be provided in accordance with the table below:**

FINANCIAL YEAR	SPONSORSHIP	FIRST PROGRESS PAYMENT (80%)	FINAL PAYMENT ON ACQUITTAL (20%)
2024/25	\$4,000 ex GST	September 2024	1 June 2025 or earlier upon successful acquittal
2025/26	\$3,000 ex GST	July 2025	1 June 2026 or earlier upon successful acquittal
2026/27	\$2,000 ex GST	July 2026	1 June 2027 or earlier upon successful acquittal

- c. Payment will be subject to all milestone conditions of the Agreement being met on an annual basis.**
- 3. Authorises the Chief Executive Officer to make any necessary minor typographical and formatting changes to the multi-year funding agreement prior to signing.**

4. **Authorises the Shire President and Chief Executive Officer to engross the final multi-year funding agreement.**
5. **Directs the Chief Executive Officer to include the above agreed amounts in the 2024/25 - 2026/27 budgeting processes.**

In Favour: Crs Kevin Trent, James Adamini, Chris Gibbs, Kevin Pyke, Denese Smythe and Peter Wright

Against: Nil

CARRIED 6/0

SY080-08/24 REQUEST FOR NEW MULTI-YEAR FUNDING AGREEMENT - YORK RSL**Disclosure of Interest – Cr Trent – Financial – Request for new Multi-Year Funding Agreement - York RSL**

Cr Trent read the Financial Declaration - ... With regard to the Request for new Multi-Year Funding Agreement - York RSL, the matter in Item SY080-08/24, I disclose that I have an association with the applicant (or person seeking a decision). The association is I am the President of the York RSL. As a consequence, I will leave the meeting.

At 5:09pm, Cr Kevin Trent left the meeting.

MOTION**RESOLUTION****120824****Moved: Cr Peter Wright****Seconded: Cr Chris Gibbs**

That, in accordance with Section 5.6(3)(b) of the *Local Government Act 1995*, due to the Deputy Shire President's absence, Council chooses Councillor Denese Smythe to perform the functions of Presiding Person.

In Favour: Crs James Adamini, Chris Gibbs, Kevin Pyke, Denese Smythe and Peter Wright

Against: Nil

CARRIED 5/0

Cr Denese Smythe assumed the Chair at 5.09pm.

File Number: 4.7710

Author: Sam Good, Manager Community & Place

Authoriser: Alina Behan, Executive Manager Corporate & Community Services

Previously before Council: 25 May 2021 (080521)

Disclosure of Interest: Nil

Appendices: 1. York RSL Application - Confidential

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

This report presents requests for the renewal of multi-year funding agreement (MFA) for the York RSL for Council's consideration.

BACKGROUND

Most local governments in Western Australia provide a mechanism for the support of community, business and economic activities. Policies C3 - Community Funding: Grants and Sponsorship and C4 - Sponsorship of Tourism Events provide the parameters for considering applications for support.

In certain circumstances Council has resolved to provide multi-year funding to organisations and/or events that have a demonstrated capacity to contribute to the Shire's objectives annually, and over an extended period.

In accordance with the above policies, multi-year funding agreements can be offered for a maximum of three (3) years and formalised through a written multi-year funding agreement which outlines the obligations of each of the parties.

The multi-year funding agreement for the York RSL was considered by Council at its May 2021 Ordinary Meeting, where it resolved (080521):

"That Council:

- 1. Authorises the Chief Executive Officer to renew multi-year funding agreements for the following activities and events that occur on an annual basis to commence following the adoption of the 2021/22 financial budget:***
 - York Agricultural Society – York Show (\$11,000)***
 - Premiere Events – York Motorcycle Festival (\$22,500)***
- 2. Authorises the Chief Executive Officer to negotiate new funding agreements for the following activities and events that occur on an annual basis to commence following the adoption of the 2021/22 financial budget:***
 - York Veteran Car Club – York Motor Show (\$10,000)***
 - York RSL – ANZAC day (\$3,000)***
- 3. Authorises the Chief Executive Officer to make any necessary minor typographical and formatting changes to the funding agreements.***
- 4. Approves the Shire President and Chief Executive Officer to engross the final agreements.***
- 5. Requests the Chief Executive Officer to include the above amounts in the 2022/23 and 2023/24 financial years budgeting process."***

COMMENTS AND DETAILS

Following the 2024 acquittal process, the York RSL are seeking renewal of its MFA for the next three (3) years from 2024/25 to 2026/27, with a request for an increase in funding from \$3,000 to \$3,500 per annum.

The RSL's previous agreement, which expired at the end of June 2024, provided funding as outlined below.

TABLE 1.

RECIPIENT	START	EXPIRY	PROVISIONS (All amounts are ex GST)
RSL York Sub Branch	1 July 2021	30 June 2024	\$3,000 per annum paid as milestone payments (90% & 10% on successful acquittal) Financial contribution to deliver annual ANZAC commemorations

The RSL use these funds to organise the ANZAC Day Dawn Service, Gunfire Breakfast, Street Parade and ANZAC Day service at the War Memorial. These events connect the York community and also bring visitors to York. Over the past three (3) years, the RSL have noted a steady increase in attendees. This has demonstrated the support, enthusiasm and potential for the event, but has also resulted in additional expense, such as increased printing costs to produce service programs.

The RSL rely on funding from the Shire and Lotterywest, along with its own fundraising efforts in order to run these events. The provision of traffic management has presented a serious financial burden in recent years and combined with an ageing and dwindling membership base, threatens to cancel, or curtail, these traditional, commemorative community activities.

Table 2 outlines the proposed funding agreement with the York RSL for Council consideration.

TABLE 2.

RSL PROPOSED MFA 2025 - 2027			
FINANCIAL YEAR	SPONSORSHIP	FIRST PROGRESS PAYMENT (80%)	FINAL PAYMENT ON ACQUITTAL (20%)
2024/25	\$3,500 ex GST	September 2024	1 June 2025 or earlier upon successful acquittal
2025/26	\$3,500 ex GST	July 2025	1 June 2026 or earlier upon successful acquittal
2026/27	\$3,500 ex GST	July 2026	1 June 2027 or earlier upon successful acquittal

A copy of the RSL's funding application is presented in confidential Appendix 1.

OPTIONS

Council has the following options:

Option 1: Council could choose to support the recommendation as presented.

Option 2: Council could choose to seek further details from the applicant prior to a resolution.

Option 3: Council could choose to reduce the amount of funding.

Option 4: Council could choose to reject the application for funding as presented.

Option 1 is the recommended option.

IMPLICATIONS TO CONSIDER

Consultative

Officers have engaged with the applicant where required or as detailed in this report and provided opportunity to discuss the proposal prior to the application being submitted.

Strategic

Strategic Community Plan 2020-2030

Goal 1: The Place to Be

To be a close-knit community, full of life, in a welcoming and accessible place for all.

Goal 2: Driving the York Economy Forward

To have a vibrant, diverse and prosperous local economy which creates local jobs, business opportunities and a positive image for the Shire.

Goal 5: Strong Leadership and Governance

To have effective and responsive leadership and governance, where a sense of collective purpose and shared direction combine to work together.

Policy Related

C3 Community Funding; Grants & Sponsorship

C4 Sponsorship of Tourism Events

Financial

The 2024/25 budget includes an amount of \$42,000 which could be accessed to support this request as detailed below.

TABLE 3.

BUDGET ALLOCATION	GL ACCOUNT	AVAILABLE FUNDING
Multi-Year Funding Unallocated	132144	\$35,000
Public Relations – MYF/Support for Community Groups	041112	\$7,000
Total Funding Pool Available		\$42,000

Legal and Statutory

All Council supported events need to comply and be assessed against any statutory policies and legislation. Events funded through the community funding round still require applications and assessment in accordance with the Shire's events approvals process ahead of the event occurring.

Risk Related

Should Council choose not to enter into multi-year funding agreements for recurring activities and event, this poses a reputational risk which is considered moderate to high in this particular instance and a potential financial risk which is rated moderate. Entering into agreements ensures that the expectations on both parties are clear and reduces the risk to ratepayer funds.

Workforce

The scope of this report can be managed utilising existing resources.

VOTING REQUIREMENTS

Absolute Majority: No

RESOLUTION

130824

Moved: Cr Peter Wright

Seconded: Cr James Adamini

That, with regard to the Request for new Multi-Year Funding Agreement - York RSL, Council:

- 1. Receives the request for multi-year funding from the York Returned Services League, as presented in confidential Appendix 1.**
- 2. Requests the Chief Executive Officer to negotiate a multi-year funding agreement with the York Returned Services League under the following conditions:**
 - a. The Agreement will be in place from 1 July 2024 and expire on 30 June 2027.**
 - b. The amount of sponsorship will be provided in accordance with the table below:**

FINANCIAL YEAR	SPONSORSHIP	FIRST PROGRESS PAYMENT (80%)	FINAL PAYMENT ON ACQUITTAL (20%)
2024/25	\$3,500 ex GST	September 2024	1 June 2025 or earlier upon successful acquittal

	2025/26	\$3,500 ex GST	July 2025	1 June 2026 or earlier upon successful acquittal
	2026/27	\$3,500 ex GST	July 2026	1 June 2027 or earlier upon successful acquittal

c. Payment will be subject to all milestone conditions of the Agreement being met on an annual basis.

3. Authorises the Chief Executive Officer to make any necessary minor typographical and formatting changes to the multi-year funding agreement prior to signing.
4. Authorises the Shire President and Chief Executive Officer to engross the final multi-year funding agreement.
5. Directs the Chief Executive Officer to include the above agreed amounts in the 2024/25 - 2026/27 budgeting process.

In Favour: Crs James Adamini, Chris Gibbs, Kevin Pyke, Denese Smythe and Peter Wright

Against: Nil

CARRIED 5/0

At 5:10pm, Cr Kevin Trent returned to the meeting and resumed the Chair.

SY081-08/24 REPORT ON COUNCILLOR ATTENDANCE AT THE AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION'S 2024 NATIONAL GENERAL ASSEMBLY

File Number: 4.7712

Author: Vanessa Green, Council & Executive Support Officer

Authoriser: Chris Linnell, Chief Executive Officer

Previously before Council: 23 April 2024 (110424)

Disclosure of Interest: Nil

Appendices: 1. Cr Trent's Report [↓](#)

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

This item presents the report from Cr Kevin Trent's on his attendance at the Australian Local Government Association (ALGA) National General Assembly (NGA).

BACKGROUND

At its April 2024 Ordinary Meeting Council considered the attendance of Shire President, Cr Kevin Trent, at the ALGA NGA and resolved (110424):

"That, with regard to Attendance at the Australian Local Government Association's 2024 National General Assembly, Council:

- 1. Authorises Cr Kevin Trent, Shire President, to attend the 2024 Australian Local Government Association's National General Assembly (NGA) as a Full Delegate.***
- 2. Agrees to cover the following costs for Cr Kevin Trent's attendance:***
 - a. Full Delegate registration fee***
 - b. Regional Forum registration fee***
 - c. NGA Dinner on Wednesday 3 July 2024***
 - d. Australian Council of Local Government's Dinner on Thursday 4 July 2024***
 - e. Accommodation including breakfast at the hotel***
 - f. Travel expenses to Canberra and return including transfers between the airport, hotel and NGA venue***
- 3. Will not pay for:***
 - a. Alcohol and mini bar expenses***
 - b. Meals not associated with the NGA Program***
- 4. Approves a budget reallocation from GL: 041102 – Conference and Training Expenses to GL: 041124 – Strategic Planning to cover the costs of Cr Kevin Trent's attendance at the NGA.***
- 5. Notes that Senior Staff will also be attending the NGA."***

Clause 7.1 of Policy E2 – Councillors: Training and Continual Professional Development, states that within thirty (30) days of attending a professional development event of more than one (1) day

duration, Councillors must submit an individual or combined report for inclusion on the Council agenda.

COMMENTS AND DETAILS

Cr Trent has provided a report on the NGA which is presented in Appendix 1.

Cr Trent may wish to make further comment at the Meeting.

OPTIONS

Council has the following options:

Option 1: Council could choose to note the report provided by Cr Trent.

Option 2: Council could choose to reject the reports provided by Cr Trent.

Option 1 is the recommended option.

IMPLICATIONS TO CONSIDER

Consultative

Cr Kevin Trent

Strategic

Strategic Community Plan 2020-2030

Goal 5: Strong Leadership and Governance

To have effective and responsive leadership and governance, where a sense of collective purpose and shared direction combine to work together.

Policy Related

- E1 Code of Conduct – Council Members, Committee Members and Candidates
- E2 Councillors - Training and Continuing Professional Development
- E3 Councillors - Travel - Accommodation

Financial

The 2023/24 budget included an allocation for Councillor training and professional development at GL: 041102. Costs associated with Cr Trent's attendance at the NGA was allocated to this GL.

Legal and Statutory

Section 5.128 of the *Local Government Act 1995* is applicable and states:

"5.128. Policy for continuing professional development

- (1) *A local government must prepare and adopt* a policy in relation to the continuing professional development of council members.*

** Absolute majority required.*

- (2) *A local government may amend* the policy.*

** Absolute majority required.*

- (3) *When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*

- (4) *The CEO must publish an up-to-date version of the policy on the local government's official website.*

(5) *A local government —*

(a) *must review the policy after each ordinary election; and*

(b) *may review the policy at any other time.”*

Risk Related

Nil

Workforce

The scope of this report is managed within current operational capacity.

VOTING REQUIREMENTS

Absolute Majority: No

RESOLUTION

140824

Moved: Cr Denese Smythe

Seconded: Cr Chris Gibbs

That, with regard to the Report on Councillor Attendance at the Australian Local Government Association's 2024 National General Assembly, Council:

- 1. Notes the report provided by Cr Kevin Trent on his attendance at the Australian Local Government Association 2024 National General Assembly, as presented in Appendix 1.**

In Favour: Crs Kevin Trent, James Adamini, Chris Gibbs, Kevin Pyke, Denese Smythe and Peter Wright

Against: Nil

CARRIED 6/0

2024 National Government Assembly**Executive Summary**

The National Government Assembly was held in Canberra over the period Tuesday 2 – Friday 6 July in the National Convention Centre.

The theme of the Conference was Building Community Trust

The Conference provided an opportunity for the 537 Local Governments across Australia who provide many of the services that their communities expect, to meet with Federal Government Ministers who interact with Councils, in order to provide a sustainable society.

The gathering also provided Councils with the opportunity to present these Ministers with submissions in order to receive funding for projects in their area.

On the first day, the morning of 2 July, Day 1, a Regional Forum was held and addressed the issues of Building Community Trust. The morning commenced with a Welcome to Country, delivered by Paul Girrawah House, an Aboriginal Elder from the Canberra area.

Prior to the Regional Forum the CEO, Mr Chris Linnell and I met with Ms Kristy McBain MP, Minister for Regional Development Local Government and Territories. We raised the need for funding to build a new swimming pool in York. Later in the morning we went to Parliament House and spoke to The Hon Darren Chester MP and addressed the same issues with him. I came away believing that we were heard.

Cr Linda Scott, President of Australian Local Government Association stressed that Councils must be transparent and if Councils were to retain that trust in our actions in dealing with natural disasters, skills shortages and cost of living pressures then the trust between the spheres of Government and our residents is fundamentally important.

Cr Scott went on to advise that the ALGA has been advocating on behalf of all Councils across Australia regarding the many issues that confront Councils.

This has resulted in the Federal Budget including an additional \$330 million for Councils, including a \$150 million increase in the Roads to Recovery funding and \$155 million in Financial Assistance Grants indexation. Under the Whitlam Government the FAGs equated to 1% of the Gross Revenue being allocated to Local Government. Over the 50 years since 1974 this allocation has declined to 0.51% today.

Cr Scott will be standing down as President of ALGA at the end of her 4 year term.

Ms Kristy McBain MP Minister for Regional Development, Local Government and Territories then addressed the audience of over 1,200 elected members representing their Local and Regional Councils across Australia, noting the pressure on Local Governments and advising that an Enquiry into Local Government Sustainability was to be established. I suspect this could be a delaying tactic with the Federal Election approaching.

It could also result in an improvement in funding to Local Government.

The Minister advised that Local Government should maintain a relationship with the Federal Government in order that MPs and their staff are aware of issues facing their Councils and residents.

The Hon Darren Chester MP, then addressed the gathering. He believes that localism is the best chance for local people to achieve their goals. He believed, that although funding had been allocated for the recovery programs, due to changes in building regulations some were not back in homes destroyed by the fires or flood damage due to additional requirements to reduce the hazards in the future.

Following lunch, the delegates went to NGA Listening Sessions. I attended the session on Roads and Transport, where delegates had the opportunity to discuss issues affecting their roads with officers within the Department of Transport including heavy transport across most States in Australia. In Western Australia Main Roads ensure large and heavy loads are transported safely. I noted that Local Government is responsible for 75% of the roads in Australia, be they suburban streets or roads in outback Australia.

Over 2,500 members of the public die on roads in Australia per annum and this number is increasing.

3 July, Day 2 of the NGA was opened by the Hon Governor of Australia Her Excellency the Honourable Ms Sam Mostyn AC. This was her first address to the public since being sworn in on 2 July. This was preceded by the traditional Welcome to Country by Paul Girrawah House.

The Minister for Infrastructure, Transport, Regional Development and Local Government the Hon Catherine King MP then addressed the Conference, noting that FAG's had reduced from the Whitlam era but noting that the increases in Road to Recovery and Black Spot funding was reducing the short fall.

Senator Bridget McKenzie gave an address in reply, representing the Opposition Leader The Hon Peter Dutton MP. She recommended that Councils and the Association should call out the Government if they do not maintain their promises.

This was followed by Cr Scott who gave the President' address, welcoming all to the 2024 National Local Government Conference and especially thanking both the Minister and Senator McKenzie for their support over the past year, including ensuring that the President of ALGA had a seat at most Ministerial Councils. Cr Scott reintegrated many of the points raised in her address to the Regional Forum.

Following lunch in the Trade Exhibition area Annabelle Crabb, well known ABC Writer and Presenter spoke on the topic of Politics and Civic Engagement. She raised the issue of building trust between each sphere of Government and the Community. This has not been helped by the voting systems in use across Australia where voting not being compulsory in some States which encourages apathy amongst the community. The use of social media, by Councils trying to put forward their message, is often twisted by groups seeking to denigrate the Council or Councillors. Instability within each sphere of Government leads to the apathy and instability.

It was interesting to note that the Shire of Ashburton, who don't have a banking presence in their Shire, were advocating that a Local Government Bank of Australia be formed to provide the banking services their communities require.

Marcus Spiller then spoke on the Local Government Report. His comments covered the following: - Local governments are good with money, being able to drive the dollar further, however many Councils are struggling because they lack the income from rates and grants from State and Federal sources. In some cases, Councils are unable to apply for grants simply because they do not have the staff to continually monitor the opportunities that are advertised or the grants are tied to specific projects or are competitive. While funds may be available for a new building, grants are required for asset maintenance and improvement.

Improvements in assets rely on capital injections but rate increases are not popular and require a hard-nosed approach to obtain the funds for the work required.

Competition for grants requires skilled applications, not all Councils can afford the benefit of a skilled staff member or consultant.

After the meal break in the Trade area the delegates began debating the 120 motions that were forwarded to ALGA before the Conference.

These covered the following topics, all relevant to the Councils who put them forward mainly requesting ALGA take up the issue with the Federal Government.

Motions consistent with ALGA Policy, Intergovernmental Relations, Roads and Transport, Emergency Management, Housing and Homelessness, Jobs and Skills, Community Services, Closing the Gap and Aboriginal and Torres Strait Islander Reconciliation, Climate Change and Renewable Energy, Environment and finally Other Issues. While most motions were carried without debate, several were defeated after noisy opposition from sections of the assembly.

The General Assembly dinner was held at the Exhibition Park in Canberra (EPIC). I sat with the President of the Shire of Mukinbudin Cr Gary Shadbolt and Presidents of several other Eastern States Councils.

4 July, Day 3 commenced with the Welcome to Country before Simon Kuestemacher gave an interesting address on the demographics of the Australian population, noting that as the post war generation reduce in numbers so the aged care industry will decline until the next generation reach the age where they require care. He noted that as the next generation reached their forties, they will begin a boom in spending on household goods as their children leave home. Consumer spending will drive inflation and require the Reserve Bank to take action to reduce inflation which will impact on the next generation as they find it is difficult to obtain housing loans especially if they have HECs debt to pay off. The work force will change with a high proportion of working mothers as both parents struggle to save for their "dream" home. It was interesting to note that as the younger generation enter the work force that their attitude to working for the same employer for long periods, sometimes for their entire working life is no longer the case and many will have up to 16 different employers and see no benefit in staying in the same industry. This will result in limited corporate knowledge being retained.

After morning tea we were treated to a panel discussion on Simon Kuestemacher's address, led by five ladies who hold various positions as CEOs of Councils or similar bodies, addressing the Intergenerational Trust.

Briefly the points I noted were:

1. The demand for services is a demand Vs supply, do we have sufficient people to fill the role.
2. Younger people are not available to fill the role to service the elderly, they are studying or have moved to the city for employment opportunities.
3. Young people flit from job to job, leaving an unstable work environment.
4. Festivals attract visitors to country locations.
5. Director of Recovery Response Team, need to be ready but must also take care not to let their families suffer.
6. Establish a Youth Council to engage with the young people so they feel part of the system of Government.
7. Planning ahead will reduce waste, work-life balance is a major factor in retaining the services of young people.
8. Mental Health can be an issue amongst young people.
9. Housing in regional areas is critical for attracting key workers, whether in Local Government positions or private industry.

After lunch Stephen Yarwood, former Mayor of the City of Adelaide spoke on the topic of Community Trust in the Built Environment. He used the ideas from many Planners to demonstrate his knowledge of how to improve the built environment and make cities more appropriate for people living there,

covering everything from tiny homes to accommodation for empty nesters and the use of vegetation to soften the impact of large buildings.

Before the delegates went to prepare for the Gala Dinner at Parliament House the remainder of the afternoon was spent debating the remainder of the motions put forward by Councils. This concluded the 120 motions suggesting ALGA continue to press the Federal Government to enable local Councils to better serve their communities.

Prior to the meal being served delegates were offered the opportunity to have a photo taken with the Prime Minister. This was followed by the announcement of the winners of the 2024 National Awards for Local Government, presented to representatives of the Council who won an award by the Prime Minister.

The categories were *Women in Local Government*, won by the Shire of Chittering; *Waste Management*, won by Inner West Council, NSW; *Road Safety*, won by City of Gold Coast, Qld; *Regional Growth*, won by the City of Launceston; *Productivity*, won by the City of Stirling for their Trackless Tram; *Indigenous Recognition*, won by City of Greater Dandenong, Vic; *Disaster Readiness and Recovery*, won by the City of Gosnells; *Creativity and Culture*, won by Wyndham City Council, Vic; *Career Starter*, won by Armidale Regional Council, NSW; *Cohesive Communities*, won by Alice Springs Town Council; and *Addressing Violence Against Women and their Children*, won by the City of Greater Geraldton.

With in each category there were Honourable Mentions. An opportunity exists for the Shire of York to enter a nomination in the future.

During the Conference I collected a copy of the Regional Ministerial Budget Statement 2024-25, by The Hon Catherine King MP and The Hon Kristy McBain containing information on "Delivering a Resilient and Prosperous Future for Regional Australia".

5 July, Day 4 Following the Welcome to Country by Paul Girrawah House the 2024 Australian Council of Local Government commenced with addresses by panels of speakers comprising Federal members of Parliament whose portfolios impact on the third sphere of Government, our Councils.

The Hon Kristy McBain MP advised that Local Government and the Federal Government should work together to achieve the best outcome for our residents.

The Prime Minister promoted stronger social cohesion which depends on adequate funding. This includes housing for Local Government employees.

The two main speakers were followed by Panel discussions responding to questions collected from Slido, Patrick Gorman MP spoke on the ability of communities to recognise residents by submitting their achievements via an Award in the Australian Honours List. He also stressed the importance of flying the National Flag correctly.

Senator The Hon Chisholm spoke on funding for Regional Councils offering funds for university study via Lumen University and assistance for upgrades on main streets and regional airports.

Other speakers included Senator the Hon Murray Watt, MP Minister for Agriculture. As he left the stage, I approached him and advised him that I was from the Shire of York who were not in favour of the live sheep export ban and asked what the Federal Government were going to do to compensate farmers for the loss of income and the demise of rural communities, he said grants would be available.

Senator The Hon Bowen addressed the issue of Climate Change and reminded the audience that renewable energy provided the solution to reducing Australia's reliance on fossil fuels. He spoke on the use of community batteries being recharged by solar panels on homes storing energy and then feeding it back to the participants when the sun is not available to supply energy for homes. He spoke of wind farms and large solar collectors on land, although this would reduce the available land for agriculture. By using the Made in Australia Act it was hoped that Australian industries would be able

to manufacture solar panels and wind turbines to assist Australia to achieve net zero emissions by 2050.

Senator The Hon McAllister reminded the audience of the need to prepare, hence new homes in some eastern states only have electric stoves for cooking, running air conditioners for heating and cooling.

Following lunch in the exhibition area a panel discussion on Peri Urban and Regional Cities was held with the following speakers:

1. The Hon Catherine King MP, Minister for Infrastructure, Transport, Regional Development and Local Government. Addressed the issues as she sees them, funding for hard infrastructure vs the delivery of soft services and the benefit to the community of each. Housing, for essential workers, both Government employees plus for essential services operators as well in the Regions.
2. The Hon Kristy McBain MP, Minister for Regional Development, Local Government and Territories spoke on the matter of funding and the different eligibility criteria that must be met by those applying for funds. It was noted that some grants are available on a competitive basis, resulting in those with the best skills at applying for funds being successful.
3. The Hon Emma McBride MP, Assistant Minister for Health and Suicide Prevention, Assistant Minister Rural and Regional Health referred to the need for health services, and the role of Local Government in the delivery of the services.

The Closing Address was delivered by The Hon Kristy McBain MP

Observations drawn from the Conference:

1. With a Federal Election looming now is the time for Councils to press the Federal Government for funds to be set aside to achieve services and funding for projects which require attention.
2. On the home front, with York, Beverley, Northam and Toodyay being placed in the new seat of Bullwinkel which will be a peri urban seat we need to ensure the candidates are made aware of the issues facing the rural rump.

Cr Kevin Trent

President

Shire of York

27 July 2024

SY082-08/24 DIPLOMA OF LOCAL GOVERNMENT - STATUS REPORT - CR DENESE SMYTHE

File Number:	4.7712
Author:	Vanessa Green, Council & Executive Support Officer
Authoriser:	Chris Linnell, Chief Executive Officer
Previously before Council:	Not Applicable
Disclosure of Interest:	Nil
Appendices:	1. Cr Smythe Report ↓

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

This item presents a report from Cr Denese Smythe on the status towards completion of the Diploma of Local Government – Elected Member (Course Code LGA50220).

BACKGROUND

Councillor Denese Smythe is enrolled to complete the Diploma of Local Government (the Diploma). The Diploma program is the highest level of qualification that an Elected Member can obtain through WALGA Training.

The qualification gives individuals the opportunity to expand their skills and knowledge through developing a deeper understanding of legislative and regulatory requirements and how they apply to the roles and responsibilities of an Elected Member.

The Diploma explores a wide range of topics such as financial reports and budgets, dealing with conflict, community leadership and advocacy, strategic decision making, policy development, asset management and understanding land use and local planning schemes. The training program will enable Elected Members to increase their competency in order to be a strong leader for their local community and to confidently contribute to informed decision making.

The qualification has been developed according to the requirements of the Local Government Training Package and has been approved for delivery by the Training Accreditation Council. The Diploma is nationally recognised within the Australian Qualification Framework and consists of ten (10) Units of Competency (UoC), being six (6) core and four (4) elective units.

The training for each UoC includes seven (7) topic specific intensive workshops followed by virtual training sessions to deepen the individual's understanding and to prepare them for each individual assessment task. Each UoC has a set of individual assessment tasks, requiring approximately fifteen (15) hours of reading, research and completing each task.

COMMENTS AND DETAILS

In accordance with Clause 7.1 of Policy E2 – Councillors: Training and Continual Professional Development, within thirty (30) days of attending a professional development event of more than one (1) day duration, Councillors must submit an individual or combined report for inclusion on the Council agenda.

The report provided by Councillor Denese Smythe on the successful UoC completion is presented in Appendix 1.

Cr Denese Smythe may wish to make further comment at the Meeting.

OPTIONS

Council has the following options:

Option 1: Council could choose to note the report provided by Cr Denese Smythe.

Option 2: Council could choose to reject the report provided by Cr Denese Smythe.

Option 1 is the recommended option.

IMPLICATIONS TO CONSIDER

Consultative

Cr Denese Smythe

WALGA

Strategic

Strategic Community Plan 2020-2030

Goal 5: Strong Leadership and Governance

To have effective and responsive leadership and governance, where a sense of collective purpose and shared direction combine to work together.

Policy Related

E1 Code of Conduct – Council Members, Committee Members and Candidates

E2 Councillors - Training and Continuing Professional Development

E3 Councillors - Travel - Accommodation

Financial

The 2023/24 budget includes an allocation for Councillor training and professional development at GL: 041102. Costs of \$5,085 to enrol in the Diploma were attributed to this GL. An allocation of the same amount (\$5,085) will need to be included in the 2024/24 budget as the cost to complete the Diploma is split over two (2) financial years in accordance with Policy E2.

Legal and Statutory

Section 5.128 of the *Local Government Act 1995* is applicable and states:

“5.128. Policy for continuing professional development

- (1) *A local government must prepare and adopt* a policy in relation to the continuing professional development of council members.*

** Absolute majority required.*

- (2) *A local government may amend* the policy.*

** Absolute majority required.*

- (3) *When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*

- (4) *The CEO must publish an up-to-date version of the policy on the local government’s official website.*

- (5) *A local government —*
- (a) *must review the policy after each ordinary election; and*
 - (b) *may review the policy at any other time.”*

Risk Related

Nil

Workforce

The scope of this report is managed within current operational capacity.

VOTING REQUIREMENTS

Absolute Majority: No

RESOLUTION

150824

Moved: Cr Denese Smythe

Seconded: Cr James Adamini

That, with regard to the Diploma of Local Government - Status Report - Cr Denese Smythe, Council:

- 1. Notes the report provided by Cr Denese Smythe, as presented in Appendix 1, on the successful completion of the Units of Competency for the Diploma of Local Government – Elected Member (Course Code LGA50220), provided in accordance with Policy E2 – Councillors: Training and Continual Professional Development.**

In Favour: Crs Kevin Trent, James Adamini, Chris Gibbs, Kevin Pyke, Denese Smythe and Peter Wright

Against: Nil

CARRIED 6/0

Cr Denese Smythe report on Diploma training

This report is to inform that I have successfully completed and passed the unit PSPPCY001 Contribute to Policy Development of the Diploma of Local Government.

Undertaking this unit has assisted me to understand a wider range of issues associated with strategic decision making, how major issues impacting on policy are analysed, interpreted and integrated through the development stages.

I was required to differentiate between Council policies and operational procedures, explain a model of policy development and the relationship between policies and natural justice. I had to show knowledge of understanding the links between policy making and strategic planning and identify how as an elected member how I can influence strategic direction through policy.

Requirements of the unit included:

1. Contribute to the consultative phase of policy development
2. Contribute to the validation stage of policy development
3. Provide feedback on policy development
4. Contribute to the review of policy

I was required to provide evidence of current policies underpinning the Shire of York, the policy cycle, organisation and government processes and procedures and the principle of community and stakeholder engagement in policy development.

I have one more unit to complete which is Asset Management.

Denese Smythe

6th August 2024



UNIT ASSESSMENT RESULT RECORD (UARR)

<i>The Unit Assessment Result Record must be completed by the Trainer/Assessor within 7 days of marking the last assessment of a UoC. All marked assessments must be stored on MOODLE or in the individual student file and made available for quality checks to the compliance team.</i>			
Qualification	LGA50220 - Diploma of Local Government - Elected Member		
Unit(s) of Competency	PSPPCY001 Contribute to policy development		
Candidate Name	Denese Eileen Smythe	ID	[REDACTED]
Assessors Name	Mark Chester		
Unit Start Date	23/07/2024	Unit Completion Date	6/08/2024
<i>Result key for individual assessments: S = Satisfactory/ NYS = Not yet satisfactory Result Key for the UoC: C = Competent/ NYC = Not yet competent</i>			
Unit Information		Assessment Outcome	
There are 2 assessment tasks for this unit of competency			
Assessment 1	Knowledge Questions	S	
Assessment 2	Project	S	
Overall Assessment outcome for this UoC		C	
Summary of assessment outcomes: Denese, you have demonstrated throughout this assessment you're in depth understanding of the required knowledge and practical application of skills demonstrating competency in all aspects of this unit of competency. Your analysis of the Shire of York's Policy Framework, including the revised description of the various topics demonstrates your knowledge of the Shire's policies, including how to access and interpret each policy. The examples for improvement, such as developing a policy to guide policy development and review is good practice to make the process more consistent and effective. Reference to the land use and temporary accommodation policy, identifying stakeholders to be consulted, validation, implementation and review align with best practise principles. Identifying the need for resources in the budget to manage compliance and policy development, reference to the Code of Conduct provisions, and advantages and disadvantages of regular review of policy are all relevant. The idea of prioritising which policies should be reviewed more regularly because of changes in circumstances such as changes to legislation, population growth, changes in community demands are all valid reasons for reviewing policy. Your check list for policy development ensures compliance with legislation, engaging with the community and other stakeholders. Congratulations on successfully completing PSPPCY001 Contribute to policy development.			
If NYC: I have informed the candidate of the outcome and advised to re-enrol for this UoC.			
Assessor Declaration: <i>I declare that I have:</i> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Conducted the assessment following the principles of assessment and collected the evidence following the rules of evidence. <input checked="" type="checkbox"/> I have provided feedback of the Unit Assessment Result in writing to the candidate. 			
Trainer/Assessor Signature:		[REDACTED]	

Version: V2
 Date Created: 8 December 2021
 Last Reviewed: 7 February 2024

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 RTO Code 51992

SY083-08/24 PROPOSED DELEGATION OF AROC REPRESENTATIVES TO CANBERRA

This Item was withdrawn from the Agenda as the Avon Regional Organisation of Councils is reconsidering the timing of the delegation to Canberra. A report will be presented to Council in the future once those details have been finalised.

SY084-08/24 APPOINTMENT OF MEMBERS TO THE YORK HONOURS REFERENCE GROUP

File Number:	4.7712
Author:	Vanessa Green, Council & Executive Support Officer
Authoriser:	Chris Linnell, Chief Executive Officer
Previously before Council:	Not Applicable
Disclosure of Interest:	Nil
Appendices:	1. Reviewed Terms of Reference ↓ 2. Nominations ↓

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

This report presents nominations for the appointment of community members to the York Honours Reference Group (YHRG) and a review of its Terms of Reference to Council for consideration.

BACKGROUND

The YHRG consists of one (1) Councillor and up to six (6) community representatives. The community representatives are made up of one (1) representative from the York & Districts Community Bank Branch of Bendigo Bank, one (1) representative from the York & District Co-Operative Ltd and up to four (4) members of the community.

The purpose of the YHRG is to:

1. Determine what honours awards are relevant and appropriate for the Shire of York and make recommendations to Council.
2. Develop and promote the criteria relevant to various community awards.
3. Provide advice and recommendations to Council on matters relating to the community which may include honours and awards, roads, reserve and place names, volunteer recognition. This may relate to local, regional, state and federal awards and honours.
4. Select the recipients of honours and awards in accordance with the designated criteria and make recommendations to Council.

The YHRG's Terms of Reference state that where a person is appointed as a member of the YHRG, their membership continues until:

1. The person no longer holds office by virtue of which the person became a member.
2. The person resigns from membership.
3. The YHRG is disbanded.
4. Council removes the person from the YHRG by resolution of Council.

In a difference to other Committees and Working Groups, the YHRG is not disbanded following the biennial October Local Government Elections. This is because at that time the YHRG are in the midst of organising the next Australia Day Honour Award recipients. Instead, the YHRG's membership is considered following the Australia Day event.

COMMENTS AND DETAILS

Officers sought nominations from community members for the YHRG in accordance with the YHRG Terms of Reference and Policy G9 - Reference Groups by advertising on the Shire's website, noticeboards, via social media and in the York & Districts Community Matters newspaper.

Nominations opened on Tuesday 14 May 2024 and closed on Friday 12 July 2024. Two (2) nominations were received from the following community members (listed in alphabetical order) for the four (4) available places:

1. Gwen Gentle
2. Margaret Wallace

The York & Districts Community Bank Branch of Bendigo Bank representative will remain, as will the York & District Co-Operative Ltd representative as both organisations are sponsors of the Sports Star of the Year Awards and Australia Day breakfast respectively.

Cr Denese Smythe is the current Council delegate. In addition to the community representatives, Council will need to consider its delegate(s) to the YHRG. Cr Smythe has indicated she will re-nominate.

Due to the lower number of community member nominations received in this round of advertising, Officers have reviewed the YHRG's Terms of Reference to enable additional Council delegates to be appointed should community member nominations be lacking. The purpose of this is to ensure the ability to obtain a quorum for meetings, as the timeframe for the YHRG's meeting schedule in line with the close of Citizen of the Year nominations and Council's meeting schedule is very tight. The change reflects similarity with the Terms of Reference for the Audit & Risk Committee appointees which also allows for external members. A copy of the reviewed Terms of Reference is presented in Appendix 1.

In accordance with the YHRG's Terms of Reference, in appointing the nominations Council is to consider the following criteria:

1. *"Nominees are to be a resident within the Shire of York"*
2. *Nominees are to be committed to working as a team member for the effective operation of the Group*
3. *Nominees are to have knowledge of York and its community"*

Copies of the nominations received are presented in Appendix 2. Council may wish to go 'Behind Closed Doors' to discuss the nominations.

The YHRG will meet in early November 2024 to review the applications received for the Citizen of the Year and Sports Star of the Year Awards.

OPTIONS

Council has the following options:

- Option 1:** Council could choose to accept all nominations received for membership, appoint Councillor(s) as delegates to the YHRG and adopt the reviewed Terms of Reference.
- Option 2:** Council could choose to reject all nominations received for membership and not appoint a Councillor as its delegate to the YHRG or adopt the reviewed Terms of Reference.
- Option 3:** Council could choose to accept some of the nominations received and reject others for membership to the YHRG, request the Chief Executive Officer to undertake another advertising process to attract additional interest from the community, appoint a Councillor as its delegate to the YHRG and not adopt the reviewed Terms of Reference.

Option 1 is the recommended option.

IMPLICATIONS TO CONSIDER**Consultative**

YHRG

Advertising from Tuesday 14 May 2024 to Friday 12 July 2024

StrategicStrategic Community Plan 2020-2030

Goal 1: The Place to be

To be a close-knit community, full of life, in a welcoming and accessible place for all.

Goal 5: Strong Leadership and Governance

To have effective and responsive leadership and governance, where a sense of collective purpose and shared direction combine to work together.

Policy Related

G9 Reference Groups

Financial

There are no financial implications to Council as the community member roles are voluntary hence payment for meeting attendance or expenses is not applicable.

Legal and Statutory

The YHRG is not a formally constituted Committee under Section 5.8 of the *Local Government Act 1995*.

Risk Related

Nil

Workforce

The scope of this report and administrative support of the YHRG is managed within current resources.

VOTING REQUIREMENTS**Absolute Majority: No****RESOLUTION****160824****Moved: Cr Denese Smythe****Seconded: Cr James Adamini****That, with regard to the Appointment of Members to the York Honours Reference Group, Council:**

- 1. Adopts the reviewed Terms of Reference for the York Honours Reference Group, as presented in Appendix 1.**
- 2. Appoints Councillors Trent, Smythe and Wright as the delegates to the York Honours Reference Group.**
- 3. Appoints the following community members to the York Honours Reference Group:**
 - a. Mrs Gwen Gentle**
 - b. Mrs Margaret Wallace**

In Favour: Crs Kevin Trent, James Adamini, Chris Gibbs, Kevin Pyke, Denese Smythe and Peter Wright

Against: Nil

CARRIED 6/0

York Honours Reference Group Terms of Reference



1x Councillors	- Cr Denese Smythe (Chair) Up to two (2) Councillors as nominated by Council where three (3) community members are appointed; or Up to three (3) Councillors as nominated by Council where two (2) community members are appointed; or Up to four (4) Councillors as nominated by Council where one (1) community member is appointed; or As nominated by Council where no community members are able to be appointed
Community Representation	- 1x representative from York & Districts Community Branch of Bendigo Bank - 1x representative from York & Districts Co-Operative Ltd Up to 4x community members
Ex Officio	- Council & Executive Support Officer
Chairperson	- The Chairperson shall be an ^{the} Elected Member Delegate
Officer Responsible	- Chief Executive Officer
Meeting Schedule	- Annually (November) or more frequently as otherwise required
Meeting Location	- Council Chambers, York Town Hall
Quorum	- Four (4) Members, including the Elected Member Delegate
Secretariat	- The Secretariat functions will be provided by an Officer of the Shire
Delegated Authority	- Nil
Purpose	- The purpose of the York Honours Reference Group is to: <ul style="list-style-type: none"> • Determine what honours and awards are relevant and appropriate for the Shire of York and make recommendations to Council • Develop the criteria relevant to various local community awards • Provide advice and recommendations to Council on matters relating to community honours and awards and volunteer recognition. This may be at a local, regional, state and federal level • Select the recipients of honours and awards in accordance with the designated criteria applicable to each and make recommendations to Council

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1. Name

The name of the Group is the York Honours Reference Group (YHRG).

York Honours Reference Group Terms of Reference



2. District/Area of Control

Local Government boundaries of the Shire of York.

3. Vision/Purpose

The purpose of the York Honours Reference Group is to:

1. Provide advice to Council regarding:
 - a. Community and other awards
 - b. Volunteer recognition

2. Provide nominations for award candidates.

4. Establishment

The Group is not a formally constituted Committee under Section 5.8 of the Local Government Act 1995.

Unknown

5. Membership

5.1 General

Council will appoint members to the Group in accordance with the following criteria:

- Resident within the Shire of York
- Committed to working as a team member for the effective operation of the Reference Group
- Knowledge of York and its community

Staff will be invited to participate in the Group by the Chief Executive Officer as required.

Council will appoint ~~one~~ elected member(s) as ~~a~~ Delegate(s) in accordance with these Terms of Reference.

5.2 Tenure of Membership

Where a person is appointed as a member of the ~~York Honours Reference Group~~YHRG membership of the Group continues until:

- The person no longer holds office by virtue of which the person became a member.
- The person resigns from membership of the Group.
- The Group is disbanded (see note below).
- Council removes the person from the Group by resolution of Council.

In a difference to other Committees and Working Groups, the ~~York Honours Reference Group~~YHRG is not ~~to be~~ disbanded following the biennial October Local Government Elections. This is because at that time the Group will be in the process of organising the next ~~Australia Day event and~~ Honour Award recipients ~~for presentation on Australia Day~~. Instead, the Group's membership will be considered ~~in February~~ each year following the Australia Day event.

5.3 Appointment of Community Representatives

Where timing allows, the Group may seek nominations from community members who meet the criteria referenced at 5.1 by way of local advertising. Alternatively, community members who

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numbering

York Honours Reference Group Terms of Reference



meet the criteria referenced at 5.1 may be identified and approached for membership on a selective and individual basis.

In a situation where up to four (4) community members are not able to be appointed, Council can elect to appoint a Councillor(s) to fill that position ie up to three (3) Councillors where two (2) community members are appointed or up to four (4) Councillors where one (1) community member is appointed.

The Group will consider applications and nominations for community representation to the Group and make recommendations to Council for appointment to the Group.

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6. Delegated Authority

The Group has no delegated authority.

7. Membership

7.1 Chairperson

The role of Chairperson is to be vacated in February each year and be reappointed by Councilthe Group at its next meeting.

A Councillor of the Shire of York will be the Chairperson.

7.2 Secretariat

This role is to be fulfilled by Shire Officers.

7.3 Standing Ex-Officio Members

Chief Executive Officer and/or his delegate and the Council and Executive Support Officer.

8. Meetings

8.1 Group Meetings

The Chairperson shall call meetings as required.

8.2 Quorum

Quorum shall be four (4) members including at least one (1) Councillor.

8.3 Voting

Voting shall be by consensus or by a show of hands as directed by the Chairperson.

8.4 Minutes of Meetings

The Chairperson is to ensure that Notes are kept of the meeting proceedings.

Good evening Vanessa,
I would like to put my name forward for the honours committee.

1. I am a resident of York, lived here all my life. (77yrs).
2. I have worked on many committees also holding office of these committees.
I am presently on the York Probus committee and hold the position of organising guest speakers and outings.
I am a member of the York bowling Club and play pennants for York. I am a life member of the club.
I am on the committee of the York Agricultural Society, held an office there for 42 years. I am a life member of the society.
I attend the Holy Trinity Church and help where ever needed.
I was awarded citizen of the year for York in 2010.
3. I feel I have the understanding of this committee and I enjoy giving my time to our town wherever.

Kind regards,
Gwen Gentle

Hi Gwen,

There isn't a nomination form. You just need to submit your application in writing (email is fine) addressing the three criteria listed in the advert (ie how you can meet/achieve those things), being:

- Nominees are to be a resident within the Shire of York.
- Nominees are to be committed to working as a team member for the effective operation of the Group.
- Nominees are to have knowledge of York and its community.

If you want to call into the office to discuss it further please feel free.

Let me know if you have any queries.

Kind regards,
Vanessa

Hi Vanessa
I am happy to continue on the honours committee do I need to contact to office and fill in a form.

Cheers
Gwen

13-2-23.

So

The Shire of York.

York Honours Reference Group. Nominations.

So Vanessa Green.

My name is Margaret Wallace.

I am a resident of York my address is
14 Owens Rd, Lyarbygine 6302.I have always been committed to helping others and
working with other team members:My knowledge of York and community goes a long way.
I love my Town.This is why I would like to nominate to join the.
York Honours Reference Group.

Thank you.

M. Wallace.

SY085-08/24 DEFERMENT OF FINANCIAL REPORT FOR JULY 2024

File Number: 4.7714

Author: Alina Behan, Executive Manager Corporate & Community Services

Authoriser: Chris Linnell, Chief Executive Officer

Previously before Council: Not Applicable

Disclosure of Interest: Nil

Appendices: Nil

NATURE OF COUNCIL'S ROLE IN THE MATTER

Legislative

PURPOSE OF REPORT

For Council to note the deferment of the Financial Report for July 2024.

BACKGROUND

As the 2024/25 Budget was adopted in early August there is a requirement to defer the presentation of the Financial Report for July 2024 to Council.

COMMENTS AND DETAILS

As the 2024/25 Budget was only recently adopted at Council's Special Meeting on 6 August 2024 (Res 030824) there is insufficient time to produce a financial report for July 2024 comparing expenditure to budget allocations.

In accordance with Regulation 34(4) of the *Local Government (Financial Management) Regulations 1996* the Financial Report for the month of July 2024 will be presented to Council at its September 2024 meeting. This will still be within the allowable legislative timeframe.

OPTIONS

Not applicable

IMPLICATIONS TO CONSIDER**Consultative**

Executive Leadership Team

Finance Manager

Moore Australia

StrategicStrategic Community Plan 2020-2030

Goal 5: Strong Leadership and Governance

To have effective and responsive leadership and governance, where a sense of collective purpose and shared direction combine to work together.

Policy Related

Nil

Financial

Nil

Legal and Statutory

Regulation 34(4) of the *Local Government (Financial Management) Regulations 1996* is applicable and states:

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.”*

Risk Related

Nil

Workforce

Nil

VOTING REQUIREMENTS**Absolute Majority: No****RESOLUTION
170824****Moved: Cr Denese Smythe****Seconded: Cr Chris Gibbs****That, with regard to the Deferment of Financial Report for July 2024, Council:**

- 1. Notes the Financial Report for July 2024 will be presented to its September 2024 Ordinary Meeting.**

In Favour: Crs Kevin Trent, James Adamini, Chris Gibbs, Kevin Pyke, Denese Smythe and Peter Wright

Against: Nil

CARRIED 6/0

SY086-08/24 INVESTMENTS - JULY 2024

File Number:	4.7714
Author:	Codey Redmond, Manager Finance
Authoriser:	Alina Behan, Executive Manager Corporate & Community Services
Previously before Council:	Not Applicable
Disclosure of Interest:	Nil
Appendices:	1. Investment Register July 2024 ↓

NATURE OF COUNCIL'S ROLE IN THE MATTER

Legislative

PURPOSE OF REPORT

This report presents the balance and distribution of investments held by the Shire of York to Council.

BACKGROUND

Policy F4 - Investment requires Council to review the performance of its investments monthly. 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:

1. Council's Investments
2. Application of Investment Funds
3. Investment Performance

There were no maturing term deposits for the month of July 2024.

Further details of the Shire's current term deposits and bank balances is presented in Appendix 1.

OPTIONS

Not applicable

IMPLICATIONS TO CONSIDER**Consultative**

Standard and Poor's Australia - Global ratings

Financial institutions

Strategic

Strategic Community Plan 2020-2030

Goal 5: Strong Leadership and Governance

To have effective and responsive leadership and governance, where a sense of collective purpose and shared direction combine to work together.

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

Policy Related

F4 Investment

Delegation 1.1.19 - Power to Invest and Manage Investments

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 protect the Shire's funds.

Legal and Statutory

Section 6.14 of the *Local Government Act 1995* is applicable and states:

“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.”*

Regulations 19 and 19C of the *Local Government (Financial Management) Regulations 1996* are applicable and state:

“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

The scope of this report can be managed within current operational capacity.

VOTING REQUIREMENTS

Absolute Majority: No

RESOLUTION

180824

Moved: Cr Peter Wright

Seconded: Cr Chris Gibbs

That, with regard to Investments - July 2024, Council:

- 1. Receives and notes the Shire of York Investment Portfolio, as presented in Appendix 1.**

In Favour: Crs Kevin Trent, James Adamini, Chris Gibbs, Kevin Pyke, Denese Smythe and Peter Wright

Against: Nil

CARRIED 6/0



SHIRE OF YORK INVESTMENT PORTFOLIO

31 July 2024

Reference	Deposit Institution	S & P's	Investment Date	Maturity Date		Investment Value	% of total portfolio	Investment Rate	Value at maturity	Total Interest to be paid at maturity
MUNICIPAL - Interest Bearing NCDs/TDs										
	AMP Banking	BBB	Wednesday, 16 August 2023	Friday, 16 August 2024	366	500,311.65	8%	5.40%	520,574.27	27,090.85
MUNICIPAL - Interest Bearing NCDs/TDs						500,311.65	8%	5.40%	520,574.27	27,090.85
MUNICIPAL - Other funds										
	Municipal Account 118630623	BBB+				2,597,181.77	40%		2,597,181.77	0.00
	Westpac Flex-i	AA-				5,402.13	0%		5,402.13	0.00
	AMP Banking At call	BBB				28,795.86	0%		28,795.86	0.00
	AMP Banking Notice	BBB				301,889.89	5%		301,889.89	0.00
MUNICIPAL - Other						2,933,269.65	45%		2,933,269.65	0.00
RESERVE - Interest Bearing NCDs/TDs										
	AMP Banking	BBB	Tuesday, 12 December 2023	Thursday, 12 December 2024	366	1,003,684.94	15%	5.40%	1,058,032.49	54,347.55
	AMP Banking	BBB	Wednesday, 25 October 2023	Friday, 25 October 2024	366	570,783.67	9%	5.15%	600,259.56	29,475.89
	Bendigo Reserve TD		Friday, 17 May 2024	Monday, 17 February 2025	276	509,573.65	8%	4.00%	524,986.51	15,412.86
RESERVE - Interest Bearing NCDs/TDs						2,084,042.26	32%	5.28%	2,183,278.56	99,236.30
RESERVE - Other funds										
	Reserve Acct 119521748	BBB+				550,116.01	8%		550,116.01	0.00
RESERVE - Other						550,116.01	8%		550,116.01	0.00
TRUST - Interest Bearing NCDs/TDs										
T2/SUBDIVISIONS	Bendigo Bank	BBB+	Monday, 29 January 2024	Wednesday, 29 January 2025	366	36,000.36	0.55%	4.75%	37,715.06	1,714.70
T40 I/SECTIONS 2513	Bendigo Bank	BBB+	Monday, 29 January 2024	Wednesday, 29 January 2025	366	33,774.20	0.52%	4.75%	35,382.87	1,608.67
T77 C/OVERS 2514	Bendigo Bank	BBB+	Monday, 29 January 2024	Wednesday, 29 January 2025	366	64,976.56	0.99%	4.75%	68,071.40	3,094.84

TRUST - Interest Bearing NCDs/TDs	134,751.12	2%	4.75%	141,169.33	6,418.21
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TRUST - Other funds

Trust Acct 118630649	BBB+	330,332.43	5%	330,332.43	0.00
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TRUST - Other	330,332.43	5%	330,332.43	0.00
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TOTALS	6,532,823	100%	5.14%	6,658,740	132,745
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Reconciliation		
by rating	Value of Investments/Bank accounts	
AA-	5,402.13	0%
BBB+	3,612,381.33	60%
BBB	2,405,466.01	40%
TOTAL	6,023,249.47	100%

Summary of Amounts				
TD's by bank			Bank Accounts - Bendigo Bank	
Bendigo Bank	134,751.12	6%	Municipal	2,597,181.77
AMP Banking	2,074,780.26	94%	Reserve	550,116.01
National Australia Bani	0.00	0%	Trust	330,332.43
Westpac Bank	0.00	0%	AMP At call	28,795.86
			AMP Notice	301,889.89
			Wespac Flex-i	5,402.13
	2,209,531.38	100%	31-Jul-24	\$ 3,813,718.09
Total Cash				6,023,249.47

Interest Earnings			Total Cash by Fund	
Fund	Adopted Budget	Year to Date Actual	Fund	
Municipal	\$ 70,000.00	\$ -	Municipal	3,433,581.30
Reserve	\$ 47,000.00	\$ -	Reserve	2,634,158.27
Trust	\$ -	\$ -	Trust	465,083.6
Total	\$ 117,000.00	\$ -	Total	\$ 6,532,823.12

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

NIL

13 MEETING CLOSED TO THE PUBLIC**13.1 Matters for which the Meeting may be closed****Disclosure of Interest – Chris Linnell – Financial – Confidential - Chief Executive Officer's - 2023/24 Performance Appraisal, Key Performance Indicators for 2024/25 and review of Total Reward Package**

Chris Linnell read the Financial Declaration - ... With regard to Confidential - Chief Executive Officer's - 2023/24 Performance Appraisal, Key Performance Indicators for 2024/25 and review of Total Reward Package, the matter in Item SY087-08/24, I disclose that I have an association with the applicant (or person seeking a decision). The association is I am the CEO of the Shire of York. As a consequence, I will leave the meeting.

Chris Linnell left the meeting at 5.16pm.

Disclosure of Interest – Alina Behan – Financial – Confidential - Chief Executive Officer's - 2023/24 Performance Appraisal, Key Performance Indicators for 2024/25 and review of Total Reward Package

Alina Behan read the Financial Declaration - ... With regard to Confidential - Chief Executive Officer's - 2023/24 Performance Appraisal, Key Performance Indicators for 2024/25 and review of Total Reward Package, the matter in Item SY087-08/24, I disclose that I have an association with the applicant (or person seeking a decision). The association is I am an employee of the Shire of York and the Chief Executive Officer's Total Reward Package should remain confidential. As a consequence, I will leave the meeting.

Alina Behan left the meeting at 5.16pm.

Disclosure of Interest – Lindon Mellor – Financial – Confidential - Chief Executive Officer's - 2023/24 Performance Appraisal, Key Performance Indicators for 2024/25 and review of Total Reward Package

Lindon Mellor read the Financial Declaration - ... With regard to Confidential - Chief Executive Officer's - 2023/24 Performance Appraisal, Key Performance Indicators for 2024/25 and review of Total Reward Package, the matter in Item SY087-08/24, I disclose that I have an association with the applicant (or person seeking a decision). The association is I am employed by the Chief Executive Officer. As this item relates to the Chief Executive Officer's salary this should be confidential. As a consequence, I will leave the meeting.

Lindon Mellor left the meeting at 5.17pm.

RESOLUTION**190824****Moved: Cr Denese Smythe****Seconded: Cr Chris Gibbs**

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

SY087-08/24 - Confidential - Chief Executive Officer's - 2023/24 Performance Appraisal, Key Performance Indicators for 2024/25 and review of Total Reward Package

This matter is considered to be confidential under Section 5.23(2)a of the *Local Government Act 1995*, 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 affecting an employee or employees.

In Favour: Crs Kevin Trent, James Adamini, Chris Gibbs, Kevin Pyke, Denese Smythe and Peter Wright

Against: Nil

CARRIED 6/0

The Gallery left the meeting at 5.18pm and the doors were closed.

SY087-08/24 - CONFIDENTIAL - CHIEF EXECUTIVE OFFICER'S - 2023/24 PERFORMANCE APPRAISAL, KEY PERFORMANCE INDICATORS FOR 2024/25 AND REVIEW OF TOTAL REWARD PACKAGE

RESOLUTION**200824****Moved: Cr Peter Wright****Seconded: Cr Denese Smythe**

That, with regard to the Chief Executive Officer's - 2023/24 Performance Appraisal, Key Performance Indicators for 2024/25 and review of Total Reward Package, Council:

- 1. Notes the Salaries and Allowances Tribunal Determination of 5 April 2024 (effective 1 July 2024).**
- 2. Notes an increase in the Superannuation Guarantee Levy from 11% to 11.5% and a maximum contribution from \$27,500 to \$30,000 effective 1 July 2024.**
- 3. Notes the outcomes of the Elected Member Performance Survey undertaken in July 2024 with the Chief Executive Officer being assessed as "Exceeds Expectations" in this year's performance appraisal.**
- 4. Notes the Total Reward Package (TRP) is subject to the Salaries and Allowances Tribunal Determination of 5 April 2024 with the motor vehicle no longer forming part of TRP calculations as it is now deemed a tool of trade.**
- 5. Adopts the modified performance criteria metrics for the 2024/25 performance period as outlined in Section 7.6 of confidential Appendix 1.**
- 6. Approves a variation to the Chief Executive Officer's contract to the TRP detailed in Option 4 as outlined in Section 6.5 of confidential Appendix 1 and authorises the Shire President to sign a contract variation.**

7. **Notes the Chief Executive Officer's requests in Section 5 of confidential Appendix 1 and supports the request for an amendment to the working arrangements and authorises the Shire President to sign a contract variation to Schedule 2 of the Chief Executive Officer's Employment Contract.**
8. **Authorises the Shire President and Chief Executive Officer to affix the Common Seal of the Shire of York to the contract variation mentioned above for the Chief Executive Officer.**
9. **Schedules the next review of the Chief Executive Officer's performance and TRP for consideration by Council in July 2025, noting that in accordance with Clause 2.2(3) of the Chief Executive Officer's contract, consideration of whether or not the contract of employment is to be renewed will form part of the process.**
10. **Complies, as per Division 3 of the *Local Government (Administration) Regulations 1996* Schedule 2 Clause 18, by resolution of an Absolute Majority of Council, to endorse the Chief Executive Officer's performance review.**
11. **Complies, as per Division 3 of the *Local Government (Administration) Regulations 1996* Schedule 2 Clause 19, by notifying the Chief Executive Officer of the results of this performance review.**

In Favour: Crs Kevin Trent, Chris Gibbs, Kevin Pyke, Denese Smythe and Peter Wright

Against: Cr James Adamini

CARRIED 5/1 BY ABSOLUTE MAJORITY

**RESOLUTION
210824**

Moved: Cr Denese Smythe

Seconded: Cr James Adamini

That Council opens the meeting to the public at 5.20pm.

In Favour: Crs Kevin Trent, James Adamini, Chris Gibbs, Kevin Pyke, Denese Smythe and Peter Wright

Against: Nil

CARRIED 6/0

13.2 Public Reading of resolutions to be made public

As no members of the public returned to the Gallery the one (1) Resolution made Behind Closed Doors was not read aloud.

14 CLOSURE

The Shire President thanked everyone for their attendance and closed the meeting at 5.21pm.