



# **UNCONFIRMED MINUTES**

## **Ordinary Council Meeting Tuesday, 28 November 2023**

**Date: Tuesday, 28 November 2023**

**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, 28 NOVEMBER 2023 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**

*The Shire President recognised the attendance of previous Shire Councillor, Pam Heaton.*

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

*Nil*

**1.6 Declaration of Financial Interests**

*Nil*

**1.7 Disclosure of Interests that May Affect Impartiality**

*Cr Kevin Pyke - SY146-11/23 - Draft Lease - York Senior Football Club Inc*

*Cr Blake Luxford - SY147-11/23 - York Recreation and Convention Centre Operations Report*

*Cr Kevin Pyke - SY147-11/23 - York Recreation and Convention Centre Operations Report*

*Cr Peter Wright - SY147-11/23 - York Recreation and Convention Centre Operations Report*

*Cr Kevin Pyke - SY148-11/23 - Shire of York December - January Closure 2023/24 - YRCC, Visitor's Centre and CRC*

*Cr Peter Wright - SY148-11/23 - Shire of York December - January Closure 2023/24 - YRCC, Visitor's Centre and CRC*

## **2 ATTENDANCE**

### **2.1 Members**

*Cr Kevin Trent, Shire President; Cr Denis Warnick, Deputy Shire President*

*Cr Blake Luxford; Cr Kevin Pyke (via electronic means); Cr Denese Smythe; Cr Peter Wright*

*In accordance with Regulation 14C(2)(b) of the Local Government (Administration) Regulations 1996, the Shire President has authorised Cr Kevin Pyke to attend this meeting via electronic means, having given consideration to the location from which Cr Pyke is attending the meeting and the equipment used to attend the meeting, confirming they are suitable to enable effective engagement in deliberations and communications whilst maintaining confidentiality.*

*In accordance with Regulation 14CA(5) Cr Pyke read the confidentiality declaration, stating that he can maintain confidentiality during the meeting and the closed part of the meeting.*

### **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 James Adamini*

### **2.4 Leave of Absence Previously Approved**

*Nil*

### **2.5 Number of People in the Gallery at Commencement of Meeting**

*There were fourteen (14) 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**

#### **MS MONIQUE HUTCHINSON**

#### **ON BEHALF OF HEALTHY SELF WELLNESS YORK INC**

##### **Question 1**

*What is the procedure for a not-for-profit service organisation who wishes to be placed on the events page?*

##### **Response provided by the Shire President:**

*Event organisers can email details of the event(s) to [info@york.wa.gov.au](mailto:info@york.wa.gov.au). Submissions are reviewed for appropriateness and included the weekly newsletter and advertised on the online events schedule.*

## **Question 2**

*Is there any way the Shire would be able to support Health Self Wellness York outside of funding, for example, advertising on website, or other areas?*

### **Response provided by the Shire President:**

*There is an opportunity for collaboration created by the alignment of service level outcomes through the Community Resource Centre once that is fully active. You are encouraged to discuss the proposal with the Administration, with the contact being the Executive Manager Corporate & Community Services.*

## **MS GAIL AURISCH**

*When can there be street lighting in Plaudit Street?*

### **Response provided by the Shire President:**

*At present the Shire has not budgeted for nor has any current plans to upgrade the lighting on Plaudit Street. Although there are a few existing power poles in the street, these are not believed to be suitable for street lighting and would likely require upgrade or replacement to allow for street lighting to be installed. The cost involved in this work would need to be considered longer term against other priority works.*

*The Shire is currently reviewing its street lighting throughout town to help determine priority areas within the network. Once this work has been completed, the Shire may consider which areas require future street lighting to be installed.*

## **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 5.05pm.*

#### 4.1 Written Questions – Current Agenda

*Nil*

#### 4.2 Public Question Time

**MS KAREN THOMAS**

**ON BEHALF OF YORK BUSINESS ASSOCIATION (YBA)**

##### **Question 1**

*Can you please advise if there is a Shire policy regarding purchase of goods or services from York businesses and is there a designated Shire purchasing officer my members can liaise with regarding supply of goods or services, terms or trading etc?*

##### **Response provided by the Shire President:**

*Policy F2 - Procurement provides a clear approach for the procurement of all goods and services to ensure practices are efficient, transparent, ethical, provide value for money and meet all legislative requirements. Clauses 14.3 and 14.4 are applicable to local procurement. A copy of the Policy is available on the Shire's website via the below link:*

<https://www.york.wa.gov.au/plan-build/planning/council-policies.aspx>

*The Shire does not have a single procurement officer or department, with purchases undertaken by various staff across the different function areas. In accordance with the policy, staff are encouraged to purchase locally where possible and feasible.*

*The Shire reports on local procurement through the Financial Report presented to Council monthly.*

##### **Question 2**

*With regard to recent funding cuts by the Federal Government to previously confirmed projects in W.A. are you able to confirm that the funding for the upgrade to access, roads*

*etc in the light industrial area is still going ahead and, if so, an approximate timeline for the work to commence?*

**Response provided by the Shire President:**

*I am pleased to advise the Light Industrial Area (LIA) upgrade project has not been cut and the full funding of \$8,000,000 has been confirmed in the recent announcement by the Federal Government.*

*The list of projects is available via a link in this news article:*

<https://www.governmentnews.com.au/infrastructure-plan-leaves-councils-in-the-cold/>

*The LIA upgrade project is listed as the “Chidlow-York Road and Forrest Street Intersection Upgrade”.*

*In terms of timeframe, the Shire is waiting on the grant agreement to be received and will publish further communications to residents once more information is at hand.*

**MS AUDREY SOLE**

**Question 1**

*One of my questions was going to be, to make it more accessible can we please move the screen and lectern in Council Chambers. Thank you for already doing so, with the space now much better for viewing the Council table.*

**Response:**

*No response was required as the action had already been carried out.*

**Question 2**

*To encourage more community participation, could the policy for Public Question Time be made more readily available and can you let people know there is a form to fill in if they wish to ask questions of Council?*

**Response provided by the Shire President:**

*Yes it is possible and we encourage people to attend the meetings to ask questions.*

**\*\*Note\*\***

*Policy G10 – Public Question Time details the form to be used and process for submitting a public question to Council and is included at the start of each Agenda document. It is also available on the Shire’s website via the below link:*

<https://www.york.wa.gov.au/plan-build/planning/council-policies.aspx>

*Additionally, copies of the Policy can be obtained from the Shire Administration or CRC upon request.*

*Policy G7 – Disruptive Behaviour at Council Meetings is also applicable and should be read in conjunction with Policy G10.*

**MS JANE FERRO**

**Question 1**

*On Sunday week ago, the 19<sup>th</sup> of November, I sent an email to all the Councillors to ask whether or not each of them reads our local paper, the York & Districts Community Matters, so they are familiar with and informed about what is transpiring in our community. This*

*includes Letters to the Editor, in particular my letter in the November edition. I knew I couldn't direct this question to each Councillor at this meeting.*

*Only 1 Councillor responded, even though my question wasn't difficult to answer. However, I did receive the automatic reply from the Shire President advising me he would "... respond to your (my) query as soon as possible." I'm still waiting.*

*When I was on Council, it was decided the Shire President would respond to questions from the community on behalf of all the Councillors if deemed necessary.*

*What is the current protocol or policy regarding Councillors responding to the very people who elected them to be our representatives on the Shire Council?*

**Response provided by the Chief Executive Officer:**

*The role of Councillor is a delicate one being an elected representative for the district, with a different role between Council as the strategic arm of the organisation and the Administration as the operational arm of the organisation.*

*In responding to requests from the public, it comes down to Councillors being aware of what is being asked of them. If the matter is operational, Councillors would normally refer that to the Administration whereas where matters relate to policy and strategic direction, Councillors could refer to the strategic documents (i.e. Strategic Community Plan or Corporate Business Plan) to align a response. Where a query may relate to the role of Councillors, as you would be aware from previous experience, Councillors could take the matter on board and into consideration when a matter is presented to Council, but would not outline how they would vote on a matter.*

*Sections 2.8 and 2.10 of the Local Government Act 1995 outline the role of the President and Councillors. Agenda item SY155-11/23 - Proposed New Policy - Communications Protocol, will also provide some further insight.*

**Question 2**

*I speak on behalf of some – perhaps many – members of our community who feel the space for observers in Council Chambers is too limited and does not invite participation in local gov't matters. Government as we know it is in transition globally. Therefore, more of us will be present at Agenda Briefings and active at Ordinary Council Meetings.*

*Can an alternate, more spacious, well-lit venue be found to create a better connection between the community and the Councillors who were elected to represent our interests, concerns, visions for the future?*

**Response provided by the Shire President:**

*Council has previously conducted Meetings in the Lesser Hall. However, the recording equipment limits the use of other venues. Alternative venues have been investigated in the past but the cost of relocating or building a new Council Chamber has proven cost prohibitive.*

*As there were no further questions Public Question Time concluded at 5.17pm.*

**5 APPLICATIONS FOR LEAVE OF ABSENCE**

*In his absence, Cr Adamini has requested Leave of Absence for two (2) months from 7 November 2023 to 31 December 2023 inclusive.*

<b>RESOLUTION</b>
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**011123****Moved: Cr Peter Wright****Seconded: Cr Denis Warnick****That Council approves Leave of Absence for Cr James Adamini from 7 November 2023 to 31 December 2023 inclusive.****In Favour: Crs Kevin Trent, Denis Warnick, Blake Luxford, Kevin Pyke and Peter Wright****Against: Cr Denese Smythe****CARRIED 5/1****6 PRESENTATIONS****6.1 Petitions***Nil***6.2 Presentations****6.2.1 Presentation to Ex-Councillor Pam Heaton***The Shire President made a presentation to ex-Councillor Pam Heaton in accordance with Policy E7 – Councillors – Recognition of Service, thanking her for her service to the community as a Councillor from October 2015 to October 2023.***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 as Shire President during October 2023:*

DAY	MEETING/EVENT DESCRIPTION	VENUE
03/10/2023	Local Emergency Management Committee	FESA
03/10/2023	CEO Meeting	Shire Administration
10/10/2023	DFES Webinar	Via Zoom
10/10/2023	Citizenship Ceremony	Chambers Foyer
10/10/2023	Acting CEO Meeting	Shire Administration
10/10/2023	Concept Forum	Council Chambers
13/10/2023	Wheatbelt Business Network	YRCC
14/10/2023	Welcome to Frontrunners	Avon Park
16/10/2023	Prunster Funeral	York Cemetery
17/10/2023	CEO Meeting	Shire Administration
17/10/2023	Agenda Briefing	Council Chambers
18/10/2023	Document signing	Shire Administration
20/10/2023	Screen West Meeting	Shire Administration
20/10/2023	Meeting with The Twelve crew	Settlers Carpark

**7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS****RESOLUTION****021123****Moved: Cr Denis Warnick****Seconded: Cr Blake Luxford**

**That the minutes of the Ordinary Council Meeting held on 26 October 2023 be confirmed as a correct record of proceedings.**

**In Favour:** Crs Kevin Trent, Denis Warnick, Blake Luxford, 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 October and November 2023:*

DAY	MEETING/EVENT DESCRIPTION	VENUE
26/10/2023	Meeting with CEO	Shire Administration
31/10/2023	Meeting with CEO	Shire Administration
06/11/2023	Channel 7 News Interview	Joaquina Street
07/11/2023	Meeting with CEO	Shire Administration
13/11/2023	AROC Meeting	Toodyay
16/11/2023	Avon Sub-Group Meeting Regional Road Group	Toodyay

## 9 OFFICER'S REPORTS

### SY141-11/23 RECISSION OF SEAVROC TREE CROPPING POLICY

<b>File Number:</b>	<b>4.0470</b>
<b>Author:</b>	<b>Sharla Simunov, Planner</b>
<b>Authoriser:</b>	<b>Lindon Mellor, Executive Manager Infrastructure &amp; Development Services</b>
<b>Previously before Council:</b>	<b>16 February 2009 3 March 2010 17 May 2010 (110510)</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Appendices:</b>	<b>1. P10 - SEAVROC Tree Cropping Policy <a href="#">↓</a></b>

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

Legislative

### PURPOSE OF REPORT

The purpose of this report is for Council to rescind the Local Planning Policy – P10 SEAVROC Tree Cropping Policy.

### BACKGROUND

The South East Avon Voluntary Regional Organisation of Councils (SEAVROC) was formed by the Shires of Beverley, Brookton, Cunderdin, Quairading and York with the vision to develop an alliance that responds proactively to the changing environment while retaining their individual identities.

Local Planning Policy – P10 SEAVROC Tree Cropping Policy (herein known as the Policy) was developed as a SEAVROC project and was adopted by Council at its May 2010 Ordinary Meeting (110510).

A copy of the Policy is presented in Appendix 1.

The Policy applies to land zoned 'General Agriculture' or 'Farming' under the Shire of York's previous Town Planning Scheme No. 2 (TPS No.2) with the following objectives:

1. Achieve a consistent, efficient and equitable system for assessing and approving tree crop applications, in particular ensuring consistency across the five Shires;
2. Allow local governments to keep track of tree crop developments, which will assist in promoting the region to potential processors;
3. Demonstrate that SEAVROC local governments support and promote tree crops as a land use in the General Agriculture Zone;
4. Encourage tree crop developers to adhere to industry guidelines and standards as specified in relevant codes of practice and other documents; and
5. Identify specific issues that local governments wish to see addressed in the planning and development of tree crops.

In 2015, the Shires of Cunderdin, Quairading and Tammin withdrew their membership from SEAVROC and the group was later wound up.

## COMMENTS AND DETAILS

As SEAVROC has been disbanded and TPS No. 2 has been formally revoked upon gazettal of Local Planning Scheme No. 3 (Scheme), the Policy is no longer effective or relevant.

Tree Farming on Rural zoned land is identified as an 'A' use under the Scheme, meaning that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with Clause 64 of the Deemed Provisions.

## OPTIONS

Council has the following options:

**Option 1:** Council could choose to rescind the Policy.

**Option 2:** Council could choose to rescind the Policy and request the process for a new Tree Farming Policy be initiated.

Option 1 is the recommended option.

## IMPLICATIONS TO CONSIDER

### Consultative

No consultation is required prior to the rescission of the policy. Once the policy has been rescinded, a Notice of Revocation must be prepared by the local government and published in accordance with clause 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

### Strategic

Nil

### Policy Related

Should Council resolve to rescind the policy, the revocation will have effect on the date of publication of the Notice of Revocation.

P10          SEAVROC Tree Cropping Policy

### Financial

Nil

### Legal and Statutory

*Planning and Development Act 2005* (as amended)

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

*Shire of York Local Planning Scheme No. 3*

### Risk Related

A risk assessment of the proposed revocation has been undertaken, and there was no medium to high risks identified.

### Workforce

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

## VOTING REQUIREMENTS

**Absolute Majority:**    **No**

**RESOLUTION****031123****Moved: Cr Denis Warnick****Seconded: Cr Peter Wright****That, with regard to the Recission of SEAVROC Tree Cropping Policy, Council:**

- 1. Revokes Local Planning Policy P10 – SEAVROC Tree Cropping in accordance with procedural requirements of Schedule 2, Part 2, Clause 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
- 2. Authorises the Chief Executive Officer to publish notice of the revoked policy in accordance with the procedural requirements of Schedule 2, Part 12, Clause 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

**In Favour:** Crs Kevin Trent, Denis Warnick, Blake Luxford, Kevin Pyke, Denese Smythe and Peter Wright

**Against:** Nil

**CARRIED 6/0**

## LOCAL PLANNING POLICIES

### SEAVROC Tree Cropping



Policy Number:	P10
Relevant Delegation:	Not Applicable
Adoption Details:	17 May 2010
Last Review Details:	17 May 2010

#### Shire of York Town Planning Scheme No. 2

### 1. BACKGROUND:

Tree crops have the potential to become an important land use in medium to low rainfall agricultural areas in Western Australia (WA). Landholders and private investors are looking to capitalise on emerging opportunities for farm forestry in these regions, diversify income streams and to gain the on-farm environmental benefits that integrated tree crops can provide. Given the increasing opportunities and interest in tree crop development, it is timely for local governments to ensure that these developments are adequately supported and addressed in local planning.

The South East Avon Voluntary Regional Organisation of Councils (SEAVROC) member local governments, which are the Shires of Brookton, Beverley, York, Quairading and Cunderdin, wish to maximise the benefits and opportunities associated with tree crops, such as new industry development and regional investment, while minimising any potential negative impacts. They also recognise that having consistent policy across the region can facilitate planning approvals and provide landowner and investor confidence.

Background information relating to tree crops is provided in the report, Opportunities and Issues Associated with Farm Forestry in the South East Avon Low Rainfall Region.

### 2. POLICY OBJECTIVES:

- Achieve a consistent, efficient and equitable system for assessing and approving tree crop applications, in particular ensuring consistency across the five Shires;
- Allow local governments to keep track of tree crop developments, which will assist in promoting the region to potential processors;
- Demonstrate that SEAVROC local governments support and promote tree crops as a land use in the General Agriculture Zone;
- Encourage tree crop developers to adhere to industry guidelines and standards as specified in relevant codes of practice and other documents; and
- Identify specific issues that local governments wish to see addressed in the planning and development of tree crops.

Any tree crop development shall not be justification for an application for subdivision nor any proposed tree cropping or an approved application for tree cropping on any land be deemed a precursor to subdivision.

A body of legislation, policy and guidelines relevant to tree crops already exists and a range of government agencies and other stakeholders are involved in regulating and managing tree crop issues.

This policy aims to be consistent and complementary with existing regulations and not to place additional undue burden on landowners and investors wishing to pursue tree crop development.

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### **3. DEFINITIONS:**

#### **Applicant**

An Applicant is defined as the person or entity (e.g. company or organisation) responsible for management of the tree crop. The Applicant does not have to be the owner of the trees or the land on which trees are planted (e.g. the Applicant could be a third party management agency). The Applicant is responsible for ensuring adherence to this policy and other relevant legislation and regulations.

#### **Tree crop**

For the purpose of application of this policy a tree crop is defined as:

- Trees planted with the intent of producing commercial products. Commercial products include all wood and non-wood products that can be sold to a third party. Wood products are produced when trees are harvested, such as woodchips or sawlogs, while non-wood products include products such as environmental services; and
- Trees under the management of one Applicant with an aggregate area greater than 40 hectares in any one Shire in the Shires of Brookton and Beverley and an aggregate area greater than 10 hectares in the Shires of Cunderdin, Quairading and York or a contiguous area greater than 10 hectares in the Shires of Brookton and Beverley.

#### **Landowner**

A Landowner is defined as the person or entity that holds the title to the land.

#### **Management Plan**

Provides details of the way in which a tree crop will be developed and managed, and aims to demonstrate the means by which the principles of environmental care, cultural and fire management objectives are achieved.

#### **A Management Plan includes the following components:**

- Establishment plan;
- Plantation Management plan; and
- Fire Management plan.

#### **Code of Practice**

Code of Practice for Timber Plantations in Western Australia 2006, produced by Forest Industries Federation WA, Forest Products Commission Australian Forest Growers, or as revised.

#### **Guidelines for Plantation Fire Protection**

Guidelines for Plantation Fire Protection 2001, produced by Fire and Emergency Services Authority WA (FESA), or as revised.

### **4. AREAS OF APPLICATION:**

This policy applies to land zoned 'General Agriculture' or 'Farming' in the Local Planning Schemes of the Shires of Brookton, Beverley, York, Quairading and Cunderdin.

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## 5. APPLICATION AND APPROVAL REQUIREMENTS

### 5.1. WHEN IS AN APPLICATION REQUIRED?

A Tree Crop Development Application must be submitted and approved prior to the commencement of a tree crop development.

In the Shires of Brookton and Beverley, an application is required for all tree crop developments greater than 40 hectares in size. If an Applicant has tree crops with an aggregate area of less than 40 hectares or less than 10 contiguous hectares within any one Shire an application is not required. However, the Applicant is required to submit a Tree Crop Development Application when new tree crop developments will result in the total aggregate area exceeding 40 hectares.

In the Shires of Cunderdin, Quairading and York a Development Application is required when an applicant has an aggregate area of tree crops which is 10 hectares or greater.

In the Shires of Beverley and Brookton, an application is required when an applicant has a contiguous area of tree crops which is 10 hectares or greater.

A Tree Crop Development Application can cover multiple tree crop developments, which may be on different titles, provided they are under the management of one Applicant.

### 5.2. TREE CROP DEVELOPMENT APPLICATION REQUIREMENTS

In addition to Shire requirements for Development Applications, a Tree Crop Development Application is to contain the following three parts:

**1) Registration - which must contain the following information:**

- Title details of the subject land;
- Name of the Landowner(s);
- Name of the Applicant (tree crop manager);
- Address and contact details of the Applicant;
- Area (hectares) to be planted and species to be planted; and
- Signatures of the Applicant and the Landowner(s).

*A Registration form is provided in Attachment 1.*

**2) Management Plan.**

- A checklist of information that should be included in a Management Plan is provided in Attachment 2. The checklist is based on the guidelines in the Code of Practice.
- The Management Plan must address the policy measures described in Section 6 of this Policy.

**3) Map - which should show the following:**

- Location of tree crops;
- Access roads;
- Structures and buildings;
- Natural features including native vegetation and water courses; and

Other relevant information such as hazards or significant features.

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#### **5.2.1. MODIFICATION TO TREE CROP DEVELOPMENT APPLICATION**

An Applicant with an existing Tree Crop Development Application approval may modify the existing application, including the addition of new tree crops or expansion of existing tree crops. Additional areas of tree crops may therefore be managed under existing Management Plans, without the need for the Applicant to prepare a new Management Plan for every new tree crop development. However the Applicant must ensure that the management measures in an existing Management Plan are relevant to new tree crops and the sites on which they will be developed, and meet the requirements of this policy.

If this is not the case the Applicant is required to submit a modified or new Management Plan.

If an Applicant transfers management responsibilities to another organisation they are required to notify the Shire and provide details of the new managing entity.

#### **5.3. ASSESSMENT OF APPLICATIONS**

Tree Crop Development Applications should be submitted to the Shire in which the development will occur.

Assessment of Tree Crop Development Applications is to have regard to the application requirements and policy measures described in Sections 5.2 and 6 of this Policy.

### **6. ADDITIONAL POLICY MEASURES**

The following policy measures must be addressed in the Management Plan.

#### **6.1. GENERAL TREE CROP MANAGEMENT**

The Shires encourage all tree crop developments to be undertaken with appropriate consideration to the specifications and guidelines in the Code of Practice and Guidelines for Plantation Fire Protection.

The Code of Practice provides management goals and operational guidelines to tree managers to

*“ensure tree crop operations in WA are conducted in a manner that is in accordance with accepted principles for good plantation management, while recognising that a primary aim of tree crops is to be economically competitive and sustainable”.*

#### **6.2. ACCESS AND ROADS**

When planning tree crop developments, Applicant's should consider how tree crops will be accessed for management, harvesting and removal of products (if applicable). Potential access roads should be identified on the Map.

The harvest and haulage of tree crop products results in 'wear and tear' of roads and other transport infrastructure and the Shires are seeking to minimise adverse affects on local roads within their control.

The future locations of processing facilities in or near the SEAVROC region are currently unknown, and it is therefore difficult to prepare a transport strategy prior to commencement of tree crop development.

#### **6.3. FIRE MANAGEMENT**

A fire management plan must be included as part of the overall Management Plan (see Attachment 2).

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The Guidelines for Plantation Fire Protection contain guidelines for appropriate tree crop location, design and fire protection measures.

Any Fire Management Plan must be consistent with Guidelines for Plantation Fire Protection 2001, produced by Fire and Emergency Services Authority WA, or as revised. Should the Fire Management Plan not be consistent with the guidelines then the application will normally be refused

## 7. PENALTIES:

Not applicable.

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Responsible Officer: Executive Manager Infrastructure & Development Services

Contact Officer: Senior Planner

Relevant Legislation: Not applicable

Review History:

Date Review Adopted:	Resolution Number
Reviewed – 17 May 2010	110510
Former Policy No:	N/A

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**8. ATTACHMENT 1****Tree Crop Development Application Registration Form****Section 1 – New application or modification**

Select one of the following:

New Tree Crop Development Application

Complete all Sections except Section 6

Modification to existing Tree Crop Development Application

Complete all Sections except Section 5

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**Section 2 – Applicant details**

Name of Applicant (company or individual): \_\_\_\_\_

Name of contact person: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

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**Section 3 – Landowner details (if multiple Landowners provide details of additional Landowners on page 3)**As above ☐: or

Name of landowner: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

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**Section 4 – Land title**

Title details of the land on which trees will be planted (if multiple titles, specify the area to be planted on each title):

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**COMPLETE IF NEW APPLICATION****Section 5 – Tree crop information (new applications only)**

Total area to be planted (hectares): \_\_\_\_\_

Species to be planted (and area of each): \_\_\_\_\_

Proposed planting dates: \_\_\_\_\_

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Management Plan attached (circle one): Yes / No

Map attached (circle one): Yes / No

*Note: a Management Plan and a Map are prerequisites for approval of a new Tree Crop Development Application*

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**COMPLETE IF APPLICATION MODIFICATION**

**Section 6 – Tree crop information (modifications only). Complete relevant sections**

Reason for modification (e.g. new or changed tree crop area) \_\_\_\_\_

Additional area to be planted (hectares): \_\_\_\_\_

Species to be planted: \_\_\_\_\_

Proposed planting dates: \_\_\_\_\_

Management Plan attached (circle one): Yes / No

Map attached (circle one): Yes / No

*Note: previously approved Management Plans and Maps may be used for modification if relevant*

If no, provide reference to relevant Management Plan and/or Map

Signature of Applicant \_\_\_\_\_

Print Name - Date \_\_\_\_\_

Signature of Landowner (if land owner is not Applicant) \_\_\_\_\_

Print Name - Date \_\_\_\_\_

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**SHIRE USE ONLY**

Application received on: \_\_\_\_\_

Application reviewed by: \_\_\_\_\_

Approved / Not approved: \_\_\_\_\_

Reasons for non-approval: \_\_\_\_\_

Advice provided to Applicant on: \_\_\_\_\_

Tree crop register updated on: \_\_\_\_\_

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**Additional Landowners**

**Landowner 2**

Name of landowner: \_\_\_\_\_

Address: \_\_\_\_\_

Land title: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

**Landowner 3**

Name of landowner: \_\_\_\_\_

Address: \_\_\_\_\_

Land title: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

**Landowner 4**

Name of landowner: \_\_\_\_\_

Address: \_\_\_\_\_

Land title: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

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**Signature of Landowner 2** \_\_\_\_\_

Print Name - Date \_\_\_\_\_

**Signature of Landowner 3** \_\_\_\_\_

Print Name - Date \_\_\_\_\_

**Signature of Landowner 3** \_\_\_\_\_

Print Name - Date \_\_\_\_\_

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## 9. ATTACHMENT 2

### Tree Crop Development Application Management Plan Checklist

#### Tree Crop Development Application

#### Management Plan Checklist

The following is provided as a checklist of information recommended to be included in a tree crop Management Plan. It is based on the guidelines in the *Code of Practice for Timber Plantations in Western Australia* and provides a reference to the relevant sections of the Code of Practice where relevant.

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#### Section in Code of Practice

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##### Establishment Plan

This should outline the following topics and how they will be managed:

- Areas of native vegetation **4.3**
  
- Management and protection, including setback distances,
- of watercourses, wetlands, reservoirs and significant features **4.3**
  
- Setback distances to structures, dwellings and gazetted infrastructure
- Note: *the Guidelines for Plantation Fire Protection recommend a setback distance of 50 metres.*
  
- Areas to be planted and size of compartments
- *The Guidelines for Plantation Fire Protection* contain guidelines on compartment size.
  
- Access and firebreaks **4.5, 4.7.6**

Also refer to the *Guidelines for Plantation Fire Protection*.

- Species to be planted **4.6.2**
  - Direction of planting lines in relation to contours and natural drainage **4.6.3**
  - Soil preparation methods **4.6.3**
  - Pest and weed control methods/prescription, including control of declared animals and plants **4.6.5 – 4.6.7**
  - Planting methods/prescription
  - Fertilising methods/prescription **4.6.4**
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**Maintenance Plan**

This should outline the activities to be conducted during the tree crop rotation and how they will be managed:

- Pest and weed control methods/prescription, including control of declared animals and plants **4.6.5 – 4.6.7**
- Grazing strategy **4.7.6**
- Fertilising methods/prescription **4.6.4**
- Pruning and thinning regimes **4.6.9**
- Access and firebreak maintenance **4.5, 4.7.6**

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**Fire Management Plan**

This should contain the following details:

- Contact names and telephone numbers
- Names and addresses of local fire control bodies
- Map or details of access roads, firebreaks, water points etc.  
*Note: this information may be included on the main Map that forms part of the Tree Crop*

**Development Application**

- Location of fire fighting equipment, including details of cooperative arrangements
- Specific measures to protect services e.g. power lines and gas supplies, or surrounding values (if relevant)

**NOTE:**

Any Fire Management Plan must be consistent with Guidelines for Plantation Fire Protection 2001, produced by Fire and Emergency Services Authority WA, or as revised. Should the Fire Management Plan not be consistent with the guidelines then the application will normally be refused.

**SY142-11/23 DEVELOPMENT APPLICATION P1491 – OVERSIZED OUTBUILDING (CUMULATIVELY) - LOT 84 (130) NEWCASTLE STREET, YORK**

<b>File Number:</b>	<b>4.6665</b>
<b>Author:</b>	<b>Sharla Simunov, Planner</b>
<b>Authoriser:</b>	<b>Lindon Mellor, Executive Manager Infrastructure &amp; Development Services</b>
<b>Previously before Council:</b>	<b>Not Applicable</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Appendices:</b>	<b>1. Location Plan <a href="#">↓</a></b> <b>2. Site Photos <a href="#">↓</a></b> <b>3. Development Plans <a href="#">↓</a></b>

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

Quasi-judicial

**PURPOSE OF REPORT**

The purpose of this report is for Council to determine a development application for an Oversized Outbuilding (Cumulatively) at Lot 84 (130) Newcastle Street, York.

**BACKGROUND**

Lot 84 (130) Newcastle Street, York (referred to herein as the property) is 1.76ha in area and contains an existing single house and outbuilding of 12m by 10.5m (126m<sup>2</sup>). The property is zoned Residential with a density code of R5/10 under the Shire of York's Local Planning Scheme No. 3.

A Location Plan and Site Photos is presented in Appendix 1 and 2 respectively.

A development application was submitted on 5 September 2023 which proposes to construct an outbuilding which will:

- Be 10.5m by 8m (84m<sup>2</sup>), with a 6m by 8m lean-to (48m<sup>2</sup>). The total floor area of the proposed outbuilding is 132m<sup>2</sup>. The cumulative area of both outbuildings is 258m<sup>2</sup>.
- Be setback 21.8m from the north-eastern lot boundary.
- Have a gable roof with a wall height of 3.5m and apex height of 4.21m. A maximum of 100mm of fill is proposed.
- Be constructed of Colourbond steel.
- Be used to store vehicles for personal use and equipment to maintain the property.

A copy of the Development Plans is presented in Appendix 3.

The application requires development approval because the proposed area (cumulatively) of the outbuilding exceeds that permitted by Local Planning Policy P13 - Outbuildings in R-Coded Areas.

The application has been presented to Council for determination due to the extent of the variation.

**COMMENTS AND DETAILS**

The application is required to be assessed in accordance with the Shire of York's Local Planning Scheme No. 3 (Scheme), Local Planning Policy P13 - Outbuildings in R-Coded Areas (LPP 13),

State Planning Policy 7.3 Residential Design Codes (R-Codes) and the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 Deemed Provisions.

The property is zoned 'Residential' with a density code of R5/10 by the Scheme. As the property has a dual coding, the lower coding of R5 applies in this instance as the site is not connected to reticulated sewerage in accordance with Part 4, Section 26 of the Scheme.

An outbuilding is ancillary development to a single house and is permitted development which is exempt from planning consent, except where it requires variation under the Scheme, Residential Design Codes (R-Codes) or Local Planning Policy. The R-Codes applies to the development and the Outbuildings Policy provides additional provisions which permits a larger area and height outbuilding than the R-Codes.

The proposed outbuilding involves variation to the R-Codes and LPP 13 because it exceeds the maximum area permitted by the policy.

An assessment of the proposal against the relevant provisions of the planning framework is provided in further detail below:

**TABLE 1.**

CLAUSE	PROVISION	ASSESSMENT
<b>Residential Design Codes – Large and Multiple Outbuildings</b>		
Clause 5.4.3,C3		
Outbuildings associated with a dwelling site address either:		
i. the standards for small outbuildings (A. Small outbuildings); or		
ii. the standards for large and multiple outbuildings (B. Large and multiple outbuildings).		
As the proposal is for a large outbuilding, it must be assessed against the provisions of B. Large and multiple outbuildings. These are:		
i.	individually or collectively does not exceed 60m <sup>2</sup> in area or 10 per cent in aggregate of the site area, whichever is the lesser;	A cumulative area of 258m <sup>2</sup> is proposed.
ii.	set back in accordance with Table 2a;	North-eastern lot boundary setback <ul style="list-style-type: none"> <li>Length of wall: 16.5m</li> <li>Height of wall: 3.5m</li> </ul> Based on the above, Table 2a of the R-Codes requires a setback of 1.5 metres from the north-eastern boundary. The plans provide a setback of 21.8m, which complies with the requirements of the R-Codes.
iii.	does not exceed a wall height of 2.4m;	The proposal exceeds a wall height of 2.4m. A wall height of 3.6m from Natural Ground Level (NGL) is proposed. This is discussed in further detail below.
iv.	does not exceed a ridge height of 4.2m;	The proposal exceeds a ridge height of 4.2m.  A ridge height of 4.31m from NGL is proposed. This is discussed in further detail below.
v.	not located within the primary or secondary street setback area; and	Complies. The proposed outbuilding addition is not located within the primary street setback area of the subject site.

vi.	does not reduce the open space and outdoor living area requirements in Table 1.	Complies. The proposed location of the outbuilding addition does not vary any of the open space or outdoor living area provisions of the R-Codes.
<b>Local Planning Policy – Outbuildings in R-Coded Areas (LPP 13)</b>		
1.	Not be attached to a dwelling.	Complies. The outbuilding is not attached to the dwelling.
2.	Not to be habitable (i.e., not used for residential purposes).	The proposed outbuilding will not be habitable. A condition to be placed on approval.
3.	Not to be used for commercial purposes unless approved otherwise by the local government.	The proposed outbuilding will not be used for commercial purposes. A condition to be placed on approval.
4.	Outbuildings with a maximum aggregate outbuilding area for properties greater than 3,000m <sup>2</sup> – maximum aggregate outbuilding area is 200m <sup>2</sup> .	The aggregate area of the proposed outbuilding is 258m <sup>2</sup> . A variation of 58m <sup>2</sup> .
5.	<p>A lean-to may be constructed in addition to the maximum aggregate outbuilding area if it is:</p> <ul style="list-style-type: none"> <li>(a) 30% or less of the roof cover of the existing or proposed outbuilding;</li> <li>(b) Enclosed only on one side; and</li> <li>(c) Constructed of materials that match or complement the proposed / existing adjoining outbuilding</li> </ul> <p>A 'lean-to' which does not meet the above criteria is considered a part of the outbuilding and is included in the calculation for maximum aggregate outbuilding area.</p>	The proposed lean-to is 48m <sup>2</sup> which is greater than the allowed 39.6m <sup>2</sup> (30%). A variation of 8.4m <sup>2</sup> , therefore the lean-to is calculated in the cumulative area of the outbuildings.
6.	A detached carport or garage up to 10m <sup>2</sup> in addition to the maximum aggregate outbuilding area provided there is no garage incorporated under the main roof of the dwelling.	Not applicable.
7.	Not to exceed a wall height (measured from NGL) of 4.2m where the property is zoned R10 or less.	Complies. Proposed wall height is 3.6m from NGL.
8.	Not to exceed a roof ridge height (measured from NGL) of 4.8m where the property is zoned R10 or less.	Complies. Proposed ridge height is 4.31m from NGL.
9.	Not located within the primary street or secondary street setback areas.	Located behind house and existing outbuilding, secondary street not applicable – Complies.
10.	Not to reduce the amount of open space required in Table 1 of the R-Codes for the residential density code.	Minimum 70% of total site required for open space – Complies.

11.	Setback for properties with an R-Code of 5 to 10 with a shed wall height less than or equal to 3.9m and ridge height less than or equal to 4.5m.  As per the R-Codes Table 2a + 0.5m.	As per ii. above.
12.	Constructed of walls of masonry or non-reflective pre-painted steel cladding that is sympathetic to the surroundings and finish of the existing dwelling on the development site.	Colorbond sheeting. Conditioned to comply.
13.	Constructed of <u>new</u> cladding material.	New Colorbond sheeting – Complies.
14.	Located on a property where a dwelling currently exists in a habitable state, or where a dwelling has substantially commenced.	Property currently contains an existing single house and outbuilding – Complies.
15.	Does not require the removal of existing protected Flora.	Vacant of protected flora – Complies.

In accordance with the Scheme and Policy, variations are to be assessed against whether the development is consistent with the following:

1. The objectives of the Residential zone which are to:
  - *To provide for a range of housing and a choice of residential densities to meet the needs of the community.*
  - *To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.*
  - *To provide for a range of non-residential uses, in particular tourism and cultural activities, which are compatible with and complementary to residential development.*
  - *To achieve a high standard of development and residential amenity that complements the heritage character of York.*
2. The principles which the policy was designed to achieve and whether the proposal meets the objectives of the Scheme. The relevant principles of LPP 13 and the Scheme are as follows:
  - (a) *To facilitate the construction of outbuildings that meet the needs of local residents.*
  - (b) *Recognise the unique characteristics of outbuilding development in the Shire not adequately catered for by the R-Codes.*
  - (c) *Provide appropriate development standards for outbuildings that reflect the Shire's climate, lifestyle and built form and do not detrimentally affect the amenity of the property or adjoining properties.*

Clause 67 of the Regulations also contains general matters for consideration. Those most relevant to this application are:

- g) *any local planning policy for the Scheme area (see table above);*
- m) *the compatibility of the development with its setting, including –*
  - i. *the compatibility of the development with the desired future character of its setting; and*
  - ii. *the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.*
- n) *the amenity of the locality including the following –*
  - (i) *environmental impacts of the development;*

- (II) *the character of the locality;*
- (III) *social impacts on the development.*
- p) *whether adequate provision has been made for the landscaping of land to which the application relates and whether any trees or other vegetation on the land should be preserved.*

The provisions of the Scheme, Regulations and Policy essentially require the variation be assessed in terms of whether the development will have a detrimental impact on visual amenity or character of the locality from the streetscape or adjoining properties and whether it is consistent with orderly and proper planning.

The proposal was referred to adjoining neighbours, inviting comment within a period of fourteen (14) days ending on 3 October 2023. No submissions were received.

The outbuilding will be partially visible from Newcastle Street, although is setback over 87m from the road and is located to the rear of existing structures meaning the bulk and scale of the proposed outbuilding is unlikely to detract from the amenity of the area.

The existing character and amenity of the area is predominantly single houses with ancillary outbuildings compliant with the Shire's LPP 13. Although it should be noted that further down the road there are two (2) oversized outbuildings, and it tends to have a more rural feel than other parts of town.

It is considered that the development will not have a detrimental impact on the amenity of adjoining landowners or the wider locality and has been designed in a manner to minimise amenity impacts. The proposed development is therefore considered consistent with the design principles of the R-Codes, objectives of the LLP 13, objectives of the residential zone in the Scheme, and provisions m) and n) of clause 67, matters to be considered of the regulations.

On this basis it is recommended that the development application for the outbuilding be supported.

## **OPTIONS**

Council has the following options:

**Option 1:** Council could choose to approve the application with conditions.

**Option 2:** Council could choose to refuse the application and list the reasons for refusal.

**Option 3:** Council could choose to approve the application and list modified conditions.

Option 1 is the recommended option.

## **IMPLICATIONS TO CONSIDER**

### **Consultative**

The proposed development was sent to the adjoining landowners for a period of fourteen (14) days for comment. No submissions were received.

### **Strategic**

#### Strategic Community Plan 2020-2030

Goal 4: Built for Lifestyle and Resilience

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

### **Policy Related**

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

## Financial

There are no immediate financial implications for the Shire, aside from the costs associated with processing the application which are provided for in the annual budget and have been offset in part by the development application fee paid by the applicant. All costs associated with the development have and will continue to be met by the landowner.

It is significant to note, should the applicant/landowner be aggrieved by Council's final decision in this matter, they have the right seek a formal review of that decision by the State Administrative Tribunal. Should this occur, the Shire would need to respond. The cost to respond to an appeal cannot be determined at this preliminary stage but could be expected, based on the recent experience of other local government authorities in Western Australia, to range anywhere from \$5,000 to \$60,000 excluding GST depending upon how far the matter proceeds through the review process.

## Legal and Statutory

Local Planning Scheme No.3

*Planning and Development Act 2005*

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

*Residential Design Codes*

Local Planning Policy P13 - Outbuildings in R-Coded Areas

## Risk Related

A risk assessment of the proposal has been undertaken, and there was no medium to high risks identified with the proposal. Standard appeal rights to the State Administrative Tribunal are available to the applicant as explained previously above (see Financial Implications).

## Workforce

There are no workforce implications associated with the Officer's recommendation.

## VOTING REQUIREMENTS

**Absolute Majority: No**

### RESOLUTION

**041123**

**Moved: Cr Denese Smythe**

**Seconded: Cr Blake Luxford**

**That, with regard to the Development Application P1491 – Oversized Outbuilding (Cumulatively) - Lot 84 (130) Newcastle Street, York, Council:**

- 1. Approves the development application for an Oversized Outbuilding (Cumulatively) at Lot 84 (130) Newcastle Street, York, subject to the following conditions:**
  - a. The development hereby approved shall be substantially commenced within two (2) years of the date of this decision notice unless otherwise approved by the local government.**
  - b. The development hereby approved shall be undertaken in accordance with the signed and stamped approved development plans enclosed, including any notes placed thereon in red by the local government and except as may be modified by the following conditions.**
  - c. All stormwater drainage from the proposed development shall be managed and disposed on-site to the specifications and satisfaction of the local government unless otherwise approved by the local government.**

- d. The outbuilding is not to be used for habitable purposes.
- e. The outbuilding is not to be used for commercial and/or industrial purposes.
- f. The outbuilding is to be constructed of a non-reflective colour that is compatible with the surrounding outbuildings.

**ADVICE NOTES:**

**Note 1:** If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.

**Note 2:** Where an approval has lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained. Should the approval period lapse, a new planning application with relevant retrospective fees may be required by the Shire of York.

**Note 3:** If the applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. An application must be made within twenty-eight (28) days of the determination.

**Note 4:** This is a development approval of the Shire of York under its Local Planning Scheme No. 3. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.

**Note 5:** In accordance with the *Building Act 2011* and *Building Regulations 2012*, a building permit application must be prepared, submitted to and approved by the local government's Building Surveyor prior to the commencement of any demolition, construction or earthworks on the land. Please contact the Shire's Building Surveyor for further information.

**Note 6:** Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of York Local Planning Scheme No. 3 and may result in legal action being initiated by the local government.

**In Favour:** Crs Kevin Trent, Denis Warnick, Blake Luxford, Kevin Pyke, Denese Smythe and Peter Wright

**Against:** Nil

**CARRIED 6/0**

LOCATION PLAN – LOT 84 (130) NEWCASTLE STREET, YORK



SITE PHOTOS – LOT 84 (130) NEWCASTLE STREET, YORK



REAR OF PROPERTY



FRONT OF PROPERTY

Shire of York  
1 Joaquina Street  
York WA 6302

18 September 2023

Attention: Planning Department

To Whom It May Concern,

Enclosed please find an application for development approval for the proposed shed located at 130 Newcastle Street York.

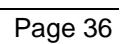
The proposed structure is intended to store equipment such as a trailer, tractor, lawn mower and buggy and is intended to free up space in the existing shed.

Please note the proposed shed will be supplied with gutters and downpipes.

Your consideration in this matter is greatly appreciated.

Regards.





SHED  
SAFE  
SOLUTIONS







NO COMPROMISE STEEL BUILDING SOLUTIONS

www.sheds.com.au

The diagram illustrates the building layout for a shed, including side and end views with dimensions and labels.

**Left Side View:** Shows a side profile with a height of 3.5m (Eave). The width is divided into sections of 3.29m, 3.29m, and a larger green-shaded area.

**Right Side View:** Shows a side profile with a height of 3.5m (Eave). The width is divided into sections of 3.29m, 3.29m, and a larger green-shaded area.

**Left End View:** Shows a front profile with a height of 4.21m (Apex). The width is divided into sections of 3m, 3m, and a larger green-shaded area. Labels A, Z, and B are positioned above the profile.

**Right End View:** Shows a front profile with a height of 4.21m (Apex). The width is divided into sections of 3m, 3m, and a larger green-shaded area. Labels B, Z, and A are positioned above the profile.

**Top View:** Shows a plan view with a total width of 16.5m. The width is divided into sections of 3m, 3m, and a larger green-shaded area. Labels 1, 2, 3, 4, 5, and 6 are positioned above the plan view.

**Bottom View:** Shows a plan view with a total width of 16.5m. The width is divided into sections of 3m, 3m, and a larger green-shaded area. Labels 1, 2, 3, 4, and 5 are positioned below the plan view.

Purchaser Name:		<b>Building Layout</b> Ref: RR63022308004		Seller: Wide Span Sheds Pty Ltd	
Site Address:				Name:	
Ref: RR63022308004				Phone:	
Print Date: 17/08/23				Fax:	
				Email:	

**Wide Span Sheds**  
No Compromise Steel Building Solutions

Building Layout

Item SY142-11/23 - Appendix 3

Page 37

**SY143-11/23 DEVELOPMENT APPLICATION P1493 – OVERSIZED OUTBUILDING (CUMULATIVELY) - LOT 214 (62) SUBURBAN ROAD, YORK**

<b>File Number:</b>	<b>4.6664</b>
<b>Author:</b>	<b>Sharla Simunov, Planner</b>
<b>Authoriser:</b>	<b>Lindon Mellor, Executive Manager Infrastructure &amp; Development Services</b>
<b>Previously before Council:</b>	<b>Not Applicable</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Appendices:</b>	<b>1. Location Plan <a href="#">↓</a></b> <b>2. Site Photos <a href="#">↓</a></b> <b>3. Development Plans <a href="#">↓</a></b>

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

Quasi-judicial.

**PURPOSE OF REPORT**

The purpose of this report is for Council to determine a development application for an Oversized Outbuilding (Cumulatively) at Lot 214 (62) Suburban Road, York.

**BACKGROUND**

Lot 214 (62) Suburban Road, York (referred to herein as the property) is 2,342m<sup>2</sup> in area and contains an existing single house and outbuilding of 12m by 9m (108m<sup>2</sup>). The property is zoned Residential with a density code of R40 under the Shire of York's Local Planning Scheme No. 3.

A Location Plan and Site Photos is presented in Appendix 1 and 2 respectively.

A development application was submitted on 18 September 2023, which proposes to construct an outbuilding which will:

- Be 9.96m by 9.96m (99.2m<sup>2</sup>), with a 2.28m by 9.96m lean-to (22.71m<sup>2</sup>). The total floor area of the proposed outbuilding is 121.91m<sup>2</sup>. The cumulative area of both outbuildings is 229.91m<sup>2</sup> including the lean-to.
- Be setback 2m from the south lot boundary, 7.8m from the north lot boundary and approximately 30.6m from the front boundary.
- Have a gable roof with a wall height of 2.4m and apex height of 3.279m.
- Be constructed of Colorbond Trimdek 0.35 BMT walls with Colorbond Custom Orb 0.42 BMT roof.
- Be used for additional household storage and a games room.

A copy of the development plans is presented in Appendix 3.

The application requires development approval because the proposed area (cumulatively) of the outbuilding exceeds that permitted by Local Planning Policy P13 - Outbuildings in R-Coded Areas. The application has been presented to Council for determination due to the extent of the variation.

## COMMENTS AND DETAILS

The application is required to be assessed in accordance with the Shire of York's Local Planning Scheme No. 3 (Scheme), Local Planning Policy P13 - Outbuildings in R-Coded Areas (LPP 13), State Planning Policy 7.3 Residential Design Codes (R-Codes) and the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 Deemed Provisions.

The property is zoned 'Residential' with a density code of R40 by the Scheme.

An outbuilding is ancillary development to a single house and is permitted development which is exempt from planning consent, except where it requires variation under the Scheme, Residential Design Codes (R-Codes) or Local Planning Policy. The R-Codes applies to the development and the Outbuildings Policy provides additional provisions which permit a larger area and height outbuilding than the R-Codes.

The proposed outbuilding involves variation to the R-Codes and LPP 13 because it exceeds the maximum area permitted by the policy.

An assessment of the proposal against the relevant provisions of the planning framework is provided in further detail below:

**TABLE 1.**

CLAUSE	PROVISION	ASSESSMENT
<b>Residential Design Codes – Large and Multiple Outbuildings</b>		
Clause 5.4.3,C3		
Outbuildings associated with a dwelling site address either:		
i. the standards for small outbuildings (A. Small outbuildings); or		
ii. the standards for large and multiple outbuildings (B. Large and multiple outbuildings).		
As the proposal is for a large outbuilding, it must be assessed against the provisions of B. Large and multiple outbuildings. These are:		
i.	individually or collectively does not exceed 60m <sup>2</sup> in area or 10 per cent in aggregate of the site area, whichever is the lesser;	A cumulative area of 229.91m <sup>2</sup> is proposed.
ii.	set back in accordance with Table 2a;	Southern lot boundary setback <ul style="list-style-type: none"> <li>Length of wall: 12.24m</li> <li>Height of wall: 2.4m</li> </ul> Based on the above, Table 2a of the R-Codes requires a setback of 1 metre from the southern boundary. The plans provide a setback of 2m, which complies with the requirements of the R-Codes.
iii.	does not exceed a wall height of 2.4m;	Complies. Wall height is 2.4m.
iv.	does not exceed a ridge height of 4.2m;	Complies. Ridge height is 3.275m.
v.	not located within the primary or secondary street setback area; and	Complies. The proposed outbuilding addition is not located within the primary street setback area of the subject site.
vi.	does not reduce the open space and outdoor living area requirements in Table 1.	Complies. The proposed location of the outbuilding addition does not vary any of the open space or outdoor living area provisions of the R-Codes.
<b>Local Planning Policy – Outbuildings in R-Coded Areas (LPP 13)</b>		

1.	Not be attached to a dwelling.	Complies. The outbuilding is not attached to the dwelling.
2.	Not to be habitable (i.e., not used for residential purposes).	The proposed outbuilding will not be habitable. A condition to be placed on approval.
3.	Not to be used for commercial purposes unless approved otherwise by the local government.	The proposed outbuilding will not be used for commercial purposes. A condition to be placed on approval.
4.	Outbuildings with a maximum aggregate outbuilding area for properties between 1,000m <sup>2</sup> and 3,000m <sup>2</sup> – maximum aggregate outbuilding area is 150m <sup>2</sup> .	The aggregate area of the proposed outbuilding is 207.2m <sup>2</sup> . A variation of 57.2m <sup>2</sup> .
5.	<p>A lean-to may be constructed in addition to the maximum aggregate outbuilding area if it is:</p> <p>(a) 30% or less of the roof cover of the existing or proposed outbuilding;</p> <p>(b) Enclosed only on one side; and</p> <p>(c) Constructed of materials that match or complement the proposed / existing adjoining outbuilding.</p> <p>A 'lean-to' which does not meet the above criteria is considered a part of the outbuilding and is included in the calculation for maximum aggregate outbuilding area.</p>	The proposed lean-to is 22.71m <sup>2</sup> which is less than the allowed 36.57m <sup>2</sup> (30%). Therefore, the lean-to is not calculated in the cumulative area of the outbuildings.
6.	A detached carport or garage up to 10m <sup>2</sup> in addition to the maximum aggregate outbuilding area provided there is no garage incorporated under the main roof of the dwelling.	Not applicable.
7.	Not to exceed a wall height (measured from NGL) of 3m where the property is zoned R12.5 or higher.	Complies. Proposed wall height is 2.4m.
8.	Not to exceed a roof ridge height (measured from NGL) of 4.2m where the property is zoned R12.5 or higher.	Complies. Proposed ridge height is 3.279m.
9.	Not located within the primary street or secondary street setback areas.	Located behind house, secondary street not applicable – Complies.
10.	Not to reduce the amount of open space required in Table 1 of the R-Codes for the residential density code.	Minimum 70% of total site required for open space – Complies.
11.	<p>Setback for properties with an R-Code of 12.5 or higher with a shed wall height less than or equal to 2.7m and ridge height less than or equal to 3.5m.</p> <p>Required Setback - 0.5m</p>	As per ii. above. Complies.

12.	Constructed of walls of masonry or non-reflective pre-painted steel cladding that is sympathetic to the surroundings and finish of the existing dwelling on the development site.	Complies. Colorbond Trimdek 0.35 BMT walls with Colorbond Custom Orb 0.42 BMT roof.
13.	Constructed of <u>new</u> cladding material.	Complies.
14.	Located on a property where a dwelling currently exists in a habitable state, or where a dwelling has substantially commenced.	Property currently contains an existing single house and outbuilding – Complies.
15.	Does not require the removal of existing protected Flora.	Vacant of protected flora – Complies.

In accordance with the Scheme and Policy, variations are to be assessed against whether the development is consistent with the following:

1. The objectives of the Residential zone which are to:

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

2. The principles which the policy was designed to achieve and whether the proposal meets the objectives of the Scheme. The relevant principles of LPP 13 and the Scheme are as follows:

- (a) *To facilitate the construction of outbuildings that meet the needs of local residents.*
- (b) *Recognise the unique characteristics of outbuilding development in the Shire not adequately catered for by the R-Codes.*
- (c) *Provide appropriate development standards for outbuildings that reflect the Shire's climate, lifestyle and built form and do not detrimentally affect the amenity of the property or adjoining properties.*

Clause 67 of the Regulations also contains general matters for consideration. Those most relevant to this application are:

- g) *any local planning policy for the Scheme area (see table above);*
- m) *the compatibility of the development with its setting, including –*
  - I. *the compatibility of the development with the desired future character of its setting; and*
  - II. *the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.*
- n) *the amenity of the locality including the following –*
  - (I) *environmental impacts of the development;*
  - (II) *the character of the locality;*
  - (III) *social impacts on the development.*

- p) whether adequate provision has been made for the landscaping of land to which the application relates and whether any trees or other vegetation on the land should be preserved.*

The provisions of the Scheme, Regulations and Policy essentially require the variation be assessed in terms of whether the development will have a detrimental impact on visual amenity or character of the locality from the streetscape or adjoining properties and whether it is consistent with orderly and proper planning.

The proposal was referred to adjoining neighbours, inviting comment within a period of fourteen (14) days ending on 12 October 2023. One (1) submission was received advising no objection to the proposed outbuilding so long as the outbuilding is used for private purposes (i.e. storage and games room) and that there were no plans for a second floor in the outbuilding. A condition to be placed on the approval that the outbuilding is not to be used for habitable purposes or for commercial and/or industrial purposes. If a second floor were to be placed on the outbuilding, it would be assessed at the time of lodgement.

The outbuilding will be partially visible from Suburban Road, although is setback over 30.6m from the road and is located to the rear of existing dwelling meaning the bulk and scale of the proposed outbuilding is unlikely to detract from the amenity of the area.

The existing character and amenity of the area is predominantly single houses with ancillary outbuildings compliant with the Shire's LPP 13.

It is considered that the development will not have a detrimental impact on the amenity of adjoining landowners or the wider locality and has been designed in a manner to minimise amenity impacts. the proposed development is therefore considered consistent with the design principles of the R-Codes, objectives of the LLP 13, objectives of the residential zone in the Scheme, and provisions m) and n) of clause 67, matters to be considered of the Regulations.

On this basis it is recommended that the development application for the outbuilding be supported.

## **OPTIONS**

Council has the following options:

**Option 1:** Council could choose to approve the application with conditions.

**Option 2:** Council could choose to refuse the application and list the reasons for refusal.

**Option 3:** Council could choose to approve the application and list modified conditions.

Option 1 is the recommended option.

## **IMPLICATIONS TO CONSIDER**

### **Consultative**

The proposed development was sent to the adjoining landowners for a period of fourteen (14) days for comment.

One (1) submission was received advising no objection to the proposed outbuilding so long as the outbuilding is used for private purposes (i.e. storage and games room) and that there were no plans for a second floor in the outbuilding. Further comment on the submission provided above.

### **Strategic**

#### Strategic Community Plan 2020-2030

Goal 4: Built for Lifestyle and Resilience

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

**Policy Related**

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

**Financial**

There are no immediate financial implications for the Shire, aside from the costs associated with processing the application which are provided for in the annual budget and have been offset in part by the development application fee paid by the applicant. All costs associated with the development have and will continue to be met by the landowner.

It is significant to note, should the applicant/landowner be aggrieved by Council's final decision in this matter, they have the right seek a formal review of that decision by the State Administrative Tribunal. Should this occur, the Shire would need to respond. The cost to respond to an appeal cannot be determined at this preliminary stage but could be expected, based on the recent experience of other local government authorities in Western Australia, to range anywhere from \$5,000 to \$60,000 excluding GST depending upon how far the matter proceeds through the review process.

**Legal and Statutory**

Local Planning Scheme No.3

*Planning and Development Act 2005*

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

*Residential Design Codes*

Local Planning Policy P13 - Outbuildings in R-Coded Areas

**Risk Related**

A risk assessment of the proposal has been undertaken, and there was no medium to high risks identified with the proposal. Standard appeal rights to the State Administrative Tribunal are available to the applicant as explained previously above (see Financial Implications).

**Workforce**

There are no workforce implications associated with the Officer's recommendation.

**VOTING REQUIREMENTS**

**Absolute Majority: No**

**RESOLUTION  
051123**

**Moved: Cr Denis Warnick**

**Seconded: Cr Denese Smythe**

**That, with regard to the Development Application P1493 – Oversized Outbuilding (Cumulatively) - Lot 214 (62) Suburban Road, York, Council:**

- 1. Approves the development application for an Oversized Outbuilding (Cumulatively) at Lot 214 (62) Suburban Road, York, subject to the following conditions:**
  - a. The development hereby approved shall be substantially commenced within two (2) years of the date of this decision notice unless otherwise approved by the local government.**
  - b. The development hereby approved shall be undertaken in accordance with the signed and stamped approved development plans enclosed, including any notes placed thereon in red by the local government and except as may be modified by the following conditions.**

- c. All stormwater drainage from the proposed development shall be managed and disposed on-site to the specifications and satisfaction of the local government unless otherwise approved by the local government.
- d. The outbuilding is not to be used for habitable purposes.
- e. The outbuilding is not to be used for commercial and/or industrial purposes.
- f. The outbuilding is to be constructed of a non-reflective colour that is compatible with the surrounding outbuildings.

**ADVICE NOTES:**

**Note 1:** If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.

**Note 2:** Where an approval has lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained. Should the approval period lapse, a new planning application with relevant retrospective fees may be required by the Shire of York.

**Note 3:** If the applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. An application must be made within twenty-eight (28) days of the determination.

**Note 4:** This is a development approval of the Shire of York under its Local Planning Scheme No. 3. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.

**Note 5:** In accordance with the *Building Act 2011* and *Building Regulations 2012*, a building permit application must be prepared, submitted to and approved by the local government's Building Surveyor prior to the commencement of any demolition, construction or earthworks on the land. Please contact the Shire's Building Surveyor for further information.

**Note 6:** Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of York Local Planning Scheme No. 3 and may result in legal action being initiated by the local government.

**In Favour:** Crs Kevin Trent, Denis Warnick, Blake Luxford, Kevin Pyke, Denese Smythe and Peter Wright

**Against:** Nil

**CARRIED 6/0**

LOCATION PLAN – LOT 214 (62) SUBURBAN ROAD, YORK



SITE PHOTOS – LOT 214 (62) SUBURBAN ROAD, YORK

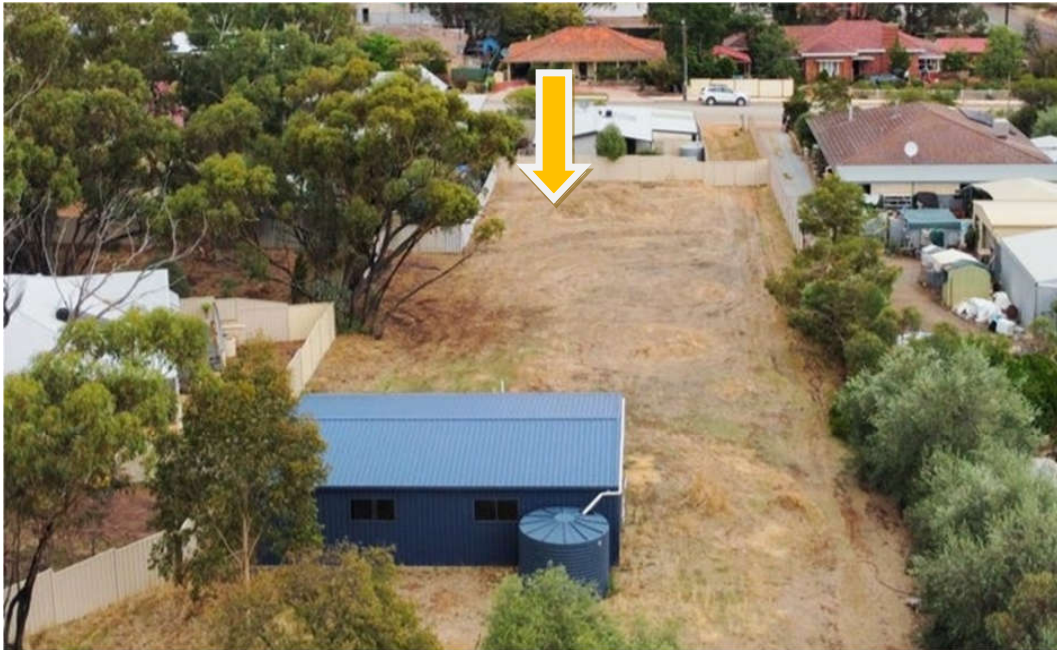


VIEW FROM FRONT OF PROPERTY



VIEW FROM REAR OF DWELLING

SITE PHOTOS – LOT 214 (62) SUBURBAN ROAD, YORK



VIEW FROM REAR OF PROPERTY



FRONT OF PROPERTY

SITE PHOTOS – LOT 214 (62) SUBURBAN ROAD, YORK



FRONT OF PROPERTY

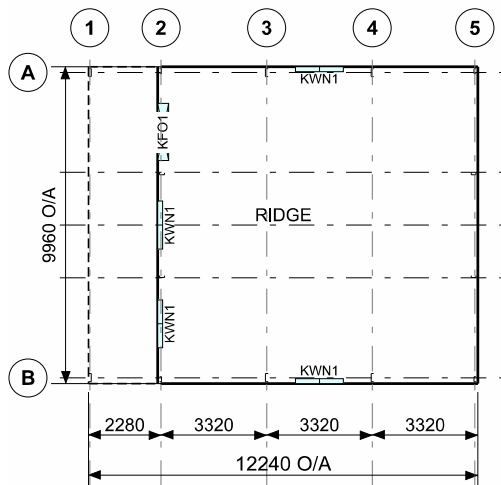


Shire of York  
PO Box 22  
YORK WA 6302

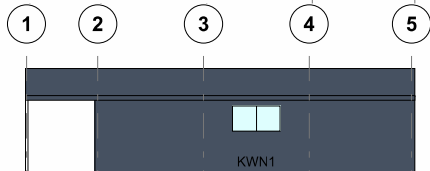
**RE : Development Application for 62 Suburban Rd, York**

The proposed shed application is for the purpose of additional household storage, and a games room. As the primary residence is a 2 x 2 home

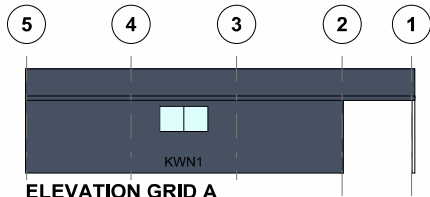
Should you have any questions in reference to the above, please feel free to contact me.



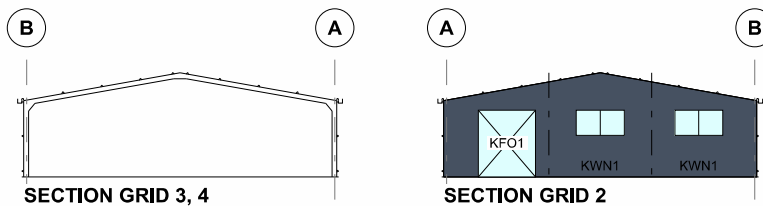
## FRAME ROOF PLAN



### ELEVATION GRID B

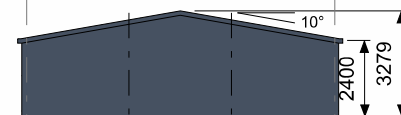


### ELEVATION GRID A

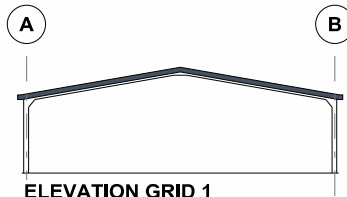


**SECTION GRID 3, 4**

**SECTION GRID 2**



## ELEVATION GRID 5



### ELEVATION GRID 1



**Copyright 2023  
Lysaght Building  
Solutions Pty Ltd  
trading as RANBUILD**

CLADDING			
ITEM	PROFILE (min)	FINISH	COLOUR
ROOF	CUSTOM ORB 0.42 BMT	CB	DO
WALLS	TRIMDEK 0.35 BMT	CB	DO
CORNERS	-	CB	DO
BARGE	-	CB	DO
GUTTER	SHEERLINE	CB	DO
DOWNPIPE	90x90	PV	WT

$$0.35b_{mt}=0.40t_{ct}; 0.42b_{mt}=0.47t_{ct}; 0.48b_{mt}=0.53t_{ct}$$

ACCESSORY SCHEDULE & LEGEND		
QTY	MARK	DESCRIPTION
1	KFO1	2100H x 1800W Framed Opening. Door must be fitted
4	KWN1	AMI - Reg A & B. 790x1505 CLR + FG Fly Screen, Window Kit (BDSP)

ARCHITECTURAL DRAWING ONLY, NOT FOR CONSTRUCTION USE

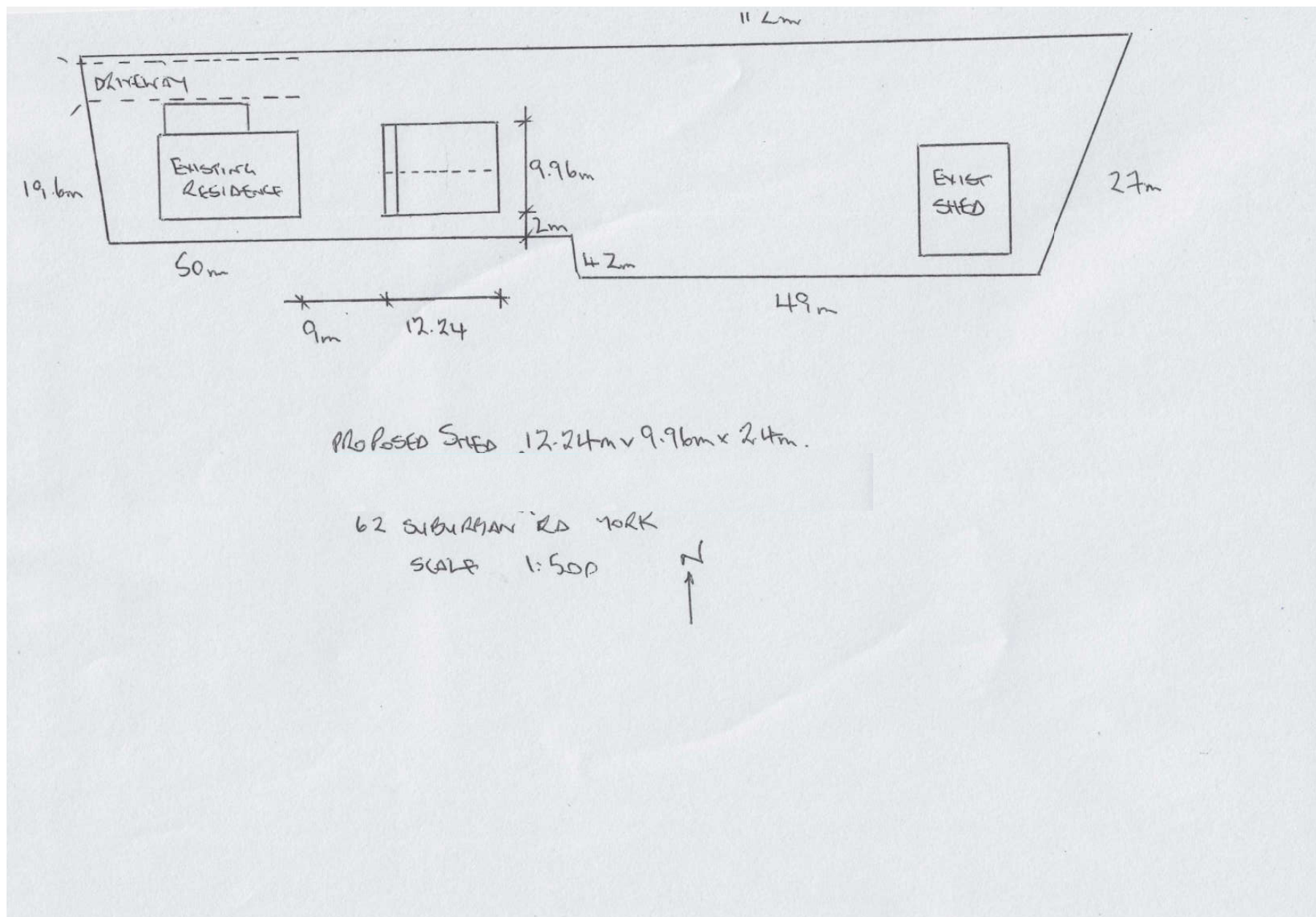
CLIENT

SITE  
62 SUBURBAN RD  
YORK WA 6302

BUILDING  
**SUNDOWN DELUXE**  
**9960 SPAN x 2400 EAVE x 12240 LONG**

TITLE	GENERAL ARRANGEMENT
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SCALE A4 SHEET 1:200	DRAWING NUMBER <b>426549-GA</b>	REV <b>A</b>	PAGE <b>1/1</b>
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**SY144-11/23 STATE ADMINISTRATIVE TRIBUNAL RECONSIDERATION - LOCAL LAW AND DEVELOPMENT APPLICATIONS - LOT 200 (32) BOUVERIE ROAD, YORK – UNAUTHORISED SIDE BOUNDARY FENCE**

<b>File Number:</b>	<b>4.6258</b>
<b>Author:</b>	<b>Sharla Simunov, Planner</b>
<b>Authoriser:</b>	<b>Lindon Mellor, Executive Manager Infrastructure &amp; Development Services</b>
<b>Previously before Council:</b>	<b>25 March 2019 (070319) 22 August 2023 (020823)</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Appendices:</b>	<b>1. Council Report (SY094-08/23) <a href="#">↓</a> 2. SAT Application - Confidential</b>

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

Quasi-judicial

**PURPOSE OF REPORT**

The purpose of this report is for Council to reconsider a local law and development application for an Unauthorised Side Boundary Fence at Lot 200 (32) Bouverie Road, York.

The planning application is the subject of a State Administrative Tribunal (SAT) appeal, and the SAT has invited Council to reconsider its decision regarding the refusal pursuant to Section 31 of the *State Administration Tribunal Act 2004*.

**BACKGROUND**

Lot 200 (32) Bouverie Road, York (referred to herein as the property) is 2,413m<sup>2</sup> in area and contains an existing single house, outbuilding and water tank.

The property is zoned Residential with a density code of R5 in the Shire of York Local Planning Scheme No. 3 (Scheme).

An application for development approval for a solid 2.1m high fence with 300mm privacy screen and a solid 1.8m high Colorbond fence in the front setback area of Lot 200 was submitted in 2019. This application was considered at Council's March 2019 meeting where Council refused the application, resolving (070319):

***"That Council refuse the development application for a solid 2.4m high fence with a 1.8m high Colorbond Fence in Front Setback at Lot 200 (32) Bouverie Road, York for the following reasons:***

- 1. Does not meet Part 3, clause 6.2 of the Local Law. The front point of the fence will be less than 1m from the driveway and only 3.5m from the road edge. With a 1.8m high front setback line, this leaves no 2m diagonal site line as required within the Local Law (Part 3, clause 6.2 (A)).***
- 2. The height of the fence (2.4m) is not justified as both Dwellings are well away from the boundary, one dwelling being approximately 10m and the other dwelling being approximately 7.5m away from the boundary.***
- 3. It would be inconsistent with the established streetscape and does not permit surveillance.***

**4. *It would obstruct sight lines reducing the visibility of and for vehicles exiting the property.***

No appeal to the SAT was lodged by the applicant following Council's decision.

There is an ongoing neighbour dispute between the owners of the property and the owner of Lot 201 which has resulted in legal proceedings.

A further application was lodged on 22 April 2021 for a dividing fence that proposed the following:

- First 5m of front setback – 1.2m high Colorbond fence
- Second 7m of front setback – 1.8m high Colorbond fence
- Remaining dividing fence – 2.1m high Colorbond fence with 300mm high aluminium slats (fence would be 2.4m high)

The application was incomplete and additional information was requested on 3 May 2021.

Further correspondence was sent on 22 June 2021 to the applicant's legal representative when it was observed that the dividing fence had been installed without the Shire's formal consent and advising that the development application had now become retrospective. Additional fees were required, and they were advised that the installed fence did not resemble the plans provided in the application of 22 April 2021.

After numerous requests, updated development plans were received on 28 April 2023 which proposed the following:

- First 1m of front setback – 1.2m to 1.8m high graded Colorbond fence with 300mm high privacy screen above
- Second 11m of front setback – 1.8m high Colorbond fence with 300mm high privacy screen above
- Remaining dividing fence to rear boundary – 2.1m high Colorbond fence with 300mm high privacy screen above

Outstanding items were still required to complete the application with the owner's signatures on the application provided on 25 May 2023 and confirmation that the 'Minutes of Consent' were correct being received on 1 August 2023.

In accordance with Part 3(6) of the Shire of York Local Laws Relating to Fencing, the local government's approval is required for:

- The erection of a fence greater than 1.2m in height, but not exceeding 1.8m in the land's front setback area (i.e. the first 12m from the land's lot boundary along Bouverie Road which is the primary street frontage); and
- The erection of a Colorbond panel fence, including privacy screen, in a residential area exceeding a height of 1.8m.

The application to erect a 'solid' 1.8m high fence in the front setback area also constitutes a proposed variation to the 'deemed to comply' provisions of the R-Codes which specifies a front fence within the primary street setback area of any 'Residential' zoned property must be 'visually permeable' above 1.2m of the land's natural ground level measured from the primary street side of the front fence. Should approval be granted for the height of the unauthorised fence under the Shire's Fencing Local Law, development approval is also required for the 'solid' fencing within the land's front setback area with a height greater than 1.2m.

This application was considered at Council's August 2023 Ordinary Meeting where it approved the application and resolved (020823):

***"That, with regard to Local Law and Development Applications – Lot 200 (32) Bouverie Road, York – Unauthorised Side Boundary Fence, Council:***

- 1. Pursuant to the Shire of York Local Laws Relating to Fencing 2001, unconditionally approves the unauthorised over-height fence constructed along the full length of the southern boundary of Lot 200 (32) Bouverie Road, York.**
- 2. Pursuant to the Planning and Development Act 2005 and Shire of York Local Planning Scheme No. 3, approves the development application for the unauthorised fence in the front setback area of Lot 200 (32) Bouverie Road, York subject to the fence being modified within ninety (90) days of the date of this determination so it is visually permeable above 1.2m of the land's natural ground level.**

**ADVICE NOTES:**

- 1. If the applicant or owner is aggrieved by these determinations, there is a right of review by the State Administrative Tribunal in accordance with the Local Government Act 1995 and Planning and Development Act 2005 Part 14. An application for review must be made within twenty-eight (28) days of the determination.**
- 2. These approvals are not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant/landowners and not the Shire of York to investigate any such constraints before commencing development. These approvals will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the local government's attention.**
- 3. These approvals are granted pursuant to the Shire of York Local Laws Relating to Fencing 2001, Planning and Development Act 2005 and Shire of York Local Planning Scheme No. 3. These approvals are not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner/s to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.**

An extract of the Council Minutes is presented in Appendix 1.

A SAT appeal was lodged by the applicant on 7 September 2023 and a copy received by the Shire on 3 October 2023 for a Section 249(1) – Review of a decision to refuse to grant approval or to impose conditions under an interim development order.

The SAT application is presented in confidential Appendix 2.

The applicants' orders sought and grounds for the appeal are:

1. Approve the current fence in situ as is, as per the numerous other fences in the R5 zone in and around York and in the area of York in which my property is situated. One law for all residents. Documents previously submitted.
2. So that the same law is applied equally among the citizens. So that one party is not actively discriminated against. Documents previously submitted showing some of the other fences in the area that have not been subjected to the Shire of York discriminative draconian law.

Mediation was held on-site on 23 October 2023 followed by a meeting at the Shire office. During mediation it was agreed that an option for only the first six (6) metres of the fence within the front setback be reduced in height to 1.2m with a 600mm visually permeable material (in the form of lattice) be presented to Council for reconsideration.

The SAT, pursuant to Section 31(1) of the *State Administration Tribunal Act 2004 (WA)*, has invited the Shire to reconsider its decision on or before 5 December 2023.

**COMMENTS AND DETAILS**

As part of mediation proceedings in the SAT, correspondence has been received by the applicant's legal representative confirming their client is agreeable for the matter to be resolved with the following condition:

- Only the first six (6) metres of the fence within the front setback to be reduced in height to 1.2m, with visually permeable material (in the form of lattice) up to 600mm above.

The most notable change between condition 2 of Council Resolution 020823 and the proposed amended fence height agreed upon during mediation is the first six (6) metres of the front setback will be 1.2m height Colorbond fencing from natural ground level with 600mm high privacy screening above instead of the first twelve (12) metres at 1.2m high with screening above.

It is recommended that the revised setback be approved.

While this will conclude the planning approval process, the requirement for building approval is still to be undertaken and, due to the size of the structure, will require engineering certification.

## **OPTIONS**

Council has the following options:

**Option 1:** Council could choose to refuse the amendment and reaffirms its original decision to SAT.

**Option 2:** Council could choose to approve the amendment as proposed by the applicant, with or without modifications.

Option 2 is the recommended option.

## **IMPLICATIONS TO CONSIDER**

### **Consultative**

A legal agreement between the owners of the property and the owner of Lot 201 was signed on 15 January 2020 agreeing to the following:

- Installation of a 1.8m high fence for the first 12m setback, and
- Installation of a 2.1m fence for the back 68m of the dividing fence; and
- 300mm open aspect 'lattice' top screen placed on top of the fence.

Since Council Resolution 020823 was resolved by Council in August 2023, the owner of Lot 201 (30) Bouverie Road, York has claimed that the above legal agreement was not the most recent signed agreement between the parties. After consultation between both parties and the legal representatives, it is still not clear which agreement is relevant however neither agreement met the requirements of the Local Law, Scheme or R-Codes and therefore is not taken into account when determining this SAT reconsideration.

### **Strategic**

#### Strategic Community Plan 2020-2030

Goal 4: Built for Lifestyle and Resilience

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

### **Policy Related**

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

### **Financial**

There will be minor legal costs associated with the final SAT Directions Hearing scheduled for 8 December 2023. These costs may increase further if Council choose to refuse the amendment and the applicant chooses to take further legal action.

### **Legal and Statutory**

Shire of York Local Laws Relating to Fencing 2001

Shire of York Local Planning Scheme No. 3

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

State Planning Policy 7.3 - Residential Design Codes (Volume 1)

### **Risk Related**

Following a Council decision, a further SAT Directions Hearing is scheduled. The applicant retains the ability to continue with the appeal being determined by the SAT. Whilst this is a risk that would also have associated workforce implications, Council needs to make orderly and proper planning decisions, and this should not influence decision making.

### **Workforce**

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

### **VOTING REQUIREMENTS**

**Absolute Majority: No**

#### **RESOLUTION**

**061123**

**Moved: Cr Denese Smythe**

**Seconded: Cr Denis Warnick**

**That, with regard to the State Administrative Tribunal Reconsideration - Local Law and Development Applications - Lot 200 (32) Bouverie Road, York – Unauthorised Side Boundary Fence, Council:**

- 1. Pursuant to the *Shire of York Local Laws Relating to Fencing 2001*, unconditionally approves the unauthorised over-height fence constructed along the full length of the southern boundary of Lot 200 (32) Bouverie Road, York.**
- 2. Pursuant to the *Planning and Development Act 2005* and *Shire of York Local Planning Scheme No. 3*, approves the development application for the unauthorised fence with a reduced front setback of six (6) metre at Lot 200 (32) Bouverie Road, York subject to the fence being modified within ninety (90) days of the date of this determination so it is reduced in height to 1.2m with visually permeable material (in the form of lattice) up to 600mm above.**

#### **ADVICE NOTES:**

**Note 1: If the applicant or owner is aggrieved by these determinations, there is a right of review by the State Administrative Tribunal in accordance with the *Local Government Act 1995* and *Planning and Development Act 2005* Part 14. An application for review must be made within twenty-eight (28) days of the determination.**

**Note 2: These approvals are not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant/landowners and not the Shire of York to investigate any such constraints before commencing development. These approvals will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the local government's attention.**

**Note 3: These approvals are granted pursuant to the *Shire of York Local Laws Relating to Fencing 2001*, *Planning and Development Act 2005* and *Shire of York Local Planning Scheme No. 3*. These approvals are not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner/s to obtain any other necessary**

**approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.**

**In Favour:**      Crs Kevin Trent, Denis Warnick, Kevin Pyke and Denese Smythe

**Against:**        Crs Blake Luxford and Peter Wright

***CARRIED 4/2***

## 9 OFFICER'S REPORTS

### SY094-08/23 LOCAL LAW AND DEVELOPMENT APPLICATIONS - LOT 200 (32) BOUVERIE ROAD, YORK - UNAUTHORISED SIDE BOUNDARY FENCE

File Number:	4.6258
Author:	Sharla Simunov, Planner
Authoriser:	Lindon Mellor, Executive Manager Infrastructure & Development Services
Previously before Council:	25 March 2019 (070319)
Disclosure of Interest:	Nil
Appendices:	<ol style="list-style-type: none"><li>1. March 2019 Minutes Extract <a href="#">↓</a></li><li>2. Site Plan <a href="#">↓</a></li><li>3. Site Photos <a href="#">↓</a></li><li>4. Development Plans <a href="#">↓</a></li><li>5. Minutes of Consent - Confidential</li></ol>

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

Quasi-judicial

### PURPOSE OF REPORT

The purpose of this report is for Council to make a final determination on a combined local law and development application received for an unauthorised side boundary fence on Lot 200 (32) Bouverie Road, York. The dividing fence proposes variation to the provisions of the Shire of York Local Laws Relating to Fencing and State Planning Policy 7.3 - Residential Design Codes (Volume 1).

### BACKGROUND

Lot 200 (32) Bouverie Road, York (referred to herein as the property) is 2,413m<sup>2</sup> in area and contains an existing single house, outbuilding and water tank.

The property is zoned Residential with a density code of R5 in the Shire of York Local Planning Scheme No.3 (Scheme).

A Site Plan of the property and adjoining Lot 201 (30) Bouverie Road, York (referred to herein as Lot 201) is presented in Appendix 2.

An application for development approval for a solid 2.1m high fence with 300mm privacy screen and a solid 1.8m high Colorbond fence in the front setback area of Lot 200 was submitted in 2019. This application was considered at Council's March 2019 meeting where Council refused the application, resolving (070319):

***"That Council refuse the development application for a solid 2.4m high fence with a 1.8m high Colorbond Fence in Front Setback at Lot 200 (32) Bouverie Road, York for the following reasons:***

1. ***Does not meet Part 3, clause 6.2 of the Local Law. The front point of the fence will be less than 1m from the driveway and only 3.5m from the road edge. With a 1.8m high front setback line, this leaves no 2m diagonal site line as required within the Local Law (Part 3, clause 6.2 (A)).***

2. ***The height of the fence (2.4m) is not justified as both Dwellings are well away from the boundary, one dwelling being approximately 10m and the other dwelling being approximately 7.5m away from the boundary.***
3. ***It would be inconsistent with the established streetscape and does not permit surveillance.***
4. ***It would obstruct sight lines reducing the visibility of and for vehicles exiting the property."***

An extract of the Council Minutes is presented in Appendix 1.

No appeal to the State Administrative Tribunal (SAT) was lodged by the applicant following Council's decision.

There is an ongoing neighbour dispute between the owners of the property and the owner of Lot 201 which has resulted in legal proceedings and a formal agreement being signed on 15 January 2020 in relation to installing a new dividing fence between the property and Lot 201. A copy of the formal agreement (Minutes of Consent) is presented in confidential Appendix 5.

A further application was lodged on 22 April 2021 for a dividing fence that proposed the following:

- First 5m of front setback – 1.2m high Colorbond fence
- Second 7m of front setback – 1.8m high Colorbond fence
- Remaining dividing fence – 2.1m high Colorbond fence with 300mm high aluminium slats (fence would be 2.4m high)

The application was incomplete and additional information was requested on 3 May 2021.

Further correspondence was sent on 22 June 2021 to the applicant's legal representative when it was observed that the dividing fence had been installed without the Shire's formal consent and advising that the development application had now become retrospective. Additional fees were required, and they were advised that the installed fence did not resemble the plans provided in the application of 22 April 2021.

After numerous requests, updated development plans were received on 28 April 2023 which proposed the following (Appendix 4):

- First 1m of front setback – 1.2m to 1.8m high graded Colorbond fence with 300mm high privacy screen above;
- Second 11m of front setback – 1.8m high Colorbond fence with 300mm high privacy screen above; and
- Remaining dividing fence to rear boundary – 2.1m high Colorbond fence with 300mm high privacy screen above.

Outstanding items were still required to complete the application with the owner's signatures on the application provided on 25 May 2023 and confirmation of the correct 'Minutes of Consent' being received on 1 August 2023.

Site Photos are presented in Appendix 3.

In accordance with Part 3(6) of the Shire of York Local Laws Relating to Fencing, the local government's approval is required for:

- The erection of a fence greater than 1.2m in height, but not exceeding 1.8m in the land's front setback area (i.e. the first 12m from the land's lot boundary along Bouverie Road which is the primary street frontage); and
- The erection of a Colorbond panel fence, including privacy screen, in a residential area exceeding a height of 1.8m.

The application to erect a 'solid' 1.8m high fence in the front setback area also constitutes a proposed variation to the 'deemed to comply' provisions of the R-Codes which specifies a front fence within the primary street setback area of any 'Residential' zoned property must be 'visually permeable'

above 1.2m of the land's natural ground level measured from the primary street side of the front fence. Should approval be granted for the height of the unauthorised fence under the Shire's Fencing Local Law, development approval is also required for the 'solid' fencing within the land's front setback area with a height greater than 1.2m.

As there is a legal agreement between the owners of the property and the owner of Lot 201, the application and amended plans were not referred to the landowner of Lot 201 (30) Bouverie Road, York for review and comment.

As a similar dividing fence at this property has previously been refused by Council (Resolution 070319), the latest applications are hereby referred to Council for formal consideration and final determination.

## COMMENTS AND DETAILS

### Shire of York Local Laws Relating to Fencing

The Local Laws Relating to Fencing details in its First, Second and Third Schedules the acceptable fencing options for each different use zone within the Shire (i.e. Residential, Commercial, Rural and so on). Each of these options is deemed to be a 'Sufficient Fence'. Once a fence type is selected from the applicable schedule (usually by mutual agreement between adjoining property owners) the fence can be erected without further consent from the Local Government subject to compliance with the applicable specification.

The First Schedule of the Local Laws Relating to Fencing lists the following fence types that are deemed to be a 'Sufficient Fence' in a Residential zone:

- Open Aspect – Normally for large residential properties of 4,000m<sup>2</sup> and above (i.e. R2.5 density coding); or
- Timber picket; or
- Corrugated compressed fibre cement; or
- Masonry – Brick, concrete or stone; or
- Composite – A combination of masonry piers with infill panels between piers; or
- Colorbond – Steel posts and rails with sheet steel infill panels.

The applicant has erected a Colorbond fence along the property's southern side boundary, however the unauthorised fence is not a 'sufficient fence' as it exceeds the following Local Law standards:

- 1.2m maximum permitted height forward of the front setback line (i.e. the first 12.0m from the street boundary); and
- 1.8m maximum permitted height behind the front setback line.

### Fence Behind Front Setback Line

With respect to that portion of the unauthorised fence behind the front setback line, Council should note the applicant has erected a 2.1m high solid Colorbond fence with a 300mm high privacy screen above (i.e. the fence has a total height of 2.4m).

The Local Laws Relating to Fencing defines that a 'sufficient fence' in a residential area will be a maximum of 1.8m, however Section 9 allows the Local Government to consent to a fence that does not comply with the requirements of the Local Laws subject to consideration being given to whether the fence will have an adverse effect on the safe and convenient use of the land or the safety or convenience of any person.

The applicant's legal representative has provided multiple reasons as to why the unauthorised fence is required including the assertion it will improve the amenity of the property by mitigating current overlooking and privacy issues. York Police have also provided support for the unauthorised fence on the basis it will provide the owners of both properties with the privacy they desire.

In light of the justifications provided by the applicant's legal representative, the York Police's express support for the fencing in its entirety, the written agreement between the two affected landowners,

and the fact that section of the fencing behind the front setback line is unlikely to have an adverse effect on the safe and convenient use of the two properties in question or the safety or convenience of any person/s, it is recommended this section of the unauthorised fence be unconditionally supported and approved by Council.

#### Fence Forward of Front Setback Line

With respect to that portion of the unauthorised fence forward of the front setback line, Council should note the applicant has erected a solid Colorbond fence along the land's side boundary that ranges in height from 1.2m to 1.8m for the first 1m from the land's primary street frontage (i.e. front lot boundary) followed by a solid 1.8m high Colorbond fence for the remaining 11m of the front setback area with a 300mm privacy screen above (i.e. an overall height of 2.1m).

The Shire's Fencing Local Laws again allows the Building Surveyor to approve a fence within the front setback area of any residential lot exceeding 1.2m in height, but not higher than 1.8m. As such, Council must consider and determine the suitability of any fence within a front setback area of a residential lot greater than 1.8 metres in height as is proposed in this particular instance.

In light of the justifications provided by the applicant's legal representative, the York Police's express support for the fencing in its entirety, the written agreement between the two affected landowners, and the fact that section of the fencing forward of the front setback line is unlikely to have an adverse effect on the safe and convenient use of the two properties in question or the safety or convenience of any person/s, it is recommended the height of this section of the unauthorised fence be unconditionally supported and approved by Council.

When considering the front fencing within the land's front setback area Council must also have due regard for the specific requirements of the Residential Design Codes (i.e. R-Codes) which form part of Local Planning Scheme No.3.

Under the terms of the deemed-to-comply provisions of sub-clause C4.1 of the R-Codes all front fences within the primary street setback area of a residential lot are required to be visually permeable above 1.2m of natural ground level, measured from the primary street side of the front fence. Council may however approve fencing within the primary street setback area of a residential lot pursuant to the design principles in clause 5.2.4 of the R-Codes where front fences are low or restricted in height to permit surveillance and enhance streetscape, with appropriate consideration to the need for:

- a) attenuation of traffic impacts where the street is designated as a primary or district distributor or integrator arterial and;
- b) for necessary privacy or noise screening for outdoor living areas where the street is designated as a primary or district distributor or integrator arterial.

Given that Bouverie Road is not classified as a primary or district distributor or integrator arterial road, the design principles of clause 5.2.4 of the R-Codes cannot be considered and applied. As such, all fencing within the subject land's 12m front setback area must be visually permeable above 1.2m of the land's natural ground level to ensure compliance with the deemed-to-comply requirements of the R-Codes and satisfy the broader objectives of the R-Codes as they apply to visual surveillance and the protection and enhancement of streetscape amenity. Having regard for the established streetscape character of existing residential development along Bouverie Road, which consists of predominantly low fencing in primary street setback areas which do not exceed 1.2m in height or are visually permeable above 1.2m, it is considered reasonable to require the fencing within the front setback of the subject land to be consistent with other residential properties in the immediate locality.

It is therefore recommended Council approve the over-height fencing within the front setback area (i.e. 12 metres from the land's front boundary) subject to it being modified so it is visually permeable above 1.2m of the land's natural ground level.

#### **OPTIONS**

Council has the following options:

**Option 1:** Council could choose to approve the application with conditions.

**Option 2:** Council could choose to refuse the application and list the reasons for refusal.

**Option 3:** Council could choose to approve the application and list alternate reasons for approval.

Option 1 is the recommended option.

## **IMPLICATIONS TO CONSIDER**

### **Consultative**

A legal agreement between the owners of the property and the owner of Lot 201 was signed on 15 January 2020 agreeing to the following:

- Installation of a 1.8m high fence for the first 12m setback, and
- Installation of a 2.1m fence for the back 68m of the dividing fence; and
- 300mm open aspect 'lattice' top screen placed on top of the fence.

### **Strategic**

#### Strategic Community Plan 2020-2030

Goal 4: Built for lifestyle and resilience

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

### **Policy Related**

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

### **Financial**

There are no immediate financial related implications associated with consideration of the subject proposal. All costs associated with the development have and will continue to be met by the applicant.

It is significant to note that should the applicant/landowner be aggrieved by Council's final decision in this matter, they have the right to seek a formal review of that decision by the SAT. Should this occur, the Shire would need to respond. The cost to respond to an appeal cannot be determined at this preliminary stage but could be expected, based on the recent experience of other local governments, to range anywhere from \$5,000 to \$60,000 excluding GST depending upon how far the matter proceeds through the review process.

### **Legal and Statutory**

Shire of York Local Laws Relating to Fencing 2001

Shire of York Local Planning Scheme No. 3

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

State Planning Policy 7.3 - Residential Design Codes (Volume 1)

### **Risk Related**

A risk assessment of the proposal has been undertaken, with no medium to high risks identified with the proposal. Standard appeal rights to the SAT are available to the applicant as explained previously above (see Financial Implications).

There is a risk that if the dividing fence is ultimately approved by Council it may set a precedent in the area. Notwithstanding this fact, any future fences similar to this proposal will require the Shire's formal approval and must be supported by adequate written justification/s.

**Workforce**

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

**VOTING REQUIREMENTS**

**Absolute Majority:** No

**RESOLUTION****020823****Moved:** Cr Kevin Trent**Seconded:** Cr Denis Warnick

**That, with regard to Local Law and Development Applications – Lot 200 (32) Bouverie Road, York – Unauthorised Side Boundary Fence, Council:**

1. Pursuant to the Shire of York Local Laws Relating to Fencing 2001, unconditionally approves the unauthorised over-height fence constructed along the full length of the southern boundary of Lot 200 (32) Bouverie Road, York.
2. Pursuant to the *Planning and Development Act 2005* and Shire of York Local Planning Scheme No. 3, approves the development application for the unauthorised fence in the front setback area of Lot 200 (32) Bouverie Road, York subject to the fence being modified within ninety (90) days of the date of this determination so it is visually permeable above 1.2m of the land's natural ground level.

**ADVICE NOTES:**

1. If the applicant or owner is aggrieved by these determinations, there is a right of review by the State Administrative Tribunal in accordance with the *Local Government Act 1995* and *Planning and Development Act 2005* Part 14. An application for review must be made within twenty-eight (28) days of the determination.
2. These approvals are not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant/landowners and not the Shire of York to investigate any such constraints before commencing development. These approvals will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the local government's attention.
3. These approvals are granted pursuant to the Shire of York Local Laws Relating to Fencing 2001, *Planning and Development Act 2005* and Shire of York Local Planning Scheme No. 3. These approvals are not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner/s to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.

**CARRIED: 6/0**

**SY028-03/19 FENCING LOCAL LAW APPLICATION & DEVELOPMENT APPLICATION FOR SOLID 2.4M COLORBOND FENCE WITH A 1.8M COLORBOND FENCE IN THE FRONT SETBACK: LOT 200 (32) BOUVERIE ROAD, YORK**

**File Number:** BO2.9340

**Author:** William Nunn, Co-Ordinator Development Services

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

**Previously before Council:** Not Applicable

**Appendices:**

1. Site Plan
2. Application & Development Plans
3. Submission Received

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

- Quasi-judicial

**PURPOSE OF REPORT**

For Council to make a determination on an application received to erect a dividing fence between Lot 200 (32) Bouverie Road, York and Lot 201 (30) Bouverie Road, York. The dividing fence proposes variation to the provisions of the Shire of York Local Laws Relating to Fencing, and the Residential Design Codes of Western Australia.

**BACKGROUND**

Lot 200 (32) and 201 (30) Bouverie Road, York are zoned Residential with a density code of R5 by the Shire of York Town Planning Scheme No.2. The properties are both approximately 2,400m<sup>2</sup> in area and share a lot boundary dividing the two lots of 80m in length. A Site Plan of both properties is provided in **Appendix 1**.

The existing dividing fence between Lot 200 and 201 consists of star pickets and chicken wire; and post and rail towards Bouverie Road.

An application has been received to erect a dividing fence of the following specifications:

- A solid colorbond fence with a maximum height of 1.8m in the front setback (first 12m from Bouverie Road); and
- Behind the front setback (rear 68m), a solid colorbond fence, being the colour of brown and green of a maximum of 2.1m in height, with 300mm aluminium slats for privacy screening. The total height of the fence will be 2.4m.

The application submitted is provided in **Appendix 2**.

In accordance with the Shire of York Local Laws Relating to Fencing, local government approval is required for:

- Part 3(6) specifies that the consent of the Building Surveyor is required to erect a fence greater than 1200mm, but not exceeding 1800mm in the front setback area (the front setback area is the first 12m from the lot boundary at Bouverie Road).
- The erection of a colorbond panel fence in a residential area exceeding a height of 1.8m.

The application to erect a 'solid' fence of 1.8m in the front setback area also subsequently proposes a variation to the 'deemed to comply' provisions of the Residential Design Codes which specifies

## Ordinary Council Meeting Minutes

25 March 2019

that a front fence within the primary street setback area is to be 'visually permeable' above 1.2m of natural ground level. Should approval be issued for the height of the fence, development approval is also required for the 'solid' fencing above 1.2m.

The application, submitted on behalf of the landowner of Lot 200 (32) Bouverie Road, York, was referred to the landowner of Lot 201 (30) Bouverie Road, York for a period of 14 days to submit any comments on the proposal for the Shire's consideration.

In accordance with the Shire of York Register of Delegation, as an objection to the application was received during the referral period, the application is referred to Council for determination.

**COMMENTS AND DETAILS**Shire of York Local Laws relating to Fencing

The Local Laws Relating to Fencing details in its First, Second & Third Schedules the acceptable fencing options for each different use zone within the Shire (ie: Residential, Commercial, Rural).

Each of these options is deemed to be a 'Sufficient Fence'. Once a fence type is selected from the applicable schedule (Usually by mutual agreement between adjoining property owners) the fence can be erected without further consent from the Local Government subject to compliance with the applicable specification.

The First Schedule of the Local Laws Relating to Fencing lists the following fence types that are deemed to be a 'Sufficient Fence' in a residential zone:

- Open Aspect – Normally for large residential properties of 4,000m<sup>2</sup> and above (ie: R2.5 zoning), or
- Timber picket, or
- Corrugated compressed fibre cement, or
- Masonry – Brick, concrete or stone, or
- Composite – A combination of masonry piers with infill panels between piers, or
- Colorbond – Steel posts and rails with sheet steel infill panels.

The applicant is seeking to erect a colorbond fence on the property boundary, however the proposed fence is not a 'Sufficient Fence' as the fence will exceed:

- 1.2m in height (1.8m is proposed) forward of the front setback line (ie: The first 12.0m from the street boundary), and
- 1.8m in height (2.4m is proposed) behind the front setback line.

Fence Behind Front Setback Line

With respect to the part of the fence behind the front setback line the applicant is seeking to erect a 2.1m high solid colorbond fence with a 300mm high slatted panel above (A total height of 2.4m).

The Local Laws Relating to Fencing defines that a 'Sufficient Fence' in a residential area will be a maximum of 1.8m, however Section 9 allows the Local Government to consent to a fence that does not comply with the requirements of the Local Laws subject to consideration being given to whether the fence will have an adverse effect on the safe and convenient use of the land or the safety or convenience of any person.

The applicant's representative has listed multiple reasons why a 2.4m high fence is required including that it will improve the amenity of the property by mitigating current problems of overlooking, glare and noise and environmental factors such as wind, rain and traffic noise. The reasons provided are considered to be subjective and cannot be substantiated without a detailed investigation.

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The application was advertised to the adjoining property owner who has provided a detailed response to each of the applicant's reasons (**Appendix 3**). The adjoining property owner has raised objections with respect to an adverse effect on the amenity of their property (ie: Convenient use of the property), however the objections are also considered to be subjective.

The adjoining property owner has also expressed their opinion that an 'Open Aspect' fence is a 'sufficient fence' in the immediate area surrounding Bouverie Road. The Local Laws Relating to Fencing permits any of the fence types listed in Schedule 1 including an 'Open Aspect' type fence which is the predominant fence type in the immediate area. It is believed that this fence type would have been erected when the sub-division was originally released, however over the years there has been an increase in the density of several properties to the extent that the other residential fence types are considered to be more appropriate. In Schedule 1 'Open Aspect' fencing is recommended for larger residential properties of R2.5 and above. Some have interpreted this to mean R2.5 to R80 and above, however it is believed that the intent is for this type of fence to be used on properties with a land area of 4,000m<sup>2</sup> or greater.

It is usual for adjoining property owners to mutually agree to the location and type of fence that will be installed between their properties and subject to the fence being one of the 'Sufficient Fence' types listed in Schedule 1 the Local Government has no involvement. It is apparent in this particular instance that the applicant and adjoining property owner have competing interests in the type of fence to be installed to replace the existing dilapidated fence. It is believed that, based on the land area of the property, that fence types b to f are considered by the Local Government to be a 'Sufficient Fence'.

With respect to the height of the fence the applicant reasons and the adjoining owner's objections are believed to be subjective and therefore it is recommended that the application for an overheight fence (ie: A 1.8m high fence forward of the front setback line and a 2.4m high fence behind the front setback line be refused as to not meeting Part 3, clause 6 (2) of Shire of York Fencing Local Laws.

Fence Forward of Front Setback Line

With respect to the part of the fence forward of the front setback line the applicant is seeking to erect a 1.8m high solid colorbond fence.

The Fencing Local Laws allows the Building Surveyor to approve a fence exceeding 1.2m, but not higher than 1.8m, subject to the fence being truncated at the vehicle crossing point to ensure that drivers entering and leaving the property in a vehicle have splayed lines of vision of the road reserve.

If Council were to approve a fence exceeding 1.2m in height the first 2.0m of the fence from the street boundary would need to be reduced in height and/or redesigned to comply with Section 3 of the Fencing Local Laws.

However, the Residential Design Codes also provide specific requirements relating to sightlines for driveways which differ from the Local Law, and in this respect, it is recommended in the Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 1 Model Provisions, that a Local Planning Scheme prevail over a local law in the event of inconsistency. A provision to this effect has been included in the Shire of York draft Local Planning Scheme No. 3, which has been supported by Council for the purposes of public advertising, however advertising has not commenced for this to be considered 'seriously entertained'.

Officers recommend that sightlines for driveways be assessed against the provisions of the Residential Design Code provisions.

York Town Planning Scheme No. 2 (Scheme) and Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)

The erection of a boundary fence, front fence or wall on the same lot as a single house is 'permitted development' and does not require development approval provided it complies with relevant provisions of the Scheme and R-Codes. The R-Codes does not provide controls for materials or

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fence heights (which is controlled by the local law) it only provides development standards for 'Street Walls and Fences' and specifies deemed to comply criteria that front fences within the primary street setback are to be visually permeable above 1.2m of natural ground level, measured from the primary street side of the front fence.

Visually permeable is defined as:

*"In reference to a wall, gate, door or fence that the vertical surface has:*

- *Continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area;*
- *Continuous vertical or horizontal gaps less than 50mm, occupying at least one half of the total surface area in aggregate.*
- *A surface offering equal or lesser obstruction to view;*

*as viewed directly from the street."*

It also specifies that for 'sightlines' fences are to be truncated or reduced to no higher than 0.75m within 1.5m of a driveway at the point where it meets a public street.

The erection of a solid colorbond fence up to a height of 1.8m in the primary street setback area (12m) is not 'visually permeable' above 1.2m, and the driveway appears to be within 1.5m of the 1.8m high fence, which requires development approval. The R-Codes requires the variation to be assessed on its merits and against the relevant design principles of the R-Codes which refer to:

- *'Front fences being low or restricted in height to permit surveillance (as per Clause 5.2.3) and enhance streetscape (as per Clause 5.1.2).'*
- *'Unobstructed sightlines provided at vehicle access points to ensure safety and visibility along vehicle access ways, streets, crossovers and footpaths'*

The applicant has provided justification for the variations including that it is a dividing fence only and not the street frontage, is required for privacy, existing vegetation and other structures and objects currently restricts permeability and surveillance, the fence will reduce traffic noise, improve landscaping and provide shade and protection from wind and that the fence is consistent with established streetscape and amenity of the area.

The justification submitted by the applicant also makes reference to the objectives of draft State Planning Policy 7.0, Design of the Built Environment, which provides overarching principles for 'good design' of residential development and is not operational until 24 May 2019. The current R-Codes, part 5 (State Planning Policy 3.1) which includes design elements for all single house(s) and grouped dwellings and multiple dwellings in areas coded less than R30 will be updated to become Volume 2 of SPP7.0. The Western Australian Planning Commission's website advises that there are no changes proposed to the R-Codes (and assessment provisions relating to front fences). It is considered that assessment against the design principles of part 5 SPP3.1 broadly consider context and character, landscape quality, built form and scale, functionality and build quality, sustainability, amenity, legibility, safety, community and aesthetics.

In considering the design principles, Bouverie Road is designated as a 'local access road', carrying low volumes of traffic and the dwellings on both Lots 200 and 201 are substantially setback from Bouverie Road (over 30m). The established character of Bouverie Road consists of predominantly low fencing in the primary street setback which does not exceed 1.2m or is visually permeable above 1.2m. A site visit indicated there is one example of minor non-compliance along Bouverie, where a solid fence in the front setback was measured at 1.5m, as opposed to 1.2m which can be investigated further by officers. The solid fences above 1.2m to 1.8m are present on corner lots, which are not required to comply with the R-Codes, as they are not the 'primary street setback'.

Officers consider that the construction of a solid fence of 1.8m in the front setback would be inconsistent with the established amenity, built form, scale, landscape quality, context and character on Bouverie Road, and the construction of a solid fence does not contribute to surveillance being able to be achieved, or promote the front elevation of the dwelling addressing the street to provide

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surveillance and provides an undesirable precedent. For sightlines, it is also considered appropriate that the required sightlines be provided for safety. It is recommended that the development application be refused, which would require construction of the fence to comply with the deemed provisions of the R-Codes.

**OPTIONS**

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

1. Approve the application made pursuant to the local law with or without conditions and approve the development application subject to conditions.
2. Refuse the application, and list reasons.

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

The outbuilding was referred to the adjoining landowner of Lot 201 (30) Bouverie Road, York. A submission was received which objected to the proposed fence on the basis that it would be inconsistent with the Shire's legislation, established amenity and character and raised arguments against the applicant's justification for the fence.

A copy of the submission is attached in **Appendix 3**. Officers have outlined the criteria of the Local Law's and Scheme/R-Codes to be given due regard in assessment of the fencing application in 'comments' above which includes amenity and character. It is not considered necessary to address matters outside of this.

**Strategic**

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

**Policy Related**

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

**Financial**

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

**Legal and Statutory**

Shire of York Local Laws Relating to Fencing  
Shire of York Town Planning Scheme No. 2  
*Planning and Development (Local Planning Schemes) Regulations 2015*

**Risk Related**

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

**Workforce**

Not Applicable.

**VOTING REQUIREMENTS**

**Absolute Majority: No**

**RESOLUTION**

**070319**

**Moved: Cr Heather Saint**

**Seconded: Cr Jane Ferro**

**That Council refuse the development application for a solid 2.4m high fence with a 1.8m high Colorbond Fence in Front Setback at Lot 200 (32) Bouverie Road, York for the following reasons:**

- 1. Does not meet Part 3, clause 6.2 of the Local Law. The front point of the fence will be less than 1m from the driveway and only 3.5m from the road edge. With a 1.8m high front setback line, this leaves no 2m diagonal site line as required within the Local Law (Part 3, clause 6.2 (A)).**
- 2. The height of the fence (2.4m) is not justified as both Dwellings are well away from the boundary, one dwelling being approximately 10m and the other dwelling being approximately 7.5m away from the boundary.**
- 3. It would be inconsistent with the established streetscape and does not permit surveillance.**
- 4. It would obstruct sight lines reducing the visibility of and for vehicles exiting the property.**

***CARRIED: 7/0***



Proposed Fence Location

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Our Ref: OLSSONP  
Your Ref:  
Date: Monday, 31 December 2018

Shire of York - Planning  
PO Box 22  
York,  
WA 6302  
building@york.wa.gov.au

**BY EMAIL & MAIL- PRIVATE AND CONFIDENTIAL**

Dear Sir/Madam,

**APPLICATION FOR PLANNING CONSENT TO ERECT A NEW DIVIDING FENCE**

We can confirm Northam Family Lawyers ("NFL") act for [REDACTED] (our "client") in the above matter.

We are writing to advise that our client is seeking to erect a dividing fence on the boundary line between 32 Bourverie Road York WA, Lot 200 on Diagram 76867 (our "client's property") and 30 Bourverie Road York ("neighbouring property") in accordance with Section 8 of the *Dividing Fences Act 1961*.

Our client humbly requests planning consent to construct a fence; and to vary the prescribed fencing limitations.

We can confirm that our office has had discussions with the Department of Planning regarding our client's proposed construction. The department kindly discussed at length the two options for consideration in current planning assessments, namely the objectives as prescribed in the R Codes, and the alternative Design Principles as prescribed in the *State Planning Policy 7, Design of the Built Environment*.

Our client requests to vary the prescribed fencing limitations as follows:

1. The maximum height of the fence behind the required front setback line from 1.8 metres to a maximum height of 2.4 metres and;

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2. The maximum height of the fence forward of the front setback line from 1.2 metres to 1.8 metres.

#### **Current Sub-standard Structure**

We can confirm that there is currently a substandard structure between the properties that consists of various recycled and repurposed materials. This structure is not considered a substantial fence pursuant to the *Shire of York Local Laws Relating to Fencing*, section 5(2)(a) and First Schedule, therefore Part II of the *Dividing Fences Act 1961* applies. Please find **enclosed** and marked annexure 'A' photographs of the current fence structure for your review.

#### **Variations**

The fence that our client proposes to erect is an 80 metre fence with 50mm x 50mm square tube post for strength, consisting of 1.8 metres (H) for the first 12 metres (L) + 2.1 metres (h) for the back 68 metres (L), colour bond fence, being the colour of brown and green, with 300mm aluminum slats privacy screening positioned at the top. These are the same materials that have been used in other Shires around the state including the Shire of York. Our client has obtained a quote by a professional fencing contractor, namely Clackline Fencing Contractors. Our client is seeking to implement "Option 2". Please find **enclosed** and marked annexure 'B' a copy of the Clackline Fencing Contractors quote.

#### **State Planning Policy 7 Objectives & Variation to R Codes Objectives**

Our client respects that the R Codes objectives require, as well as other objectives, an ability to perform surveillance down the street. Our client instructs that the current landscape, vegetation and natural environment in the area prevents this objective being able to be achieved. Furthermore, other structures and properties in the area are constructed in a manner that also do not enable this objective to be achieved.

Our client humbly requests that his application be assessed against State Planning Policy 7.

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**State Planning Policy 7 - Schedule 1 - Design Principles****1. Context and Character**

Our client's property is in an established area, that is undergoing change. The area has established vegetation, the homes and gardens are well established, and the environment is lush. Our client's proposal is consistent with the context and character principles as the proposed fence is only for the side of the property, and not for the street frontage. This means that the street view will not be hindered. This structure will enhance the well shaded ambit of the current street scape and neighbourhood.

**2. Landscape Quality**

Our client's proposal enhances the soft and hard landscape and promotes a calming of the environment by reducing the travel of traffic noise and creates an opportunity for a microclimate in his yard, and that of his neighbours. The thermal performance of the structure will provide more shade in the area that will assist in reducing water evaporation, provide protection from unwanted strong winds, and general calming of the elements. This in turn will promote local fauna being able nest and live in the area. The reduced water evaporation by the increased shade, will promote plant growth, that ties in exceptionally well with the emerging and established environment.

**3. Built Form and Scale**

It is clear from a review of the current area and street scape that our client's proposal is both appropriate and compliments the immediately surrounding character of the other built forms, and the natural street scape. The orientation, proportion, composition, and articulation of the proposed construction will enhance the current use of the area and the general lush, well shaded street environment.

**4. Functionality and Build Quality**

Our client's proposed construction consists of a colour choice that appropriately considers the immediate surrounding natural environment, and other existing built forms. The chosen materials and construction are provided by professional fencing contractors which means that the build will be of a high quality. The proposed construction will complement the natural environment, while providing functional design for the life of the fence. The materials to be

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used are readily available, and any future repairs or maintenance can be easily achieved, and to a standard that means the integrity and visual appeal of the fence will continue to achieve the planning policy objectives well into the future.

The adjoining land owner and our client have had significant personal issues over the past years. The design enhances privacy between neighbours and is well suited to reducing the ongoing negative impacts that are created by no proper fencing existing between the parties homes.

#### 5. Sustainability

The proposed construction maximizes the site conditions, and creates an opportunity to increase shade, and vegetation. The creation of a microclimate on both sides of the construction will promote over time the establishment of vibrant gardens that will reduce harsh summer winds, ground evaporation and reduce overall water usage. This in turn will increase the general visual appeal of the immediately area.

#### 6. Amenity

The proposed construction is a fully external structure. The construction is consistent with and enhances the existing surrounding street scape. The high quality of the construction will improve the overall look of the area, and increase the general appeal of the street, and our client's residence, and that of his neighbours.

The design will mitigate current problems related to overlooking, glare, and unwanted noise in the immediate area. Environmental factors such as calming unwanted wind, rain, and some traffic noise are all achieved by our client's proposal. The design has been carefully chosen to have a logical approach to reducing current environmental issues, while enhancing the surrounding area. Careful consideration has been given to how well the proposed construction will blend in with the surrounding structures, natural environment, and precinct.

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**8. Safety**

A core reason for our client's proposal is to promote safe behaviours between immediate neighbours, to improve safety for other residents, and the quiet enjoyment of their respective homes.

The adjoining neighbour already has a well-lit entrance to her yard, with numerous surveillance cameras.

There are current safety concerns that have been expressed by the adjoining neighbour at 30 Bouverie Road York. To resolve the issues, the home owner has chosen to erect various sensor lights, and cameras. This in turn has created safety concerns for our client. The proposed construction will elevate both sets of issues, by enabling the neighbour to have increased privacy. This will promote her quiet enjoyment of her property and elevate any existing safety concerns. It is important to mention that the adjoining home owner is of senior years, and the improvement in her wellbeing and an increase in her sense of privacy may serve to promote and prolong her health into the future and facilitate her ageing-in-place.

The natural slope, construction of the surrounding properties, and the proposed construction provides a reasonable blend of privacy, and an ability to do limited surveillance down the street. Notwithstanding this, the current street scape, as previously stated, is already of a kind that the existing vegetation and existing structures prevent an unobstructed clear view down the street in either direction. We refer you to the attached photo's of the area.

**9. Community**

The proposed fencing variations that our client seeks, will offer both parties sufficient privacy and screening to enable the parties to have a significantly improved quiet enjoyment of their land.

The proposed construction considers the living needs of the immediate neighbours, and the street appeal for the local residents.

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The current boundary between the properties located at 32 & 30 30 Bouverie Road York, is a mishmash of numerous bits of recycled rusty wire, and other materials.

The professional high quality of our client's proposed construction will mean that the overall area will benefit by the increased visual appeal. This part of the street will present a new, modern, and well-built construction and will be appealing to future potential residents to the area.

The current non-complying structure between the properties provides no privacy whatsoever and has not allowed either of the neighbours to go about their business. It is unfortunate that the party's driveways are also on this side of the properties where there is no substantial fence. This has caused both parties considerable stress over recent times. We can confirm that our client has stated that he intends to live in his property, and never to move.

The proposed construction will enable the adjoining neighbours to have significantly improved privacy, and reduced day to day stress. A clear benefit for both parties will be the ability for both families to age-in-place.

#### **10. Aesthetics**

The proposed construction will display good judgement by the Shire of York in approving this application, and a sensible approach to the developing land scape in the area. The end result will be attractive and functional. It will make the street scape more inviting and will enhance the landscape character.

#### **Letter to Other Land Owner**

We can confirm that on 8 October 2018, we wrote to the land owner at 30 Bouverie Road York, informing the land owner of our intention to erect a substantial fence. At the date of this letter, we have not yet had a reply. Please find **enclosed** and marked annexure 'C' a copy of our letter dated 8 October 2018.

We humbly request that the Shire approve our client's application for planning consent for the construction of the fence with all stipulated variations.

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#### Application Particulars

Please find **enclosed** and marked the following annexures;

1. Extract of Land Title to 32 Bouverie Road, York marked annexure 'D'.
2. Confirmation of Survey marked annexure 'E'.
3. Survey plans annexure 'F'.
4. Scale drawings detailing fence location & elevation annexure 'G'.

If you have any questions in regard to any information contained within this letter, please do not hesitate to call me directly on 0409 633 961 to discuss or email me directly at [craig@northamfamilylawyers.com](mailto:craig@northamfamilylawyers.com).

Kind regards,



Craig Lee Anthony Zwetsloot  
Barrister and Solicitor  
Northam Family Lawyers

CC'd

1. Client

End:

1. Photo's of Current Fence.
2. Clackline Fencing Contractors quote.
3. Letter to Neighbouring Land Owner.
4. Extract of Land Title to 32 Bouverie Road.
5. Confirmation of Survey dated.
6. Survey plans.
7. Scale drawings detailing fence location & elevation.

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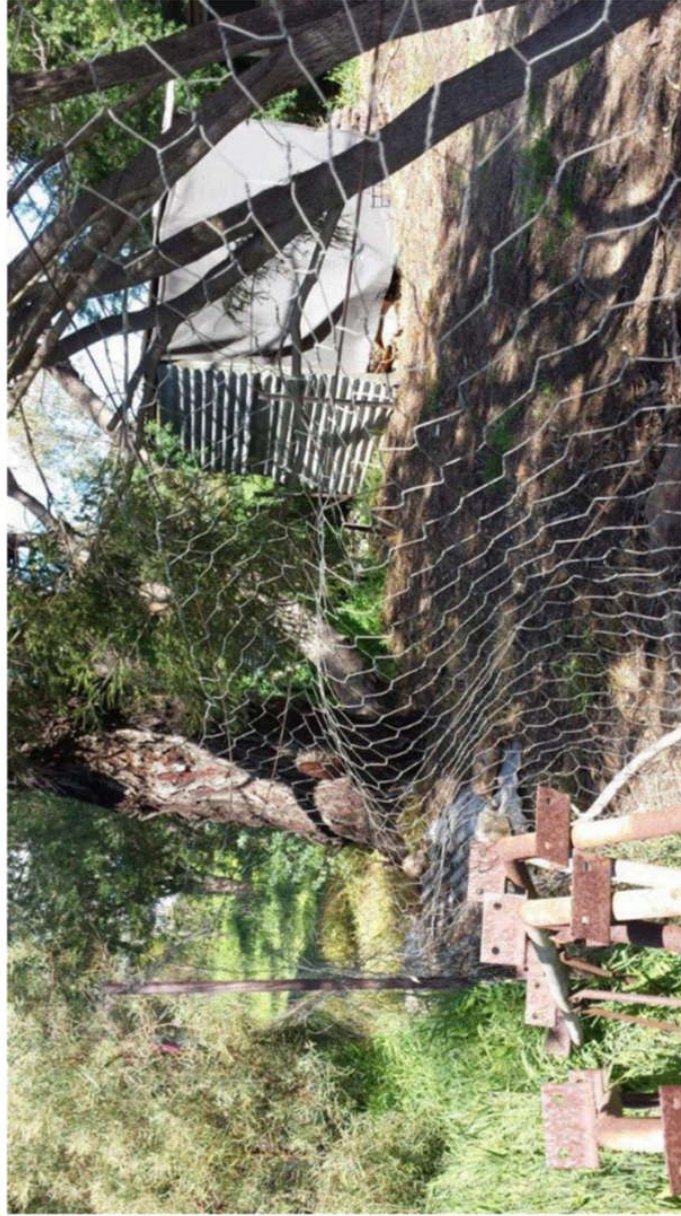
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 NORTHAM FAMILY LAWYERS

Annexure 'A' Photo's of Current Fence



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 NORTHAM FAMILY LAWYERS

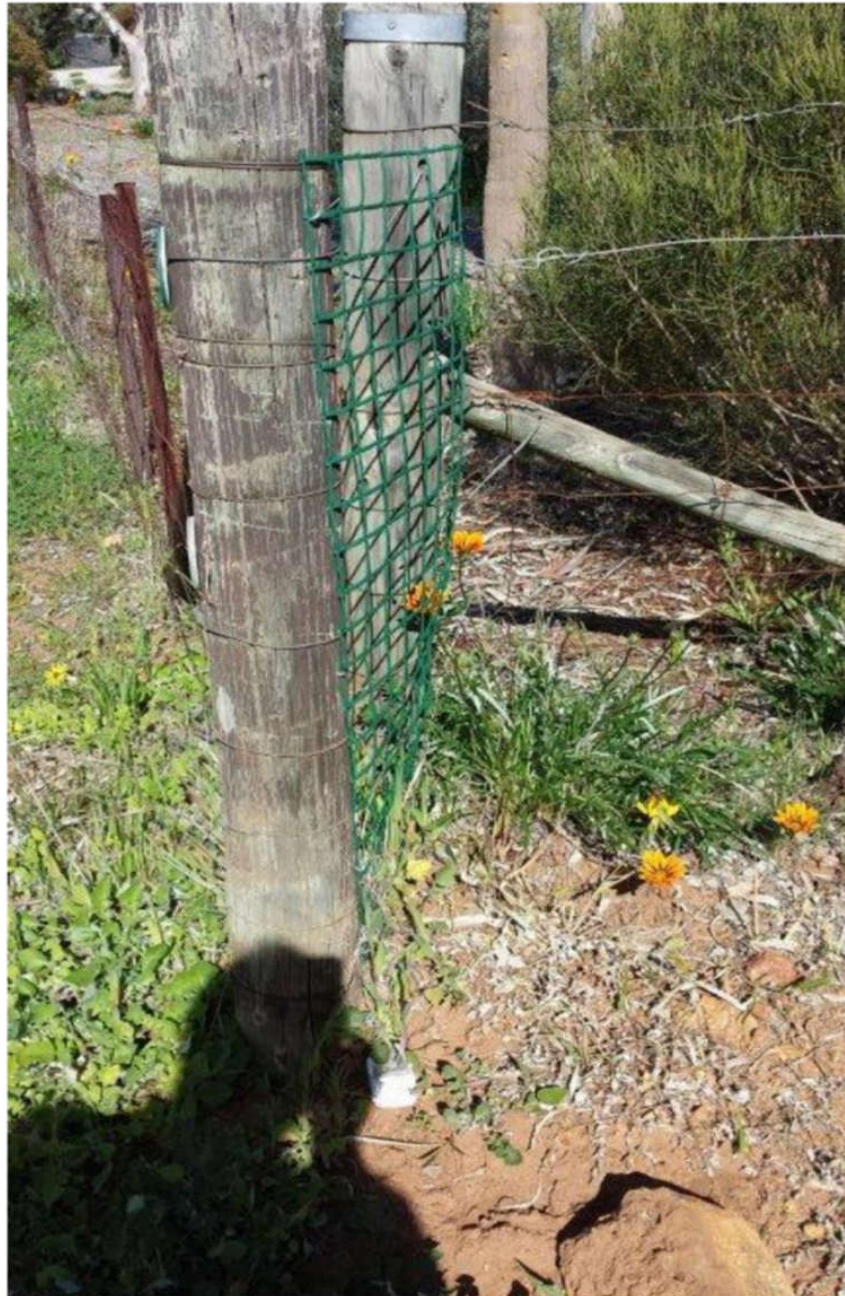


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Current Street Scape – Surveillance Significantly Hindered

View from car on crossover looking right across of our client's property



View from car on crossover looking left Paton's property



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View from car of road left of common wire boundary fence Olsson-Paton



View from car looking right from our client's driveway



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View from car on crossover looking ahead from our client's property road entrance



View from car up Bouverie Rd Left Front of Paton's property as entering road




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WESTERN AUSTRALIA

**RECORD OF CERTIFICATE OF TITLE**  
UNDER THE TRANSFER OF LAND ACT 1893

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

REGISTRAR OF TITLES

**LAND DESCRIPTION:**

LOT 200 ON DIAGRAM 76867

**REGISTERED PROPRIETOR:**  
(FIRST SCHEDULE)

[Redacted Proprietor Name]

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:**  
(SECOND SCHEDULE)

[Redacted Limitations]

-----END OF CERTIFICATE OF TITLE-----

**STATEMENTS:**

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

[Redacted Statements]

LANDGATE COPY OF ORIGINAL NOT TO SCALE Wed Oct 10 10:36:45 2018 JOB 57823014

  
Landgate  
www.landgate.wa.gov.au

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# PAUL KRAFT & ASSOCIATES

**LICENSED SURVEYORS**

ABN 49 445 973 102

## TAX INVOICE

Your Ref:  
Our Ref: 020018

1<sup>st</sup> August 2018

32 Bouverie Road  
YORK WA 6301

**INVOICE RE: LOT 200 ON BOUVERIE ROAD, YORK**

Professional Services Rendered.

Resurvey of above described land as instructed including field survey, information search at Landgate and sketch of resurvey. \$1400.00

GST \$ 140.00

**TOTAL AMOUNT DUE \$1540.00**

EFT Details:

**BSB No  
Account  
WESTPAC BANK NORTHAM WA**

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# PAUL KRAFT & ASSOCIATES

**LICENSED SURVEYORS**

ABN 49 445 973 102

## TO WHOM IT MAY CONCERN

I, PAUL KRAFT, licensed surveyor, certify that I have resurveyed Lot 200 on LTO Diagram 76867 Bouverie Road, York and that the survey was performed in accordance with the provisions of the *Licensed Surveyors (Guidance of Surveyors) Regulations 1961* and the *Licensed Surveyors (Transfer of Land Act 1893) Regulations 1961*.

1/8/2018

.....  
DATE

.....  
Licensed Surveyor

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Our Ref: OLSSONP  
Your Ref:  
Date: Monday, 8 October 2018

30 Bouverie Road,  
YORK  
WA 6302

**BY REGISTERED POST - PRIVATE AND CONFIDENTIAL**

Dear [REDACTED]

**NOTICE OF INTENTION TO ERECT A DIVIDING FENCE**

We can confirm Northam Family Lawyers ("NFL") act for [REDACTED] (our "client") in the above matter.

We are writing to advise that our client proposes to erect a dividing fence on the boundary line between your property and our client's property, namely the 80 metre sideage between 30 & 32 Bouverie Road, York, in accordance with Section 8 of the *Dividing Fences Act 1961*.

We can confirm that there is currently a substandard structure between the properties that consists of various materials. This structure is not considered a substantial fence pursuant to the *Shire of York Local Laws Relating to Fencing*, section 5(2)(a) and First Schedule, therefore Part II of the *Dividing Fences Act 1961* applies.

The fence that our client proposes to erect will cost \$14,000.00.

Our client obtained a quote from Fence It Now. A copy of the quote is **enclosed**. Our client proposes to accept this quote. Your share of the dividing fence will be half the cost of the structure, which is \$7000.00.

Please advise our office within 21 days if you agree or disagree with this proposal. If you have any questions in regard to any information contained within this letter, please do not hesitate to call me directly on 0409 633 961 to discuss or email me directly at [craig@northamfamilylawyers.com](mailto:craig@northamfamilylawyers.com).

If within 21 days we cannot reach agreement or you do not respond, the *Dividing Fences Act 1961* provides for the matter to be determined in the Magistrates Court.

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Kind regards,

Craig L A Zwetsloot  
Barrister and Solicitor  
Northam Family Lawyers

CC'd

1. Client

Incl:

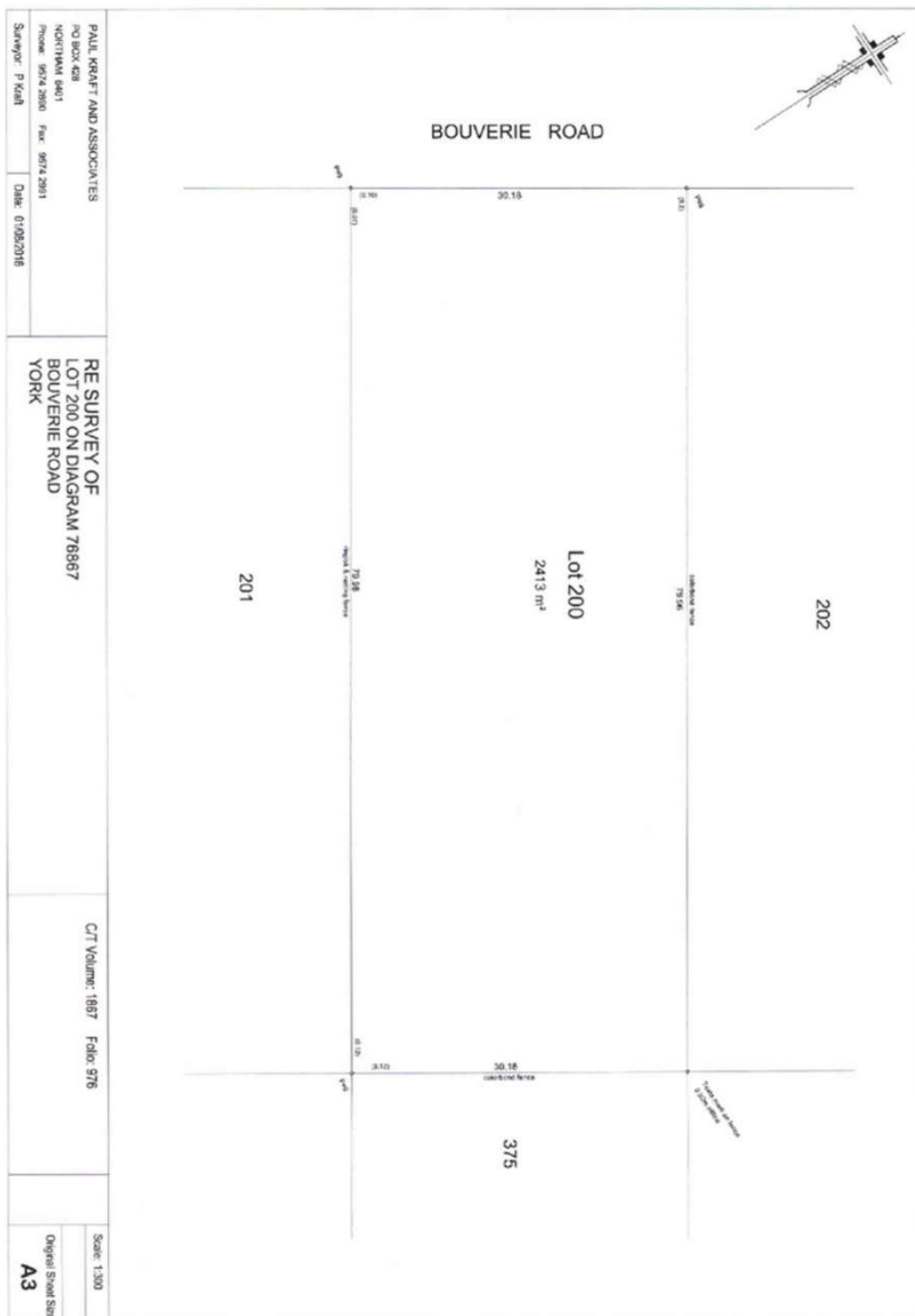
1. Fence it Now quote

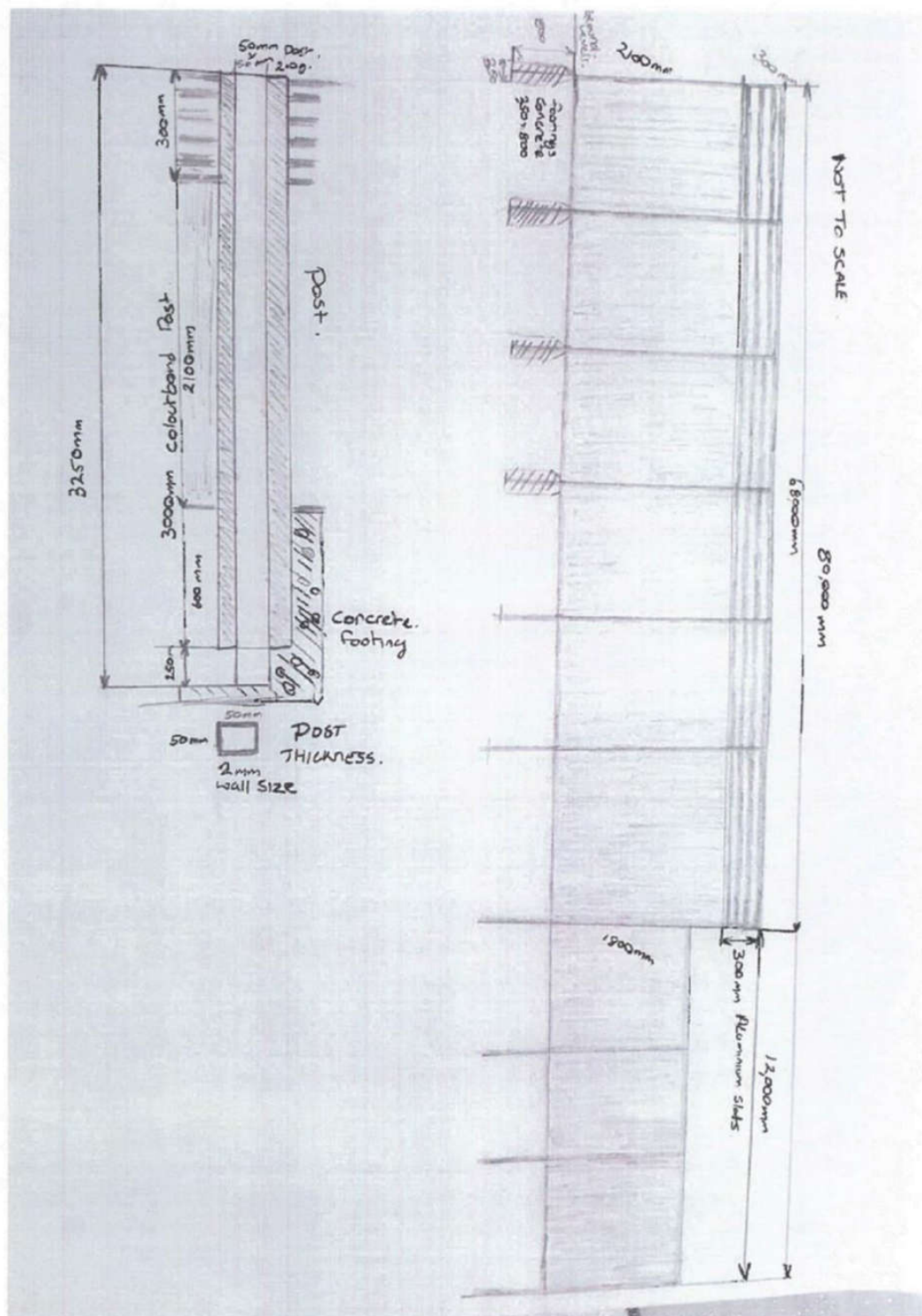
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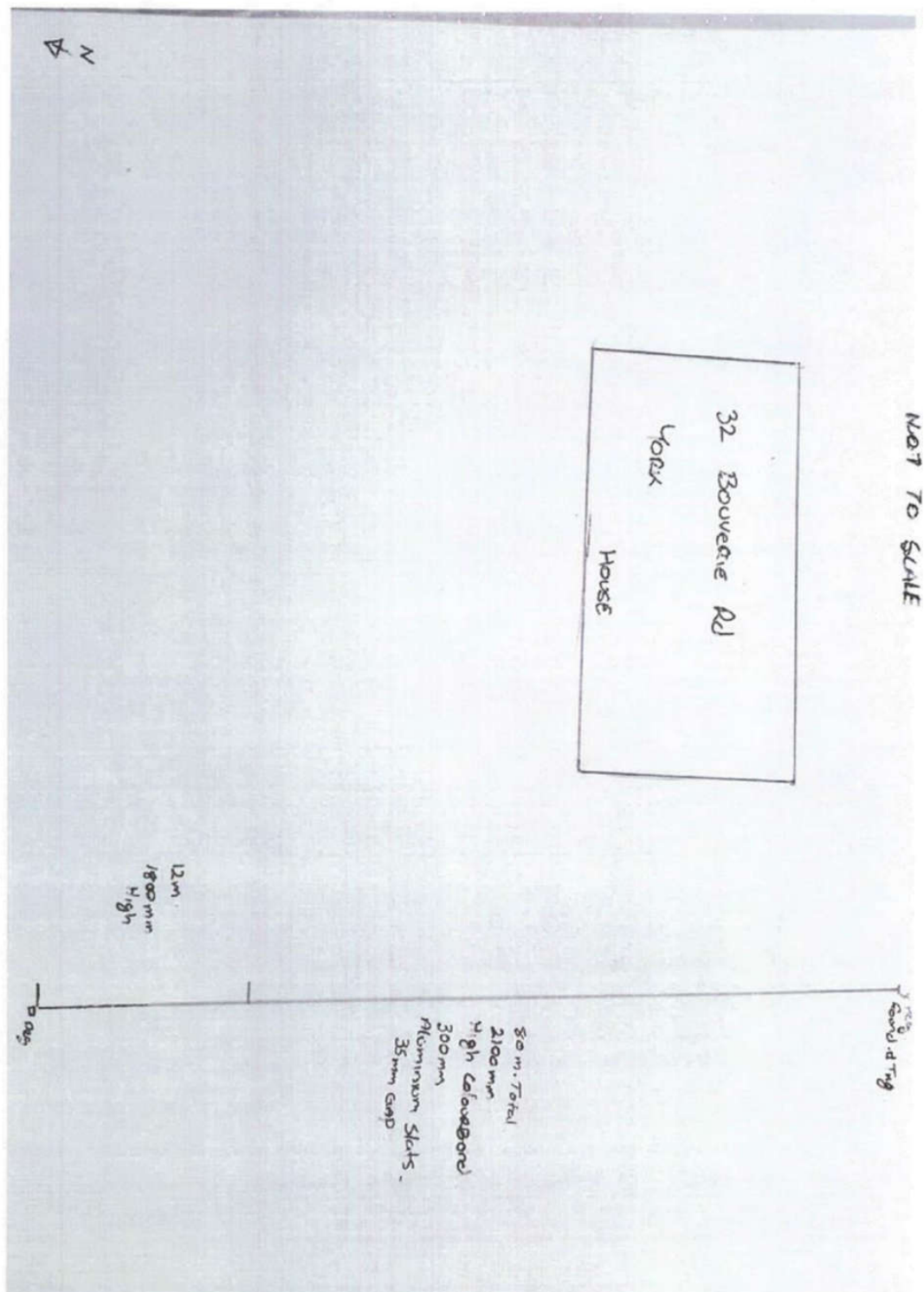
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SHIRE OF YORK	
FILE NO	B02-19340 & 15041
DATE	04 FEB 2019
INITIALS	J. J. 481
REFERRED TO COUNCIL	
DATE	
INITIALS	

4 February 2019

Darren Wallace  
Executive Manager Infrastructure and  
Development Services  
Shire of York  
1 Joaquina Street  
YORK WA 6302

By email to [records@york.wa.gov.au](mailto:records@york.wa.gov.au) and hand-delivered hard copy

Attention: Tom Reilly, Carly Rundle

Dear Mr Wallace,

**APPLICATION TO ERECT NEW DIVIDING FENCE BETWEEN LOTS 201  
(30) AND 230 (32) BOUVERIE STREET, YORK**

I refer to your letter dated 22 January 2019.

**I object to the application** for the following reasons:

1. At the proposed maximum height of 2.4 metres, or any height exceeding 1.8 metres, the fence would not comply with Shire legislation.
2. The proposed fence would be inconsistent with fencing on surrounding properties and therefore inappropriate to the area.
3. The proposed fence would detract from the appearance and amenity of both our properties.
4. The grounds of the application are for the most part factitious and in some instances nonsensical.
5. The grounds of the application rely less on planning issues than on a continuing dispute between him and me for which in my opinion he is entirely to blame.

In an email dated 1 November 2018 to Mr M Landsloot of Malan Fencing, the applicant stated: 'I have a building permit application with the shire of York for the 2400mm including the privacy screen. The shire have [sic] verbally informed my lawyer that this will be approved however we am [sic] still waiting written confirmation'. I **enclose** a copy of that email.

I trust the first part of his second sentence is untrue.

As for the particulars of the application, I offer the following observations.

**Current sub-standard structure:** I agree that the existing open-aspect fence is sub-standard. That is the result of the applicant's having instructed a friend of his to

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knock down a section of the fence on Good Friday 2018, an event witnessed by a friend of mine and recorded on video. The applicant made no effort to repair the damage thus caused.

I have photographs showing the fence to have been in good repair prior to that event.

The applicant has taken to hanging plastic bottles and a variety of produce and fertiliser bags on the fence and affixing children's multi-coloured toy windmills to it. In doing so, he has created a ludicrous eyesore for which he is entirely responsible. Photos are available if required.

**Variations:** Since you have not provided me with a copy of the Clackline Fencing Contractor's quote, I have no firm idea of what might be entailed in Option 2, which the applicant intends to implement, of that document. Presumably, it includes the 'privacy screening' measuring 300 mm added to the 2100 mm of the proposed fence.

**State Planning Policy 7:** The applicant's contention that 'the current landscape, vegetation and natural environment in the area' prevent 'surveillance down the street' is simply untrue, especially in relation to the applicant's home, which is situated considerably closer to the street than mine.

**Context and Character:** Many of the gardens in Bouverie Street are indeed 'well-established'. The applicant's garden is not one of them.

I fail to see how the proposed fence 'will enhance the well-shaded ambit [ambience?] of the current street scape', if only because the first 12 metres leading down to the street will be a mere 1200mm high.

**Landscape Quality:** This paragraph of the application is pretentious nonsense. The proposed fence is hardly likely to 'enhance the soft and hard landscape' or promote 'calming of the environment by reducing the travel [level?] of traffic noise'. Bouverie Road is not a busy thoroughfare. Nor is the 'thermal structure' of the fence likely to lead to 'a general calming of the elements'.

If the applicant desires 'a general calming of the elements', he might like to consider a well-aimed prayer as a cheap alternative to the monstrosity he proposes to erect.

The applicant owns two cats, which may restrict somewhat the opportunities for 'local fauna [to] nest and live' successfully in the area.

The applicant's reference to a 'microclimate in his yard' is at best fanciful and encourages speculation as to what plants he intends to grow. Is he planning to establish a rainforest on his half-acre block?

**Built Form and Scale:** More pretentious nonsense. How exactly will the proposed fence 'compliment' [complement?] 'the immediately surrounding character of the other built forms and the natural street scape?' How will it 'enhance the current use of the area'? And the 'street environment', while pleasant and reasonably 'well-shaded', is by no means 'lush'.

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*Functionality and Build Quality:* The 'significant personal issues' mentioned are entirely down to the applicant, who has since I complained to the Shire in mid-2017 about a pile of pig manure he had stacked close to my home against the fence unceasingly disrupted what used to be an untroubled neighbourly relationship. It is true that the proposed fence would 'enhance privacy' but at a considerable aesthetic cost.

*Sustainability:* See 'Landscape Quality', above.

*Amenity:* The 'existing street scape' will not 'surround' the proposed fence, as the applicant seems to suggest. Regardless of the quality of the construction, the fence will have the appearance of a prison wall and in my opinion will do nothing to 'increase the general appeal of the street'.

'Overlooking', insofar as it exists, would be made necessary in my case by the hostile and on one occasion demonstrably unlawful behaviour of the applicant (see 'Safety', below). Most of us value our privacy, but I wonder why the applicant is so inordinately fixated on such issues that he has wrongly accused me more than once of 'breaching the Privacy Act'. I have no interest whatsoever in his personal or family life.

If 'glare' alludes to my security lights, I point out that the applicant has within the last month affixed two powerful spotlights to the side of his garage that beam directly into my home. As for noise, that is generated by the applicant, who occasionally likes to play 'head banging' music loudly in his yard through the open doors of his ute.

I agree that that such problems might well be diminished by the construction of the proposed fence, but there is a simpler and less expensive solution, that is, for the applicant to behave in a reasonably neighbourly fashion towards me as he used to in days gone by.

*Safety:* Early in June 2017, somebody set fire to a mature gum tree in my front yard. That is why I installed security lights and cameras on my property.

I find it difficult to understand how my security lights and cameras have created 'safety concerns' for the applicant, unless his concerns relate to the cameras having filmed him committing unlawful acts of trespass on and damage to my property. For those offences, which took place in the early hours of 3 November 2017, the applicant was convicted and fined in the Northam Magistrates Court on 12 February 2018.

The construction of the proposed fence will do nothing to diminish my concerns for my safety and wellbeing. Those concerns have arisen from the applicant's hostile attitude and conduct towards me, including his apparent readiness to engage in unlawful behaviour, and would scarcely be allayed by the construction of the proposed fence.

I hope that whatever solution the applicant finally adopts, it will lessen, not as he suggests 'elevate', the issues to which this section of his application adverts.

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23 March 2019

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*Community:* Frankly, I doubt that the applicant's desire for the proposed fence is motivated by concern for the welfare of his neighbours and the community in general. I doubt that he has consulted other residents of Bouverie Street regarding such matters as 'street appeal' and their 'living needs'.

The 'stress' to which this section refers results, for me at any rate, from the applicant's behaviour and has little if anything to do with the positioning of our respective driveways.

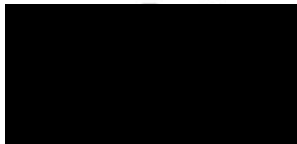
I am puzzled by the applicant's lawyer's use in this context of the phrase 'quiet enjoyment', a legal term applying not to relationships between neighbours but to those between landlords and their tenants. I am also puzzled by the phrase 'age-in-place', unless the intention was to write 'age in peace'.

*Aesthetics:* The proposed fence may be 'functional' but it will not be 'attractive'. It will not 'make the street scape more inviting' nor will it 'enhance the landscape character'.

**Letter to Other Land Owner:** This section of the application is entirely untrue. My lawyer, Bairbre Lewis, replied by letter dated 17 October 2018 to the applicant's lawyer Mr Zwetsloot's letter of 8 October 2018. I **enclose** a copy of Ms Lewis's reply.

On 12 November 2018 Ms Lewis emailed Mr Zwetsloot pointing out that she had not received a reply to her letter and asking if he was still acting for the applicant. I **enclose** a copy of her email. Mr Zwetsloot did not reply to her email. I think it discourteous of Mr Zwetsloot, who knows that Ms Lewis acts for me, not to have provided her directly with a copy of the current application.

Yours sincerely,



Cc CEO Paul Martin

Enc (3)

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On Thursday, 1 November 2018, 15:54,

Hi Marcel,

Thank you for your response.

The first 12 metres comes under an R5 zoning.

Could you supply a quote for 67.5 metres at 2100mm high with the privacy screen taking the height to 2400.

The remaining 12 metres needs to be 1800mm high.

I believe the cost will be for the panels and posts. Not sure of the cost of the last 12 metres.

I have a building permit application with the shire of York for the 2400mm high fence including the privacy screen.

The shire have verbally informed to my lawyer that this will be approved however we are still waiting written confirmation.

My lawyer has applied to the state planning minister for an exemption on the R5 zoning which will allow the 1800mm fence on the 12 metres setback area. Photos and letter have been sent.

Upon removal of the old fence, I would like to retain the star pickets and galvanized bracing posts x 2 and some of the fencing wire.  
All netting to be discarded.

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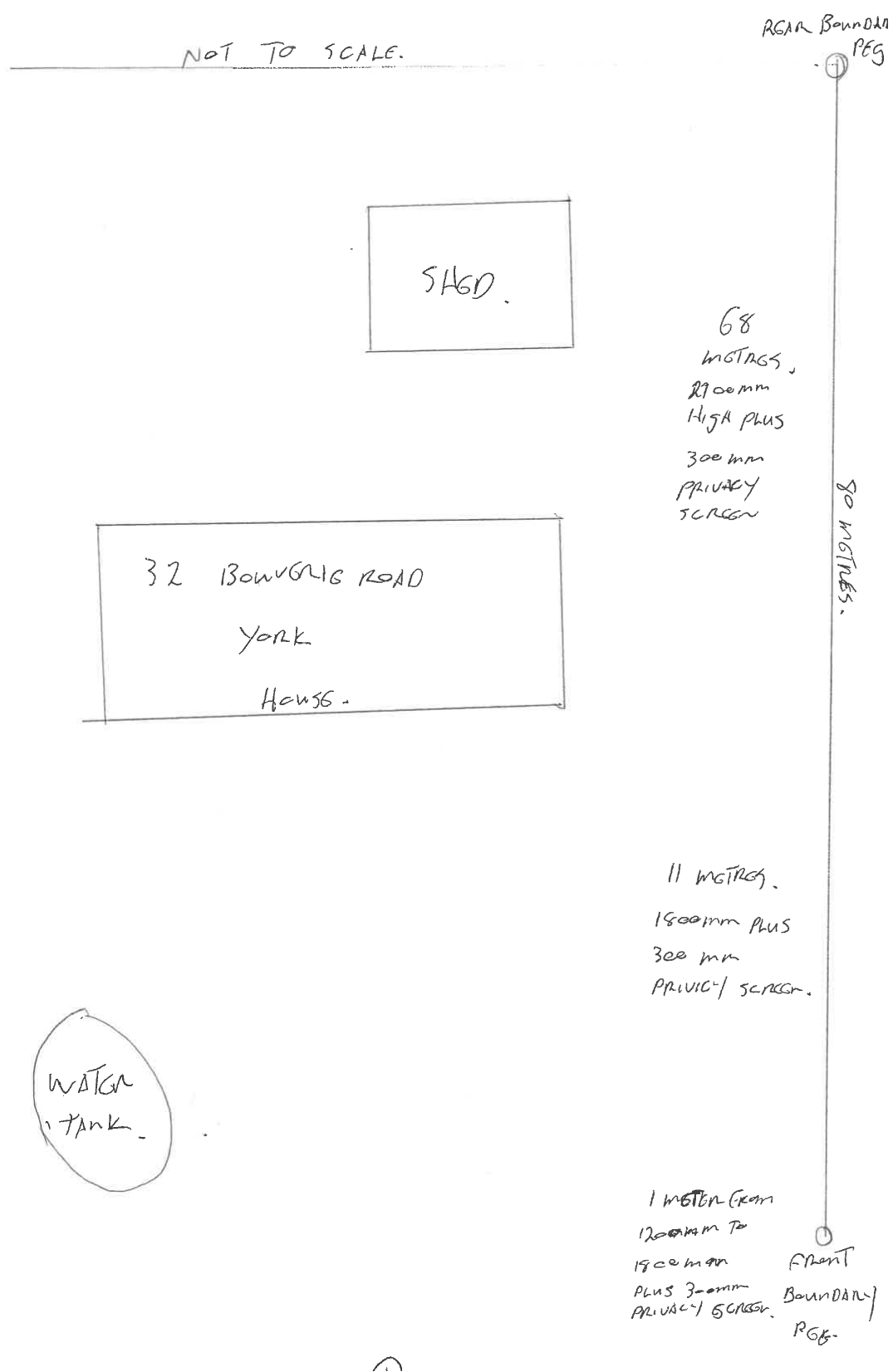


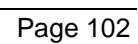
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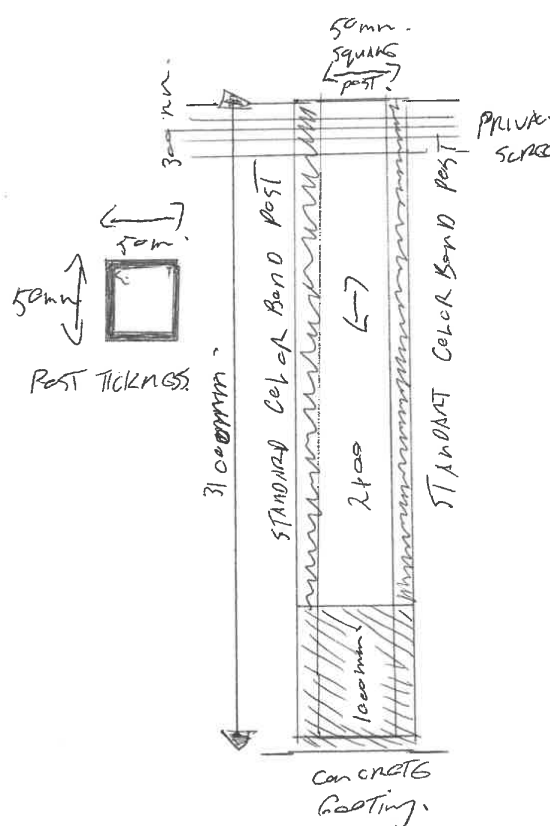
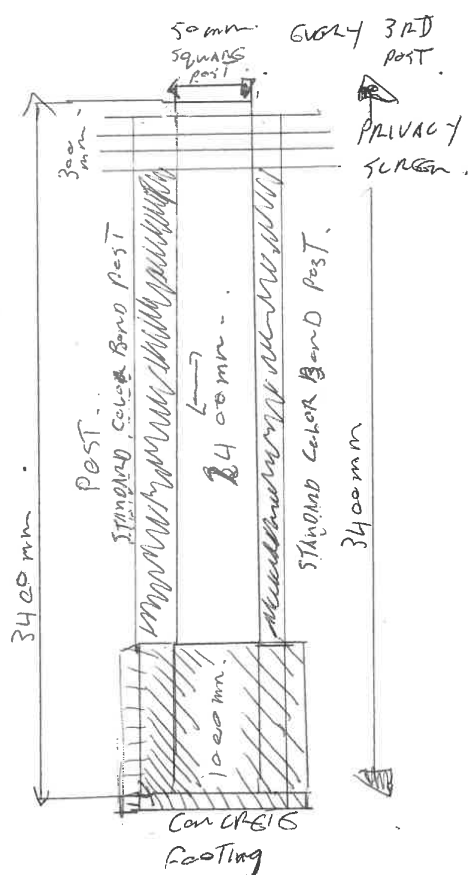


Ordinary Council Meeting Minutes

22 August 2023







**SY145-11/23 ROAD RESERVE WIDENING - MYANARRA ROAD, SAINT RONANS**

<b>File Number:</b>	<b>4.0476</b>
<b>Author:</b>	<b>Sharla Simunov, Planner</b>
<b>Authoriser:</b>	<b>Lindon Mellor, Executive Manager Infrastructure &amp; Development Services</b>
<b>Previously before Council:</b>	<b>28 February 2023 (050223)</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Appendices:</b>	<b>1. Council Minutes (SY006-02/23) <a href="#">↓</a></b> <b>2. Proposed Plan <a href="#">↓</a></b> <b>3. Land Valuation Compensation Report - Confidential</b>

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

Executive

**PURPOSE OF REPORT**

This report seeks Council's approval to progress the widening of a portion of Myanarra Road in Saint Ronans to include a section of the existing road carriageway that is located outside of the designated road reserve area.

**BACKGROUND**

The owners of Lot 99 (Diagram 93492) Myanarra Road, Saint Ronans engaged J.H. Towie (Licenced Surveyor 629) to conduct a re-survey of a portion of Lot 99 on 9 September 2022 for the purposes of locating the boundary line for installation of new boundary fencing.

Upon the re-survey being undertaken it was found the Shire has previously constructed a portion of the Myanarra Road carriageway outside of the designated road reserve and within Lot 99.

The owners of Lot 99 initially requested the road carriageway be reconstructed to within the existing road reserve however Officers advised the owners that reconstruction of this section of road was not the preferred option due to the likely significant cost.

At its February 2023 meeting Council resolved (050223):

***"That, with regard to Road Reserve Widening - Myanarra Road, Saint Ronans***

- 1. Authorise the Chief Executive Officer to progress evaluation of the future possible widening of the road reserve area to account for the constructed road alignment through Lot 99 on Diagram 93492, including the initial survey works and valuation report required, for further discussion with the owner of Lot 99 and subsequent consideration by Council, including the likely cost implications."***

An extract of the Council Minutes is presented in Appendix 1.

**COMMENTS AND DETAILS**

Horizon Surveys was engaged to prepare a proposed road widening plan to include the portion of Lot 99 that needs to be acquired to include the current road carriageway within the road reserve. This plan shows all the existing and proposed new boundaries as well as the precise area (3,829m<sup>2</sup>) to be taken from Lot 99 for road widening purposes.

The proposed road widening plan is presented in Appendix 2.

Upon obtaining the proposed plan, the owners were consulted and confirmation was received that the proposed area to be taken was satisfactory.

Licensed property valuers Acumentis were then engaged to determine a current market assessment of compensation for the proposed portion of land to be obtained for road reserve widening. The valuation provides for \$1.50 per square metre.

A copy of the land valuation compensation report is presented in confidential Appendix 3.

Officers have had another meeting with the owners to discuss the survey plan and valuation report where the owners advised they were satisfied with both.

If Council resolves to proceed with the road reserve widening, the following steps are to be undertaken:

1. Instruct the licensed surveyor to prepare and lodge a subdivision application with the Western Australian Planning Commission (WAPC) requesting approval for the proposed road reserve widening. Council should note there are no application fees payable to WAPC for road reserve widenings which saves the Shire approximately \$3,000 in the usual application fee payable for subdivision applications.
2. Assuming the WAPC approves the application to widen the road reserve, the licensed surveyor will then make arrangements to clear any conditions of approval and prepare a deposited plan for lodgement with the WAPC and Landgate.
3. Once the subdivision plan is 'in-order-for-dealings' at Landgate, the Shire will instruct a conveyancer/settlement agent to make application to Landgate for the issuance of a new certificate of title for Lot 99 which would exclude the land taken for road widening purposes. Finalisation of the road widening will also be contingent upon payment of the agreed compensation to the landowners by the Shire at the appropriate point in time and installation of a new boundary fence.

## OPTIONS

Council has the following options:

- Option 1:** Council could choose to authorise the Chief Executive Officer to progress the proposed road reserve widening to account for the constructed road alignment through Lot 99, including the lodgement of a subdivision application and subsequent steps to finalise the process.
- Option 2:** Council could choose to request the Chief Executive Officer to progress with an alternate solution and advise what that solution may be.
- Option 3:** Council could choose to request the Chief Executive Officer to progress the proposed road reserve widening to account for the constructed road alignment through Lot 99, with modified wording.
- Option 4:** Council could choose to request the Chief Executive Officer to seek legal advice to ascertain Shire's responsibility if it were to not progress with the road widening.

Option 1 is the recommended option.

## IMPLICATIONS TO CONSIDER

### Consultative

There has been consultation with the owners of Lot 99 who have advised they accept the proposed road reserve widening plan provided by Horizon Surveys and are satisfied with the land valuation compensation value of \$5,744 exclusive of GST provided by Acumentis.

Quotations have been received for the installation of a new boundary fence. The owners have advised that if they were to require any additional fencing on top of the standard seven (7) line ringlock fencing with steel strainers and a strand of barbed wire, they would consult with the

successful fencing contractor and pay the difference direct to the contractor. This may include the addition of farm gates and/or smaller spacing of star pickets.

## Strategic

### Strategic Community Plan 2020-2030

Goal 4: Our Built Environment

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

## Policy Related

There are no policy related implications associated with the recommendation.

## Financial

The below table details the estimated cost of the proposed road reserve widening.

**TABLE 1.**

STEP	PRICE	TIMEFRAME
Preparation of proposed road widening plan	\$550 incl GST	Completed
Property Valuation Report	\$2,750 incl GST	Completed
WAPC application for Road Widening	\$Nil application fee to WAPC – Road widenings are exempt from fees payable to the WAPC	Up to 3 months
Licence Surveyor to survey new boundary (i.e. marking the corners of all new lots) and subdivision plan preparation (including lodging at Landgate and applying for clearance on Owners behalf)	\$5,335 incl GST	Approximately 3 to 4 months (included within 3 month timeframe above)
Conveyancer/Settlement Agent – application to Landgate for issuance of new certificate of title once subdivision plan is ‘in-order-for-dealing’	Approximately \$1,100 incl GST	2 weeks
Payment to Landowner for portion of Lot 99 taken for road reserve widening	\$6,318.40 incl GST	Paid once new certificate of title to be issued
Installation of new boundary fence to Lot 99 if required	Quote received at \$10,307.00 incl GST	Dependant on contractor availability at the time

Estimated cost to finalise the proposed road reserve widening is \$23,060.40. There is currently no budget available, a budget variation is required to progress further. Officers propose to re-allocate funding at the mid-year budget review.

## Legal and Statutory

*Local Government Act 1995*

*Land Administration Act 1997*

*Planning and Development Act 2005*

**Risk Related**

Additional road carriageways may be located outside of the designated road reserves within the Shire's municipal boundary and the Shire would consider each situation and/or request as it arises.

**Workforce**

There are no additional workforce implications associated with the recommendation of this report. Ongoing maintenance grading is already undertaken by the Shire.

**VOTING REQUIREMENTS**

**Absolute Majority: No**

**RESOLUTION****071123****Moved: Cr Denis Warnick****Seconded: Cr Peter Wright****That, with regard to the Road Reserve Widening - Myanarra Road, Saint Ronans, Council:**

- 1. Authorises the Chief Executive Officer to finalise the widening of the road reserve area to account for the constructed road alignment through Lot 99 on Diagram 93492, including engaging a licenced surveyor to lodge the subdivision application with the Western Australian Planning Commission.**
- 2. Authorises the Chief Executive Officer to compensate the owners of Lot 99 for the portion of land being obtained for the road reserve widening to the value of \$6,318.40 including GST once the subdivision has been finalised and proceed with the installation of the boundary line fence.**
- 3. Requests the Chief Executive Officer to include a re-allocation of funds of \$24,100 in the mid-year budget review to support the road reserve widening.**

**In Favour: Crs Kevin Trent, Denis Warnick, Blake Luxford, Kevin Pyke, Denese Smythe and Peter Wright**

**Against: Nil**

***CARRIED 6/0***

**SY006-02/23 ROAD RESERVE WIDENING - MYANARRA ROAD, SAINT RONANS**

<b>File Number:</b>	<b>4.0466</b>
<b>Author:</b>	<b>Sharla Simunov, Planner</b>
<b>Authoriser:</b>	<b>Sinead McGuire, Executive Manager Infrastructure &amp; Development Services</b>
<b>Previously before Council:</b>	<b>Not Applicable</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Appendices:</b>	<b>1. Survey Plans <a href="#">↓</a></b> <b>2. Aerial of Myanarra Road <a href="#">↓</a></b> <b>3. Proposed Road Widening Area <a href="#">↓</a></b>

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

Executive

**PURPOSE OF REPORT**

To seek Council's approval to evaluate the possible widening of a portion of Myanarra Road in Saint Ronans to include a section of the existing road carriageway that is located outside of the designated road reserve area.

**BACKGROUND**

The owners of Lot 99 (Diagram 93492) Myanarra Road, Saint Ronans engaged J.H. Towie (Licenced Surveyor 629) to conduct a re-survey of a portion of Lot 99 on 9 September 2022 for the purposes of locating the boundary line for installation of new boundary fencing. Survey plans and aerial photography of the relevant portion of Myanarra Road are presented in Appendix 1 and Appendix 2 respectively.

Upon the re-survey being undertaken it was found the Shire has previously constructed a portion of the Myanarra Road carriageway outside of the designated road reserve and within Lot 99 (i.e. approximately 105m long and up to 5.6m wide in some areas of the bend).

The owners of Lot 99 initially requested the road carriageway be reconstructed to within the existing road reserve. Officers advised the owners that reconstruction of this section of road is not the preferred option due to the likely significant cost.

Since this time Officers have met on several occasions with the owners of Lot 99 Myanarra Road to discuss options and they have indicated that widening a portion of the road reserve may be suitable. Furthermore, the owners have suggested that the road reserve be widened from Mokine Road through to the portion of the road carriageway located outside of the road reserve to alleviate any safety issues with the road carriageway being located up against the new boundary fence of Lot 99 once it is installed.

The map presented in Appendix 3 shows the recommended section for road widening.

**COMMENTS AND DETAILS**

Reconstruction of the road carriageway within the road reserve area is not a preferred option due to the likely significant cost.

A land swap with the owners of Lot 99 could be considered. However, the process is complicated, time consuming and expensive due to the need to engage lawyers to formulate a suitable deed of

## Ordinary Council Meeting Minutes

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agreement and obtain approval from the Minister of Lands to deal with the Crown land component being the current road reserve area.

The preferred option is to widen a portion of the road reserve by undertaking the following steps:

1. Engage a licenced surveyor to prepare a proposed road widening plan to include the portion of Lot 99 that needs to be acquired to include the current road carriageway within the road reserve. This plan will show all the existing and proposed new boundaries as well as the precise area to be taken from Lot 99 for road widening purposes.
2. Engage a licensed property valuer to prepare a valuation report confirming how much the land to be taken from Lot 99 for inclusion in the road reserve is worth in today's market.
3. Preparation of a further report to Council to determine whether to proceed once Officers have had another meeting with the landowners to discuss the survey plan and valuation report.
4. If Council resolves to proceed, instruct the licenced surveyor to prepare and lodge a subdivision application with the Western Australian Planning Commission (WAPC) requesting approval for the proposed road widening. Council should note there are no application fees payable to WAPC for road widenings which saves the Shire just over \$3,000 in the usual application fee payable for subdivision applications.
5. Assuming the WAPC approves the application to widen the road reserve, the licenced surveyor will then make arrangements to clear any conditions of approval and prepare a deposited plan for lodgement with the WAPC and Landgate.
6. Once the subdivision plan is 'in-order-for-dealings' at Landgate, the Shire will instruct a conveyancer/settlement agent to make application to Landgate for the issuance of a new certificate of title for Lot 99 which would exclude the land taken for road widening purposes. Finalisation of the road widening will also be contingent upon payment of the agreed compensation to the landowners by the Shire at the appropriate point in time and installation of any new boundary fencing that may form part of any negotiated agreement.

## OPTIONS

Council has the following options:

- Option 1:** Council could choose to authorise the Chief Executive Officer to progress evaluation of the future possible widening of the road reserve area to account for the constructed road alignment through Lot 99, including the initial survey works and valuation report required, for further discussion with the owner of Lot 99 and subsequent consideration by Council, including the likely cost implications.
- Option 2:** Council could choose to request the Chief Executive Officer to progress with an alternate solution and advise what that solution may be.
- Option 3:** Council could choose to request the Chief Executive Officer to progress evaluation of the future possible widening of the road reserve area to account for the constructed road alignment through Lot 99, with modified wording.
- Option 4:** Council could choose to request the Chief Executive Officer to seek legal advice to ascertain Shire's responsibility if it were to not progress with the road widening.

Option 1 is the recommended option.

## IMPLICATIONS TO CONSIDER

### Consultative

There has been consultation with the owners of Lot 99 who have indicated they are willing to progress with the widening of Myanarra Road reserve.

However, further consultation will be required once a new survey plan and valuation report have been received.

**Strategic**Strategic Community Plan 2020-2030

Goal 4: Our Built Environment

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

**Policy Related**

There are no policy related implications associated with the recommendation.

**Financial**

The below table details the estimated cost of the proposed road reserve widening.

**TABLE 1.**

STEP	PRICE	TIMEFRAME
Licensed surveyor to prepare proposed road widening plan	\$500 plus GST	1 – 2 weeks
Property Valuation Report	Approximately \$1,000	1 – 2 weeks
Valuation of Land for Compensation to Landowner	Unable to quantify an indicative price at present.	To be discussed at next Council meeting
Lodge WAPC application for Road Widening	<p>\$Nil application fee to WAPC – Road widenings are exempt from fees payable to the WAPC.</p> <p>Approximately \$750 plus GST to cover the cost of the surveyor preparing and lodging the required application to the WAPC.</p>	Up to 3 months
Licence Surveyor clear any conditions of approval and prepare deposited plan for lodgement with WAPC & Landgate	<ul style="list-style-type: none"> <li>Survey \$4,200 plus GST (incl. Mobilisation, Survey and Marks placed)</li> <li>Plan preparation \$450 plus GST</li> <li>Landgate fees \$450</li> <li>WAPC endorsement \$650</li> </ul>	Approximately 3 to 4 months
Conveyancer/Settlement Agent – application to Landgate for issuance of new certificate of title once subdivision plan is 'in-order-for-dealing'	Approximately \$1,000	1 – 2 weeks
Payment to Landowner for portion of Lot 99 taken for road widening.	To be confirmed following receipt of valuation advice and outcomes from discussions and negotiations with the landowner.	
Installation of new boundary fence to Lot 99 if required.	Quote received at \$9,421.50	

**Legal and Statutory**

*Local Government Act 1995*

*Land Administration Act 1997*

*Planning and Development Act 2005***Risk Related**

Additional road carriageways may be located outside of the designated road reserves within the Shire's municipal boundary and the Shire would consider each situation and/or request as it arises.

**Workforce**

There are no additional workforce implications associated with the recommendation of this report.

Ongoing maintenance grading is already undertaken by the Shire.

**VOTING REQUIREMENTS**

**Absolute Majority: No**

**RESOLUTION  
050223**

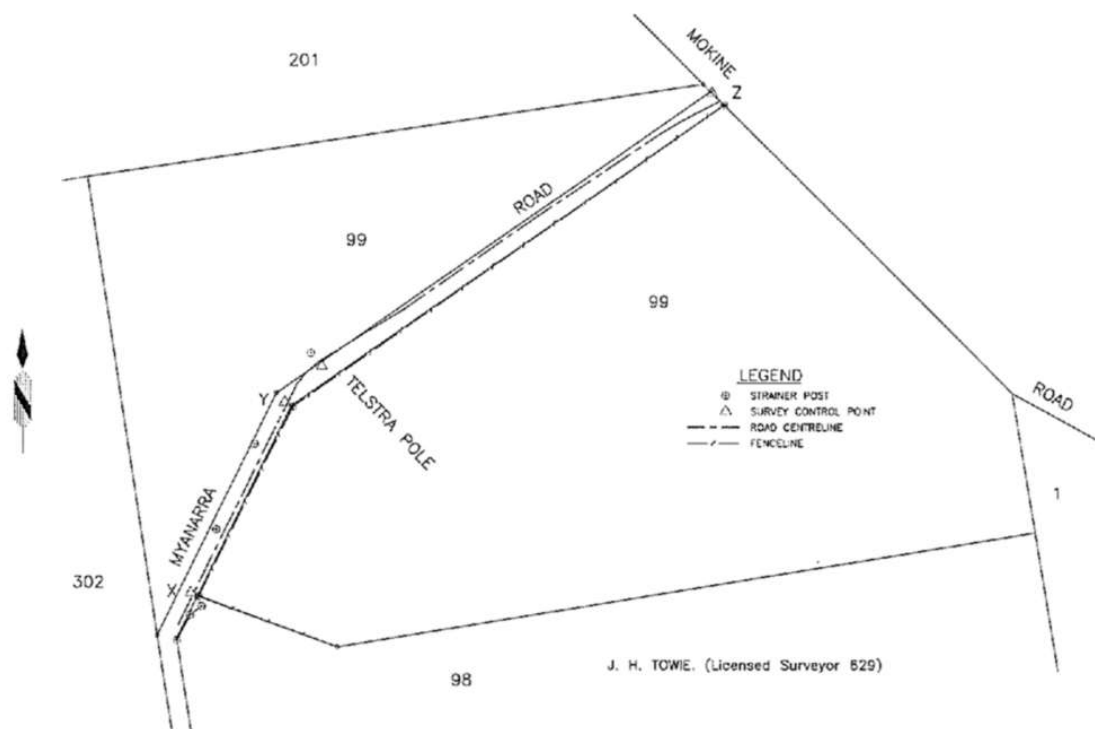
**Moved: Cr Kevin Trent**

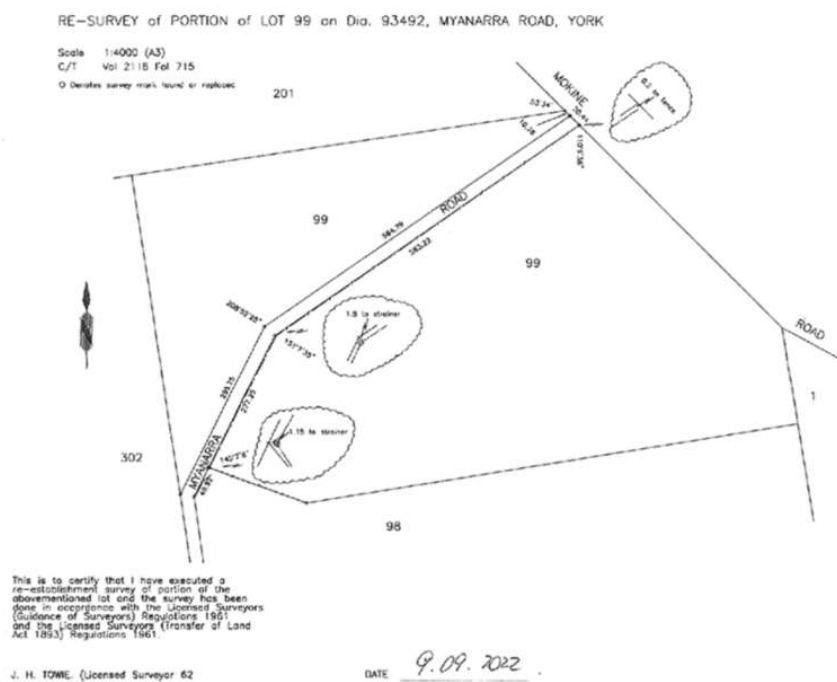
**Seconded: Cr Pam Heaton**

**That, with regard to Road Reserve Widening - Myanarra Road, Saint Ronans**

- 1. Authorise the Chief Executive Officer to progress evaluation of the future possible widening of the road reserve area to account for the constructed road alignment through Lot 99 on Diagram 93492, including the initial survey works and valuation report required, for further discussion with the owner of Lot 99 and subsequent consideration by Council, including the likely cost implications.**

***CARRIED: 6/0***





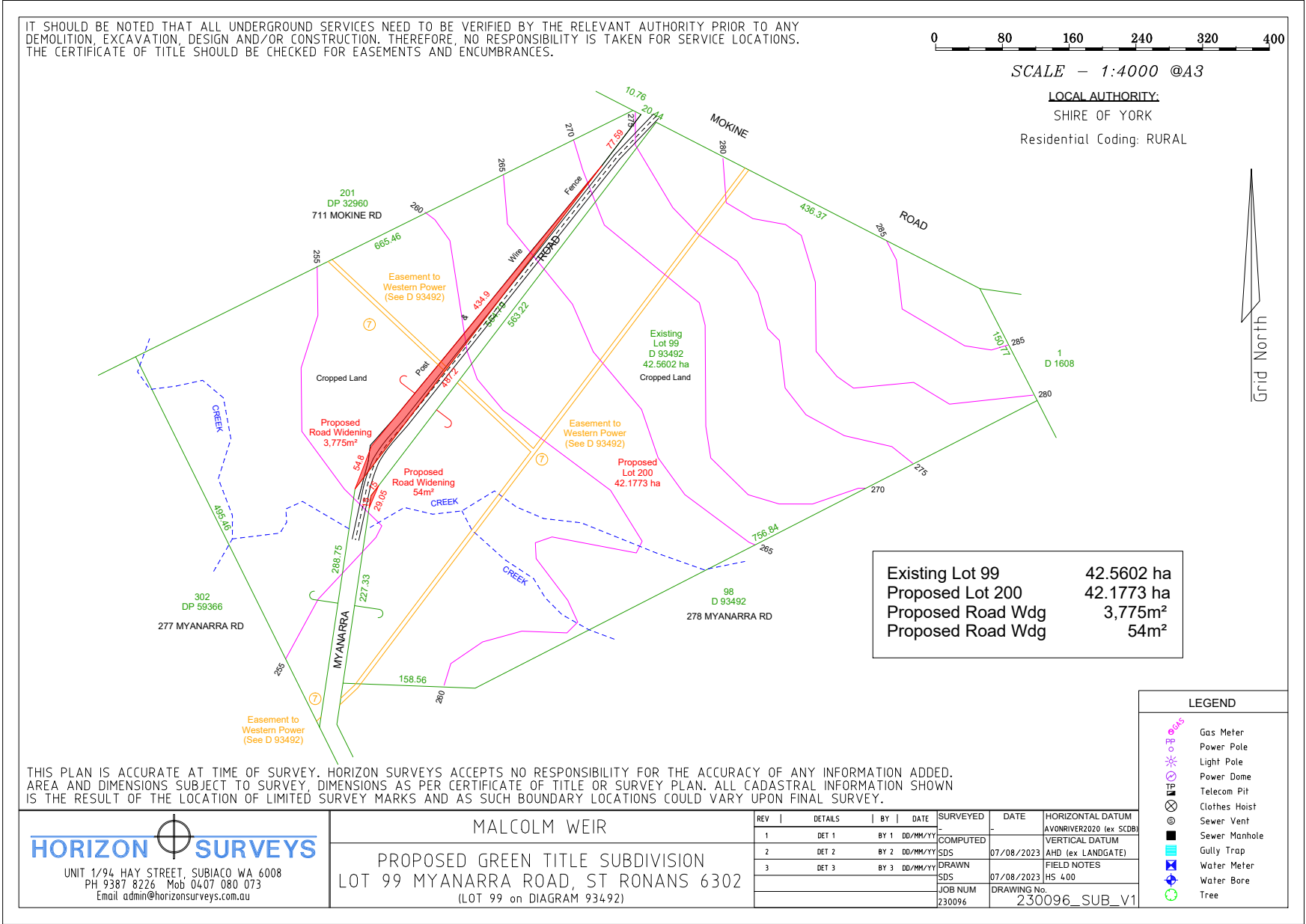
20 February 2023

Ordinary Council Meeting Minutes



Proposed Road Widening – Myanarra Road, Saint Ronans





**SY146-11/23 DRAFT LEASE - YORK SENIOR FOOTBALL CLUB INC****Disclosure of Interest – Cr Pyke – Impartial – Draft Lease - York Senior Football Club Inc**

*Cr Pyke read the Impartiality Declaration - ... With regard to the Draft Lease - York Senior Football Club Inc, the matter in Item SY146-11/23, I disclose that I have an association with the applicant (or person seeking a decision). The association is I am a member of the Football Club. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.*

**File Number:** 4.0474

**Author:** Anneke Birleson, Administration & Governance Coordinator

**Authoriser:** Alina Behan, Executive Manager Corporate & Community Services

**Previously before Council:** 21 April 1997  
19 April 2004  
16 August 2010 (100810)  
26 November 2018 (131118)

**Disclosure of Interest:** Nil

**Appendices:** 1. Draft Lease - York Senior Football Club - Confidential

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

Executive

**PURPOSE OF REPORT**

This report presents a proposed lease between the Shire of York and the York Senior Football Club Inc (YSFC) to Council for consideration.

**BACKGROUND**

Shire records indicate that for at least twenty-six (26) years parts of Reserves 121 and 13323 have been cropped by a syndicate of three (3) community sporting clubs for the purpose of fundraising for their respective clubs.

The syndicate consists of the YSFC, York Lawn Tennis Club Inc and the York Hockey Club Inc, and goes by the name Ag-Star Sports. It is not an incorporated body.

At its April 1997 Ordinary Meeting Council resolved:

***"That:***

- 1. The Council approve the requests from the York Hockey Association and the York Football Club for the use of reserves 121 and 13323;***
- 2. That the Football Club be permitted the use of reserve 121 and the Hockey Association be permitted the use of reserve 13323 each for a period of 1 year."***

At its April 2004 Ordinary Meeting Council resolved:

***"That the Council approve the use of the Reserves (Airfield) to be shared on a yearly basis the Hockey Club this financial year 2004/05 followed by the Football Club 2005/06."***

At its August 2010 Ordinary Meeting Council resolved (100810):

***"That Council:***

1. ***Grant approval for the cropping of a portion of Reserve 121 by Ag-Star Sports, which is a combination of the Tennis, Hockey and Football Clubs for an initial five (5) year period from 6 May 2010; and***
2. ***Advise Ag-Star Sports that the arrangement can be cancelled at the discretion of Council should the land be required for development of the Equine Precinct."***

At its November 2018 Ordinary Meeting Council resolved (131118):

***"That Council:***

1. ***Refuses to make portions of Reserves 121 and 13323 exclusively available to York Football Club [YFC] given that the York Hockey Club and York Lawn Tennis Club have indicated interest in continuing to crop the land on a share basis.***
2. ***Requests the Chief Executive Officer to work with the three clubs to formalise an agreement for the cropping of the land on a share basis.***
3. ***Determines that the fees currently charged for oval and lights usage by the YFC are appropriate.***
4. ***At this time, refuses the YFC's proposal to:***
  - a) ***provide volunteers and a manager's wage for home games in 2019 in return for income; and***
  - b) ***make land available for a club room facility; as in Council's view, these matters can't be considered until the management of the bar and kitchen facility at the YRCC has been resolved.***
5. ***Requests the Chief Executive Officer to develop a master plan for the Forrest Oval precinct."***

On 11 March 2019, letters were sent to the three (3) sporting clubs requesting the status of Ag-Star Sports and an indication of each club's interest and commitment to crop the land on a share basis. Shire records indicate there was no response to these letters.

On 1 December 2021, letters were again sent to the three (3) sporting clubs seeking to formalise the agreement for the cropping of the land. The Shire received confirmation from all three (3) clubs that they were interested in continuing to crop the land on a share basis, as it is a critical means of fundraising.

On 21 February 2022, Officers met with a representative from the sporting clubs where the desire to formalise an agreement was confirmed. It was initially thought a lease agreement could be made between the Shire of York and Ag-Star Sports. However, on 23 February 2022, the Shire received a response from Ag-Star Sports stating it was not an incorporated body. Therefore, the lease would need to be in the name of one of the groups as the lead agency with the ability to sublease to the other groups.

In September 2023, Officers met with a representative from the YSFC, where they expressed an interest in being the lead agency for the lease agreement.

A subsequent email was sent to all three (3) clubs to confirm if the Shire could proceed with YSFC as the lease holder. Only the YSFC replied confirming their interest.

## **COMMENTS AND DETAILS**

Officers have drafted a lease which is presented in confidential Appendix 1.

The proposed lease will secure the use of the land for the sporting clubs to continue much needed fundraising and provide the Shire with assurances that the land will be used for that purpose and be appropriately maintained.

### **Proposed Lease Terms**

#### **a. Rent**

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

b. Term

A term of five (5) years is proposed commencing 1 January 2024 and expiring 31 December 2028 with the option of a further three (3) five (5) years terms. This will keep the lease period in line with the Shire of York's other leases currently in place.

c. Insurance

The Lessee 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 Lessee's equipment
- c. Any applicable employer's insurance (for example, workers compensation insurance)
- d. Insurances to cover any damage and/or theft to the Lessee's property

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

d. Rates

Includes local government rates, specified area rates, taxes, service and other charges and including charges for rubbish and garbage removal.

It is proposed through Council Resolution that rates be exempt during the term of the lease. However, the Emergency Services Levy and any other applicable charges, such as rubbish collection, are to be paid by the Lessee.

It should be noted that once Shire land is leased, it is no longer not rateable under Section 6.26(2)(b) of the *Local Government Act 1995* (the Act). Therefore, unless a concession is granted by Council under Section 6.47 of the Act, rates are payable.

Officers are therefore recommending that the YSFC be granted a concession from rates to bring it in line with other Shire of York community leases.

e. Firebreaks

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

f. Development

Any development proposals would require a development approval.

g. Sub-leasing

YSFC is able to sublease the land subject to approval from the Shire and the Minister of Lands. This will enable YSFC to sublease the land to the other sporting clubs if they are to lead the operations for a period of time.

## OPTIONS

Council has the following options:

**Option 1:** Council could choose not to support the draft lease.

**Option 2:** Council could choose to agree to the draft lease and rates exemption, and direct the Chief Executive Officer to conclude negotiations.

**Option 3:** Council could choose to agree to the draft lease and direct the Chief Executive Officer to conclude negotiations but disallow the rates exemption.

Option 2 is the recommended option.

## IMPLICATIONS TO CONSIDER

### Consultative

YSFC

York Lawn Tennis Club Inc

York Hockey Club Inc

### 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 4: Our Built Environment

To have a built environment which supports 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

F8 Rates Exemptions for Charitable Purposes – there is currently no policy in place for Shire owned or managed land leased by community groups

### Financial

Item 6.4 in the lease refers to the legal costs being reimbursed by the Lessee. It is anticipated there may be some costs involved with the legal preparation of this lease and also if the Shire elects to register the lease with Landgate.

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

The YSFC is responsible for providing their own Public Liability insurance, insuring any building/structure that is placed on the land and also providing contents insurance.

### 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 lessee 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.*"

Section 6.26 of the Act is applicable to rateable land and states:

**"6.26. Rateable land**

- (1) *Except as provided in this section all land within a district is rateable land.*
- (2) *The following land is not rateable land —*
- (a) *land which is the property of the Crown and —*
- (i) *is being used or held for a public purpose; or*
- (ii) *is unoccupied, except —*
- (I) *where any person is, under paragraph (e) of the definition of owner in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or*
- (II) *where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of owner in section 1.4 occupies or makes use of the land;*
- and*
- (b) *land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government; and*
- (c) *land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government; and*
- (d) *land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and*
- (e) *land used exclusively by a religious body as a school for the religious instruction of children; and*
- (f) *land used exclusively as a non-government school within the meaning of the School Education Act 1999; and*
- (g) *land used exclusively for charitable purposes; and*
- (h) *land vested in trustees for agricultural or horticultural show purposes; and*
- (i) *land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the Financial Management Act 2006) by that co-operative and used solely for the storage of grain where that co-operative has agreed in writing to make a contribution to the local government; and*
- (j) *land which is exempt from rates under any other written law; and*
- (k) *land which is declared by the Minister to be exempt from rates.*
- (3) *If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that co-operative or the local government may*

*refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.*

- (4) *The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.*
- (5) *Notice of any declaration made under subsection (4) is to be published in the Gazette.*
- (6) *Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.”*

Section 6.47 of the Act is applicable to rates concessions and states:

**“6.47. Concessions**

*Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive\* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

*\* Absolute majority required.”*

**Risk Related**

There is a moderate risk to Council if it does not have a lease or licence in place. The use of the land is not clearly defined, appropriate insurances may not be in place and responsibility for the maintenance of the land including firebreaks is not clearly defined.

The Shire does not have a plan for the use of the relevant portions of Reserves 121 and 13323. It is important to note the Gazetted Off-road area is located in part of Reserve 121.

The Shire has the power to lease for a period of up to twenty-one (21) years. The risks associated with entering into a lease for this period is any future uses cannot be considered. In addressing this risk, Officers are proposing a five (5) year lease in the first instance, with the option to renew for a further three (3), five (5) year terms.

Any development proposals will require Council approval.

Any sub-lease by the YSFC will require Council's and the Minister for Lands' approval. There is a moderate risk to all parties if the sub-lease is not approved.

**Workforce**

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

**VOTING REQUIREMENTS**

**Absolute Majority: Yes**

**RESOLUTION  
081123**

**Moved: Cr Peter Wright**

**Seconded: Cr Blake Luxford**

**That, with regard to the Draft Lease – York Senior Football Club Inc, Council:**

1. **Agrees to the lease with the York Senior Football Club Inc (the Lessee), as presented in confidential Appendix 1, for the 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 lease terms:**
  - a. **A term of five (5) years commencing 1 January 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 community cropping and uses reasonably ancillary thereto.**
  - e. **Public Liability insurance of not less than twenty million (\$20,000,000) to be the responsibility of the Lessee.**
- 2. **Approves the grant of a rates concession, under Section 6.47 of the *Local Government Act 1995*, for the period of the lease, noting that the Emergency Services Levy and any other applicable charges, such as rubbish collection are payable by the lessee and incorporates this into the annual budget process.**
  - 3. **Requests the Chief Executive Officer to seek the consent of the Minister for Lands to sublease in accordance with the above terms.**
  - 4. **Authorises the Shire President and Chief Executive Officer to engross the lease documentation and apply the common seal, as per the terms and conditions of the lease, subject to receiving the Minister for Land's approval.**
  - 5. **Requests the Chief Executive Officer to advise the York Senior Football Club 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.**
  - 6. **Notes any development proposals will require development approval to be in line with the permitted use.**
  - 7. **Authorises the Chief Executive Officer to make any minor typographical and formatting changes to the lease prior to signing.**

**In Favour:** Crs Kevin Trent, Denis Warnick, Blake Luxford, Kevin Pyke, Denese Smythe and Peter Wright

**Against:** Nil

***CARRIED 6/0 BY ABSOLUTE MAJORITY***

**SY147-11/23 YORK RECREATION AND CONVENTION CENTRE OPERATIONS REPORT****Disclosure of Interest – Cr Luxford – Impartial – York Recreation and Convention Centre Operations Report**

*Cr Luxford read the Impartiality Declaration - ... With regard to York Recreation and Convention Centre Operations Report, the matter in Item SY147-11/23, I disclose that I have an association with the applicant (or person seeking a decision). The association is I used to be employed by Belgravia Leisure. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.*

**Disclosure of Interest – Cr Pyke – Impartial – York Recreation and Convention Centre Operations Report**

*Cr Pyke read the Impartiality Declaration - ... With regard to York Recreation and Convention Centre Operations Report, the matter in Item SY147-11/23, I disclose that I have an association with the applicant (or person seeking a decision). The association is I am a member of the York Football Club. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.*

**Disclosure of Interest – Cr Wright – Impartial – York Recreation and Convention Centre Operations Report**

*Cr Wright read the Impartiality Declaration - ... With regard to York Recreation and Convention Centre Operations Report, the matter in Item SY147-11/23, I disclose that I have an association with the applicant (or person seeking a decision). The association is I am a member of the Bowling Club. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.*

<b>File Number:</b>	<b>4.6428</b>
<b>Author:</b>	<b>Marcus Whelan, Community &amp; Place Coordinator</b>
<b>Authoriser:</b>	<b>Alina Behan, Executive Manager Corporate &amp; Community Services</b>
<b>Previously before Council:</b>	<b>22 February 2022 (080222) 24 May 2022 (050522) 23 August 2022 (170822) 22 November 2022 (101122) 28 February 2023 (110223) 23 May 2023 (050523) 22 August 2023 (030823)</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Appendices:</b>	<b>1. YRCC July 2023 Operations Report - Confidential 2. YRCC August 2023 Operations Report - Confidential 3. YRCC September 2023 Operations Report - Confidential 4. YRCC July 2023 Profit &amp; Loss Report - Confidential 5. YRCC August 2023 Profit &amp; Loss Report - Confidential 6. YRCC September 2023 Profit &amp; Loss Report - Confidential 7. YRCC Annual Report 2022/23 - Confidential</b>

## NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

## PURPOSE OF REPORT

This report presents the quarterly report on operations at the York Recreation and Convention Centre (YRCC) following the appointment of Belgravia Leisure (BL) as management service providers.

## BACKGROUND

BL assumed control of the YRCC in November 2021.

Performance Criteria and Key Performance Indicators (KPIs) are documented in the Management Contract and monthly reports are provided by BL against these criteria. Use of the building is contingent on the KPIs in the Management Agreement being achieved. The Shire reports progress against these KPIs quarterly to Council.

## COMMENTS AND DETAILS

### 1. Staffing

The existing YRCC venue manager resigned with their last day being 9 September 2023. A new venue manager was officially appointed on 4 September 2023 and commenced on 11 September 2023.

A total of four (4) new staff were recruited in September 2023 by BL to fill the following areas: Bar Manager, Bar Person/Cook, Cleaner and Administrator with training and inductions ongoing.

The Community & Place Coordinator (CPC) continues to support BL's new venue manager in the successful delivery of community led events.

### 2. Performance

Presented in confidential Appendices 1, 2 and 3 are the Monthly Operational Reports for July 2023, August 2023, and September 2023. Key aspects of the reports include:

#### 2.1 Forrest Bar and Grill

BL reported in the month of August an increase on the average covers per week by thirty-two (32). The month of September was reported to have no change. A change to opening hours was put in place from 30 August 2023 to close the restaurant at 6pm Wednesday's. This did not impact the minimum contractual hours with the Shire and the community were notified through social media. BL continues to promote the facility through electronic media.

TABLE 1.

MONTH	MAIN MEALS	KIDS MEALS / MISC	DESSERTS	TOTAL
July 2023	231	62	10	303
August 2023	342	70	19	431
September 2023	230	83	5	318

During this reporting period the menu for the Forrest Bar and Café was updated and now allows diners to select from a range of set items with weekly "Blackboard Specials".

#### Events

1. July BL attracted locals and guests with a Christening and a wake hosted at the Forrest Bar and Grill.
2. 26 August 2023 roller skating event was held for the second time in the basketball stadium. Attendance was down due to a conflict with sporting finals.

3. 27 August 2023 BL hosted the Canola Classic at the YRCC showcasing the facilities with 430 riders participating at the event. This provided a positive economic and tourism benefit to the town.
4. 2 September 2023 York Agricultural Show held with BL offering family activities and simple food options.
5. 7 September 2023 BL Community Forum was scheduled then put on hold until YRCC management was confirmed.
6. In September the WA Police Conference was hosted with representatives from surrounding Wheatbelt towns in attendance. This provided a positive economic and tourism benefit to the town.
7. Carers Week from 15-21 October 2023 needed to be cancelled as there were no activities organised due to equipment delays. The grant application was successful with BL making arrangements for funds to be returned.
8. On 29 October 2023 a Farmers Market took place in the indoor stadium in collaboration with BL and Wilson Garden Care. The event was well attended by the local community.

### Social Media

BL focussed on sharing community relevant content from other pages. In October a weekly electronic direct marketing was sent out to approx. 250 people with an open rate over 40%.

1. Post Reach: 9,765 (+34%) for July /August (September/October statistics not supplied)
2. Page Visits: 832 (+8%) for July / August (September/October statistics not supplied)
3. New Page likes: 23 (+60%) for July / August (September/October statistics not supplied)
4. Best performing content piece reached: 2,141 for August (September/October statistics not supplied)

## 2.2 Programs

YRCC Fun/Fitness Trailer grant was successful with funds yet to be transferred. The program has been re-assessed with some risk management issues raised by BL. This has delayed the purchase of equipment to supplement the programmes which include after school activities, disability activities, seniors' social group and family picnics.

Les Mills RPM classes are ongoing with the new instructor. Strength and Fitness classes have been added.

The new instructor has been supported by Belgravia with Les Mills Body pump classes to be launched in November subject to the sourcing of equipment.

### Gym statistics

In this reporting period there was an extra eleven (11) memberships.

### Safety and Maintenance

The following items were identified in this reporting period and have been resolved:

1. On 22 September 2023 Shire Officers reported doors were left open. The issue was raised with the Venue Manager and has been resolved.
2. Officers note the significant reduction in outstanding WHS and maintenance issues.

## 2.3 Engagement and Club Development

Following the success of the Les Mills classes, BL has commenced consultation with the community on what types of future exercise classes would be welcomed.

BL continued its commitment to promoting health and wellness in the month of August with an average of twelve (12) participants attending weekly spin classes. A strength class was introduced and tailored for both seniors and individuals under fifty.

The Matildas and AFL final events were hosted by BL which brought together community members and sporting groups.

## 2.4 Profit and Loss

Officers note the monthly reporting period for the Profit and Loss Statement has been moved to calendar month reporting, with BL providing the Statement fourteen (14) business days from the end of each month. Presented in confidential Appendices 4, 5 and 6 are the Profit and Loss Statements for July, August and September 2023. The Annual Report is presented in confidential Appendix 7.

## OPTIONS

Council has the following options:

**Option 1:** Council could choose to receive the Monthly Operational Reports for July 2023, August 2023 and September 2023, the Profit and Loss Statements for July 2023, August 2023 and September and the 2022/23 Annual Report.

**Option 2:** Council could choose not to receive the Monthly Operational Reports for July 2023, August 2023 and September 2023, the Profit and Loss Statements for July 2023, August 2023, and September and the 2022/23 Annual Report.

Option 1 is the recommended option.

## IMPLICATIONS TO CONSIDER

### Consultative

BL

### 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 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

Not applicable

### Financial

Not applicable

### Legal and Statutory

Not applicable

### Risk Related

TABLE 2.

IDENTIFIED RISK	RISK TYPE	LEVEL OF RISK	MITIGATION
-----------------	-----------	---------------	------------

Failure of new management model	Financial / Operational / Reputational	Medium	There is financial, operational, and reputational risk to the Shire should the transition to a management organisation not be successful. The Shire will mitigate this through sound contract management, clear KPI's and regular contract reporting
Basic cleanliness of the YRCC	Operational / Reputational	Medium	BL continue to resource this area to meet the basic operational expectations of the venue
Communication between the Venue Manager and community groups	Operational / Reputational	Medium	The new YRCC venue manager continues to regularly engage with key community stakeholders

### Workforce

The CPC continues to oversee the BL contract with recommendations to improve the community engagement in line with the contractual KPI's. The CPC will continue to monitor the overall management of the YRCC by BL and set expectations that the centre delivers contractual outcomes.

### VOTING REQUIREMENTS

**Absolute Majority: No**

#### RESOLUTION

**091123**

**Moved: Cr Denese Smythe**

**Seconded: Cr Denis Warnick**

**That, with regard to the York Recreation and Convention Centre Operations Report, Council:**

- 1. Receives the Belgravia Leisure Monthly Operations Reports for July 2023, August 2023 and September 2023 and the Profit and Loss Statements for July 2023, August 2023 and September 2023, as presented in confidential Appendices 1 to 6.**
- 2. Receives Belgravia Leisure's 2022/23 Annual Report, as presented in confidential Appendix 7.**

**In Favour: Crs Kevin Trent, Denis Warnick, Blake Luxford, Kevin Pyke, Denese Smythe and Peter Wright**

**Against: Nil**

***CARRIED 6/0***

**SY148-11/23 SHIRE OF YORK DECEMBER - JANUARY CLOSURE 2023/24 - YRCC, VISITOR'S CENTRE AND CRC****Disclosure of Interest – Cr Pyke – Impartial – Shire of York December - January Closure 2023/24 - YRCC, Visitor's Centre and CRC**

*Cr Pyke read the Impartiality Declaration - ... With regard to the Shire of York December - January Closure 2023/24 - YRCC, Visitor's Centre and CRC, the matter in Item SY148-11/23, I disclose that I have an association with the applicant (or person seeking a decision). The association is I am a member of the Football Club. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.*

**Disclosure of Interest – Cr Wright – Impartial – Shire of York December - January Closure 2023/24 - YRCC, Visitor's Centre and CRC**

*Cr Wright read the Impartiality Declaration - ... With regard to the Shire of York December - January Closure 2023/24 - YRCC, Visitor's Centre and CRC the matter in Item SY148-11/23, I disclose that I have an association with the applicant (or person seeking a decision). The association is I am a member of the Bowling Club. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.*

<b>File Number:</b>	<b>4.0469</b>
<b>Author:</b>	<b>Alina Behan, Executive Manager Corporate &amp; Community Services</b>
<b>Authoriser:</b>	<b>Chris Linnell, Chief Executive Officer</b>
<b>Previously before Council:</b>	<b>23 September 2019 (180919) 29 September 2020 (090920) 28 September 2021 (080921) 27 September 2022 (070922) 26 September 2023 (080923)</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Appendices:</b>	<b>Nil</b>

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

Executive

**PURPOSE OF REPORT**

This report presents the proposed closure of Shire facilities and services during the 2023/24 Christmas and New Year period for Council's consideration.

**BACKGROUND**

Each year, Council considers and approves the days on which each of the Shire's facilities and services will be closed during the Christmas and New Year period.

**COMMENTS AND DETAILS**

Officers are proposing the following closures:

**TABLE 1.**

FACILITY/SERVICE	PROPOSED CLOSURE PERIOD	COMMENTS
YRCC	Close Monday 25 December 2023 Reopen Wednesday 10 January 2024	Date as advised by Belgravia Leisure. The Venue Manager will consult with the user groups to check on access over this time and will make arrangements if areas need to be open
CRC	Close 2.00pm Friday 22 December 2023 Reopen Tuesday 2 January 2024	This is a new service to the Shire which will be open from 9:00am – 2:00pm weekdays commencing Monday 27 November 2023 until Friday 22 December 2023. Upon reopening Tuesday 2 January 2024 opening hours will be 9:00am - 4:30pm. These hours have been agreed with the funding bodies.
Visitors Centre	Close 12:00pm Sunday 24 December 2023 Reopen Wednesday 27 December 2023 with operating hours limited to 9:00am – 12:00pm Close Saturday 30 December 2023 at 12:00pm Reopen Tuesday 2 January 2024	This was trialled last year with visitor numbers being steady at the reduced hours over the Christmas – New Year period. Standard hours will resume 2 January 2024.

The proposed closures have been based on last year's dates and/or have been agreed with funding bodies in line with service contracts.

## OPTIONS

Council has the following options:

**Option 1:** Council could choose to accept the proposed closures.

**Option 2** Council could choose to change any of the proposed closures. However, Officers have consulted with staff and stakeholders, and taken into consideration historical precedence when proposing the recommended closures.

Option 1 is the recommended option.

## IMPLICATIONS TO CONSIDER

### Consultative

Stakeholders have been consulted to develop this list of closures.

The public will be advised of the closures agreed upon by Council.

### 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**

Nil

**Financial**

Nil

**Legal and Statutory**

Nil

**Risk Related**

The main risk during this time is responding to emergencies or undertaking emergency maintenance and/or essential services. The Chief Executive Officer will ensure the on-call service will be active during the Christmas/New Year period and a skeleton staff (Depot-based) will be available to address any issues that arise. The Chief Executive Officer will also ensure a Senior Officer is contactable on any given day during the period.

**Workforce**

The proposed closures allow staff to take the gazetted public holidays and accrued leave. Approval may be given for Officers to work during the week between Christmas and New Year upon request. Requests will be considered on a case-by-case basis by Senior Officers.

**VOTING REQUIREMENTS****Absolute Majority: No****RESOLUTION****101123****Moved: Cr Denis Warnick****Seconded: Cr Denese Smythe**

**That, with regard to the Shire of York December - January Closure 2023/24 - YRCC, Visitor's Centre and CRC, Council:**

- 1. Approves the closure of the Shire of York facilities and services for the 2023/24 Christmas and New Year period as follows:**

<b>FACILITY/SERVICE</b>	<b>PROPOSED CLOSURE PERIOD</b>
<b>YRCC</b>	<b>Close Monday 25 December 2023 Reopen Wednesday 10 January 2024</b>
<b>CRC</b>	<b>Close 2.00pm Friday 22 December 2023 Reopen Tuesday 2 January 2024</b>
<b>Visitors Centre</b>	<b>Close 12:00pm Sunday 24 December 2023 Reopen Wednesday 27 December 2023 with operating hours limited to 9:00am – 12:00pm Close Saturday 30 December 2023 at 12:00pm Reopen Tuesday 2 January 2024</b>

- 2. Notes the Chief Executive Officer will ensure the on-call service will be active during the Christmas/New Year period and a skeleton staff (Depot-based) will be available to address any issues that arise. The Chief Executive Officer will also ensure a Senior Officer is contactable on any given day during the period.**

**3. Notes the Chief Executive Officer will publicise these closures widely to the community.**

**In Favour:** Crs Kevin Trent, Denis Warnick, Blake Luxford, Kevin Pyke, Denese Smythe and Peter Wright

**Against:** Nil

***CARRIED 6/0***

**SY149-11/23 COMMUNITY FUNDING APPLICATIONS**

<b>File Number:</b>	<b>4.0468</b>
<b>Author:</b>	<b>Marcus Whelan, Community &amp; Place Coordinator</b>
<b>Authoriser:</b>	<b>Alina Behan, Executive Manager Corporate &amp; Community Services</b>
<b>Previously before Council:</b>	<b>Not Applicable</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Appendices:</b>	<b>1. Funding Applications - Confidential 2. Schedule of Requests &amp; Recommendations - Confidential</b>

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

Executive

**PURPOSE OF REPORT**

Council is requested to consider applications received in the recent round of Community Funding for support of community events and activities occurring before 30 June 2024.

**BACKGROUND**

Council's Policies C3 - Community Funding: Grants and Sponsorship and C4 - Sponsorship of Tourism Events set out the parameters for Council support of one-off community activities and projects. Funding rounds are open for application twice yearly for a minimum four (4) week period. All eligible applications are presented to Council at the next available Ordinary Council Meeting.

This report presents the applications received in the October 2023 Community Funding round for events and activities occurring up until 30 June 2024 and the existing Community Funding budgets available.

**COMMENTS AND DETAILS**

The Community Funding Grants & Sponsorship round opened 1 October 2023 for a period of four (4) weeks. The funding round was advertised utilising the following methods:

1. Community Newspaper
2. Shire's website
3. Media release
4. Email direct distribution
5. Shire's social media channels
6. Four (4) community drop in sessions
7. Face to face communications with potential applicants
8. Noticeboard advertising

At the closing date, the Shire received eight (8) eligible applications that were considered by the assessment panel. Of the eight (8) applications, funding was not available to cover all the requests and a ranking system was applied with four (4) selected for Council's consideration totalling \$9,000. Feedback will be given to all unsuccessful applicants. Copies of the four (4) applications is presented in confidential Appendix 1.

Eligible applications are assessed against the following criteria:

1. Compliance with guideline 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)

Whilst the applications submitted remain confidential, a summary of the selected requests received is included below.

TABLE 1.

APPLICANT	PURPOSE OF FUNDING	REQUEST
Flour Mill Emporium Inc	Meet the Maker Workshops and drop-in sessions (December 2023 to June 2024)	\$2,000
York Family Playgroup on behalf of Paint York REaD	Assistance to deliver the Paint York REaD 2024 Hatching Event	\$2,000
York Golf Club	To improve the appearance of the club house and amenities facilities	\$2,000
Wheatbelt Wolves	To consult and provide specialised training with the West Australian Football Academy aimed at creating opportunities for young girls and women in York to participate in Australian Rules Football	\$3,000
<b>Total Funding Requested</b>		<b>\$9,000</b>

An assessment panel consisting of the Community & Place Coordinator, Tourism & Economic Development Coordinator and the Administration & Governance Coordinator provided assessment ratings to inform the schedule of requests and recommendations as presented in confidential Appendix 2.

The schedule summarises the ratings provided by the Panel and merits of considering each request in accordance with Policy C3 - Community Funding Grants & Sponsorship and its associated guidelines.

Assessment was undertaken against the below scoring criteria.

TABLE 2.

CRITERIA	SCORING INSTRUCTIONS	ASSIGNED SCORE				
Event Classification	Local/community, Emerging, Major, or Significant event (as described below)					
	<b>Application</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
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)					
<b>Total</b>						

## 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 applicants prior to a resolution. Officers do not recommend this option as it is likely to delay the delivery of the proposed programs and create uncertainty regarding the funding required to deliver the outcomes intended.

**Option 3:** Council could choose to reduce the amounts of funding. Officers do not recommend this option as it could result in reduced program outcomes or some events or programs not proceeding as intended.

**Option 4:** Council could choose to reject all applications for funding as presented.

Option 1 is the recommended option.

## IMPLICATIONS TO CONSIDER

### Consultative

Further to the advertising methods used to announce the funding pool, Officers have engaged with applicants where required or detailed in this report and provided four (4) face to face drop-in sessions to discuss proposals prior to the application round closing.

Eight (8) organisations attended the drop-in sessions, including the four (4) detailed in this report that proceeded to submit applications. Further consultation with each proponent will take place following Council's resolution.

### 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 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

Officers note the following financial implications are stated under the existing Community Funding guidelines:

- 100% of the total project costs can be considered for applications up to \$2,000
- A maximum allocation of 60% of total project cost for applications from \$2,000 - \$10,000

All applications received indicate either a cash or in-kind contribution is being made by the club or organisation. The total eligible community funding requests received is \$9,000.

The 2023/24 community funding pool includes the following budget allocations.

TABLE 3.

Budget Allocation	GL Account	Available Funding
Youth	109158	\$9,840
Sporting & Recreation	113167	\$4,500
Area Promotion	132145	\$5,000
Festivals Assistance	132150	\$2,000
Education & Welfare	69101	\$3,000
<b>Total Funding Pool Available</b>		<b>\$24,340</b>

### Legal and Statutory

All Council supported events still 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

The overall financial risk is moderate with regards to approving the funding requests. Acceptable controls and treatments through the existing funding guidelines and acquittal reporting requirements are in place to manage the risks identified at an acceptable level.

The reputational risk to Council should the funding requests detailed in this report not be supported is rated as medium. Acceptable treatments and risk controls to reduce the reputational risks stated are limited to applications that are non-compliant with Council policies. The reputational risk and financial risks reduce as the programs and activities are supported and reported against through the delivery and acquittal processes.

### Workforce

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

### VOTING REQUIREMENTS

**Absolute Majority: No**

<b>RESOLUTION 111123</b>  <b>Moved: Cr Denese Smythe                      Seconded: Cr Blake Luxford</b>  <b>That, with regard to Community Funding Applications, Council:</b>  <b>1. Approves the following community funding requests totalling \$9,000 to be funded from budget allocations as presented in confidential Appendix 2:</b>		
APPLICANT	PURPOSE OF FUNDING	REQUEST
Flour Mill Emporium Inc	Meet the Maker Workshops and drop-in sessions (December 2023 to June 2024)	\$2,000

<b>York Family Playgroup on behalf of Paint York REaD</b>	<b>Assistance to deliver the Paint York REaD 2024 Hatching Event</b>	<b>\$2,000</b>
<b>York Golf Club</b>	<b>To improve the appearance of the club house and amenities facilities</b>	<b>\$2,000</b>
<b>Wheatbelt Wolves</b>	<b>To consult and provide specialised training with the West Australian Football Academy aimed at creating opportunities for young girls and women in York to participate in Australian Rules Football</b>	<b>\$3,000</b>
<p><b><u>In Favour:</u> Crs Kevin Trent, Denis Warnick, Blake Luxford, Kevin Pyke, Denese Smythe and Peter Wright</b></p> <p><b><u>Against:</u> Nil</b></p> <p style="text-align: right;"><b><i>CARRIED 6/0</i></b></p>		

## SY150-11/23 REQUEST FOR BUDGET ADJUSTMENT - PROVISION OF COMMUNITY RESOURCE CENTRE SERVICE

**File Number:** 4.0473  
**Author:** Alina Behan, Executive Manager Corporate & Community Services  
**Authoriser:** Chris Linnell, Chief Executive Officer  
**Previously before Council:** 22 August 2023 (010823)  
 26 September 2023 (150923)  
**Disclosure of Interest:** Nil  
**Appendices:** 1. Deed of Company Arrangement - Fully Executed [↓](#)

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

Legislative

### PURPOSE OF REPORT

To seek Council's approval for a budget adjustment to support a single payment of the Australian Taxation Office (ATO) as part of the Deed of Company Arrangement (DOCA) process for the provision of a Community Resource Centre (CRC) service for York.

### BACKGROUND

At its 26 September 2023 Ordinary Meeting Council resolved (150923):

***"That, with regard to the Deed of Company Arrangement - Provision of Community Resource Centre Services by the Shire of York, Council:***

- 1. Directs the Chief Executive Officer to complete negotiations for the Deed of Company Arrangement.***
- 2. Authorises the Shire President and Chief Executive Officer to engross any legal documents and apply the Common Seal to the document(s) (if required).***
- 3. Authorises the Chief Executive Officer to make any minor typographical and formatting changes to the documents prior to signing.***
- 4. Notes the requirement for the Deed of Company Arrangement to be accepted at the Reconvened Second Meeting of Creditors.***
- 5. Resolves to approve the budget adjustments as listed below:***

GL	DESCRIPTION	CURRENT BUDGET	AMMENDMENT (\$)	REVISED BUDGET (\$)	COMMENTS
138201	York CRC Charges Other Tax Supply Mun	\$0	-\$171,155	-\$171,155	Operational income from service contracts, fees and charges
138101	York CRC Expenses	\$1,058	\$182,196	\$183,254	Operational expenditure

					<i>building and programs</i>
<b>138106</b>	<b>York CRC Garden/ Carpark Maintenance *New*</b>	<b>\$0</b>	<b>\$2,950</b>	<b>\$2,950</b>	<b>Operating expenditure garden/carpark</b>
<b>138151</b>	<b>Wheatbelt Regional University</b>	<b>\$10,000</b>	<b>-\$10,000</b>		<b>Budgeted allowance for Lumen University support</b>
<b>132144</b>	<b>Multiyear Funding Agreements</b>	<b>\$25,000</b>	<b>-\$25,000</b>		<b>Budgeted allowance for YCRC Multiyear Funding Agreement</b>
<b>TOTAL</b>			<b>-\$21,009</b>		

## COMMENTS AND DETAILS

Officers have continued to work closely with the Administrators, KPMG, in the preparation of the DOCA which is presented in Appendix 1.

A key term of the DOCA (Clause 5(d)(ii)) requires that a payment arrangement be established for the debt to the ATO.

The ATO have now advised it will not be able to enter into a standard payment plan as the Shire will not be assuming control of the association known as the York CRC Inc (YCRC). The ATO have indicated it is open to entering into a different payment arrangement which would require the continued oversight of KPMG until the debt is satisfied. This would expose the Shire to additional Administrator fees over the term of the agreement which was originally planned for a period of three (3) years over four (4) financial years. Instead, Officers propose to clear the ATO debt of \$131,405.26 along with the remaining creditor debt.

A budget adjustment is requested from planned Reserve transfers. The adjustments are summarised below:

TABLE 1.

GL	DESCRIPTION	CURRENT BUDGET	AMMENDMENT (\$)	REVISED BUDGET (\$)	COMMENTS
	Bridge Reserve	\$347,957	-\$347,957	\$0	Planned end of financial year transfer to Bridge Reserve
138102	Contribution to York CRC	\$200,000	\$347,957	\$547,957	Provision for debt coverage CRC
<b>TOTAL</b>			<b>\$0</b>		

**Bridge Reserve**

Currently a transfer of \$347,957 is planned to be added to the Bridge Reserve with end of year surplus funds if available. Officers propose to reallocate an amount of \$347,957 from these funds towards the coverage of the ATO debt and other CRC proven debtors. As part of the statutory Mid-Year Review, Officers will seek to identify surplus funds from the CRC transaction and any additional surplus to reinstate the original budgeted amount to the Bridge Reserve.

**GL: 138102 Contribution to York CRC**

A budget allowance of \$200,000 was made to cover the notified creditor debts of the YCRC which excluded the ATO debt. Officers propose to increase this amount to \$547,947 to cover the ATO debt as notified on 24 August 2023 and other creditor debt as well as increases to KPMG's fees.

An amount of \$20,000 was budgeted to cover the expected initial payment to the ATO in GL: 138101 (Resolution 150923). It is proposed to retain this amount until the formal notification of debt is received from KPMG in early December 2023.

**OPTIONS**

Council has the following options:

**Option 1:** Council could choose to approve the proposed budget adjustments.

**Option 2:** Council could choose to make amendments to the proposed budget adjustments.

**Option 3:** Council could choose to reject the budget adjustments.

Option 1 is the recommended option.

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

KPMG

ATO

Council Concept Forum 8 August 2023

Council Agenda Briefing 15 August 2023

Council Ordinary Meeting 22 August 2023

Council Concept Forum 12 September 2023

Council Concept Forum 14 November 2023

Executive Leadership Team

**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 4: Our Built Environment

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**

G19 Risk Assessment and Management

**Financial**

Budget adjustments to support the servicing of the ATO debt are listed above.

**Legal and Statutory**

Section 6.8 of the *Local Government Act 1995* is applicable and states:

**“6.8. Expenditure from municipal fund not included in annual budget**

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
  - (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
  - (b) *is authorised in advance by resolution\*; or*
  - (c) *is authorised in advance by the mayor or president in an emergency.*

*\* Absolute majority required.*

- (1a) *In subsection (1) —*

***additional purpose*** means a purpose for which no expenditure estimate is included in the local government’s annual budget.

- (2) *Where expenditure has been incurred by a local government —*
  - (a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*
  - (b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.”*

Part 9 of the *Associations Incorporation Act 2015* is applicable to the Administration and Winding Up of an Incorporated Association (i.e. the YCRC) and states:

**“Part 9 – Administration and winding up****Division 1 — Voluntary administration and winding up****120. Administration under Corporations Act**

- (1) *This section makes provision for the voluntary administration under the Corporations Act of an incorporated association.*
- (2) *Subsection (3) is made for the purposes of the Corporations (Ancillary Provisions) Act 2001 Part 3.*
- (3) *The administration of an incorporated association is declared to be an applied Corporations legislation matter in relation to the Corporations Act Part 5.3A subject to the following modifications —*
  - (a) *the modifications to the text of that Act set out in Schedule 3;*
  - (b) *such other modifications (within the meaning of the Corporations (Ancillary Provisions) Act 2001 Part 3) as may be prescribed by the regulations.*

**121. Voluntary winding up under Corporations Act**

- (1) *This section applies to an incorporated association that has surplus property to be distributed on winding up.*
- (2) *An incorporated association may be wound up voluntarily if the association so resolves by special resolution.*

- (3) *The voluntary winding up of an incorporated association is declared to be an applied Corporations legislation matter in relation to the Corporations Act Parts 5.5 and 5.6 subject to the following modifications —*

- (a) *the modifications to the text of that Act set out in Schedule 3;*
- (b) *such other modifications (within the meaning of the Corporations (Ancillary Provisions) Act 2001 Part 3) as may be prescribed by the regulations.*

**122. Further application of Corporations Act**

*Any matter declared under section 120 or 121 to be an applied Corporations legislation matter is, in addition, an applied Corporations legislation matter in relation to the Corporations Act Part 5.9 Division 3, subject to the following modifications —*

- (a) *the modifications to the text of that Act set out in Schedule 3; and*
- (b) *such other modifications (within the meaning of the Corporations (Ancillary Provisions) Act 2001 Part 3) as may be prescribed by the regulations.*

**Division 2 — Winding up by Supreme Court**

**123. Grounds on which winding up may be ordered**

*An incorporated association may be wound up by the Supreme Court on application made on any ground specified in Schedule 4.*

**124. By whom application may be made**

*An application to the Supreme Court for the winding up of an incorporated association may be made by —*

- (a) *the incorporated association; or*
- (b) *a member of the incorporated association; or*
- (c) *the Commissioner; or*
- (d) *the Minister; or*
- (e) *a creditor, in the case of an application based on the ground specified in Schedule 4 item 5.*

**125. Application of Corporations Act**

- (1) *The winding up of an incorporated association (other than by a voluntary winding up) by the Supreme Court is declared to be an applied Corporations legislation matter in relation to the Corporations Act Part 5.7, subject to the following modifications —*

- (a) *the modifications to the text of that Act set out in Schedule 3; and*
- (b) *the provisions of Part 5.7 of that Act are to be read as if they extended to the winding up of the affairs of an incorporated association in the State; and*
- (c) *such other modifications (within the meaning of the Corporations (Ancillary Provisions) Act 2001 Part 3) as may be prescribed by the regulations.*

- (2) *Any matter declared under this section to be an applied Corporations legislation matter is, in addition, an applied Corporations legislation matter in relation to the Corporations Act Part 5.9 Division 3, subject to the following modifications —*

- (a) *the modifications to the text of that Act set out in Schedule 3;*
- (b) *such other modifications (within the meaning of the Corporations (Ancillary Provisions) Act 2001 Part 3) as may be prescribed by the regulations.*

**126. Cancellation of incorporation upon winding up by Supreme Court**

- (1) *When the Commissioner is satisfied that the winding up of an incorporated association under this Division has been completed the Commissioner must, in writing, cancel the*

*incorporation of the association with effect on and from a day that the Commissioner considers appropriate and specifies.*

- (2) *The Commissioner may cause notice of a cancellation under subsection (1) to be published in the Gazette if the Commissioner considers that public notification of the cancellation is desirable.*

### **Division 3 — Offence related to incurring of debt**

#### **127. Duties of management committee members with respect to incurring of debt**

- (1) *If an incorporated association incurs a debt and —*
- (a) *the association is insolvent at the time the debt is incurred or becomes insolvent by incurring that debt, or by incurring at that time debts including that debt; and*
  - (b) *immediately before the debt is incurred —*
    - (i) *there are reasonable grounds to expect that the association is insolvent; or*
    - (ii) *there are reasonable grounds to expect that, if the association incurs the debt, the association will become insolvent,*

*any person who was a member of the management committee of the association at the time the debt was incurred commits an offence.*

*Penalty: a fine of \$5 000.*

- (2) *In any proceedings against a person under subsection (1) it is a defence if the accused proves that, at the time the debt was incurred, the accused had reasonable grounds to expect, and did expect, that the incorporated association was solvent at that time and would remain solvent even if it incurred that debt and any other debts that it incurred at that time.*
- (3) *Without limiting subsection (2), in any proceedings against a person under subsection (1) it is a defence if the accused proves that, at the time the debt was incurred, the accused —*
- (a) *had reasonable grounds to believe and did believe —*
    - (i) *that a competent and reliable person (the **other person**) was responsible for providing to the accused adequate information about whether the association was solvent; and*
    - (ii) *that the other person was fulfilling that responsibility;*
  - and*
  - (b) *expected, on the basis of information provided to the accused by the other person, that the incorporated association was solvent at that time and would remain solvent even if it incurred that debt and any other debts that it incurred at that time.*
- (4) *In any proceedings against a person under subsection (1) it is a defence if the accused proves that, at the time the debt was incurred, because of illness or for some other good reason, the accused did not take part at that time in the management of the incorporated association.*
- (5) *In any proceedings against a person under subsection (1) it is a defence if the accused proves that the accused took all reasonable steps to prevent the incorporated association incurring the debt.*
- (6) *In determining whether a defence under subsection (5) has been proved, the matters to which regard must be had include, but are not limited to the following —*
- (a) *any action the accused took with a view to appointing an administrator of the incorporated association;*
  - (b) *when that action was taken;*
  - (c) *the results of that action.”*

Sections 436A and 438A of the *Corporations Act 2001* (Cwlth) is applicable and available via the following link <https://www.legislation.gov.au/Details/C2023C00194>.

### Risk Related

As part of the DOCA process there will be a further call for creditors and the amount owing may increase thus increasing the financial risk to the Shire. The DOCA clause has been adjusted to permit thirty (30) days after notification for debts to be satisfied. This will allow sufficient time for the Council to process any necessary budget amendments should the final amount be over and above the adjustment sought through this report.

A reputational risk exists should a CRC service be lost to the York community.

### Workforce

The workflow associated with this requested adjustment can be met by current staffing arrangements.

### VOTING REQUIREMENTS

**Absolute Majority: Yes**

#### RESOLUTION 121123

**Moved: Cr Denese Smythe**

**Seconded: Cr Peter Wright**

**That, with regard to the Request for Budget Adjustment - Provision of Community Resource Centre Service, Council:**

- 1. Resolves to approve the budget adjustments as listed below:**

GL	DESCRIPTION	CURRENT BUDGET	AMMENDMENT (\$)	REVISED BUDGET (\$)	COMMENTS
	Bridge Reserve	\$347,957	-\$347,957	\$0	Planned end of financial year transfer to Bridge Reserve
138102	Contribution to York CRC	\$200,000	\$347,957	\$547,957	Provision for debt coverage CRC
<b>TOTAL</b>			<b>\$0</b>		

- 2. Notes the Chief Executive Officer will prioritise the end of financial year transfer to the Bridge Reserve of an amount as close as possible to the original identified amount.**

**In Favour:** Crs Kevin Trent, Denis Warnick, Blake Luxford, Kevin Pyke, Denese Smythe and Peter Wright

**Against:** Nil

**CARRIED 6/0 BY ABSOLUTE MAJORITY**

Execution Version

**DEED OF COMPANY ARRANGEMENT**

---

Martin Bruce Jones and Matthew David Woods

York Community Resource Centre Inc ABN 38 440 811 494 (Administrators Appointed)

The Shire of York

chew  matthews

level 07 exchange house / 68 st georges terrace  
perth western australia 6000

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CM00155977

**THIS DEED OF COMPANY ARRANGEMENT** is made on 25 October 2023 (**Deed**)

**BETWEEN:**

- |     |                 |   |
|-----|-----------------|---|
| (1) | Name            | Martin Bruce Jones and Matthew David Woods  |
|     | Short form name | <b>Administrators</b>   |
|     | Notice details  | Address: C/- KPMG, 235 St Georges Terrace,<br>Perth Western Australia 6000          |
|     |                 | Email: martinjones@kpmg.com.au  |
|     |                 |   |
| (2) | Name            | York Community Resource Centre Inc ABN 38 440 811 494<br>(Administrators Appointed) |
|     | Short form name | <b>Association</b>  |
|     | Notice details  | Address: 89 Avon Terrace,<br>York, Western Australia 6302                           |
|     |                 | Email: martinjones@kpmg.com.au  |
|     |                 |   |
| (3) | Name            | The Shire of York   |
|     | Short form name | <b>Shire</b>  |
|     | Notice details  | Address: 1 Joaquina Street,<br>York, Western Australia 6302                         |
|     |                 | Email: records@york.wa.gov.au   |

**BACKGROUND**

- A. The Association is a non-profit organisation which provided a wide array of information and services to the local community including opportunities for education and training.
- B. On 19 July 2023, the Administrators were appointed to the Association pursuant to section 436A of the *Corporations Act 2001* (Cth).
- C. On 23 August 2023 and 4 October 2023, a meeting of creditors of the Association to consider, among other things, the execution of a deed of company arrangement was convened according to section 439A of the Act.

- D. The creditors of the Association resolved at the meeting that the Association execute a deed of company arrangement in, or substantially in, the form of this Deed.
- E. The purpose of this Deed is to provide for the business, property and affairs of the Association to be administered in a way that maximises the chances of the Association, or as much as possible of its business, continuing in existence, or, if it is not possible for the Association or its business to continue in existence, results in a better return for the Creditors of the Association and members than would result from an immediate winding up of the Association.

## OPERATIVE PROVISIONS

The parties agree in consideration of, among other things, the mutual promises contained in this Deed:

---

### 1 Definitions and interpretation

#### 1.1 Definitions

In this Deed:

**Act** means the *Corporations Act 2001* (Cth).

**ATO** means the Australian Taxation Office.

**ATO Debt** means all amounts owing to the ATO by the Association as at the Relevant Date, and all Claims by the ATO against the Association arising from or connected with matters occurring prior to the Relevant Date.

**Claim** includes a claim, demand, debt, action, proceeding, suit, cost, charge, expense, damage, loss and other liability.

**Court** means the Supreme Court of Western Australia or the Federal Court of Australia.

**Creditor** means a person who has a debt payable by or claim against the Association whether present or future, certain or contingent, ascertained or sounding only in damages, the circumstances giving rise to which occurred on or before the Relevant Date.

**Creditor's Claim** means, in relation to a Creditor, the Creditor's debt payable by, or Claim against the Association, as at the Relevant Date.

**Deed** means this document, including any schedule or annexure to it.

**Deed Fund** means the fund referred to in clause 4.

**DMIRS** means Associations and Charities Branch, Department of Mines, Industry Regulation and Safety.

**DOCA Contribution** means the amount payable by the Shire calculated in accordance with clause 5(c).

**Employee Entitlements** means the entitlements set out in sub-sections 556(1)(e), (g) and (h) of the Act.

**Encumbrance** means any security for the payment of money or performance of obligations including a mortgage, lien, charge, pledge, trust, power or title retention and any "security interest" as defined in sections 12(1) or 12(2) of the *Personal Property Securities Act 2009* (Cth) or any agreement to create or allow any of them to exist.

**GST** means GST within the meaning of the GST Act.

**GST Act** means the *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

**Interim Occupancy Arrangements** means the occupancy arrangements in respect of the Real Property set out in the document entitled "Lease Commercial Terms" between the Administrators and the Shire and dated 19 October 2023.

**Other Property** means the property of the Association as at the date of this Deed other than the Real Property including, without limitation:

- (a) any grant arrangements with the Department of Primary Industries and Regional Development;
- (b) any plant and equipment owned by the Association; and
- (c) any intellectual property owned by the Association including but not limited to telephone numbers, websites, web domains and email addresses.

**Participating Creditors** means the Creditors except the ATO.

**Permitted Encumbrance** means the easement burden noted on the certificate of title for the Real Property.

**Prescribed Provisions** means those provisions which are prescribed for the purposes of section 444A(5) of the Act, namely, the provisions set out in schedule 8A of the Regulations.

**Priority Creditor** means any priority creditor pursuant to the Act who has lodged a proof of debt and has been admitted as a priority Creditor of the Association including Employee Entitlements.

**Priority Creditors' Claim** means in relation to a Priority Creditor, the Priority Creditor's debt payable by, or Claim against the Association, as at the Relevant Date.

**Real Property** means the property at 89 Avon Terrace, York, Western Australia 6302 owned by the Association.

**Regulations** means the *Corporations Regulations 2001* (Cth).

**Relevant Date** means 19 July 2023.

**Rules** means the *Insolvency Practice Rules (Corporations) 2016*.

**Schedule** means the *Insolvency Practice Schedule (Corporations)*, being schedule 2 to the Act.

**Shire's Obligations** means the obligations of the Shire under clause 5(d).

**Superannuation Guarantee Charge** has the meaning given to this term in the *Superannuation Guarantee (Administration) Act 1992* (Cth).

## 1.2 Interpretation

- (a) Reference to:
  - (i) one gender includes the others;
  - (ii) the singular includes the plural and vice versa;
  - (iii) a person includes a body corporate;

- (iv) a party includes the party's executors, administrators, successors and permitted assigns;
- (v) a statute, regulation or provision of a statute or regulation (**Statutory Provision**) includes:
  - (A) that Statutory Provision as amended or re-enacted from time to time; and
  - (B) a statute, regulation or provision enacted in replacement of that Statutory Provision; and
- (vi) money is to Australian dollars, unless otherwise stated.
- (b) "Including" and similar expressions are not words of limitation.
- (c) Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.
- (d) Headings are for convenience only and do not form part of this Deed or affect its interpretation.
- (e) A provision of this Deed must not be construed to the disadvantage of a party merely because that party was responsible for the preparation of the Deed or the inclusion of the provision in the Deed.
- (f) If a party consists of more than one person, this Deed binds each of them separately and any 2 or more of them jointly.
- (g) An obligation, representation or warranty in favour of more than one person is for the benefit of them separately and jointly.
- (h) Unless the contrary intention appears, where a word or expression is defined or given meaning in the Act, the Regulations, the Schedule or the Rules the word or expression has the same meaning when used in this Deed.
- (i) Where any provision of the Act, the Regulations, the Schedule or the Rules is incorporated into or is said to apply to this Deed, that provision is incorporated into or applies to this Deed with all modifications as are necessary to give effect to part 5.3A of the Act, this Deed, and as if references to the "liquidator" were references to the Administrators, references to the "relevant date" were references to the Relevant Date, and references to "winding up" were references to the arrangement effected by this Deed.

## **2 Condition for operation**

The operation of this Deed commences from the date that it is executed by all parties.

## **3 Appointment of Administrators**

- (a) The Association appoints the Administrators, and the Administrators accept appointment, as the Administrators of this Deed as from the date of this Deed.
- (b) The appointment of each of the Administrators is both joint and several.
- (c) In exercising the powers conferred by this Deed and carrying out the duties arising under this Deed, the Administrators are taken to act as agents for and on behalf of the Association.

- (d) Unless expressed to the contrary by a provision of this Deed, the Prescribed Provisions apply to this Deed.
  - (e) Where this Deed confers a power or discretion on the Administrators, they may exercise that power or discretion in such manner as they, in their absolute discretion, consider fit.
  - (f) Clause 11 of Schedule 8A of the Regulations in respect of the requirement for a committee of inspection is not applicable to this Deed.
- 

#### **4 Deed Fund**

- (a) The Administrators must establish a bank account in the name of "York Community Resource Centre Inc ABN 38 440 811 494 (subject to deed of company arrangement)" as soon as is practical after the execution of this Deed.
  - (b) The Deed Fund is an asset of the Administrators and is to be used in accordance with this Deed and for no other purpose.
  - (c) The Administrators must immediately pay into the Deed Fund:
    - (i) any cash held by the Administrators for and on behalf of the Association as at the date of this Deed;
    - (ii) the DOCA Contribution upon receipt; and
    - (iii) (if applicable) any receipts pursuant to clause 5(e).
  - (d) Amounts paid into the Deed Fund must only be used:
    - (i) in meeting the costs of administering this Deed including the remuneration of the Administrators, their partners, staff and agents in acting as Administrators since the Relevant Date and under this Deed and any GST payable under clause 26(c);
    - (ii) in paying any liability of the Administrators since the Relevant Date in acting as Administrators of the Association or as Administrators of this Deed; and
    - (iii) in paying the Claims of the Participating Creditors (and if clause 5(e) applies, the ATO Debt) in accordance with the terms of this Deed.
- 

#### **5 Shire's Obligations**

- (a) As soon as practicable following the date of this Deed, the Administrators must determine the following amounts:
  - (i) the debts for which the Administrators as administrators of the Association prior to the Relevant Date are liable under sections 443A, 443B or 443BA of the Act, including the outstanding debts of the Administrators howsoever arising;
  - (ii) the Administrators' remuneration and expenses calculated according to clause 20;
  - (iii) the amounts owed to Priority Creditors; and
  - (iv) the amounts owed to Participating Creditors.
- (b) Once the Administrators have determined the total amount in accordance with clause 5(a), the Administrators must:

- (i) calculate the DOCA Contribution in accordance with clause 5(c); and
  - (ii) notify the Shire of the DOCA Contribution (including a list of admitted Creditors) and require payment from the Shire.
- (c) The DOCA Contribution shall be an amount equivalent to the aggregate of the amounts in clauses 5(a)(i) – 5(a)(iv).
- (d) The Shire must:
  - (i) pay the DOCA Contribution to the Administrators; and
  - (ii) provide documentary evidence (satisfactory to the Administrators in their absolute discretion) that an arrangement has been agreed for the Shire to pay the ATO Debt on the Association's behalf,

within 30 days (or such longer period as may be agreed in writing between the Shire and the Administrators) of notice by the Administrators in accordance with clause 5(b)(ii).
- (e) In the event that the Shire fails to perform the Shire's Obligations, the Administrators may elect to sell the Real Property and apply the net proceeds to pay the amounts referred to in clause 15(a) in full.
- (f) If it performs the Shire's Obligations, the Shire will not be liable to Creditors except to the extent that:
  - (i) it assumes an obligation to the ATO as contemplated by clause 5(d)(ii); or
  - (ii) the DOCA Contribution is payable to Participating Creditors by the Administrators as contemplated by clause 15(a).

For the avoidance of doubt, the Shire's responsibility to Creditors only extends to those Creditors whose Claims have been admitted by the Administrators in accordance with clauses 13 and 14 and who are expressly named in the notification to the Shire referred to in clause 5(b)(ii). The Shire will not be responsible for any further debts or liabilities of the Association.

## 6 Property of Association

- (a) Subject to compliance by the Shire with the Shire's Obligations, the Administrators shall transfer to the Shire as soon as practicable thereafter:
  - (i) the Real Property, free of Encumbrances except Permitted Encumbrances; and
  - (ii) the Other Property.
- (b) The Shire and the Administrators shall abide by the Interim Occupancy Arrangement until the earlier of (i) the transfer of the Real Property in accordance with clause 6(a)(i); and (ii) its termination in accordance with its terms.
- (c) All costs and expenses incurred by the Administrators or payable in connection with the transfers contemplated by clauses 6(a)(i) and (ii) (including transfer duty, if any) shall be borne by the Shire (and the Shire shall reimburse the Administrators upon demand for any such expenses paid by the Administrators).

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**7 Control and business of the Association**

- (a) Upon the execution of this Deed, control of the Association will remain with the Administrators, subject to the Interim Occupancy Arrangements.
  - (b) The directors of the Association must not grant any Encumbrance over or sell any of the Association's assets, or seek to do any of those things, without the prior written consent of the Administrators.
- 

**8 Meetings**

Rules 75-10 to 75-115, 75-125 to 75-130 and 75-140 to 75-145 of the Rules apply, with such modifications as are necessary, to meetings of Creditors held under this Deed as if the references to "the external administrator" were references to the Administrators.

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**9 Moratorium**

- (a) This Deed commences on the date it is signed by all parties and continues until all the obligations of the parties under this Deed are fulfilled.
  - (b) During the period of this Deed, each Creditor must not:
    - (i) make or proceed with any application for an order to wind up the Association;
    - (ii) without the leave of the Court, and then, only in accordance with terms as the Court imposes:
      - (A) begin or proceed with a proceeding against the Association or in relation to any of the Association's property or property used or occupied by, or in the possession of, the Association, either in a court or in an arbitration; and
      - (B) begin or proceed with any enforcement process in relation to any of the Association's property, or property used or occupied by, or in the possession of, the Association; and
    - (iii) exercise any right of set off to which the Creditor would not have been entitled had the Association been wound up with the Relevant Date being the day on which the winding up was taken to have begun.
  - (c) During the period of this Deed, the Association, including its members and its officers, must not make or proceed with any application for an order to wind up the Association and the Association must take steps to ensure this.
  - (d) If the Shire's Obligations are not fulfilled within the time provided for in clause 5(d) then the Administrators may convene a meeting of Creditors of the Association in order that the Creditors may consider whether to vary or terminate this Deed.
  - (e) Nothing in this clause limits the operation of section 444D(2) or section 444D(3) of the Act.
  - (f) This clause has effect in addition to, and not in derogation of, section 444E of the Act.
- 

**10 Bar to Creditor's Claims**

- (a) Subject to section 444D of the Act, this Deed may be pleaded by the Association against any Creditor in bar of any debt or claim that is admissible under this Deed and a Creditor

(whether the Creditor's debt or claim is or is not admitted or established under this Deed) must not, before the termination of this Deed:

- (i) take or concur in the taking of any step to wind up the Association;
  - (ii) except for the purpose and to the extent provided in this Deed, institute or prosecute any legal proceedings in relation to any debt incurred or alleged to have been incurred by the Association before the Relevant Date;
  - (iii) take any further step (including any step by way of legal or equitable execution) in any proceedings pending against or in relation to the Association at the Relevant Date;
  - (iv) exercise any right of set-off or cross-action to which the Creditor would not have been entitled had the Association been wound up at the Relevant Date; or
  - (v) commence or take any further step in any arbitration against the Association or to which the Association is a party.
- (b) Without limiting clauses 10(a) and 18, upon due performance and completion of this Deed all Claims of Creditors are extinguished.

#### **11 Making Claims**

Subdivisions A, B, C and E of division 6 of part 5.6 of the Act apply to Claims made under this Deed as if the references to the liquidator were references to the Administrators.

#### **12 The Association's business**

Except as otherwise provided by law, the Administrators do not have any liability to the Association or a Creditor in their conduct of the Association's activities or performance of this Deed and the Administrators are not responsible to anyone for the ongoing conduct of the Association's activities.

#### **13 Admissibility of debts or Claims**

- (a) A debt payable by or Claim against the Association is not admissible to proof under this Deed unless it is a Creditor's Claim.
- (b) The Administrators are to determine:
  - (i) the Priority Creditors' Claims; and
  - (ii) the Creditors' Claims.
- (c) For the purpose of the Administrators determining Creditors' Claims, the following provisions apply to this Deed:
  - (i) section 560 and subdivisions A, B, C and E of division 6 of part 5.6 of the Act; and
  - (ii) regulation 5.6.37, regulations 5.6.39 to 5.6.57 inclusive and regulation 5.6.70A of the Regulations.

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**14 Special provisions for superannuation contribution debts**

- (a) The Administrators must determine that the whole of a debt by way of a superannuation contribution is not admissible to proof under this Deed if:
    - (i) a debt by way of Superannuation Guarantee Charge:
      - (A) has been paid; or
      - (B) is, or is to be, admissible to proof under this Deed; and
    - (ii) the Administrators are satisfied that the Superannuation Guarantee Charge is attributable to the whole of the first-mentioned debt.
  - (b) The Administrators must determine that a particular part of a debt by way of a superannuation contribution is not admissible to proof under this Deed if:
    - (i) a debt by way of Superannuation Guarantee Charge:
      - (A) has been paid; or
      - (B) is, or is to be, admissible to proof under this Deed; and
    - (ii) the Administrators are satisfied that the Superannuation Guarantee Charge is attributable to that part of the first-mentioned debt.
- 

**15 Distributions to Creditors**

- (a) The Administrators are to apply the Deed Fund in the following order of priority:
    - (i) first, payment of the Administrators' expenses, costs and remuneration for acting as administrators of the Association;
    - (ii) second, payment of the Administrators' expenses, costs and remuneration for acting as administrators under this Deed;
    - (iii) third, payment of Priority Creditors' Claims; and
    - (iv) last, in payment of the Claims of remaining Participating Creditors (and, if clause 5(e) applies, the ATO Debt) in full.
  - (b) For the purposes of application by the Administrators of the fund, any eligible employee Creditors are entitled to a priority equal to what they would have been entitled to if the Deed Fund were applied in accordance with sections 556, 560 and 561 of the Act.
- 

**16 Termination**

- (a) This Deed terminates:
  - (i) upon resolution in accordance with section 445C of the Act; or
  - (ii) upon the making of an order by the Court under section 445D of the Act in respect of this Deed.
- (b) The Administrators must within 28 days lodge with DMIRS notice of termination in the prescribed form.

- (c) If the Administrators have applied all of the proceeds of the Deed Fund available for the payment of Creditors, the Administrators must certify to that effect in writing and must within 28 days lodge with DMIRS a notice in the prescribed form that the Deed has been wholly effectuated.
  - (d) The execution of the notice terminates this Deed, but nothing in this clause relieves the Administrators of their obligations under the Act.
- 

#### **17 Discharge of debts**

The Creditors must accept their entitlements under this Deed in full satisfaction and complete discharge of all debts or any Claim which they have or claim to have against the Association as at the Relevant Date and each of them will, if called upon to do so, execute and deliver to the Association forms of release of any Claim as the Administrators require.

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#### **18 Release of Creditors' Claims**

- (a) If the Administrators have paid to Creditors their full entitlements under this Deed and this Deed terminates in accordance with clause 16(a) all Claims are released in full and extinguished.
  - (b) Upon termination of this Deed for whatever reason, other than according to clause 16(a), the Association is forever released and discharged by each Creditor who has received payment in partial satisfaction of a Claim to the extent of that payment and each Creditor will, if called upon to do so, execute and deliver to the Association such form of release of any Claim as the Administrators require.
  - (c) This Deed may be pleaded in set off or in answer to any action, suit, claim, demand or other proceeding as fully and effectively as if the Creditor has executed a binding covenant under seal not to sue for payment of the amounts referred to in clause 18(a) or clause 18(b), nor to appeal from, challenge or review the decision of the Administrators.
- 

#### **19 Abandonment by Creditors who do not prove**

A Creditor is deemed to have abandoned that Creditor's Claim if, prior to the declaration of a final dividend to Creditors, the Creditor:

- (a) fails to submit a formal proof of debt or claim in respect of the Creditor's Claim; or
  - (b) having submitted a formal proof of debt or claim in respect of the Creditor's Claim which is rejected, fails to appeal to the Court against the rejection.
- 

#### **20 Remuneration of Administrators**

The Administrators will receive remuneration from the Deed Fund for any work performed by them, their partners and employees in respect of the time spent by them in performing the powers, functions and duties of the Administrators under this Deed, calculated on a time/cost basis at the scheduled hourly rates charged from time to time by them or by the firm of which they are members as may be determined under sections 60-5 and 60-10 of the Schedule from time to time in addition to all expenses, costs, disbursements and GST incurred or payable by the Administrators in relation to this Deed.

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**21 Administrators' indemnity**

- (a) Without limiting clauses 4 or 5, the Administrators are entitled to be indemnified out of the Deed Fund for:
  - (i) the Administrators' remuneration and reimbursement under this Deed;
  - (ii) all Claims arising out of, in connection with or incidental to any debts incurred by the Administrators or the Administrators' partners or employees in the course of the administration of this Deed; and
  - (iii) all Claims, other than a Claim by the Association, against the Administrators or the Administrators' partners or employees, arising out of, in connection with or incidental to the Administrators' administration of this Deed.
- (b) The Administrators' right of indemnity conferred by this clause has priority over any other Priority Creditor's Claim and may be paid in accordance with clause 15.
- (c) The Administrators are entitled to exercise the Administrators' right of indemnity conferred by this clause whether or not the Administrators have paid or satisfied the Claims.
- (d) The Administrators are entitled to exercise a lien on the Deed Fund to secure the Administrators' right of indemnity conferred in accordance with this clause.

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**22 Variation**

This Deed may be varied after execution by resolution of Creditors in accordance with the provisions of the Act.

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**23 Further assurance**

Each party must promptly at its own cost do all things (including executing all documents) necessary or desirable to give full effect to this Deed.

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**24 Severability**

If anything in this Deed is unenforceable, illegal or void then it is severed and the rest of this Deed remains in force.

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**25 Notices**

- (a) A notice or other communication given under or about this Deed must be in English and in writing and delivered or sent by prepaid post, or email to the address or email address of the addressee as notified in writing by the addressee to the sender from time to time.
- (b) A notice or other communication given under or about this Deed is taken to be received:
  - (i) if hand delivered, on delivery;
  - (ii) if sent by prepaid post, 3 days after posting; or
  - (iii) if sent by email, when the sender's email system confirms the notice or other communication has been transmitted in its entirety to the email address of the addressee, as the case may be.

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**26 Costs and outlays**

- (a) The costs and outlays connected with the negotiation, preparation and execution of this Deed are taken to be costs, charges and expenses incurred by the Administrators in connection with or incidental to the Administrators' administration of this Deed.
- (b) All stamp duty and other government imposts payable in connection with this Deed and all other documents and matters referred to in this Deed must be treated as costs and expenses of the administration of this Deed.
- (c) Any GST:
  - (i) payable in relation to the Administrators' remuneration; or
  - (ii) payable in relation to this Deed,will be treated as costs and expenses of the administration of this Deed.

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**27 Governing law and jurisdiction**

- (a) The law of Western Australia governs this Deed.
- (b) The parties submit to the exclusive jurisdiction of the Court and agree that any lawsuit must be heard, if at all, in the Court.

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**28 Executing this Deed**

The parties agree that:

- (a) the electronic execution of this Deed will be taken to satisfy any statutory or other requirements for this Deed to be in writing and signed by that party; and
- (b) any electronic copy of this Deed so signed will constitute an executed original counterpart, and any print-out of the copy with the relevant signatures appearing will also constitute an executed original counterpart.

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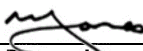
**29 Counterparts**


- (a) This Deed may be executed in any number of counterparts and all counterparts taken together will be deemed to be a single instrument.
- (b) This Deed is not binding upon a party until all executed counterparts have been exchanged.
- (c) Executed counterparts may be exchanged by email or facsimile. The party effecting exchange by email or facsimile must send to the other parties the original executed counterpart document as soon as is practicable after the time of exchange.
- (d) Delivery of a counterpart of this document by email attachment or facsimile constitutes an effective mode of delivery.

**EXECUTED AS AN AGREEMENT** on the 25th day of October 2023.

Administrators:


Executed as an agreement by:

  
 \_\_\_\_\_  
**Martin Bruce Jones**

*In the presence of:*   
 \_\_\_\_\_  
*Print Name:* kieran chu  
 \_\_\_\_\_  
*Occupation:* Accountant  
 \_\_\_\_\_  
*Address:* c/- Level 8, 235 St Georges Terrace  
 \_\_\_\_\_  
 Perth WA 6000  
 \_\_\_\_\_

Executed as an agreement by:

  
 \_\_\_\_\_  
**Matthew David Woods**


*In the presence of:*   
 \_\_\_\_\_  
*Print Name:* kieran chu  
 \_\_\_\_\_  
*Occupation:* Accountant  
 \_\_\_\_\_  
*Address:* c/- Level 8, 235 St Georges Terrace  
 \_\_\_\_\_  
 Perth WA 6000  
 \_\_\_\_\_

Association:

Executed as an agreement by **York Community Resource Centre Inc**  
**ABN 38 440 811 494** (subject to deed of company arrangement) by Martin Bruce Jones and Matthew David Woods as Administrators:

  
 \_\_\_\_\_  
**Martin Bruce Jones**

  
 \_\_\_\_\_  
**Matthew David Woods**


*In the presence of:* 

\_\_\_\_\_  
*Print Name:* kieran Chu

\_\_\_\_\_  
*Occupation:* Accountant

\_\_\_\_\_  
*Address:* c/- Level 8, 235 St Georges Terrace

\_\_\_\_\_  
 Perth WA 6000

*In the presence of:* 

\_\_\_\_\_  
*Print Name:* kieran Chu

\_\_\_\_\_  
*Occupation:* Accountant

\_\_\_\_\_  
*Address:* c/- Level 8, 235 St Georges Terrace

\_\_\_\_\_  
 Perth WA 6000

Shire:

[Common Seal affixed here]

The Common Seal of the **Shire of York** was affixed, by authority of a resolution of Council, pursuant to s.9.49A(4) of the *Local Government Act 1995* in the presence of:

\_\_\_\_\_  
 President  
 Name:

*In the presence of:*

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

\_\_\_\_\_  
*Occupation:*

\_\_\_\_\_  
*Address:*

\_\_\_\_\_  
 CEO or Authorised Officer  
 Name:

*In the presence of:*

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

\_\_\_\_\_  
*Occupation:*

\_\_\_\_\_  
*Address:*

CM00155854

Association:

Executed as an agreement by **York Community Resource Centre Inc**  
**ABN 38 440 811 494** (subject to deed of company arrangement) by Martin Bruce Jones and Matthew David Woods as Administrators:

**Martin Bruce Jones**

**Matthew David Woods**

*In the presence of:*

*In the presence of:*

Print Name:

Print Name:

Occupation:

Occupation:

Address:

Address:

Shire:

[Common Seal affixed here]



The Common Seal of the **Shire of York** was affixed, by authority of a resolution of Council, pursuant to s.9.49A(4) of the *Local Government Act 1995* in the presence of:

*MR JONES*  
 President  
 Name: *Kevin Richard JONES*

*Chris Linnell*  
 CEO or Authorised Officer  
 Name: *Chris Linnell*

*In the presence of:*

*In the presence of:*

*ALINA BEHAN*  
 Print Name:

*ALINA BEHAN*  
 Print Name:

Occupation:  
*EXECUTIVE MANAGER*

Occupation:  
*EXECUTIVE MANAGER*

Address:

Address:



**SY151-11/23 2024 COUNCIL MEETING DATES**

<b>File Number:</b>	<b>4.6670; 4.0474</b>
<b>Author:</b>	<b>Vanessa Green, Council &amp; Executive Support Officer</b>
<b>Authoriser:</b>	<b>Chris Linnell, Chief Executive Officer</b>
<b>Previously before Council:</b>	<b>23 November 2021 (381121) 25 October 2022 (031022)</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Appendices:</b>	<b>1. 2024 Calendar of Meeting Dates <a href="#">↓</a></b>

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

Legislative

**PURPOSE OF REPORT**

This report seeks Council approval for advertising the proposed dates and times for Ordinary Council Meetings, Agenda Briefings and Audit & Risk Committee Meetings to be held during 2024.

**BACKGROUND**

Council has previously held its Ordinary Meetings on the fourth Tuesday of each month with an Agenda Briefing held prior, on the third Tuesday of each month. The agenda is generally distributed between ten (10) days but no later than one (1) week prior to the meeting. The dates for the Ordinary Council Meetings are to be advertised in accordance with the requirements for Local Public Notice.

Since May 2016, Council has conducted a monthly Concept Forum to provide Officers the opportunity to bring to Council's attention any emerging issues and to seek guidance regarding Council's strategic direction in accordance with the Strategic Community Plan and Corporate Business Plan. In 2022/23 Concept Forums were held on the second Tuesday of the month.

Ordinary Council Meetings are usually held in Council Chambers. However, where an issue or report is likely to attract more than sixteen (16) members in the public gallery, the Shire President may determine to conduct that Ordinary Council Meeting in the Lesser Hall or the Town Hall. Council has historically held a meeting once a year in Talbot and Greenhills. For the last several years Council has not held an Ordinary Council Meeting in January.

With the Act Reform amendments to the *Local Government Act 1995* and *Local Government (Administration) Regulations 1996* regarding the recording of Council Meetings, Council will need to consider whether to continue conducting meetings outside of Council Chambers.

**COMMENTS AND DETAILS**

Officers propose that Concept Forums, Agenda Briefings and Ordinary Council Meetings are held monthly with the following schedule for 2024:

1. Concept Forum – second Tuesday of every month commencing at 4:00pm
2. Council Agenda Briefing – third Tuesday of every month commencing at 5:00pm
3. Ordinary Meeting of Council – fourth Tuesday of every month commencing at 5:00pm
4. Audit & Risk Committee – quarterly on the second Tuesday of the month commencing March at 3:00pm

The exceptions to this are:

1. January, where no Ordinary Meetings of Council are held.
2. December, where due to Christmas Concept Forum will be held on the first Tuesday, Agenda Briefing will be held on the second Tuesday and the Ordinary Council Meeting will be held on the third Tuesday of the month.

It is again proposed that the Ordinary Council Meeting in Talbot be held in April and the Meeting at Greenhills be held in September. However, this will need to be reconsidered in 2025 due to both locations not having the appropriate technical infrastructure to enable the meetings to be recorded in accordance with the new legislative requirements. Although it may not be possible for Council Meetings to be held at those locations, it would be possible for other informal engagement sessions or Agenda Briefings to be conducted. This will be further considered when Council determines its 2025 meeting dates.

As has been the case previously it is proposed that, aside from the Ordinary Council Meeting, the following are opened to the public:

1. Agenda Briefing
2. Audit & Risk Committee Meetings

Presented in Appendix 1 is a 2024 calendar indicating the proposed dates for:

1. Concept Forums
2. Close and release of agendas for Ordinary Council Meetings
3. Agenda Briefings
4. Ordinary Council Meetings
5. Audit & Risk Committee Meetings

## OPTIONS

Council has the following options:

- Option 1:** Council could accept the scheduled dates, times and locations for 2024 as presented in Appendix 1.
- Option 2:** Council could select another day, date and/or time to hold Council meetings. However, the meeting dates and times have been proposed in accordance with what appears to be convenient for the community and Councillors and incoming legislative requirements.

Option 1 is the recommended option.

## IMPLICATIONS TO CONSIDER

### Consultative

Council Concept Forum 14 November 2023

The dates of Council meetings and Committee meetings that are open to the public are required to be advertised publicly in accordance with Regulation 12(2) of the *Local Government (Administration) Regulations 1996*.

### 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
- G10 Public Question Time
- G11 Conduct of Council Forums

**Financial**

Funds are included in the 2023/24 Budget to cover the costs of advertising and promoting the Council Meeting dates.

**Legal and Statutory**

Sections 5.23 and 5.25 of the *Local Government Act 1995* are applicable and state:

**“5.23. Meetings generally open to public**

- (1) *Subject to subsection (2), the following are to be open to members of the public —*
  - (a) *all council meetings; and*
  - (b) *all meetings of any committee to which a local government power or duty has been delegated.*
- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
  - (a) *a matter affecting an employee or employees; and*
  - (b) *the personal affairs of any person; and*
  - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
  - (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
  - (e) *a matter that if disclosed, would reveal —*
    - (i) *a trade secret; or*
    - (ii) *information that has a commercial value to a person; or*
    - (iii) *information about the business, professional, commercial or financial affairs of a person,**where the trade secret or information is held by, or is about, a person other than the local government; and*
  - (f) *a matter that if disclosed, could be reasonably expected to —*
    - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
    - (ii) *endanger the security of the local government’s property; or*
    - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;**and*
  - (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
  - (h) *such other matters as may be prescribed.*

- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

**5.25. Regulations about council and committee meetings and committees**

- (1) *Without limiting the generality of section 9.59, regulations may make provision in relation to —*
- (a) the matters to be dealt with at ordinary or at special meetings of councils; and*
  - (b) the functions of committees or types of committee; and*
  - (ba) the holding of council or committee meetings by telephone, video conference or other electronic means; and*
  - (c) the procedure to be followed at, and in respect of, council or committee meetings; and*
  - (d) methods of voting at council or committee meetings; and*
  - (e) the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made); and*
  - (f) the content and confirmation of minutes of council or committee meetings and the keeping and preserving of the minutes and any documents relating to meetings; and*
  - (g) the giving of public notice of the date and agenda for council or committee meetings; and*
  - (h) the exclusion from meetings of persons whose conduct is not conducive to the proper conduct of the meetings and the steps to be taken in the event of persons refusing to leave meetings; and*
  - (i) the circumstances and time in which the unconfirmed minutes of council or committee meetings are to be made available for inspection by members of the public; and*
  - (j) the circumstances and time in which notice papers and agenda relating to any council or committee meeting and reports and other documents which could be —*
    - (i) tabled at a council or committee meeting; or*
    - (ii) produced by the local government or a committee for presentation at a council or committee meeting,**are to be made available for inspection by members of the public.*
- (2) *Regulations providing for meetings to be held by telephone, video conference or other electronic means may modify the application of this Act in relation to those meetings to the extent necessary or convenient to facilitate the holding of those meetings in that way.”*

Regulations 12(2) and 14 of the Local Government (Administration) Regulations 1996 are also applicable and state:

**“12. Publication of meeting details (Act s. 5.25(1)(g))**

- (1) *In this regulation —*
- meeting details**, *for a meeting, means the date and time when, and the place where, the meeting is to be held.*
- (2) *The CEO must publish on the local government’s official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held —*
- (a) ordinary council meetings;*
  - (b) committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.*

- (3) *Any change to the meeting details for a meeting referred to in subregulation (2) must be published on the local government's official website as soon as practicable after the change is made.*
- (4) *If a local government decides that a special meeting of the council is to be open to members of the public, the CEO must publish the meeting details for the meeting and the purpose of the meeting on the local government's official website as soon as practicable after the decision is made.*

**14. Notice papers, agenda etc., public inspection of (Act s. 5.25(1)(j))**

- (1) *A local government is to ensure that notice papers and agenda relating to any council or committee meeting and reports and other documents which —*
- (a) *are to be tabled at the meeting; or*
- (b) *have been produced by the local government or a committee for presentation at the meeting,*
- and which have been made available to members of the council or committee for the meeting are available for inspection by members of the public and published on the local government's official website from the time the notice papers, agenda or documents were made available to the members of the council or committee.*
- (2) *Subregulation (1) does not apply if, in the CEO's opinion, the meeting or that part of the meeting to which the information refers is likely to be closed to members of the public under section 5.23(2)."*

**Risk Related**

Outlined below are the identified risks related to the Officer recommendations.

**TABLE 1.**

<b>Identified Risk</b>	<b>Risk type</b>	<b>Level of Risk</b>	<b>Mitigation</b>
Community criticism regarding transparency	Reputational	Moderate/High	To increase the opportunity for community input, public distribution of meeting agendas is at least seven (7) days prior to Ordinary Council Meetings and at least seventy-two (72) hours prior to meetings of Committees.
Contravention of Department of Local Government Guidelines	Compliance	Low	The Department's guidelines state that local governments should implement a system that best suits their needs. Policy G11 - Conduct of Council Forums outlines the Shire's framework for conducting Council Forums.

**Workforce**

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

**VOTING REQUIREMENTS**

**Absolute Majority: No**

**RESOLUTION****131123****Moved: Cr Peter Wright****Seconded: Cr Denis Warnick****That, with regard to the 2024 Council Meeting Dates, Council:**

1. **Adopts the following dates for the 2024 Ordinary Council Meetings to be held in Council Chambers commencing at 5.00pm, unless otherwise stated:**

<b>Tuesday 27 February 2024</b>	<b>Tuesday 26 March 2024</b>
<b>Tuesday 23 April 2024 (Talbot)</b>	<b>Tuesday 28 May 2024</b>
<b>Tuesday 25 June 2024</b>	<b>Tuesday 23 July 2024</b>
<b>Tuesday 27 August 2024</b>	<b>Tuesday 24 September 2024 (Greenhills)</b>
<b>Tuesday 22 October 2024</b>	<b>Tuesday 26 November 2024</b>
<b>Tuesday 17 December 2024</b>	

2. **Opens to the public and adopts the following dates for the 2024 Council Agenda Briefings to be held in Council Chambers commencing at 5.00pm:**

<b>Tuesday 20 February 2024</b>	<b>Tuesday 19 March 2024</b>
<b>Tuesday 16 April 2024</b>	<b>Tuesday 21 May 2024</b>
<b>Tuesday 18 June 2024</b>	<b>Tuesday 16 July 2024</b>
<b>Tuesday 20 August 2024</b>	<b>Tuesday 17 September 2024</b>
<b>Tuesday 15 October 2024</b>	<b>Tuesday 19 November 2024</b>
<b>Tuesday 10 December 2024</b>	

3. **Opens to the public and adopts the following dates for the 2024 Audit and Risk Committee Meetings to be held in Council Chambers commencing at 3.00pm:**

<b>Tuesday 12 March 2024</b>	<b>Tuesday 11 June 2024</b>
<b>Tuesday 10 September 2024</b>	<b>Tuesday 3 December 2024</b>

4. **Notes that Agendas for Ordinary Council Meetings will generally be distributed ten (10) days, but no later than one (1) week, prior to the Ordinary Council Meeting.**
5. **Requests the Chief Executive Officer to advertise the above meeting dates in accordance with Regulation 12(2) of the *Local Government (Administration) Regulations 1996*.**

**In Favour:** Crs Kevin Trent, Denis Warnick, Blake Luxford, Kevin Pyke, Denese Smythe and Peter Wright

**Against:** Nil

**CARRIED 6/0**

# SHIRE OF York

## Meeting Dates 2024

JANUARY						
S	M	T	W	T	F	S
31	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31	1	2	3
4	5	6	7	8	9	10
FEBRUARY						
S	M	T	W	T	F	S
28	29	30	31	1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	1	2
3	4	5	6	7	8	9
MARCH						
S	M	T	W	T	F	S
25	26	27	28	29	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31	1	2	3	4	5	6
APRIL OCM Talbot Hall						
S	M	T	W	T	F	S
31	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	1	2	3	4
5	6	7	8	9	10	11
MAY						
S	M	T	W	T	F	S
28	29	30	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	1
2	3	4	5	6	7	8
JUNE						
S	M	T	W	T	F	S
26	27	28	29	30	31	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	1	2	3	4	5	6
JULY						
S	M	T	W	T	F	S
30	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31	1	2	3
4	5	6	7	8	9	10
AUGUST						
S	M	T	W	T	F	S
28	29	30	31	1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31
1	2	3	4	5	6	7
SEPTEMBER OCM Greenhills Hall						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	1	2	3	4	5
6	7	8	9	10	11	12
OCTOBER						
S	M	T	W	T	F	S
29	30	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31	1	2
3	4	5	6	7	8	9
NOVEMBER						
S	M	T	W	T	F	S
27	28	29	30	31	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
1	2	3	4	5	6	7
DECEMBER						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31	1	2	3	4
5	6	7	8	9	10	11

**LEGEND**

Concept Forum

Agenda Close - staff

Agenda Briefing

Ordinary Meeting of Council

Public Holiday

Audit & Risk Committee Meeting

School Holidays

Agenda Distribution

**SY152-11/23 APPOINTMENT OF DELEGATES TO COUNCIL COMMITTEES, WORKING GROUPS AND EXTERNAL COMMITTEES**

**File Number:** 4.0474

**Author:** Vanessa Green, Council & Executive Support Officer

**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**

This report seeks Council's consideration of proposed Council Committees and Reference/Working Groups and seeks nominations for representation on active external committees and working groups.

**BACKGROUND**

In accordance with Section 5.11 of the *Local Government Act 1995*, Council representatives on Committees (and subsequently, Shire of York Reference/Working Groups and externally administered Committees) are discontinued following a local government election and as such, nominations for Council representation are required.

**COMMENTS AND DETAILS**

Below is an outline of the active committees and working groups.

**TABLE 1.**

<b>COMMITTEES OF COUNCIL</b>	<b>DETAILS</b>	<b>MEMBERSHIP</b>	<b>MEETING TIMEFRAME</b>	<b>PREVIOUS DELEGATE</b>
Audit and Risk Committee	Required in accordance with Section 7.1A of the <i>Local Government Act 1995</i> to provide advice and information on matters relevant to statutory audits, internal controls, compliance, financial management and risk. The Committee has specified functions in accordance with Regulation 16 of the <i>Local Government</i>	Up to 3 Councillors Up to 2 external members (All other Councillors to be Deputies)	Quarterly (March, June, September, December)	Cr Smythe, Cr Warnick, Cr Trent

	<i>(Audit) Regulations 1996.</i>			
Local Emergency Management Committee (LEMC)	Required in accordance with Section 38 of the <i>Emergency Management Act 2005</i> to oversee the district's Local Emergency Management Arrangements.	1 Councillor (normally Shire President) 1 Deputy	2-3 times annually	Cr Smythe
<b>REFERENCE/WORKING GROUPS OF COUNCIL</b>	<b>DETAILS</b>	<b>MEMBERSHIP</b>	<b>MEETING TIMEFRAME</b>	<b>PREVIOUS DELEGATE</b>
York Honours Reference Group	To provide advice and recommendations to Council on matters relating to community awards and recognition.	1 Councillor 1 Representative from the Bendigo Bank 1 Representative of the York Co-Op Up to 4 Community Members	Annually (November)	Cr Smythe
Aboriginal Advisory Group	Established to develop a Reconciliation Action Plan in consultation with Reconciliation Australia.	1 Councillor 1 Deputy	4 times annually	Cr Warnick
<b>EXTERNAL REGIONAL</b>	<b>DETAILS</b>	<b>MEMBERSHIP</b>	<b>MEETING TIMEFRAME</b>	<b>PREVIOUS DELEGATE</b>
Joint Development Assessment Panel	To determine development applications within a certain type and value threshold through consistent, accountable and professional decision-making.	2 Councillors 2 Deputies	As required	Cr Smythe & Cr Trent Cr Warnick & Cr Garratt
Wheatbelt North Regional Road Group	Responsible for assessing road funding submissions from member local governments, annual distribution of funds to local governments and monitoring and reporting on the effectiveness of applying funds to	1 Councillor 1 Deputy EMIDS (ex-officio) Other local governments	2-3 times annually	Cr Trent Cr Wright

	local government roads in its region. Includes the Avon Regional Road Sub-Group.		4-6 times annually	
Avon Region Organisation of Councils (AROC)	Includes the Shires of Northam, Toodyay, York, Goomalling and Victoria Plains with the aim to work together on one or more common issues, collaborate and lobby on behalf and for the betterment of the region.	Shire President CEO (ex-officio)	5 times annually	Cr Smythe
Rural Water Council	To raise awareness of water supply issues relating to farmland and communities in rural and dryland agricultural areas.	1 Councillor 1 Deputy EMIDS (ex-officio) Other local governments	3-4 times annually	Cr Smythe
<b>EXTERNAL COMMUNITY</b>	<b>DETAILS</b>	<b>MEMBERSHIP</b>	<b>MEETING TIMEFRAME</b>	<b>PREVIOUS DELEGATE</b>
York District High School Board	Council representation on the Board at the previous request of York DHS.	1 Councillor		Cr Heaton

### Audit and Risk Committee

At its September 2023 Ordinary Meeting Council considered the appointment of the two (2) external members to its Audit and Risk Committee, hence the Officer's recommendation reflects this.

### York Honours Reference Group

The Terms of Reference for the York Honours Reference Group state the Group is not to be disbanded following the local government election process in October, but rather the Group's membership continues until February of the following year to enable the current planning and organisation of the Australia Day event and Award nominations to occur.

Hence the membership of the York Honours Reference Group is not being considered at this time, with Cr Denese Smythe as the current delegate and Chair.

### Joint Development Assessment Panel (JDAP)

All existing local government JDAP members are appointed for a term ending on 26 January 2024. Prior to that expiry date, in accordance with Regulation 24 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, Council is required to nominate four (4) Councillors to sit as JDAP members. The nominations are to be made prior to Friday 24 November 2023 and submitted to the Minister for Planning for appointment. There is a requirement to undertake additional training to be appointed as a JDAP member. If Council wishes to retain its current three (3) members it will need to nominate at least one (1) other member.

### Avon Regional Organisation of Councils (AROC)

The AROC Memorandum of Understanding stipulates the Shire President and CEO of each member local government are to be appointed as their representatives, hence the Officer's recommendation reflects this.

### External Community Committees/Groups

Following the 2021 elections, consultation with the committees/groups who previously had a Council delegate appointed indicated support to remove Council delegates from their committees/groups, noting that the committee/group could approach Council and the Administration at any time should there be matters to raise and consider. Therefore, no appointments were made to those external community committees/groups, except for the York District High School Board.

Council may wish to consider not appointing a delegate to that committee, or alternatively, could continue to have Councillor representation on that committee.

## **OPTIONS**

Council has the following options:

**Option 1:** Council could choose to appoint delegates and deputy delegates (where applicable) to Committees, Working Groups and External Committees.

**Option 2:** Council could choose not to appoint delegates and deputy delegates (where applicable) to Committees, Working Groups and External Committees.

Option 1 is the recommended option.

## **IMPLICATIONS TO CONSIDER**

### **Consultative**

Nil

### **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**

G9 Reference Groups

### **Financial**

All costs are included in the current budget.

### **Legal and Statutory**

Sections 5.8, 5.9, 5.10, 5.11A and 5.11 of the *Local Government Act 1995* are applicable and state:

#### **“5.8. Establishment of committees**

*A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

*\* Absolute majority required.*

#### **5.9. Committees, types of**

(1) *In this section —*

**other person** means a person who is not a council member or an employee.

- (2) A committee is to comprise —
- (a) council members only; or
  - (b) council members and employees; or
  - (c) council members, employees and other persons; or
  - (d) council members and other persons; or
  - (e) employees and other persons; or
  - (f) other persons only.

**5.10. Committee members, appointment of**

- (1) A committee is to have as its members —
- (a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
  - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

\* Absolute majority required.

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the council.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
- (a) to be a member of the committee; or
  - (b) that a representative of the CEO be a member of the committee,
- the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

**5.11A. Deputy committee members**

- (1) The local government may appoint\* a person to be a deputy of a member of a committee and may terminate such an appointment\* at any time.

\* Absolute majority required.

- (2) A person who is appointed as a deputy of a member of a committee is to be —
- (a) if the member of the committee is a council member — a council member; or
  - (b) if the member of the committee is an employee — an employee; or
  - (c) if the member of the committee is not a council member or an employee — a person who is not a council member or an employee; or

- (d) *if the member of the committee is a person appointed under section 5.10(5) — a person nominated by the CEO.*
- (3) *A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.*
- (4) *A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.*

**5.11. Committee membership, tenure of**

- (1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —*
  - (a) *the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or*
  - (b) *the person resigns from membership of the committee; or*
  - (c) *the committee is disbanded; or*
  - (d) *the next ordinary elections day,**whichever happens first.*
- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —*
  - (a) *the term of the person's appointment as a committee member expires; or*
  - (b) *the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or*
  - (c) *the committee is disbanded; or*
  - (d) *the next ordinary elections day,**whichever happens first."*

In relation to the Audit and Risk Committee, Section 7.1A of the *Local Government Act 1995* is applicable and states:

**"7.1A. Audit committee**

- (1) *A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.*
- (2) *The members of the audit committee of a local government are to be appointed\* by the local government and at least 3 of the members, and the majority of the members, are to be council members.*

*\* Absolute majority required.*

- (3) *A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent the CEO as a member of an audit committee.*
- (4) *An employee is not to be a member of an audit committee."*

**Risk Related**

Council could be exposed to legislative risk by not complying with the requirements for committee membership outlined in the *Local Government Act 1995*.

Council could be exposed to reputational risk by not providing adequate representation on strategic external committees.

**Workforce**

The time to administer and participate in Committees and reference/working groups can be managed within existing resources.

**VOTING REQUIREMENTS**

**Absolute Majority:** Yes

**RESOLUTION (A, B, C AND D WERE MOVED EN-BLOC)****141123****Moved:** Cr Denese Smythe**Seconded:** Cr Peter Wright**RESOLUTION A**

That, with regard to the Appointment of Delegates to Council Committees, and in accordance with Section 7.1A of the *Local Government Act 1995*, Council:

1. Appoints Cr Trent, Cr Warnick and Cr Wright to the Shire of York Audit and Risk Committee, with all other Councillors appointed as Deputies.
2. Notes the appointment of the two (2) external members of the Audit and Risk Committee in accordance with Council Resolution 100923 from its September 2023 Ordinary Meeting.

**RESOLUTION B**

That, with regard to the Appointment of Delegates to Committees, and in accordance with Section 38 of the *Emergency Management Act 2005*, Council:

1. Appoints Cr Trent to the Shire of York Local Emergency Management Committee with Cr Luxford as Deputy.

**RESOLUTION C**

That, with regard to the Appointment of Delegates to Council Working Groups and External Committees, Council:

1. Appoints Cr Warnick as delegate to the Aboriginal Advisory Group with Cr Luxford as Deputy.
2. Appoints Cr Trent and Cr Smythe as Members of the Joint Development Assessment Panel, with Cr Warnick and Cr Wright as Alternate (Deputy) Members.
3. Confirms the appointment of the Shire President (as elected by Council) with the Chief Executive Officer (ex-officio) to the Avon Regional Organisation of Councils.
4. Appoints Cr Trent as delegate to the Wheatbelt North Regional Roads Group and Avon Sub-Group with Cr Warnick as Deputy and the Executive Manager Infrastructure and Development Services (ex-officio).
5. Appoints Cr Luxford as delegate to the Rural Water Council with Cr Warnick as Deputy and the Executive Manager Infrastructure and Development Services (ex-officio).

**RESOLUTION D**

That, with regard to the Appointment of Delegates to External Committees, Council:

1. Appoints Cr Smythe as delegate to the Board of the York District High School.

**In Favour:** Crs Kevin Trent, Denis Warnick, Blake Luxford, Kevin Pyke, Denese Smythe and Peter Wright

**Against:**      Nil

***CARRIED 6/0 BY ABSOLUTE MAJORITY***

**SY153-11/23 PROPOSED NEW POLICY - RECORDING OF COUNCIL AND COMMITTEE MEETINGS**

<b>File Number:</b>	<b>4.0474</b>
<b>Author:</b>	<b>Vanessa Green, Council &amp; Executive Support Officer</b>
<b>Authoriser:</b>	<b>Chris Linnell, Chief Executive Officer</b>
<b>Previously before Council:</b>	<b>Not Applicable</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Appendices:</b>	<b>1. Draft Policy <a href="#">↓</a></b>

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

Legislative

**PURPOSE OF REPORT**

This report presents a proposed new policy relating to the recording and publication of recordings of Council and Committee Meetings to Council for consideration.

**BACKGROUND**

As Council would be aware, the *Local Government Amendment Bill 2023* has passed through Parliament delivering the first tranche of the most significant changes to the local government sector in WA in more than twenty-five (25) years.

The changes include (amongst other things):

1. Introduction of optional preferential voting
2. Aligning the size of Councils with the size of the population of each local government area
3. Enabling reforms to the Owners and Occupiers Roll to prevent the use of 'sham leases', addressing critical findings of the City of Perth Inquiry
4. Setting State-wide caretaker periods during Ordinary Council elections (2025 election)
5. Setting standardised Council Meeting procedures
6. Mandating live streaming and recording of Council meetings
7. Establishing mandated communications agreements between Councillors and the Administration
8. Requiring all local governments to publish information through online registers, including registers that disclose information about leases, grants, and goods and services contracts
9. Introducing new requirements for the publication of performance indicators and results for all Chief Executive Officers, with provision for limited exemptions for sensitive matters

In reference to point 6, based upon a local government's banding by the Salaries and Allowances Tribunal, the Band 1 and 2 local governments will need to live stream meetings of Council. Band 3 and 4 local governments will need to record their meetings and publish that recording on the local government's website. The Shire of York is a Band 3 local government.

The change is intended to make local government meetings more transparent and to improve the accountability of Council and Committee members by ensuring records are available of what was said at meetings on items for debate.

## COMMENTS AND DETAILS

Council has been audio recording its Council and Committee Meetings, along with Concept Forum and Agenda Briefing, held in Council Chambers since early 2021. In late 2022, the second phase was installed enabling attendance via electronic means and video recording to occur. The recordings are used for internal note/minute taking purposes and have not been made publicly available. Going forward, the recordings for Council Meetings will need to be published on the Shire's website in accordance with the Regulations.

A policy has been developed which details the approach to audio and video recording of in-person Council and Committee Meetings. A copy of the proposed policy is presented in Appendix 1.

For the Shire of York, the Regulations mean:

1. Audio recordings of Council meetings will need to be made publicly available via the Shire's website (excluding parts of the meetings which are closed to the public).
2. The 'usual meeting place' for Council Meetings will be Council Chambers where the audio and video technology infrastructure is installed.

It should be noted the Regulations will require, at a minimum, an audio recording to be made in which the quality of the recording must be sufficient to allow persons to listen effectively to the deliberations and communications of the meeting's proceedings. In the case of a technical failure, an improvised recording must be attempted as reasonably practicable. Where that is not possible the local government is to provide a notice on its website which states:

1. That it was not possible for a recording of the meeting or part to be made with the usual technology available and explain the reasons why
2. That an improvised recording was made by means other than the usual technology as well as how the improvised recording was made, the deficiencies in the recording and an explanation of the reasons for those deficiencies.

With Council Chambers designated as the 'usual meeting place', Council will need to consider the Council Meetings in Greenhills Hall and Talbot Hall in 2025 as these venues do not have the necessary technical equipment to enable the deliberations of the meeting to be clearly understood. While it may result in the Council Meeting being unable to be held at either location, it would still be possible for Council to conduct an informal engagement session or Agenda Briefing at those locations. This will be discussed with Council in further detail in 2024 and in consideration of the 2025 Ordinary Council Meeting dates.

## OPTIONS

Council has the following options:

**Option 1:** Council could choose to adopt the policy.

**Option 2:** Council could choose not to adopt the policy.

**Option 3:** Council could choose to request amendments to the policy.

Option 1 is the recommended option.

## IMPLICATIONS TO CONSIDER

### Consultative

Council Concept Forum 14 November 2023

Executive Leadership Team

### 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

The Shire of York website will be updated if the proposed Policy is adopted by Council.

- E1 Code of Conduct: Council Members, Committee Members & Candidates
- G7 Disruptive Behaviour at Council Meetings
- O8 Employee Code of Conduct

## Financial

There may be minor costs associated with procuring sound/video editing software to enable the portion of meetings closed to the public (Behind Closed Doors) to be edited from the publicly available copy. This can be managed within current budget allocations.

The Shire has already procured the necessary infrastructure to enable attendance at meetings via electronic means in previous financial years.

## Legal and Statutory

Section 2.7(2)(b) of the *Local Government Act 1995* is applicable to Council's role in relation to policies and states:

### ***"2.7. Role of council***

- (1) *The council —*
  - (a) *governs the local government's affairs; and*
  - (b) *is responsible for the performance of the local government's functions.*
- (2) *Without limiting subsection (1), the council is to —*
  - (a) *oversee the allocation of the local government's finances and resources; and*
  - (b) *determine the local government's policies."*

Section 5.23A of the *Local Government Act 1995* is applicable and states:

### ***"5.23A. Electronic broadcasting and video or audio recording of council meetings***

- (1) *In this section —*
  - council meeting*** *means a meeting of a council or committee;*
  - electronic broadcasting*** *means broadcasting by way of the Internet or other electronic means;*
  - recording*** *means a video recording or an audio recording.*
- (2) *Regulations may require, regulate or otherwise make provision in relation to any of the following —*
  - (a) *the electronic broadcasting of council meetings (either live or with a delay);*
  - (b) *the making or retaining of recordings of council meetings;*
  - (c) *the making of recordings of council meetings publicly available;*
  - (d) *the provision of, or otherwise making available of, recordings of council meetings to any person (on the person's request or otherwise).*
- (3) *Regulations made for the purposes of subsection (2) cannot require or authorise —*
  - (a) *the electronic broadcasting of any part of a council meeting that is closed to members of the public; or*
  - (b) *a recording of any such part of a council meeting —*

- (i) *to be made publicly available; or*
  - (ii) *to be provided to, or otherwise made available to, any person other than the Departmental CEO or a person authorised by the Departmental CEO.*
- (4) *Without limiting section 9.57A(2) or subsection (2), regulations made for the purposes of subsection (2) may provide for a local government, or any other person, to be not liable to an action for defamation in prescribed circumstances.”*

Regulations 14F to 14K of the *Local Government (Administration) Regulations 1996* are applicable and state:

**“14F. Application of Part**

- (1) *This Part applies for the purposes of section 5.23A(2).*
- (2) *This Part applies to meetings of councils held on or after 1 January 2025.*

*Note for this subregulation:*

*This Part does not apply to meetings of committees of councils.*

**14G. Terms used**

- (1) *In this Part —*

**broadcast technology**, *in relation to a local government, means the technology by means of which meetings of its council are, or are to be, publicly broadcast under regulation 14H(2);*

**closed proceedings**, *in relation to a council, means —*

- (a) *if a meeting of the council is closed to the public — the meeting; or*
- (b) *if a part of a meeting of the council is closed to the public — that part of the meeting;*

**electronic meeting** *means a meeting held by electronic means under regulation 14D;*

**improvised recording** — *see regulation 14I(4);*

**meeting day**, *in relation to a council’s meeting, means the day on which the meeting is held;*

**publicly available** — *see subregulations (2) and (3);*

**recording** *means a video recording (with audio) or an audio only recording;*

**recording technology**, *in relation to a local government, means the technology by means of which recordings of meetings of its council are, or are to be, made under regulation 14I(1)(a);*

**usual meeting place**, *in relation to a council, means the place at which its meetings (other than electronic meetings) are, or are to be, usually held.*

- (2) *For the purposes of this Part, a local government makes a video recording **publicly available** by making a copy of the recording publicly available for viewing (with audio) —*
  - (a) *on its official website; or*
  - (b) *on another website a link to which is publicly provided on its official website.*
- (3) *For the purposes of this Part, a local government makes an audio only recording **publicly available** by making a copy of the recording publicly available for listening to —*
  - (a) *on its official website; or*
  - (b) *on another website a link to which is publicly provided on its official website.*
- (4) *For the purposes of subregulations (2) and (3), the quality of the copy of the recording —*
  - (a) *must be substantially the same as the quality of the recording; and*

- (b) *without limiting paragraph (a), must meet the requirement of regulation 14I(2)(b) or (c) (as applicable), subject to regulation 14I(5)(b) if the recording is an improvised recording.*

*Note for this regulation:*

*In this Part, **class 1 local government** and **class 2 local government** have the meanings given in the Local Government (Constitution) Regulations 1998 regulations 2A and 2B.*

#### **14I. Local governments to make recordings of council meetings**

- (1) *A local government must —*
  - (a) *make a recording of every meeting of its council in accordance with subregulation (2); and*
  - (b) *make the recording publicly available —*
    - (i) *within 14 days after the meeting day; and*
    - (ii) *until, at least, the end of the period of 5 years after the meeting day;**and*
  - (c) *retain the recording until, at least, the end of the period of 5 years after the meeting day; and*
  - (d) *provide a copy of the recording to the Departmental CEO if the Departmental CEO requests a copy under subregulation (11)(a) during —*
    - (i) *the period of 5 years after the meeting day; or*
    - (ii) *any longer period during which the local government retains the recording or any copy of it.*
- (2) *For the purposes of subregulation (1)(a) —*
  - (a) *if the meeting is a meeting of the council of a class 1 local government or class 2 local government — the recording must be a video recording (with audio), except that the recording may be an audio only recording —*
    - (i) *if the meeting is not held at the council's usual meeting place and is not an electronic meeting; or*
    - (ii) *to the extent that the recording is of closed proceedings of the council;**and*
  - (b) *if, or to the extent that, the recording is a video recording (with audio) — the quality of the recording must be sufficient to allow persons effectively to watch and listen to the deliberations and communications that are part of the meeting's proceedings; and*
  - (c) *if, or to the extent that, the recording is an audio only recording — the quality of the recording must be sufficient to allow persons effectively to listen to the deliberations and communications that are part of the meeting's proceedings.*
- (3) *Subregulation (4) applies to a council's meeting, or a part of a council's meeting, if, because of a technological failure beyond the control of the local government, it is not possible for a recording of the meeting or part (as the case requires) to be made by means of the local government's recording technology.*
- (4) *Despite subregulation (1)(a), the meeting or part may be held so long as the local government does everything that is reasonably practicable to make a recording (an **improvised recording**) of the meeting or part by means other than the local government's recording technology.*
- (5) *An improvised recording must —*

- (a) *cover as much of the meeting or part as it is reasonably practicable to cover; and*
  - (b) *meet the requirement of subregulation (2)(b) or (c) (as applicable) to the extent reasonably practicable.*
- (6) *If a meeting or part is held under subregulation (4) and an improvised recording is made —*
- (a) *subregulation (1)(b) to (d) apply to the improvised recording; and*
  - (b) *the local government must publish on its official website, for the period during which it makes the improvised recording publicly available under subregulation (1)(b), a notice that does the following in effect —*
    - (i) *states that it was not possible for a recording of the meeting or part to be made by means of the local government's recording technology and explains why that was the case;*
    - (ii) *states that the improvised recording was made by means other than the local government's recording technology;*
    - (iii) *states the means by which the improvised recording was made;*
    - (iv) *states any deficiencies in the improvised recording and explains the reasons for them.*

*Examples for this subparagraph:*

1. *The improvised recording is deficient if it does not cover the whole of the meeting or part.*
  2. *The improvised recording is deficient if it does not meet the requirement of subregulation (2)(b) or (c) (as applicable).*
- (7) *Subregulation (8) applies if —*
- (a) *a meeting or part is held under subregulation (4); but*
  - (b) *no improvised recording is made because it is not reasonably practicable for the local government to make any improvised recording.*
- (8) *The local government must publish on its official website, in accordance with the timings in subregulation (1)(b)(i) and (ii), a notice that does the following in effect —*
- (a) *states that it was not possible for a recording of the meeting or part to be made by means of the local government's recording technology and explains why that was the case;*
  - (b) *states that no improvised recording was made;*
  - (c) *states that it was not reasonably practicable for the local government to make any improvised recording and explains why that was the case.*
- (9) *If a part of a meeting is held under subregulation (4) —*
- (a) *the local government must make a recording of the rest of the meeting under subregulation (1)(a) by means of the local government's recording technology; and*
  - (b) *subregulation (1)(b) to (d) apply to that recording accordingly.*
- (10) *Despite subregulation (1)(b), a local government must not make a recording publicly available to the extent that the recording is of closed proceedings of its council.*

*Note for this subregulation:*

*This subregulation does not affect a local government's duty to make a recording under subregulation (1)(a) of any closed proceedings of its council, to retain the recording under subregulation (1)(c) and to provide a copy of the recording to the Departmental CEO under subregulation (1)(d) if requested under subregulation (11)(a).*

(11) *For the purposes of subregulation (1)(d) —*

- (a) *the Departmental CEO may request a copy of the recording for the purpose of obtaining information about a matter concerning the local government or its operations or affairs; and*
- (b) *the quality of the copy provided to the Departmental CEO —*
  - (i) *must be substantially the same as the quality of the recording; and*
  - (ii) *without limiting subparagraph (i), must meet the requirement of subregulation (2)(b) or (c) (as applicable), subject to subregulation (5)(b) if the recording is an improvised recording.*

**14J. Informing members of public of broadcasting or recording**

*A local government must take reasonable steps to ensure that members of the public attending a meeting of its council are informed beforehand of the following, as applicable —*

- (a) *that the meeting will be publicly broadcast;*
- (b) *that a recording of the meeting will be made.*

*Example for this regulation:*

*Members of the public could be informed by means of a notice displayed in a prominent place near or inside the meeting room.*

**14K. Defamation**

- (1) *A local government is not liable to an action for defamation in relation to any of the following done by the local government as required or authorised under this Part —*
  - (a) *publicly broadcasting a meeting;*
  - (b) *making a recording of a meeting;*
  - (c) *making a recording of a meeting publicly available;*
  - (d) *retaining a recording of a meeting or a copy of a recording;*
  - (e) *providing a copy of a recording of a meeting to the Departmental CEO.*
- (2) *In subregulation (1), references to a meeting include a part of a meeting.”*

*\*Note\*: Regulation 14H relates to Class 1 and Class 2 local governments broadcasting meetings publicly hence has not been included above.*

**Risk Related**

There is a moderate risk to Council if it does not regularly review its Policies.

There may be a reputational risk if the process relating to recording and publishing recordings of Council Meetings is not dealt with in an open and transparent manner.

**Workforce**

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

**VOTING REQUIREMENTS**

**Absolute Majority: No**

**RESOLUTION****151123****Moved: Cr Denis Warnick****Seconded: Cr Denese Smythe****That, with regard to the Proposed New Policy - Recording of Council and Committee Meetings, Council:**

- 1. Resolves to adopt a new policy for Recording of Council and Committee Meetings, as presented in Appendix 1.**
- 2. Authorises the Chief Executive Officer to make any minor formatting and typographical changes to the policy prior to publication.**

**In Favour:** Crs Kevin Trent, Denis Warnick, Blake Luxford, Kevin Pyke, Denese Smythe and Peter Wright

**Against:** Nil

***CARRIED 6/0***

## ELECTED MEMBERS POLICIES

### Recording of Council & Committee Meetings



Policy Number: E\*\*

Relevant Delegation: Nil

Adoption Details:

Last Review Details:

#### POLICY OBJECTIVE:

To ensure open and transparent government, improve engagement with the community and accessibility to Council decision making, and detailing the approach to recording of in-person Council and Committee Meetings.

#### POLICY SCOPE:

This policy applies to:

1. All Council and Committee Members.
2. Ordinary Council Meetings, Special Council Meetings, Agenda Briefings, Ordinary Committee Meetings and Special Committee Meetings conducted in Council Chambers.

#### POLICY STATEMENT:

1. Recording
  - 1.1 Recordings will be made via audio from the Council Chamber desk microphones and microphone at the public lectern, and via video using Zoom or Microsoft Teams.
  - 1.2 The recording will be conducted by Shire Officers.
  - 1.3 Members of the public will be advised that a recording of the meeting will be made via the notice paper for the meeting and a sign will be prominently displayed in Council Chambers.
  - 1.4 The Presiding Member will make an announcement at the start of every meeting drawing attention to the fact that the meeting will be recorded.
  - 1.5 In accordance with the requirements for a Class 3 local government, the recording of the meetings will be made available on the Shire's website at the time the unconfirmed minutes are published, excluding those matters considered Behind Closed Doors.
  - 1.6 The Shire will make every reasonable effort to ensure the recording is available. However, should any technical difficulties arise, the recording may not be available. Notification of such will be provided in accordance with the Regulations.
  - 1.7 The Presiding Member may decide to cease recording at any time during the meeting.
  - 1.8 Copying or distribution of any part of the recording is not permitted. The Shire reserves all rights in relation to its copyright. Video, images and audio contained in a recording must not be altered, reproduced or republished without the written permission of the Shire.
  - 1.9 In accordance with Section 6.16 of the Shire of York Local Government (Council Meetings) Local Law 2016, nobody shall use any visual or vocal recording device or

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instrument to record the proceedings of Council without the written permission of the Presiding Member, which is to be received at least 24 hours prior to the meeting.

2. Meeting or Items of Business Behind Closed Doors

- 2.1 Recordings of meetings closed for consideration of matters under Section 5.23 of the *Local Government Act 1995* is permitted for minute taking purposes but will not be released to the public or made available on the Shire's website.
- 2.2 Confidential recordings may be released, if requested, to the Local Government Standards Panel, the Department of Local Government, Sport & Cultural Industries, the Police or the Court.

3. Record Keeping

- 3.1 The official record of the meeting will be the written minutes kept in accordance with the *Local Government Act 1995* and any relevant Regulations.
- 3.2 All recordings will be retained as part of the Shire's records for at least seven (7) years, or in accordance with the *State Records Act 2000* (whichever is the longer period of time).

4. Conduct and Responsibilities

- 4.1 Councillors and Committee Members are required to act in accordance with the *Local Government Act 1995* (and Regulations), Shire of York Local Government (Council Meetings) Local Law 2016, Policy E1 – Code of Conduct – Council Members, Committee Members and Candidates and other relevant policies.
- 4.2 Staff are required to act in accordance with the *Local Government Act 1995* (and Regulations), Shire of York Local Government (Council Meetings) Local Law 2016, Policy O8 – Employee Code of Conduct and other relevant policies.
- 4.3 Members of the public are required to extend due courtesy and respect to the Council, Presiding Member, staff and other members of the public in attendance.
- 4.4 Policy G7 – Disruptive Behaviour at Council Meetings applies to all members of the public gallery.

5. Liability and Defamation

- 5.1 Under Section 9.57A of the *Local Government Act 1995*, the Shire is not liable for an action of defamation in relation to a matter published on its official website as part of a recording of Council proceedings.
- 5.2 Under Section 9.56 of the *Local Government Act 1995* Councillors and employees are not liable to defamation for any statements made in good faith.
- 5.3 Further defences under the *Defamation Act 2005* may also be applicable.
- 5.4 As a general principle, the Shire will not edit recordings of meetings. This is to ensure open and transparent government. The onus is on those in attendance at the meeting to ensure that their conduct, content and language are appropriate for the audience. The Presiding Member is responsible for maintaining the orderly proceedings of the meeting.
- 5.5 Following any meeting, the Chief Executive Officer in concurrence with the Presiding Member, may mute/exclude all or part of any meeting recording considered inappropriate to be published. The muting/excluding of any part of the meeting recording must be reported and confirmed to the Council at the next available Ordinary Council Meeting, whereby Council may revoke or change the decision.

**PENALTIES:**

The *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996* do not provide for penalties applicable to this policy.

**KEY TERMS/DEFINITIONS:**

**Act** means the *Local Government Act 1995*.

**Regulations** means the *Local Government (Administration) Regulations 1996*.

**Member** means a Councillor or a Committee Member.

**Meeting** means an Ordinary Meeting of Council, a Special Meeting of Council or a Meeting of a Committee of Council (including the Audit & Risk Committee).

**Behind Closed Doors** means where a meeting is closed to members of the public in accordance with Section 5.23(2) of the Act.

**Public Gallery** means any person attending a meeting who is not a Member, the CEO, or an Officer who is required to attend the meeting.

Responsible Officer: Chief Executive Officer

Contact Officer: Council & Executive Support Officer

Relevant Legislation: *Local Government Act 1995*

*Local Government (Administration) Regulations 2021*

Review History:

Date Review Adopted:	Resolution Number
Adoption	
Former Policy No:	Not Applicable

**SY154-11/23 PROPOSED NEW POLICY - ELECTRONIC MEETINGS AND ATTENDANCE AT COUNCIL AND COMMITTEE MEETINGS VIA ELECTRONIC MEANS**

<b>File Number:</b>	<b>4.0474</b>
<b>Author:</b>	<b>Vanessa Green, Council &amp; Executive Support Officer</b>
<b>Authoriser:</b>	<b>Chris Linnell, Chief Executive Officer</b>
<b>Previously before Council:</b>	<b>Not Applicable</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Appendices:</b>	<b>1. Draft Policy <a href="#">↓</a></b>

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

Legislative

**PURPOSE OF REPORT**

This report presents a proposed new policy relating to the conduct of electronic meetings and attendance at Council and Committee Meetings via electronic means to Council for consideration.

**BACKGROUND**

Temporary provisions to enable local governments to hold meetings electronically and to enable Councillors to attend via electronic means were introduced in 2020 as part of the immediate response to the COVID-19 pandemic.

These electronic meeting provisions enabled Councils to continue making critical decisions during the pandemic. The use of videoconferencing and the adoption of livestreaming has since shown the benefits of providing different forms of public access and participation in the business of local government, as well as allowing attendance by Councillors where they cannot attend meetings in person.

As a result, and as part of the State Government's package of local government reforms, changes to the *Local Government (Administration) Regulations 1996* were implemented to enable local governments to continue conducting meetings and allow attendance via electronic means. The changes:

1. Enable local governments to hold up to half of all Council meetings by electronic means.
2. Provide Councillors, with the approval of the Shire President or a majority of Council, to attend a Council and/or Committee meeting by electronic means.

**COMMENTS AND DETAILS**

For consistency and transparency, the Department of Local Government, Sport & Cultural Industries (DLGSC) recommends that local governments adopt a policy in relation to dealing with requests for electronic attendance at meetings and the expectations in relation to equipment, location and confidentiality.

In accordance with the DLGSC's direction, a policy has been developed to provide guidance on the attendance and conduct of Council and Committee Meetings held via electronic means. A copy of the proposed policy is presented in Appendix 1.

It should be noted that a Councillor may only attend a meeting remotely by electronic means provided they have not attended more than half of all Council Meetings in the previous twelve (12) months by

this method. The 50% attendance cap ensures that Councillors and Committee Members attend at least half of all meetings conducted over a twelve (12) month period, in person.

Councillors and Committee Members have attended Concept Forums, Agenda Briefings and Council/Committee meetings electronically in recent times and the policy has been developed in line with the legislative requirements and the processes used on those occasions, suitable for the Shire of York.

## OPTIONS

Council has the following options:

**Option 1:** Council could choose to adopt the policy.

**Option 2:** Council could choose not to adopt the policy.

**Option 3:** Council could choose to request amendments to the policy.

Option 1 is the recommended option.

## IMPLICATIONS TO CONSIDER

### Consultative

Council Concept Forum 14 November 2023

Executive Leadership Team

### 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

The Shire of York website will be updated if the proposed Policy is adopted by Council.

E1 Code of Conduct: Council Members, Committee Members & Candidates

G7 Disruptive Behaviour at Council Meetings

O8 Employee Code of Conduct

### Financial

There are no financial implications applicable to adopting the Policy.

The Shire has already procured the necessary infrastructure to enable attendance at meetings via electronic means in previous financial years.

### Legal and Statutory

Section 2.7(2)(b) of the *Local Government Act 1995* is applicable to Council's role in relation to policies and states:

#### ***"2.7. Role of council***

(1) *The council —*

(a) *governs the local government's affairs; and*

(b) *is responsible for the performance of the local government's functions.*

(2) *Without limiting subsection (1), the council is to —*

(a) *oversee the allocation of the local government's finances and resources; and*

- (b) *determine the local government's policies.*"

Regulations 14C to 14E of the Local Government (Administration) Regulation 1996 are applicable and state:

**"14C. Attendance at meetings by electronic means may be authorised (Act s. 5.25(1)(ba))**

- (1) *In this regulation —*

**meeting** means —

- (a) *an ordinary meeting of the council; or*
- (b) *a special meeting of the council; or*
- (c) *a meeting of a committee of the council; or*
- (d) *a meeting of an audit committee of a local government;*

**natural disaster** includes fire, flood, lightning, movement of land and storm;

**relevant period**, in relation to the proposed meeting referred to in subregulation (3), means the period of 12 months ending on the day on which the proposed meeting is to be held.

- (2) *A member of a council or committee may attend a meeting by electronic means —*

- (a) *if —*

- (i) *a public health emergency or state of emergency exists or a natural disaster has occurred; and*
- (ii) *because of the public health emergency, state of emergency or natural disaster, the member is unable, or considers it inappropriate, to be present in person at the meeting; and*
- (iii) *the member is authorised to attend the meeting by electronic means by the mayor, president or council;*

*or*

- (b) *if the member is otherwise authorised to attend the meeting by electronic means by the mayor, president or council.*

- (3) *The mayor, president or council cannot authorise a member to attend a meeting (the **proposed meeting**) under subregulation (2)(b) if the member's attendance at the proposed meeting under that authorisation would result in the member attending more than half of the meetings (including the proposed meeting) of the council or committee, in the relevant period, under an authorisation under subregulation (2)(b).*

- (4) *Subregulation (3) does not apply to a member who is a person with a disability as defined in the Disability Services Act 1993 section 3.*

- (5) *In deciding whether to authorise a member to attend a meeting by electronic means under subregulation (2), the mayor, president or council must have regard to whether the location from which the member intends to attend the meeting, and the equipment that the member intends to use to attend the meeting, are suitable for the member to be able to effectively engage in deliberations and communications during the meeting.*

**14CA. Provisions relating to attendance at meetings by electronic means (Act s. 5.25(1)(ba))**

- (1) *In this regulation —*

**meeting** has the meaning given in regulation 14C(1).

- (2) *The electronic means by which a member may attend a meeting under an authorisation under regulation 14C(2) include telephone, video conference or other means of instantaneous communication, as determined by the mayor, president or council.*

- (3) *A member who attends a meeting under an authorisation under regulation 14C(2) by electronic means determined under subregulation (2) is, whether or not the member is*

*physically in the State, taken to attend and be present at the meeting for the purposes of the Act and these regulations while the member is in contact by those electronic means with each other member present at the meeting.*

(4) Subregulations (5) to (7) apply if —

- (a) *a member has been authorised to attend a meeting by electronic means under regulation 14C(2); and*
- (b) *the meeting, or part of the meeting, is to be closed to members of the public under section 5.23(2).*

(5) *The member must not attend the meeting or the closed part of the meeting unless, before the meeting, or the part of the meeting, is closed, the member declares that the member can maintain confidentiality during the meeting or the closed part of the meeting (as the case requires).*

(6) *If the member makes the declaration under subregulation (5) and subsequently cannot maintain confidentiality, the member must leave the meeting or the closed part of the meeting.*

(7) *A member's declaration under subregulation (5) must be recorded in the minutes of the meeting.*

**14D. Meetings held by electronic means (Act s. 5.25(1)(ba))**

(1) *In this regulation —*

**meeting** means —

- (a) *an ordinary meeting of the council; or*
- (b) *a special meeting of the council; or*
- (c) *a meeting of a committee of the council; or*
- (d) *a meeting of an audit committee of a local government;*

**relevant period**, in relation to the proposed meeting referred to in subregulation (2A), means the period of 12 months ending on the day on which the proposed meeting is to be held.

(2) *A meeting may be held by electronic means —*

(a) *if —*

- (i) *a public health emergency or a state of emergency exists in the whole or a part of the area of the district of a local government; and*
- (ii) *the mayor, president or council considers it appropriate for the meeting to be held by electronic means because of the public health emergency or state of emergency and having regard to the matters in subregulation (2B);*

*or*

(b) *if —*

- (i) *a direction is issued under the Public Health Act 2016 or the Emergency Management Act 2005 that prevents the meeting from being held in person; and*
- (ii) *the mayor, president or council authorises the meeting to be held by electronic means;*

*or*

(c) *if the council otherwise authorises the meeting to be held by electronic means.*

(2A) *The council cannot authorise a meeting (the **proposed meeting**) to be held under subregulation (2)(c) if holding the proposed meeting under that authorisation would result*

*in more than half of the meetings (including the proposed meeting) of the council or committee, in the relevant period, being held under an authorisation under subregulation (2)(c).*

- (2B) *In considering whether it is appropriate for a meeting to be held by electronic means under subregulation (2)(a) or deciding whether to authorise a meeting to be held by electronic means under subregulation (2)(b) or (c), the mayor, president or council must have regard to whether the location from which each member of the council or committee intends to attend the meeting, and the equipment that each member intends to use to attend the meeting, are suitable for the member to be able to effectively engage in deliberations and communications during the meeting.*
- (3) *The electronic means by which the meeting is to be held include by telephone, video conference or other instantaneous communication, as determined by —*
  - (a) *the mayor; or*
  - (b) *the president; or*
  - (c) *the council.*
- (4) *The CEO must be consulted before a determination is made under subregulation (3).*
- (5) *Subregulations (6) to (8) apply if —*
  - (a) *a meeting is to be held by electronic means under this regulation; and*
  - (b) *the meeting, or part of the meeting, is to be closed to members of the public under section 5.23(2).*
- (6) *A member of the council or committee must not attend the meeting or the closed part of the meeting unless, before the meeting, or the part of the meeting, is closed, the member declares that the member can maintain confidentiality during the meeting or the closed part of the meeting (as the case requires).*
- (7) *If a member makes the declaration under subregulation (6) and subsequently cannot maintain confidentiality, the member must leave the meeting or the closed part of the meeting.*
- (8) *A member's declaration under subregulation (6) must be recorded in the minutes of the meeting.*

**14E. Modification of Act if meeting held by electronic means (Act s. 5.25(2))**

- (1) *In this regulation —*

**class 3 or 4 council or committee** means the council of, or a committee established by, a class 3 local government or a class 4 local government;

*Note for this definition:*

**Class 3 local government** and **class 4 local government** have the meanings given in the Local Government (Constitution) Regulations 1998 regulations 2A and 2B.

**electronic meeting** means a meeting held by electronic means under regulation 14D.

- (2) *If a council or a committee is to hold an electronic meeting, the council or committee is taken to have complied with the requirement to give notice of the place of the meeting under section 5.5 and regulation 12 if the local government gives notice that the meeting will be conducted by electronic means.*
- (3) *If a council or a committee holds an electronic meeting, a member of the council or committee who attends the meeting by electronic means determined under regulation 14D(3) is, whether or not the member is physically in the State, taken to attend and be present at the meeting for the purposes of the Act and these regulations while the member is in contact by those electronic means with each other member present at the meeting.*

- (3A) *If a council or a committee holds an electronic meeting, the meeting is open to members of the public under section 5.23(1) if —*
- (a) *in the case of a class 3 or 4 council or committee — the requirement to publish the unconfirmed minutes of the meeting under regulation 13(1)(a) is complied with within the applicable time period set out in regulation 13(2) or (3); or*
  - (b) *in any case — the council or committee publicly broadcasts the meeting on a website or the meeting or a broadcast of the meeting is otherwise accessible to the public.*
- (3B) *For the purposes of subregulation (3A)(b), a broadcast must be either —*
- (a) *both visual and audio; or*
  - (b) *audio only.*
- (4) *If a council or a committee holds an electronic meeting, section 5.24 is modified so that the council or committee allocates time for raising questions by members of the public, and the asking of and responding to those questions, if —*
- (a) *the council or committee provides a means to submit a question prior to the meeting; and*
  - (b) *the council or committee determines at the meeting —*
    - (i) *in the case of a meeting held by electronic means under regulation 14D(2)(a) or (b) — that, given the public health emergency, state of emergency or direction issued under the Public Health Act 2016 or the Emergency Management Act 2005, it is not appropriate to respond to the question at the meeting; or*
    - (ii) *in any case — to respond to the question at the meeting in accordance with the procedure determined by the council or committee.*
- (5) *If a council or a committee holds an electronic meeting, for the purposes of regulation 14, a notice paper, agenda, report or other document may be —*
- (a) *tabled at the meeting, or produced by the local government or a committee for presentation at the meeting, in any manner determined by the council or committee, including by electronic means; and*
  - (b) *made available to members of the council or committee, or for inspection by members of the public, in any manner determined by the council or committee, including by electronic means.”*

### **Risk Related**

There is a moderate risk to Council if it does not regularly review its Policies.

### **Workforce**

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

### **VOTING REQUIREMENTS**

**Absolute Majority: No**

#### **RESOLUTION 161123**

**Moved: Cr Denese Smythe**

**Seconded: Cr Denis Warnick**

**That, with regard to the Proposed New Policy - Electronic Meetings and Attendance at Council and Committee Meetings via Electronic Means, Council:**

1. **Resolves to adopt a new policy for Electronic Meetings and Attendance at Council and Committee Meetings via Electronic Means, as presented in Appendix 1.**
2. **Authorises the Chief Executive Officer to make any minor formatting and typographical changes to the policy prior to publication.**

**In Favour:** Crs Kevin Trent, Denis Warnick, Blake Luxford, Kevin Pyke, Denese Smythe and Peter Wright

**Against:** Nil

***CARRIED 6/0***

## ELECTED MEMBERS POLICIES

**Electronic Meetings and Attendance at  
Council and Committee Meetings via Electronic Means**

Policy Number: E\*\*

Relevant Delegation: Nil

Adoption Details:

Last Review Details:

**POLICY OBJECTIVE:**

To provide guidance on the attendance and conduct of Council and Committee Meetings held via electronic means.

**POLICY SCOPE:**

This policy applies to:

1. All Council and Committee Members.
2. Meetings with attendees participating via electronic means in accordance with Regulations 14C and 14CA of the *Local Government (Administration) Regulations 1996* (the Regulations).
3. Meetings held by electronic means in accordance with Regulations 14D and 14E of the Regulations.

**POLICY STATEMENT:****PRINCIPLES****1. Behaviour Protocols**

The Western Australia Local Government Association (WALGA)'s guidance material on electronic meetings is instructive where it states:

*"The pace of an eMeeting should be slow and orderly. The following practices will help avoid confusion and support effective eMeetings:*

- *Speak clearly and slowly, as connections may be distorted or delayed.*
- *Always state your name to indicate to the Presiding Member that you wish to speak. Restate your name if the Presiding Member has not heard you at first.*
- *In debate, only speak after the Presiding Member has acknowledged you. Then state your name so that others know who is speaking.*
- *Follow the Presiding Member's directions and rulings.*
- *If you are unclear about what is happening in an eMeeting, immediately state your name to draw the Presiding Member's attention and enable you to then seek clarification from the Presiding Member.*
- *Avoid looking for opportunities to call Points of Order, instead politely and respectfully gain the Presiding Member's attention and explain any deviation from your Meeting Procedures, the Local Government Act 1995 or any other relevant matter."*

**2. Logistical Considerations**

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- 2.1 Participating in meetings via electronic means, whether the meeting is electronic or a physical meeting, presents logistical challenges and can impact the effective conduct of the meeting.
  - 2.2 An electronic meeting is as effective as the worst connection at the meeting.
  - 2.3 In addition to the behavioural protocols mentioned above, members should ensure they have a stable connection to the meeting and are able to give the meeting their full and proper attention.
  - 2.4 To ensure the best connection possible, members are requested to mute their microphone when not speaking.
3. Confidentiality
- In accordance with Regulations 14CA(5) and (6), members attending via electronic means must ensure they are in an appropriate location, being private and free from distractions (both to themselves and to other meeting attendees). When a meeting is closed to the public (Behind Closed Doors) in accordance with Section 5.23 of the *Local Government Act 1995* (the Act), members must ensure that the deliberations cannot be observed or overheard by any other person.

## MEETINGS WITH ATTENDEES PARTICIPATING VIA ELECTRONIC MEANS

### 1. REQUESTS FOR ATTENDANCE

- 1.1 Regulation 14C(2) stipulates a member may attend a meeting via electronic means:  
“(a) if —
  - (i) a public health emergency or state of emergency exists or a natural disaster has occurred; and
  - (ii) because of the public health emergency, state of emergency or natural disaster, the member is unable, or considers it inappropriate, to be present in person at the meeting; and
  - (iii) the member is authorised to attend the meeting by electronic means by the mayor, president or council;or  
(b) if the member is otherwise authorised to attend the meeting by electronic means by the mayor, president or council.”
- 1.2 An application to participate via electronic means is to be made in writing (email will suffice) to the Shire President at least twenty-four (24) hours prior to the meeting. This enables appropriate record keeping and monitoring of the 50% attendance cap stipulated in Regulation 14C(3).
- 1.3 The member applying for electronic participation is to provide sufficient information in the request to enable the decision-maker to determine if the requirements of Regulation 14C(5) are met and provide reasons why the member is unable to attend the meeting in person.
- 1.4 In instances where the Shire President authorises attendance via electronic means, the Shire President will notify the Chief Executive Officer to enable the electronic meeting invitation to be sent to the attendee.
- 1.5 In some instances, the President may determine the request is to be presented to Council, in which case the application will be presented for consideration as part of the attendances portion of the meeting. Council may authorise participation via a

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simple majority decision. Officers assisting the meeting will generate the electronic meeting invitation and send it to the attendee immediately following Council's resolution.

- 1.6 The minutes of the meeting shall record whether a member's electronic participation was granted or refused by the President, or by Council.
- 1.7 The Administration will appropriately monitor these authorisations to ensure the 50% cap referenced in Regulation 14C(3) is not exceeded.

## 2. CONSIDERATION OF A SUITABLE LOCATION AND EQUIPMENT

- 2.1 In deciding whether to authorise a member to attend a meeting via electronic means, the President or Council must consider whether the location from which the member intends to attend the meeting, and the equipment the member intends using to attend the meeting, are suitable for the member to effectively engage in deliberations and communication during the meeting.
- 2.2 To attend a meeting via electronic means, the member is to ensure that the location is quiet and private, such as a room without distractions and where all the doors and windows can be closed to other people.
- 2.3 In rooms where sound may travel, and particularly where a meeting is closed to the public (Behind Closed Doors), the member is to use headphones to ensure the deliberations cannot be inadvertently overheard.

## 3. MAINTAINING CONFIDENTIALITY

- 3.1 In accordance with Regulation 14CA(5), the member is to declare either prior to the meeting, or prior to the closed part of the meeting, that confidentiality can be maintained (as the case requires).
- 3.2 The members' declaration is to be recorded in the minutes of the meeting.
- 3.3 Where confidentiality cannot be maintained, a member cannot attend and is required to leave the closed part of the meeting.
- 3.4 Where a member is required to leave the meeting, the Officers assisting the meeting will place the member in the Waiting Room and manage the transition of the member to and from the meeting.
- 3.5 The time the member left the meeting and returned to the meeting is to be recorded in the minutes of the meeting in accordance with Regulation 11.

## 4. PREFERRED ELECTONIC MEANS AND EQUIPMENT FOR ATTENDANCE

- 4.1 The Shire of York utilises either Zoom or the Microsoft Teams platform for electronic meetings. The platform to be used will be notified prior to the meeting.
- 4.2 In the case of Councillors, members are to utilise the Shire-provided iPad as it is the equipment supported by the Shire's ICT specialists. If there is a fault with the Shire-provided iPad, Councillors may use their own laptop or desktop computer so long as it has facilities for a microphone, webcam and headphones.
- 4.3 External members may use their own mobile device, laptop or desktop computer so long as it has facilities for a microphone, webcam and headphones.

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## 5. GENERAL CONDUCT OF ELECTRONIC ATTENDANCE AT MEETINGS

### **Suspension of Local Government (Council Meetings) Local Law 2016**

At the commencement of a meeting where a member is attending via electronic means, Council, under Clause 8.1 of the Council Meetings Local Law should resolve to suspend, for the duration of the meeting, Clause 8.1(2) – Members to be in their proper places.

### **Procedure for Speaking**

Clause 8.5 of the Council Meetings Local Law provides that every member who wishes to speak is to indicate his or her intention to speak by raising his or her hand or by another method agreed by the Council. To facilitate electronic meetings and electronic participation at physical meetings, each member present shall exhibit due courtesy when wishing to speak, to enable the effective and orderly conduct of the meeting.

### **Procedure for Voting**

In accordance with Regulation 9, voting is to be conducted so that no-one's vote is secret. For meetings where a member or members are participating via electronic means, the Presiding Member will ask if there is any member opposed to a recommendation/motion and pause. If a member is opposed, they are to speak their name. If there is no member opposed, the item is passed unanimously. Where an item has been debated, the voting method shall be by the Presiding Member calling each member participating by electronic means to state whether they are 'for' or 'against' the motion being put forward and then each member in the physical location by a show of hands.

### **Procedure for dealing with Conflicts of Interest**

Any members participating via electronic means who declare a Financial or Proximity Interest in an item must leave the meeting as is required when attending in person. Where a member is required to leave the meeting, the Officers assisting the meeting shall initiate the disconnection of the member from the meeting, and subsequent reconnection. The time the member left the meeting and returned to the meeting will be declared by the Presiding Member and is to be recorded in the minutes of the meeting in accordance with Regulation 11.

### **Record of Attendance and Leaving and Re-entering the Meeting**

The Presiding Member will regularly check the attendance of any members attending via electronic means. Members' faces must always be visible. A member is taken to no longer be in attendance at a meeting if they cease to be in instantaneous communication with each other person present at the meeting. The member's title (ie President ..., Cr ...) is to be displayed at all times. To request leave from the meeting, the member is to raise their hand, wait for verbal acknowledgement from the Presiding Member, and advise the Presiding Member of their reason for requesting leave and the anticipated period of time (for example, I request leave from the meeting for two minutes). The Presiding Member will verbally confirm that the leave has been granted. Any such cessation in attendance of a member will be recorded in the minutes of the meeting in the chronological order it occurs in accordance with Regulation 11. The Presiding Member will consider the effect of this on the quorum requirements and take action as necessary.

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## MEETINGS HELD VIA ELECTRONIC MEANS

### 6. DETERMINING ELECTRONIC MEETINGS

- 6.1 Regulation 14D(2) enables meetings to be held via electronic means:
- “(a) if —*
    - (i) a public health emergency or a state of emergency exists in the whole or a part of the area of the district of a local government; and*
    - (ii) the mayor, president or council considers it appropriate for the meeting to be held by electronic means because of the public health emergency or state of emergency and having regard to the matters in subregulation (2B);*
  - or*
  - (b) if —*
    - (i) a direction is issued under the Public Health Act 2016 or the Emergency Management Act 2005 that prevents the meeting from being held in person; and*
    - (ii) the mayor, president or council authorises the meeting to be held by electronic means;*
  - or*
  - (c) if the council otherwise authorises the meeting to be held by electronic means.”*
- 6.2 In accordance with Regulation 14D(2)(c), the decision of Council whether to conduct a meeting via electronic means is to be made either at a Special Council Meeting called for that purpose, or at the Ordinary Council Meeting held prior to the proposed electronic meeting.
- 6.3 Circumstances where Council may consider it appropriate to conduct a meeting via electronic means (outside Regulation 14D(2)(a) or (b)) include, for example, seeding or harvest to reduce the need for travel time.
- 6.4 In-person attendance at a meeting held via electronic means under Regulation 14D is not possible. This includes participation by members of the public.

### 7. CONSIDERATION OF A SUITABLE LOCATION AND EQUIPMENT

- 7.1 In deciding whether to conduct a meeting via electronic means, the President or Council must consider whether the location from which each member intends to attend the meeting, and the equipment each member intends using to attend the meeting, are suitable to effectively engage in deliberations and communication during the meeting.
- 7.2 When attending an electronic meeting, members are to ensure that their location is quiet and private, such as a room without distractions and where all the doors and windows can be closed to other people.
- 7.3 In rooms where sound may travel, and particularly where a meeting is closed to the public, members are to use headphones to ensure the deliberations cannot be inadvertently overheard.

### 8. MAINTAINING CONFIDENTIALITY

- 8.1 In accordance with Regulation 14D(6), each member is to declare either prior to the meeting, or prior to the closed part of the meeting, that confidentiality can be maintained (as the case requires).
- 8.2 The members' declarations are to be recorded in the minutes of the meeting.
- 8.3 Where confidentiality cannot be maintained, a member cannot attend and is required to leave the meeting.
- 8.4 Where a member is required to leave the meeting, the Officers assisting the meeting shall initiate the disconnection of the member from the meeting, and any subsequent reconnection.
- 8.5 The time the member left the meeting and returned to the meeting is to be recorded in the minutes of the meeting in accordance with Regulation 11.

## 9. PREFERRED ELECTRONIC MEANS AND EQUIPMENT FOR ATTENDANCE

- 9.1 The Shire of York utilises either Zoom or the Microsoft Teams platform for electronic meetings. The platform to be used will be notified prior to the meeting.
- 9.2 In the case of Councillors, members are to utilise the Shire-provided iPad as it is the equipment supported by the Shire's ICT specialists. If there is a fault with the Shire-provided iPad, Councillors may use their own laptop or desktop computer so long as it has facilities for a microphone, webcam and headphones.
- 9.3 External members may use their own mobile device, laptop or desktop computer so long as it has facilities for a microphone, webcam and headphones.
- 9.4 Members of the public may use their own mobile device, laptop or desktop computer which has facilities for a microphone, webcam and headphones.

## 10. NOTICE OF ELECTRONIC MEETINGS

- 10.1 Following Council's decision to conduct a meeting via electronic means, the Chief Executive Officer is to provide notice via the Shire's website, social media, email distribution lists and noticeboards that the meeting(s) will be held via electronic means.

## 11. PUBLIC QUESTION TIME

- 11.1 The public are invited to submit questions in writing to the Shire prior to 3pm on the day of the meeting (or 12pm for Audit & Risk Committee Meetings).
- 11.2 Questions are to be emailed to [records@york.wa.gov.au](mailto:records@york.wa.gov.au) or delivered to the Shire Administration and must include the person's full name and address.
- 11.3 Questions at an Ordinary Council Meeting can relate to any matter affecting the Shire. Questions at a Special Council Meeting or Audit & Risk Committee Meeting must relate to items on the agenda for that meeting.
- 11.4 The Presiding Member will read the questions during Public Question Time but cannot exceed 2 minutes per question.
- 11.5 Responses to all questions will be provided in writing and included in the next Council or Committee Meeting Agenda.

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## 12. DEPUTATIONS

- 12.1 The public can request a Deputation at a meeting held via electronic means in accordance with Clause 6.9 of the Shire of York Local Government (Council Meetings) Local Law 2016.
- 12.2 The request for a Deputation is to include confirmation that the person can participate in the meeting using their own mobile device, laptop or desktop computer which has facilities for a microphone, webcam and headphones.
- 12.3 Requests which cannot fulfil the requirements of clause 12.2 above, cannot be accepted at an electronic meeting.
- 12.4 A copy of the deputation to be made at an electronic meeting is to be emailed to [records@york.wa.gov.au](mailto:records@york.wa.gov.au) or delivered to the Shire Administration prior to 3pm on the day of the meeting and must include the person's full name and address.
- 12.5 Copies of the deputation will be provided to members prior to the meeting.

## 13. CONFLICTS OF INTEREST

- 13.1 Members declaring an Interest in a matter presented to a meeting held via electronic means are to email the completed Disclosure of Interest Form to [records@york.wa.gov.au](mailto:records@york.wa.gov.au) prior to 3pm on the day of the meeting (or 12pm for Audit & Risk Committee Meetings).
- 13.2 Members who declare a Financial or Proximity Interest in an item must leave the meeting as is required when attending in person. Where a member is required to leave the meeting, the Officers assisting the meeting will place the member in the Waiting Room and manage the transition of the member to and from the meeting. The time the member left the meeting and returned to the meeting will be declared by the Presiding Member and is to be recorded in the minutes of the meeting in accordance with Regulation 11.
- 13.3 At the Declaration /Disclosure of Interest Item of Business, the Presiding Member will read aloud each disclosure of interest. The Presiding Member will then ask if there are any further disclosures to be made. Members should ensure they make any necessary disclosures at this point so the Minute Taker can record the relevant Agenda Items.
- 13.4 Subsequently, the Presiding Member will call on each member to read their declaration immediately prior to the relevant Agenda Item being discussed.

## 14. LEAVE OF ABSENCE

- 14.1 Members who need to request Leave of Absence can apply for leave by emailing [records@york.wa.gov.au](mailto:records@york.wa.gov.au) prior to 3pm on the day of the meeting.
- 14.2 The email must include the dates of the requested leave of absence and a reason for requesting the leave (for example, work commitments or a holiday).

## 15. TECHNICAL DIFFICULTIES

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- 15.1 The Presiding Member may adjourn the meeting for a short period of time to allow technical difficulties to be resolved. The Presiding Member will state the reason for the adjournment and anticipated length, prior to the meeting being adjourned.
  - 15.2 Once the technical difficulty is resolved the Presiding Member will explain the technical difficulty prior to the meeting recommencing.

## 16. GENERAL CONDUCT OF ELECTRONIC MEETINGS

### **Suspension of Local Government (Council Meetings) Local Law 2016**

At the commencement of an electronic meeting, Council, under Clause 8.1 of the Council Meetings Local Law should resolve to suspend, for the duration of the meeting, Clause 8.1(2) – Members to be in their proper places.

#### **Procedure for Speaking**

All members are encouraged to mute their microphone when not speaking to minimise background noise.

Clause 8.5 of the Council Meetings Local Law provides that every member who wishes to speak is to indicate his or her intention to speak by raising his or her hand or by another method agreed by the Council. To facilitate electronic meetings, each member present shall exhibit due courtesy when wishing to speak, to enable the effective and orderly conduct of the meeting.

#### **Procedure for Voting**

In accordance with Regulation 9, voting is to be conducted so that no-one's vote is secret. For meetings held via electronic means, the Presiding Member will ask if there is any member opposed to a recommendation/motion and pause. If a member is opposed, they are to speak their name. If there is no member opposed, the item is passed unanimously. Where an item has been debated, the voting method shall be by the Presiding Member calling each member to state whether they are 'for' or 'against' the motion being put forward. The Presiding Member will then confirm whether the motion has been Carried or Lost.

#### **Record of Attendance and Leaving and Re-entering the Meeting**

The Presiding Member will regularly check the attendance of members. Members' faces must always be visible. A member is taken to no longer be in attendance if they cease to be in instantaneous communication with each other person present at the meeting. Members' titles (ie President ....., Cr .....) must be displayed at all times. To request leave from the meeting, the member is to raise their hand, wait for verbal acknowledgement from the Presiding Member, and advise the Presiding Member of their reason for requesting leave and the anticipated period of time (for example, I request leave from the meeting for two minutes). The Presiding Member will verbally confirm that the leave has been granted. Any cessation in attendance of a member will be recorded in the minutes of the meeting in the chronological order it occurs in accordance with Regulation 11. The Presiding Member will consider the effect of this on the quorum requirements and take action as necessary.

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**PENALTIES:**

The *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996* do not provide for penalties applicable to this policy.

**KEY TERMS/DEFINITIONS:**

**Act** means the *Local Government Act 1995*.

**Regulations** means the *Local Government (Administration) Regulations 1996*.

**Member** means a Councillor or a Committee Member.

**Meeting** means an Ordinary Meeting of Council, a Special Meeting of Council or a Meeting of a Committee of Council (including the Audit & Risk Committee).

**Electronic Means** means telephone, video conference or any other form of instantaneous communication.

**Behind Closed Doors** means where a meeting is closed to members of the public in accordance with Section 5.23(2) of the Act.

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Responsible Officer: Chief Executive Officer

Contact Officer: Council & Executive Support Officer

Relevant Legislation: *Local Government Act 1995*

*Local Government (Administration) Regulations 2021*

Review History:

Date Review Adopted:	Resolution Number
Adoption	
Former Policy No:	Not Applicable

**SY155-11/23 PROPOSED NEW POLICY - COMMUNICATIONS PROTOCOL**

<b>File Number:</b>	<b>4.0474</b>
<b>Author:</b>	<b>Vanessa Green, Council &amp; Executive Support Officer</b>
<b>Authoriser:</b>	<b>Chris Linnell, Chief Executive Officer</b>
<b>Previously before Council:</b>	<b>Not Applicable</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Appendices:</b>	<b>1. Draft Communications Protocol <a href="#">↓</a></b>

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

Legislative

**PURPOSE OF REPORT**

This report presents a proposed new policy relating to communications between the Council and Administration to Council for consideration.

**BACKGROUND**

As Council would be aware, the *Local Government Amendment Bill 2023* has passed through Parliament delivering the first tranche of the most significant reform to the local government sector in WA in more than twenty-five (25) years.

The changes include (amongst other things):

1. Introducing optional preferential voting
2. Aligning the size of Councils with the size of the population of each local government area
3. Enabling reforms to the Owners and Occupiers Roll to prevent the use of 'sham leases', addressing critical findings of the City of Perth Inquiry
4. Setting State-wide caretaker periods during Ordinary Council elections (2025 election)
5. Setting standardised Council Meeting procedures
6. Mandating live streaming and recording of Council meetings
7. Establishing mandated communications agreements between Councillors and the Administration
8. Requiring all local governments to publish information through online registers, including registers that disclose information about leases, grants, and goods and services contracts
9. Introducing new requirements for the publication of performance indicators and results for all Chief Executive Officers, with provision for limited exemptions for sensitive matters

In reference to point 7, a Communications Protocol has been developed and is presented in Appendix 1.

**COMMENTS AND DETAILS**

Aside from the *Local Government Act 1995* (the Act) Reform measures, the impetus for presenting the Communications Protocol also relates to the Chief Executive Officer's Key Performance Indicators where it was identified as a priority action.

In the Department of Local Government's material that accompanied the Minister's Reform announcement, the following rationale was provided:

*"In State Government, there are written Communication Protocols between Ministers and agencies that set standards for how information and advice will be provided. It is proposed that local governments will need to have Council Communications Protocols between the council and the CEO. These Council Communication Protocols would clearly specify the information that is to be provided to councillors, how it will be provided, and the timeframes for when it will be provided."*

In preparing the draft Communication Protocol, Officers reviewed protocols from other local governments. A common theme in these is a separation of powers to protect Councillors from explicitly or inadvertently directing Officers to a course of action that would contravene Regulations 19 and 20 of the *Local Government (Model Code of Conduct) Regulations 2001* which prohibit a Councillor from involving themselves in the Administration and directing an Officer in the course of their duties.

Another common theme is a framework for how information requests under Section 5.92 are to be received and who in the Administration is permitted to communicate with Councillors. This is most commonly through a combination of the Chief Executive Officer, Executive Managers and named positions that perform specific functions and support related to Council business.

The proposed protocol commences with an acknowledgement of the need for a partnership between Council and the Administration to deliver on the objectives of the local government and provide for good governance of the district and a commitment to abide by the protocol and to recognise the unique and essential contribution that each part of the local government makes. The protocol then moves on to the unique roles of the parts of the local government as set out in the legislation.

The Communication Protocol establishes the following overarching principles:

1. Excluding matters such as integrity matters, development of Alternative Motions, development of Notices of Motions, personally sensitive information and individual training, communication that goes to one Councillor is sent to all Councillors.
2. Notwithstanding point 1, in accordance with Section 2.8 of the Act, the role of the President includes liaising with the CEO on the local government's affairs and the performance of its functions which requires heightened communication to achieve.
3. In accordance with Section 2.8(1)(d) of the Act, both the Administration and Councillors acknowledge only the President or CEO may speak on behalf of the Shire as the official spokesperson on Council decision.
4. Councillors are leaders in the community and their conduct can impact positively and negatively the reputation of the Shire.
5. The Administration has respect for the Office of Councillor and values the contribution that Councillors make.
6. Both the Administration and Councillors acknowledge the separation of powers enshrined in legislation.
7. Both the Administration and Councillors recognise the importance of timely communication and that the provision of accurate information takes time.
8. Both the Administration and Councillors recognise the importance of professionalism and respect in communication.

To give effect to these principles the protocol specifies processes for customer action requests made on behalf of Councillors, information requests made under Section 5.92 of the Act and details conventions related to media relations, communication, the Weekly Update, diaries, maintaining confidentiality and meetings.

## OPTIONS

Council has the following options:

**Option 1:** Council could choose to adopt the communications protocol.

**Option 2:** Council could choose not to adopt the communications protocol.

**Option 3:** Council could choose to request amendments to the communications protocol. Any amendments require consultation with the Chief Executive Officer.

Option 1 is the recommended option.

## IMPLICATIONS TO CONSIDER

### Consultative

Council Concept Forum 14 November 2023

Executive Leadership Team

### 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

The Shire of York website will be updated if the proposed Communications Protocol is adopted.

E1 Code of Conduct: Council Members, Committee Members & Candidates

O8 Employee Code of Conduct

### Financial

Nil in relation to adopting the Communications Protocol.

### Legal and Statutory

Section 2.7(2)(b) of the *Local Government Act 1995* is applicable to Council's role in relation to policies and states:

#### ***"2.7. Role of council***

(1) *The council —*

(a) *governs the local government's affairs; and*

(b) *is responsible for the performance of the local government's functions.*

(2) *Without limiting subsection (1), the council is to —*

(a) *oversee the allocation of the local government's finances and resources; and*

(b) *determine the local government's policies."*

While the *Local Government Amendment Bill 2023* outlines the reform changes being made and the introduction of a Communications Agreement, these Regulations are yet to be released following sector consultation. The policy may require further review upon gazettal of those Regulations.

### Risk Related

There is a moderate risk to Council if it does not regularly review its Policies.

In the absence of a protocol, the roles between the Council and Administration are not clearly articulated and Councillors may continue to be at risk of inadvertently breaching the Code of Conduct and *Local Government (Model Code of Conduct) Regulations 2001*.

### Workforce

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

## VOTING REQUIREMENTS

**Absolute Majority: No**

### RESOLUTION

171123

**Moved: Cr Denese Smythe**

**Seconded: Cr Peter Wright**

**That, with regard to the Proposed New Policy - Communications Protocol, Council:**

- 1. Resolves to adopt a new policy for Communications Protocol, as presented in Appendix 1.**
- 2. Authorises the Chief Executive Officer to make any minor formatting and typographical changes to the policy prior to publication.**

**In Favour: Crs Kevin Trent, Denis Warnick, Blake Luxford, Kevin Pyke, Denese Smythe and Peter Wright**

**Against: Nil**

***CARRIED 6/0***

## ELECTED MEMBERS POLICIES Communications Protocol



Policy Number:

Relevant Delegation: Not Applicable

Adoption Details:

Last Review Details:

### PREAMBLE:

The Shire of York is a local government established under the *Local Government Act 1995* (the Act). Like all local governments in Western Australia, it is comprised of two parts: a Council which is made up of Councillors including the President and Deputy President; and an Administration which is made up of the Chief Executive Officer (CEO) and Officers. The respective roles of each of these groups is enshrined in legislation.

Both the Council and the Administration are required to meet the legislative role of the local government, which is to provide for the good government of persons in its district. To deliver on good governance, the Council and the Administration also require a common purpose, a common understanding of their unique and important roles, respect of, and recognition of their value.

To deliver good government, a partnership between Council and the Administration is required. This Communication Protocol documents the commitment of Council and the Administration for a partnership and the framework for communications between Council and the Administration that recognises the contribution made by each entity and sets out accepted behaviours in accordance with legislation.

### COMMITMENT:

The Council and its Councillors and the Administration and its Officers of the Shire of York express their commitment to work in partnership to deliver good government for the district and recognise the unique and essential contribution that each makes.

The Council and its Councillors and the Administration and its Officers of the Shire of York agree to abide by this Communication Protocol as a policy of the local government.

### THE ROLE OF COUNCIL:

Section 2.7 of the Act sets out the role of Council:

#### ***“2.7. Role of council***

- (1) The council —*
  - (a) governs the local government’s affairs; and*
  - (b) is responsible for the performance of the local government’s functions.*
- (2) Without limiting subsection (1), the council is to —*
  - (a) oversee the allocation of the local government’s finances and resources; and*
  - (b) determine the local government’s policies.”*

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## THE ROLE OF THE PRESIDENT:

Section 2.8 of the Act sets out the role of the President:

### ***“2.8. Role of mayor or president***

- (1) *The mayor or president —*
- (a) *presides at meetings in accordance with this Act; and*
  - (b) *provides leadership and guidance to the community in the district; and*
  - (c) *carries out civic and ceremonial duties on behalf of the local government; and*
  - (d) *speaks on behalf of the local government; and*
  - (e) *performs such other functions as are given to the mayor or president by this Act or any other written law; and*
  - (f) *liaises with the CEO on the local government’s affairs and the performance of its functions.*
- (2) *Section 2.10 applies to a councillor who is also the mayor or president and extends to a mayor or president who is not a councillor.”*

## THE ROLE OF THE DEPUTY PRESIDENT:

Section 2.9 of the Act sets out the role of the Deputy President:

### ***“2.9. Role of deputy mayor or deputy president***

*The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34.”*

## THE ROLE OF COUNCILLORS:

Section 2.10 of the Act sets out the role of Councillors:

### ***“2.10. Role of councillors***

*A councillor —*

- (a) *represents the interests of electors, ratepayers and residents of the district; and*
- (b) *provides leadership and guidance to the community in the district; and*
- (c) *facilitates communication between the community and the council; and*
- (d) *participates in the local government’s decision-making processes at council and committee meetings; and*
- (e) *performs such other functions as are given to a councillor by this Act or any other written law.”*

## THE ROLE OF CHIEF EXECUTIVE OFFICER AND OFFICERS:

Section 5.41 of the Act sets out the role (functions) of the CEO (to whom Officers act through):

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**“5.41. Functions of CEO**

*The CEO’s functions are to —*

- (a) advise the council in relation to the functions of a local government under this Act and other written laws; and*
- (b) ensure that advice and information is available to the council so that informed decisions can be made; and*
- (c) cause council decisions to be implemented; and*
- (d) manage the day to day operations of the local government; and*
- (e) liaise with the mayor or president on the local government’s affairs and the performance of the local government’s functions; and*
- (f) speak on behalf of the local government if the mayor or president agrees; and*
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and*
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.”*

**OVERARCHING PRINCIPLES:**

1. Excluding matters such as integrity matters, development of Alternative Motions, development of Notices of Motions, personally sensitive information and individual training, communication that goes to one Councillor is sent to all Councillors.
  2. Notwithstanding point 1, in accordance with Section 2.8 of the Act, the role of the President includes liaising with the CEO on the local government’s affairs and the performance of its functions which requires heightened communication to achieve.
  3. In accordance with Section 2.8(1)(d) of the Act, both the Administration and Councillors acknowledge only the President or CEO may speak on behalf of the Shire as the official spokesperson on Council decision.
  4. Councillors are leaders in the community and their conduct can impact positively and negatively the reputation of the Shire.
  5. The Administration has respect for the Office of Councillor and values the contribution that Councillors make.
  6. Both the Administration and Councillors acknowledge the separation of powers enshrined in legislation.
  7. Both the Administration and Councillors recognise the importance of timely communication and that the provision of accurate information takes time.
  8. Both the Administration and Councillors recognise the importance of professionalism and respect in communication.
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**MEDIA RELATIONS:**

In accordance with Section 2.8(1)(d) of the Act, only the President may speak on behalf of the Shire as the official spokesperson on Council decisions. In accordance with Section 5.41(f) of the Act, the CEO is authorised to speak on behalf of the local government if the President agrees.

A Councillor who wishes to make or has been approached by the media to make a “personal statement” relating to a Council decision, including the use of a Councillor’s portrait photograph, must receive prior authorisation from the President unless it has been expressly authorised by a Council decision.

All media enquiries, requests for interviews or statements received by Councillors are to be referred to the CEO in the first instance, who will advise the most appropriate response and/or action.

Councillors have a legal duty of fidelity to act in the best interests of Council and the Shire and must not make public statements that are critical of a Council decision or cause detriment to the Shire or Officers.

To streamline the application of this policy in dealing with media enquiries and requests, it is acknowledged and agreed that the CEO will liaise with the media outlet(s) and provide comment and undertake interviews on behalf of the Shire in the first instance where required, and will inform Council of the outcome.

**CUSTOMER (ACTION) REQUESTS:**

Customer Service forms part of the day-to-day operations of the local government under Section 5.41 of the Act.

The Shire’s Report It system, available via the Shire’s website, provides a means for customers to request and report issues associated with the extensive services provided by the Shire to the community. The Report It system is linked to the Shire’s Records Management system to ensure efficient, effective and timely service delivery.

As community leaders and the public face of the local government, Councillors are often a point of contact for members of the public.

Members of the public will often reach out to Councillors with issues and requests for services relating to advancing planning or building matters, maintenance of parks and gardens, road works or waste collection.

While Councillors have a role representing the collective interests of electors, ratepayers and residents of the district, acting on behalf of individual customers can put Councillors in a difficult position.

Customer Service forms part of the Administration’s functions under Section 5.41 and unavoidably a request from a Councillor can be perceived by the Administration as a direction that must be acted on as a priority and accordingly result in an advantage to the customer.

When approached by members of the community, Councillors should direct the customer to the Report It system available on the Shire’s website. For customers who do not have access to the website, they can contact the Administration by phone, email or face-to-face to report any issues. This approach will assist Councillors meet the requirements of Regulations 18, 19 and 20 of the *Local Government (Model Code of Conduct) Regulations 2021*.

A model response that Councillors may wish to use when contacted by members of the public directly is below:

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*"Thank you for query regarding XXXX. The best way to action your issue is to contact the Shire through the Report It system. Alternatively, you can contact the Shire Administration via phone (9641 0500) or email ([records@york.wa.gov.au](mailto:records@york.wa.gov.au)). This will enable you to track progress on your request. A response will be provided by the Shire in accordance with the Shire's Customer Service Charter. If you do not receive a response to your satisfaction, please follow up with me."*

If a customer is not satisfied with the Shire's services, a Councillor may wish to:

1. liaise with the Shire President who has the authority under Section 2.8 of the Act to liaise with the CEO on the local government's affairs and the performance of its functions; and/or
2. advise the customer to contact the Ombudsman.

To protect Councillors, Customer Requests received from Councillors on behalf of third parties will be treated like any other request received in the Report It system. Councillors will not receive any preferential treatment in this regard because such an action would be in conflict with the Shire's conflict of interest procedures and Code of Conduct.

Requests for action by Councillors on behalf of third parties will not be actioned by the Council and Executive Support Officer (CESO).

Councillors are community members and customers too and Customer Requests received from Councillors will be managed in accordance with the Department of Local Government, Sport & Cultural Industries' Conflict of Interest procedure.

The Shire has adopted a Customer Service Charter which describes the Shire's commitment to customer service and achieving efficient and effective delivery of services to the community. The Shire has also adopted Council Policy G5 – Comprehensive Complaints Response which describes the Shire's approach to managing complaints related to service provision.

### **RESIDENT COMPLAINTS:**

Resident complaints forwarded by Councillors will contain the resident's contact details and Report It reference number(s) or some details of the resident's initial contact with the Administration.

Resident complaints will then be dealt with in accordance with Council Policy G5 – Comprehensive Complaints Response.

### **INFORMATION REQUESTS:**

Effective communication between Councillors and the Administration is critical to the success of the entire organisation. Both Councillors and the Administration have a responsibility to communicate effectively.

Under Section 5.92 of the Act, Councillors may request any information held by the local government that is relevant to the performance by the person of any of his or her functions under the Act or under any other written law. A Councillor's functions under Section 2.10 of the Act are to:

1. *"Represent the interests of electors, ratepayers and residents of the district"*
  2. *Provide leadership and guidance to the community in the district*
  3. *Facilitate communication between the community and the council*
  4. *Participate in the local government's decision-making processes at council and committee meetings*
  5. *Perform such other functions as are given to a councillor by this Act or any other written law."*
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In making requests for information under Section 5.92 of the Act, a Councillor may be asked to specify why the information is relevant to the performance of their duties. This approach will help ensure that Councillors do not breach Section 5.93 of the Act that provides that a Council Member must not make improper use of information acquired in the course of their duties to:

1. *“Gain directly or indirectly an advantage for the person or any other person; or*
2. *Cause detriment to the local government or any other person.”*

Such a breach of Section 5.93 constitutes serious misconduct under the *Corruption, Crime and Misconduct Act 2003* and can be investigated by the Corruption and Crime Commission.

To promote shared expectations, the table below summarises categories of communication typically initiated by Councillors and guidance on the timeframe for responses.

Category	Timeframe for Response	Examples	Most appropriate communication channel
Councillor support	Acknowledgement within 1 business day Initial response within 5 business days with further responses provided as required	Councillor training requests Fees and allowances IT assistance Resident complaints	Email to CEO with CEO cc'd in Telephone to CEO or CEO
Decision making	Acknowledgement within 1 business days Response according to meeting timeframes (NOM: in line with Standing Orders, AM: best practice suggests 24 hours notice)	Notices of Motion (NOM) Alternative Motion (AM)	NOM Email to CEO with CEO cc'd in AM Email to CEO and Executive with CEO cc'd in
Decisions involving changes in service delivery	Shire President / CEO meetings are held weekly	Pothole repairs / road works Increase / decrease maintenance levels Requesting additional services and/or facilities	Shire President to CEO Notice of Motion

The following table summarises categories of communication typically initiated by Officers where a response is required.

Category	Timeframe for Response	Examples	Most appropriate communication channel
Statutory information requests	Within statutory limits specified	Annual and Primary Returns	Email to Councillors

		Related Party Disclosures Training Register	
General	Within agreed timeline specified	Miscellaneous requests for feedback and information (ie Councillor contact details, arranging meeting times, RSVPs to events and functions, responses to surveys, requesting feedback on documentation)	Email to Councillors

### WEEKENDS AND AFTER HOURS:

Officers are employees who are compensated for their time with a salary. Achieving a productive workplace requires respecting the boundaries between work and non-work periods. In general, responses to information requests from Councillors will only occur during normal work hours.

Councillors have responsibilities and commitments outside their role as a Councillor. While it is impossible to accommodate all individual Councillors and their circumstances, Officers recognise the limitations on the availability of Councillors and will generally schedule events and meetings on a Tuesday which by convention is the day where Council business occurs.

### COMMUNICATION TO AND FROM COUNCILLORS AND OFFICERS:

To ensure separation of powers and in accordance with the different roles and responsibilities set out in legislation, communication to and from Councillors and Officers is regulated by this protocol.

The primary communication points for Councillors are:

1. CEO and Executive Managers
2. CESO

Where matters relate to the functions of a Directorate, communication can occur between a Councillor and the relevant Executive, on the condition that the CEO is cc'd into all communications.

Where matters relate to integrity and conduct, communication is to occur between a Councillor and the CEO.

Distribution of Council and Committee meeting agenda and minutes occurs via the CESO or an Officer acting on their behalf. Queries regarding the contents of agenda and minutes should be directed to the CESO or CEO.

All correspondence generated and received by Councillors that relate to the business of Council is subject to the *State Records Act 2000*, the *Freedom of Information Act 1992* and the Shire's Record Keeping Plan, and as such must be retained within the Shire's corporate recordkeeping system.

### WEEKLY UPDATE:

The CEO issues a "Weekly Update" newsletter to Councillors once a week on a Friday. This newsletter is collated by the CESO and Executive Managers from various internal sources on

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activities from the previous week. The purpose of the newsletter is to provide Councillors with Administration information that they may be asked about by members of the public and provides a mechanism for the Administration to communicate information to Councillors informally and regularly.

### **DIARIES:**

All Councillors have access to an electronic diary through Outlook. This is the official diary in the performance of their duties and all invitations are sent through Outlook.

All Shire related calendar activities will be updated and managed by the CESO who will issue invites and update calendars by sending invites to the relevant Councillors. A decline to a meeting invite indicates that a member will be an apology for the meeting or event.

External agencies may send invitations directly to a Councillor for events/meetings that require attendance in an official capacity.

Shire calendars should include only Shire related activities in which Councillors are attending in an official capacity including:

1. Committees of Council
2. Council Advisory Groups
3. External groups of which a Councillor is a delegated member (ie WALGA Zone or AROC)
4. Shire Events

As a public record subject to the *State Records Act 2000*, the *Freedom of Information Act 1992* and the Shire's Record Keeping Plan, Councillor electronic diaries should only be used for recording official business.

### **MAINTAINING CONFIDENTIALITY/EMBARGOED INFORMATION:**

Councillors must not promote Shire information to the community that has not already been released or published, or until such time as the Shire President, as spokesperson for the Shire, has had an opportunity to speak.

The CEO, or representative, will advise verbally, or in writing if appropriate, where information is deemed to be confidential in nature or embargoed. Such documents will be clearly marked 'confidential' or embargoed.

Information does not need to be marked confidential for its release to constitute a gain for another person.

### **MEETINGS:**

#### **RECEIPT OF NOTICE PAPER**

In accordance with Regulation 14 of the *Local Government (Administration) Regulations 1996* Councillors will receive the notice paper and agenda relating to any Council or Committee meeting from the time that these documents are available for inspection by members of the public. The following conventions shall apply:

1. All Councillors will receive electronic versions of Council and Committee agendas and all attachments. In certain circumstances hard copies can be provided (ie excel spreadsheets etc)
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Where practicable, the agenda for Ordinary Council Meetings will be published 10 days prior to the Council meeting (that is Friday the week before Agenda Briefing).

Council and the Administration recognise the importance of accurate and timely advice contained in the agenda and that on occasion, individual agenda items may need to be published or updated following publication of the agenda. This shall occur using either a Late Item or Addendum to the agenda with the associated report being published on the Shire's website with the agenda when available.

In accordance with Regulation 6 of the *Local Government (Model Code of Conduct) Regulations 2021* Councillors should ensure they read all papers prior to the meeting.

### ALTERNATIVE MOTIONS/AMENDMENTS

Councillors wishing to propose an Alternative Motion or Amendment to the Officer's recommendation are encouraged to first consult with the CEO. This is to ensure the consequences of the Alternative Motion/Amendment are considered.

Councillors are encouraged to distribute Alternative Motions/Amendments prior to the meeting to Councillors, the CEO, Executive and CESO. Alternative Motions/Amendments that are circulated prior to 2:00pm on the day of the meeting will be printed and provided to Councillors at their Chamber desk. Officers will not distribute Alternate Motions as it could be construed as being a revision to the Officer's recommendation.

### INFORMATION REGARDING AGENDA REPORTS

Under Section 5.41 of the Act, the functions of the CEO include ensuring that advice and information is available to the Council so that informed decisions can be made. The Agenda Briefing session provides an opportunity for Councillors to identify additional information requirements related to agenda reports. Written responses to questions that are not answered at the Agenda Briefing will be provided to all Councillors.

Councillors seeking information on agenda reports can also request to meet with the CEO and/or relevant Executive.

### PENALTIES:

Not applicable.

### KEY TERMS/DEFINITIONS:

Not applicable.

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Responsible Officer:	Chief Executive Officer
Contact Officer:	Council & Executive Support Officer
Relevant Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Administration) Regulations 1996</i> <i>Local Government (Model Code of Conduct) Regulations 2021</i>
Relevant Documents:	<i>Policy E1 – Code of Conduct for Councillors, Committee Members and Candidates</i> <i>Policy E4 – Council Delegates – Roles and Responsibilities</i>

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*Policy E9 – Attendance at Events – Elected Members and CEO*

*Policy E10 – Provision of IT Equipment for Councillors*

*Policy G9 – Reference Groups*

*Policy G10 – Public Question Time*

*Policy G11 – Conduct of Council Forums*

*Policy G12 – Social Media*

*Customer Service Charter*

Review History:

<b>Date Review Adopted:</b>	<b>Resolution Number</b>

**SY156-11/23 POLICY REVIEW - E2 - COUNCILLORS: TRAINING AND CONTINUING PROFESSIONAL DEVELOPMENT**

<b>File Number:</b>	<b>4.6084</b>
<b>Author:</b>	<b>Vanessa Green, Council &amp; Executive Support Officer</b>
<b>Authoriser:</b>	<b>Chris Linnell, Chief Executive Officer</b>
<b>Previously before Council:</b>	<b>Not Applicable</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Appendices:</b>	<b>1. Reviewed Policy E2 <a href="#">↓</a></b>

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

Legislative

**PURPOSE OF REPORT**

The purpose of this report is for Council to consider a review of Policy E2 – Councillors: Training and Continuing Professional Development.

**BACKGROUND**

On 27 June 2019, changes to the *Local Government Act 1995* were passed by Parliament which require all Councillors to undertake training within the first twelve (12) months of being elected. The changes were introduced in recognition of the unique and challenging role that Councillors have and to provide Councillors with the skills and knowledge to perform their role as leaders in their district.

Council is required to adopt a policy covering the continuing professional development of its Councillors. The policy must be reviewed after each ordinary election to take into account the needs and skill sets of new Councillors.

Council first adopted its policy in January 2016 with the most recent reviews occurring in February 2019 and March 2020. In accordance with Section 5.128(5) of the *Local Government Act 1995*, the Policy has been reviewed.

**COMMENTS AND DETAILS**

The policy aims to establish guidelines and parameters to enable Councillors to meet their statutory obligations in relation to training and ongoing professional development.

Aside from the five (5) mandatory training modules, the Policy enables Councillors to request attendance at other training and professional development opportunities to increase their knowledge and skillset, as well as stipulating the costs and expenses the Shire will cover for the Councillor(s) attending that training.

Officers consider the Policy is mostly satisfactory as it has worked in its application thus far and adequately captures current processes. However, a few changes are suggested, with a tracked changes copy of the reviewed Policy presented in Appendix 1.

The main change seeks to clarify that the Local Government Diploma (Course ID. LGA50220) can be seen as a continuation of the mandatory Council Members Essentials training and hence considered appropriate under Governance Training for Councillors, particularly once they have completed a full term and are successful in re-election. There is also an option for a first term Councillor to request approval to undertake the Diploma subject to an appropriate budget allocation and Council approval. The other changes are minor and aim to provide further clarity.

## OPTIONS

Council has the following options:

**Option 1:** Council could choose to accept the review of Policy E2 – Councillors: Training and Continuing Professional Development.

**Option 2** Council could choose to suggest further changes to the review of Policy E2 – Councillors: Training and Continuing Professional Development.

**Option 3:** Council could choose to rescind the policy.

Option 1 is the recommended option.

## IMPLICATIONS TO CONSIDER

### Consultative

Council Concept Forum 14 November 2023

Executive Leadership Team

### Strategic

#### Strategic Community Plan 2020-2030

Goal 4: Built for Lifestyle and Resilience

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

### Policy Related

E2 Councillors: Training & Continuing Professional Development

### Financial

The 2023/24 budget includes an allocation for Councillor training and professional development at GL: 041102.

### Legal and Statutory

Section 2.7 of the *Local Government Act 1995* is applicable to Council's role relating to policies and states:

#### **"2.7. Role of council**

- (1) *The council —*
  - (a) *governs the local government's affairs; and*
  - (b) *is responsible for the performance of the local government's functions.*
- (2) *Without limiting subsection (1), the council is to —*
  - (a) *oversee the allocation of the local government's finances and resources; and*
  - (b) *determine the local government's policies."*

Sections 5.126 to 5.129 of the *Local Government Act 1995* is applicable to training and continuing professional development and states:

#### **"5.126. Training for council members**

- (1) *Each council member must complete training in accordance with regulations.*
- (2) *Regulations may —*
  - (a) *prescribe a course of training; and*
  - (b) *prescribe the period within which training must be completed; and*

- (c) *prescribe circumstances in which a council member is exempt from the requirement in subsection (1); and*
- (d) *provide that contravention of subsection (1) is an offence and prescribe a fine not exceeding \$5 000 for the offence.*

**5.127. Report on training**

- (1) *A local government must prepare a report for each financial year on the training completed by council members in the financial year.*
- (2) *The CEO must publish the report on the local government's official website within 1 month after the end of the financial year to which the report relates.*

**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.*

**5.129. Fees and expenses**

- (1) *A local government may prepare and adopt\* a policy under which the local government undertakes to do 1 or more of the following —*
  - (a) *pay a fee to a council member in relation to their participation in a course of training that they are required to complete under section 5.126;*
  - (b) *reimburse a council member for a fee or other expense incurred by the council member in relation to their participation in a course of training that they are required to complete under section 5.126;*
  - (c) *pay a fee to a council member in relation to their participation in continuing professional development under the local government's policy under section 5.128;*
  - (d) *reimburse a council member for a fee or other expense incurred by the council member in relation to their participation in continuing professional development under the local government's policy under section 5.128.*

*\* Absolute majority required.*

- (2) *The local government may do the following —*
  - (a) *amend\* the policy at any time;*
  - (b) *revoke\* the policy at any time (with or without replacing it).*

*\* Absolute majority required.*

- (3) *The CEO must publish an up-to-date version of the policy on the local government's official website.*
- (4) *Regulations may do any of the following —*

- (a) *prescribe monetary limits or ranges in respect of amounts that may be paid or reimbursed under a policy;*
  - (b) *provide that a policy can apply only in respect of prescribed courses of training or prescribed types of continuing professional development;*
  - (c) *otherwise provide for restrictions on the amounts that may be paid or reimbursed under a policy;*
  - (d) *make other provision in relation to the content of a policy;*
  - (e) *make provision in relation to the form of a policy;*
  - (f) *otherwise make provision in relation to policies.*
- (5) *Despite any regulations made for the purposes of subsection (4), the Departmental CEO may authorise a local government to apply its policy to a course of training, or to any continuing professional development, to which the local government would not otherwise be authorised to apply the policy because of those regulations.*
- (6) *Neither the Salaries and Allowances Act 1975 section 7B nor a determination made under that section limits or otherwise affects what can be done under this section.”*

Regulations 35 to 37 of the *Local Government (Administration) Regulations 1996* is applicable to training and states:

**35. Training for council members (Act s. 5.126(1))**

- (1) *A council member completes training for the purposes of section 5.126(1) if the council member passes the course of training specified in subregulation (2) within the period specified in subregulation (3).*
- (2) *The course of training is the course titled Council Member Essentials that —*
- (a) *consists of the following modules —*
    - (i) *Understanding Local Government;*
    - (ii) *Serving on Council;*
    - (iii) *Meeting Procedures;*
    - (iv) *Conflicts of Interest;*
    - (v) *Understanding Financial Reports and Budgets;*
  - and*
  - (b) *is provided by any of the following bodies —*
    - (i) *North Metropolitan TAFE;*
    - (ii) *South Metropolitan TAFE;*
    - (iii) *WALGA.*
- (3) *The period within which the course of training must be passed is the period of 12 months beginning on the day on which the council member is elected.*

**36. Exemption from Act s. 5.126(1) requirement**

- (1) *A council member is exempt from the requirement in section 5.126(1) if —*
- (a) *the council member passed any of the following courses within the period of 5 years ending immediately before the day on which the council member is elected —*
    - (i) *the course of training specified in regulation 35(2);*
    - (ii) *the course titled 52756WA — Diploma of Local Government (Elected Member);*

(iii) *the course titled LGA50220 Diploma of Local Government - Elected Member;*

(iv) *the course titled LGASS00007 Elected Member;*

*or*

(b) *the council member passed the course titled LGASS00002 Elected Member Skill Set before 1 July 2019 and within the period of 5 years ending immediately before the day on which the council member is elected.*

(2) *A person who is a council member on the day on which the Local Government Regulations Amendment (Induction and Training) Regulations 2019 regulation 8 comes into operation is exempt from the requirement in section 5.126(1) until the end of their term of office.*

### **37. Fees and expenses (Act s. 5.129(4))**

(1) *This regulation applies to a policy of a local government under section 5.129 to the extent that the policy makes provision under section 5.129(1)(c) or (d).*

(2) *The policy must not allow for the payment or reimbursement of an amount in relation to the participation of a council member in continuing professional development unless the continuing professional development is relevant to either or both of the following —*

(a) *the council's role under the Act or another written law, including as described in section 2.7;*

(b) *the council member's role under the Act or another written law, including as described in any of sections 2.8 to 2.10.*

(3) *The policy must not allow for the payment or reimbursement of an amount in relation to the participation of a council member in continuing professional development if the participation occurs during any of the following periods —*

(a) *the period of 3 months ending on the day on which the term for which the council member was elected as an elector mayor or president, or as a councillor, ends;*

(b) *if the council member delivers a notice of resignation to the CEO under section 2.31 specifying a later day from which the resignation takes effect under section 2.31(4) — the period that —*

(i) *begins on the date of delivery of the notice; and*

(ii) *ends when the resignation takes effect;*

(c) *a period of suspension of the council or council member under Part 8 of the Act."*

### **Risk Related**

There is a moderate risk to Council if it does not regularly review its Policies.

Council would be non-compliant if the review of the Policy is not considered following the local government election process.

### **Workforce**

The scope of this policy can be managed within current organisational capacity.

### **VOTING REQUIREMENTS**

**Absolute Majority: Yes**

#### **RESOLUTION**

**181123**

**Moved: Cr Denese Smythe**

**Seconded: Cr Peter Wright**

**That, with regard to Policy Review - E2 - Councillors: Training and Continuing Professional Development, Council:**

- 1. Resolves to adopt the review of Policy E2 – Councillors: Training and Continuing Professional Development, as presented in Appendix 1.**
- 2. Authorises the Chief Executive Officer to make any minor formatting and typographical changes to the policy prior to publication.**

**In Favour:** Crs Kevin Trent, Denis Warnick, Blake Luxford, Kevin Pyke, Denese Smythe and Peter Wright

**Against:** Nil

***CARRIED 6/0 BY ABSOLUTE MAJORITY***

## ELECTED MEMBERS POLICIES

### Councillors: Training & Continuing Professional Development



Policy Number:	E2
Relevant Delegation:	Not Applicable
Adoption Details:	28 January 2016
Last Review Details:	31 March 2020

#### POLICY OBJECTIVE:

To establish guidelines and parameters to enable Councillors to meet their statutory obligations in relation to Councillor training and gives effect to the requirement to adopt a continuing professional development policy.

#### POLICY SCOPE:

This policy applies to all Councillors.

Part 5, Division 10 of the *Local Government Act 1995* (the Act) describes provisions related to the universal training of Councillors:

- under Section 5.126 of the Act, each Councillor must complete training in accordance with the Regulations.
- under Section 5.127 of the Act, the Chief Executive Officer must publish a report on the local government's website within [one \(1\)](#) month of the end of the financial year detailing the training completed by Councillors.
- under Section 5.128 of the Act, a local government must prepare and adopt a policy in relation to the continuing professional development of Councillors.

#### POLICY STATEMENT:

##### INTRODUCTION

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

Training and continuing professional development is essential to providing Councillors with the capacity to maintain and enhance their skills in this complex environment.

##### PRINCIPLES

- (a) Councillors have a responsibility to complete training in accordance with the Act and relevant Regulations.

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

## PROVISIONS

### 1. GOVERNANCE TRAINING

[1.1](#) All Councillors are required to complete the training titled Council Member Essentials in accordance with Regulation 35 of the *Local Government (Administration) Regulations 1996* unless an exemption applies in accordance with Regulation 36.

~~1.1.1.2~~ [As a continuation of the Council Member Essentials, the Diploma of Local Government \(Course Code LGA50220\) is also available for Councillors upon request. The Chief Executive Officer has the authority to approve a request for a Councillor to undertake the Diploma in consultation with the Shire President and in accordance with Policy E3 – Councillors: Travel and Accommodation, subject to sufficient budget being available. Where a Councillor undertakes the Diploma, it is the Shire's preference that the cost be split over two financial years. Preference will be given to Councillors who have successfully completed the Council Member Essentials and are elected for a second term of office. Instances where a first term Councillor wishes to undertake the Diploma will be referred to Council, subject to budget allocation being available.](#)

~~1.2.1.3~~ [Elected members](#)~~Councillors~~ may be offered or request further governance upskilling opportunities and opportunities to engage with emerging issues at the regional and state levels, or with emerging or proposed legislative changes affecting the sector and the ~~ir~~ governance role.

### 2. TARGETED PROFESSIONAL DEVELOPMENT OPPORTUNITIES

- 2.1 A proposed program of ~~other~~ professional development activities will be presented to Council [via the Concept Forum at induction and](#) on an annual basis and used to inform the annual budget process.
- 2.2 Provision will be made for Councillors to attend conferences, seminars, training sessions, study courses etc. dealing with issues/ matters of direct relevance to the Shire.
- 2.3 Development opportunities will be identified as part of the annual Councillors professional development program. Where opportunities arise to attend other professional development events during the year that are not identified in the program, Councillors will be required to apply for approval to the Council to attend the relevant event.

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**3. APPROVAL CONSIDERATIONS**

- 3.1 The Chief Executive Officer has the authority to approve a request in accordance with the principles of this policy, [as well as Policy E3](#) - Councillors: Travel and Accommodation, and the budget available.
- 3.2 Any request for training/development within three [\(3\)](#) months of any election process for the seat held by the Councillor making the application will not be eligible for approval unless there are compelling reasons for attendance (see also E3 Councillors: Travel and Accommodation). This does not include the WALGA Local Government Convention.
- 3.3 Any requests to attend interstate or overseas conferences, seminars or other professional development opportunities, or that will exceed the annual budget allocation will be considered by Council.

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#### 4. ANNUAL BUDGET ALLOCATION

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

#### 5. COVERAGE OF COSTS

- 5.1 Funding of, or a contribution to any training or development opportunity may include:
- (a) entry/registration fees.
  - (b) enrolment fees.
  - (c) where relevant, travel and accommodation costs in accordance with Policy E3 Councillors: Travel and Accommodation.
- 5.2 The Shire will not cover late enrolment fees, course materials or any liability incurred under the Higher Education Contributions Scheme (HECS).

#### 6. ADVICE AND DEVELOPMENT OF PROGRAMS

- 6.1 The Chief Executive Officer will have responsibility for the development of the Professional Development Program [presented to Council via the Concept Forum at induction and on an annual basis](#), in consultation with Councillors and the Shire President.
- 6.2 The Chief Executive Officer will provide assistance to Councillors, where sought, to identify potential targeted professional development opportunities.

#### 7. REPORT BACK

- 7.1 Within [thirty \(30\)](#) days of attending a Professional Development event of more than one [\(1\)](#) day duration, the Councillor must submit an individual or combined report for inclusion on the Council agenda. [The report must identify can include](#) major points of interest for the Shire and, where relevant, comment on any future relevance for the training program.
- 7.2 In accordance with [Section 5.128](#) of the Act, the Chief Executive Officer will publish a report [on the Shire's website on detailing](#) the training undertaken by ~~elected members~~ [Councillors](#) within one [\(1\)](#) month of the end of the financial year.

#### PENALTIES:

Not applicable.

#### KEY TERMS/DEFINITIONS:

**'Governance Training'** means: training provided in accordance with Regulation 35 of the *Local Government (Administration) Regulations 1996*.

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

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Responsible Officer: Chief Executive Officer

Contact Officer: [Executive Manager Corporate & Community Services Council & Executive Support Officer](#)

Relevant Legislation: *Local Government Act 1995*, Section 5.126 to 5.128  
*Local Government (Administration) Regulations 1996* – Regulation 35 & 26

Review History:

Date Review Adopted:	Resolution Number
Adopted – 28 January 2016	
Reviewed – 24 October 2016	121016
Reviewed – 25 February 2019	
Reviewed – 31 March 2020	
Reviewed – 28 November 2023	
Former Policy No:	G1.2

**SY157-11/23 FINANCIAL REPORT - OCTOBER 2023**

<b>File Number:</b>	<b>4.0473</b>
<b>Author:</b>	<b>Kristy Livingstone, Finance Manager</b> <b>Ann Schall, Finance Officer - Rates &amp; Debtors</b>
<b>Authoriser:</b>	<b>Alina Behan, Executive Manager Corporate &amp; Community Services</b>
<b>Previously before Council:</b>	<b>Not Applicable</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Appendices:</b>	<b>1. Monthly Financial Statement - October 2023 <a href="#">↓</a></b> <b>2. Creditor's Payments Listing - October 2023 <a href="#">↓</a></b> <b>3. Credit Card Transaction Summary - September 2023 <a href="#">↓</a></b>

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

Legislative

**PURPOSE OF REPORT**

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

**BACKGROUND**

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

A statement of financial activity and any accompanying documents are to be presented to the Council at an ordinary meeting of the Council within two (2) months after the end of the month to which the statement relates. The Statement of Financial Activity summarises the Shire's operating activities and non-operating activities.

**COMMENTS AND DETAILS**

This report is presented for Council's consideration and provides information for the period ended 31 October 2023 and includes the following:

1. Monthly Statements
2. List of Creditor Payments
3. Business Card Statement and Transaction Summary

The following information provides balances for key financial areas for the Shire of York's financial position as at 31 October 2023.

**Outstanding Rates and Services**

The total outstanding rates balance at the end of October 2023 was \$4,547,335 compared to \$3,819,154 at the end of October 2022. Due to the earlier billing process in 2022/23 final notices were issued in Mid-October 2022, whereas they were not issued until early November 2023. Part of the difference in the outstanding rates balance can also be attributed to the general increase in rates charges in 2023/24.

TABLE 1.

Current Year	Properties	31/10/2023	%		Properties	31/10/2022	%
3 years and over	87	\$ 751,370	17%		92	\$ 662,217	17%
2 years and over	118	\$ 222,157	5%		101	\$ 171,141	4%
1 year and over	256	\$ 405,884	9%		204	\$ 313,786	8%
<b>Total Aged</b>		<b>\$1,379,411</b>	<b>30%</b>			<b>\$1,147,143</b>	<b>30%</b>
Current Rates	1471	\$3,167,924	70%		1427	\$2,672,011	70%
<b>Total Rates Outstanding</b>		<b>\$4,547,335</b>				<b>\$3,819,154</b>	

Officers continue to work with the Shire's debt collection agency, CS Legal, to resolve some long outstanding debts in the three (3) years and over categories. In addition, Officers continue to administer payment arrangements outside of the ordinary payment options in line with the current Policy F1 - Revenue Collection.

#### Outstanding Sundry Debtors

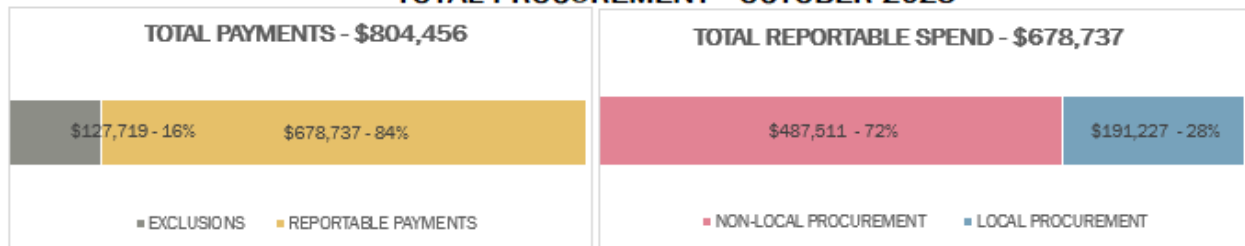
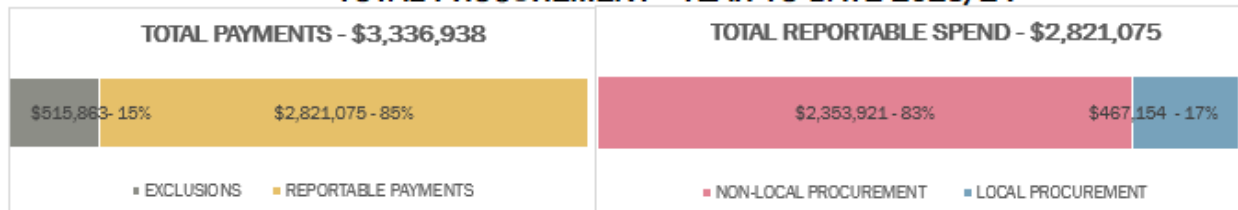
The figure for total outstanding sundry debtors as at 31 October 2023 was \$59,515 compared to \$59,191 as at 31 October 2022.

TABLE 2.

Current Year	31/10/2023	%		31/10/2022	%
90 days and over	\$10,023	17%		\$10,380	18%
60 days and over	\$1,247	2%		\$11,398	19%
30 days and over	\$5,005	8%		\$3,336	6%
Current	\$43,241	73%		\$34,077	58%
<b>Total Debtors Outstanding</b>	<b>\$59,515</b>	<b>100%</b>		<b>\$59,191</b>	<b>100%</b>
<b>Credits</b>	<b>-\$664</b>				
<b>Total Including Credits</b>	<b>\$58,851</b>				

#### Local procurement

To support the local economy, Council commits to spending locally where possible and reasonably practicable. For the month of October 2023, Officers report the following in relation to local procurement, noting that 28% of payments were made to local businesses during the month. Officers further report the overall average of reportable local spend for the 2023/24 financial year to date was 17% at the end of October 2023.

**TOTAL PROCUREMENT - OCTOBER 2023****TOTAL PROCUREMENT - YEAR TO DATE 2023/24**

The above figures provide an indication of the levels of local procurement as a percentage of reportable payments. It is important to note that in the development of the above tables, several exclusions apply and are not included in the reportable totals. These include, but are not limited to, payments made for the following:

1. Superannuation
2. Goods and Services Tax
3. Department of Fire and Emergency Services
4. Local Government Insurance Services
5. WA Local Government Association
6. WA Treasury Corporation
7. Office of the Auditor General
8. Utilities (Synergy, Telstra, Water Corporation)
9. Placement of Shire term deposits

**OPTIONS**

Not applicable

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

Not applicable

**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**

F2 Procurement

F6 Credit Cards

F5 Authority to make payments from Trust and Municipal Funds

Delegation DE3.1 Authority to make Payments from Trust and Municipal Funds

## Financial

This report and its appendices provide a summary of the financial position of the Shire at the end of the reporting period. The figures reported are an estimate only and are subject to adjustments prior to finalisation of the 2023/24 annual financial report.

## Legal and Statutory

### Local Government Act 1995

*“6.10. Financial Management Regulations may provide for —*

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

### Local Government (Financial Management) Regulations 1996

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

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
  - (a) the payee’s name; and*
  - (b) the amount of the payment; and*
  - (c) the date of the payment; and*
  - (d) sufficient information to identify the transaction.*

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

*(1A) In this regulation —*

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

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —*
  - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*
  - (b) budget estimates to the end of the month to which the statement relates; and*
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
  - (e) the net current assets at the end of the month to which the statement relates.*
- (2) Each statement of financial activity is to be accompanied by documents containing —*

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

### **Risk Related**

It is a requirement of the *Local Government (Financial Management) Regulations 1996* that local governments prepare a Statement of Financial Activity within two (2) months after the end of the reporting period. This report mitigates the risk of non-compliance with the Regulations.

### **Workforce**

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

### **VOTING REQUIREMENTS**

**Absolute Majority: No**

#### **RESOLUTION**

**191123**

**Moved: Cr Denis Warnick**

**Seconded: Cr Peter Wright**

**That, with regards to the Financial Report - October 2023, Council:**

- 1. Receives the Monthly Financial Report and the list of payments drawn from the Municipal and Trust accounts for the period ending 31 October 2023 as summarised below:**

**October 2023**

**MUNICIPAL FUND**

**AMOUNT (\$)**

**Cheque Payments**

**Payroll Debits**

**388,836.75**

**Electronic Funds Payments**

**795,387.56**

**Payroll Debits - Superannuation**

**84,815.00**

<b>Bank Fees</b>	<b>2,117.84</b>
<b>Corporate Cards</b>	<b>1,280.89</b>
<b>Exetel NBN Fees</b>	<b>198.00</b>
<b>Fuji Xerox Equipment Rental</b>	
<b>Fire Messaging Service</b>	<b>82.50</b>
<b>Subtotal - Municipal</b>	<b>1,272,718.54</b>
 <b>TRUST FUND</b>	
<b>Electronic Funds Payments</b>	<b>3,350.29</b>
<b>Cheque Payments</b>	<b>0</b>
<b>Direct Debits Licensing</b>	<b>74,415.40</b>
<b>Subtotal - Trust</b>	<b>77,765.69</b>
 <b>TOTAL DISBURSEMENTS</b>	<b>1,350,484.23</b>
 <b><u>In Favour:</u></b>	<b>Crs Kevin Trent, Denis Warnick, Blake Luxford, Kevin Pyke, Denese Smythe and Peter Wright</b>
<b><u>Against:</u></b>	<b>Nil</b>
	<b><i>CARRIED 6/0</i></b>

**SHIRE OF YORK**  
**MONTHLY FINANCIAL REPORT**  
(Containing the required statement of financial activity and statement of financial position)  
**For the period ended 31 October 2023**

*LOCAL GOVERNMENT ACT 1995*  
*LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996*

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**SHIRE OF YORK**  
**STATEMENT OF FINANCIAL ACTIVITY**  
**FOR THE PERIOD ENDED 31 OCTOBER 2023**

Note	Amended Budget Estimates (a) \$	YTD Budget Estimates (b) \$	YTD Actual (c) \$	Variance* \$ (c) - (b)	Variance* % ((c) - (b))/(b)	Vai
<b>OPERATING ACTIVITIES</b>						
<b>Revenue from operating activities</b>						
General rates	6,662,569	6,620,166	6,639,055	18,889	0.29%	▲
Rates excluding general rates	978,293	978,293	974,112	(4,181)	(0.43%)	
Grants, subsidies and contributions	386,388	128,785	240,912	112,127	87.07%	▲
Fees and charges	1,271,849	423,836	957,375	533,539	125.88%	▲
Interest revenue	225,034	75,000	108,250	33,250	44.33%	▲
Other revenue	407,092	149,073	121,398	(27,675)	(18.56%)	▼
Profit on asset disposals	6,400	2,132	0	(2,132)	(100.00%)	▼
	<b>9,937,625</b>	<b>8,377,285</b>	<b>9,041,102</b>	<b>663,817</b>	<b>7.92%</b>	
<b>Expenditure from operating activities</b>						
Employee costs	(5,961,802)	(1,987,076)	(1,929,596)	57,480	2.89%	▲
Materials and contracts	(4,550,534)	(1,516,332)	(1,097,606)	418,726	27.61%	▲
Utility charges	(310,935)	(103,560)	(63,988)	39,572	38.21%	▲
Depreciation	(7,259,298)	(2,419,732)	0	2,419,732	100.00%	▲
Finance costs	(62,706)	(20,900)	(6,329)	14,571	69.72%	▲
Insurance	(267,447)	(89,064)	(320,459)	(231,395)	(259.81%)	▼
Other expenditure	(806,102)	(283,179)	(178,813)	104,366	36.86%	▲
Loss on asset disposals	(255,898)	(85,292)	0	85,292	100.00%	▲
	<b>(19,474,722)</b>	<b>(6,505,135)</b>	<b>(3,596,791)</b>	<b>2,908,344</b>	<b>44.71%</b>	
Non-cash amounts excluded from operating activities	2(b) 7,508,796	2,502,892	0	(2,502,892)	(100.00%)	▼
<b>Amount attributable to operating activities</b>	<b>(2,028,301)</b>	<b>4,375,042</b>	<b>5,444,311</b>	<b>1,069,269</b>	<b>24.44%</b>	
<b>INVESTING ACTIVITIES</b>						
<b>Inflows from investing activities</b>						
Proceeds from capital grants, subsidies and contributions	3,996,335	1,332,104	422,206	(909,898)	(68.31%)	▼
Proceeds from disposal of assets	425,454	0	0	0	0.00%	
	<b>4,421,789</b>	<b>1,332,104</b>	<b>422,206</b>	<b>(909,898)</b>	<b>(68.31%)</b>	
<b>Outflows from investing activities</b>						
Payments for property, plant and equipment	(1,026,304)	(342,084)	(237,778)	104,306	30.49%	▲
Payments for construction of infrastructure	(4,621,584)	(1,540,520)	(268,294)	1,272,226	82.58%	▲
	<b>(5,647,888)</b>	<b>(1,882,604)</b>	<b>(506,072)</b>	<b>1,376,532</b>	<b>73.12%</b>	
<b>Amount attributable to investing activities</b>	<b>(1,226,099)</b>	<b>(550,500)</b>	<b>(83,866)</b>	<b>466,634</b>	<b>84.77%</b>	
<b>FINANCING ACTIVITIES</b>						
<b>Inflows from financing activities</b>						
Transfer from reserves	78,000	0	0	0	0.00%	
	<b>78,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.00%</b>	
<b>Outflows from financing activities</b>						
Repayment of borrowings	(207,802)	(50,279)	(50,279)	0	0.00%	
Transfer to reserves	(387,957)	0	0	0	0.00%	
	<b>(595,759)</b>	<b>(50,279)</b>	<b>(50,279)</b>	<b>0</b>	<b>0.00%</b>	
<b>Amount attributable to financing activities</b>	<b>(517,759)</b>	<b>(50,279)</b>	<b>(50,279)</b>	<b>0</b>	<b>0.00%</b>	
<b>MOVEMENT IN SURPLUS OR DEFICIT</b>						
<b>Surplus or deficit at the start of the financial year</b>	3,823,168	3,823,168	3,693,484	(129,684)	(3.39%)	▼
Amount attributable to operating activities	(2,028,301)	4,375,042	5,444,311	1,069,269	24.44%	▲
Amount attributable to investing activities	(1,226,099)	(550,500)	(83,866)	466,634	84.77%	▲
Amount attributable to financing activities	(517,759)	(50,279)	(50,279)	0	0.00%	
<b>Surplus or deficit after imposition of general rates</b>	<b>51,009</b>	<b>7,597,431</b>	<b>9,003,650</b>	<b>1,406,219</b>	<b>18.51%</b>	▲

**KEY INFORMATION**

▲ ▼ Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.

\* Refer to Note 3 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements and Notes.

**SHIRE OF YORK**  
**STATEMENT OF FINANCIAL POSITION**  
**FOR THE PERIOD ENDED 31 OCTOBER 2023**

	<b>Actual 30 June 2023</b>	<b>Actual as at 31 October 2023</b>
	<b>\$</b>	<b>\$</b>
<b>CURRENT ASSETS</b>		
Cash and cash equivalents	7,239,694	9,299,271
Trade and other receivables	1,261,553	4,070,148
Inventories	46,329	41,328
<b>TOTAL CURRENT ASSETS</b>	<b>8,547,576</b>	<b>13,410,747</b>
<b>NON-CURRENT ASSETS</b>		
Trade and other receivables	160,928	160,928
Other financial assets	81,490	81,490
Property, plant and equipment	50,183,973	50,421,751
Infrastructure	143,467,747	143,736,041
<b>TOTAL NON-CURRENT ASSETS</b>	<b>193,894,138</b>	<b>194,400,210</b>
<b>TOTAL ASSETS</b>	<b>202,441,714</b>	<b>207,810,957</b>
<b>CURRENT LIABILITIES</b>		
Trade and other payables	1,171,684	724,689
Other liabilities	858,734	858,734
Borrowings	207,802	157,523
Employee related provisions	745,328	745,328
<b>TOTAL CURRENT LIABILITIES</b>	<b>2,983,548</b>	<b>2,486,274</b>
<b>NON-CURRENT LIABILITIES</b>		
Borrowings	967,206	967,206
Employee related provisions	146,813	146,813
<b>TOTAL NON-CURRENT LIABILITIES</b>	<b>1,114,019</b>	<b>1,114,019</b>
<b>TOTAL LIABILITIES</b>	<b>4,097,567</b>	<b>3,600,293</b>
<b>NET ASSETS</b>	<b>198,344,147</b>	<b>204,210,664</b>
<b>EQUITY</b>		
Retained surplus	28,541,871	34,408,388
Reserve accounts	2,585,273	2,585,273
Revaluation surplus	167,217,003	167,217,003
<b>TOTAL EQUITY</b>	<b>198,344,147</b>	<b>204,210,664</b>

This statement is to be read in conjunction with the accompanying notes.

**SHIRE OF YORK**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**FOR THE PERIOD ENDED 31 OCTOBER 2023**

**1 BASIS OF PREPARATION AND SIGNIFICANT ACCOUNTING POLICIES**

**BASIS OF PREPARATION**

This prescribed financial report has been prepared in accordance with the *Local Government Act 1995* and accompanying regulations.

**Local Government Act 1995 requirements**

Section 6.4(2) of the *Local Government Act 1995* read with the *Local Government (Financial Management) Regulations 1996*, prescribe that the financial report be prepared in accordance with the *Local Government Act 1995* and, to the extent that they are not inconsistent with the Act, the Australian Accounting Standards. The Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and Interpretations of the Australian Accounting Standards Board were applied where no inconsistencies exist.

The *Local Government (Financial Management) Regulations 1996* specify that vested land is a right-of-use asset to be measured at cost, and is considered a zero cost concessionary lease. All right-of-use assets under zero cost concessionary leases are measured at zero cost rather than at fair value, except for vested improvements on concessionary land leases such as roads, buildings or other infrastructure which continue to be reported at fair value, as opposed to the vested land which is measured at zero cost. The measurement of vested improvements at fair value is a departure from AASB 16 which would have required the Shire to measure any vested improvements at zero cost.

*Local Government (Financial Management) Regulations 1996*, regulation 34 prescribes contents of the financial report. Supporting information does not form part of the financial report.

Accounting policies which have been adopted in the preparation of this financial report have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the financial report has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

**Matters of non-compliance with Basis of Preparation**

The following matters of non-compliance with the basis of preparation have not been corrected.

1. Depreciation is yet to be raised during the current financial year.
2. Balances as at 30 June 2023 have not been finalised and will be subject to change.

**THE LOCAL GOVERNMENT REPORTING ENTITY**

All funds through which the Shire controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

All monies held in the Trust Fund are excluded from the financial statements. A separate statement for those monies appear at Note 15 of the supplementary information.

**Judgements and estimates**

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

The balances, transactions and disclosures impacted by accounting estimates are as follows:

- estimated fair value of certain financial assets
- impairment of financial assets
- estimation of fair values of land and buildings and infrastructure
- estimated fair value of provisions

**SIGNIFICANT ACCOUNTING POLICIES**

Significant accounting policies utilised in the preparation of these statements are as described within the 2023-24 Annual Budget. Please refer to the adopted budget document for details of these policies.

**PREPARATION TIMING AND REVIEW**

Date prepared: All known transactions up to 13 November 2023

**SHIRE OF YORK**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**FOR THE PERIOD ENDED 31 OCTOBER 2023**

**2 STATEMENT OF FINANCIAL ACTIVITY INFORMATION**

**(a) Net current assets used in the Statement of Financial Activity**

	Note	Amended Budget Opening 1 July 2023	Actual as at 30 June 2023	Actual as at 31 October 202
<b>Current assets</b>		\$	\$	\$
Cash and cash equivalents		7,240,778	7,239,694	9,299,27
Trade and other receivables		1,406,168	1,261,553	4,070,14
Inventories		46,329	46,329	41,32
		8,693,275	8,547,576	13,410,74
<b>Less: current liabilities</b>				
Trade and other payables		(1,145,489)	(1,171,684)	(724,68)
Other liabilities		(822,407)	(858,734)	(858,73)
Borrowings		(207,802)	(207,802)	(157,52)
Employee related provisions		(823,865)	(745,328)	(745,32)
		(2,999,563)	(2,983,548)	(2,486,27)
<b>Net current assets</b>		<b>5,693,712</b>	<b>5,564,028</b>	<b>10,924,47</b>
<b>Less: Total adjustments to net current assets</b>	2(c)	(1,870,544)	(1,870,544)	(1,920,82)
<b>Closing funding surplus / (deficit)</b>		<b>3,823,168</b>	<b>3,693,484</b>	<b>9,003,65</b>

**(b) Non-cash amounts excluded from operating activities**

The following non-cash revenue and expenditure has been excluded from operating activities within the Statement of Financial Activity in accordance with *Financial Management Regulation 32*.

	Amended Budget Estimates 30 June 2024	YTD Budget Estimates (a)	YTD Actual (b)
<b>Non-cash amounts excluded from operating activities</b>	\$	\$	\$
<b>Adjustments to operating activities</b>			
Less: Profit on asset disposals	(6,400)	(2,132)	
Add: Loss on asset disposals	255,898	85,292	
Add: Depreciation	7,259,298	2,419,732	
<b>Total non-cash amounts excluded from operating activities</b>	<b>7,508,796</b>	<b>2,502,892</b>	

**(c) Current assets and liabilities excluded from budgeted deficiency**

The following current assets and liabilities have been excluded from the net current assets used in the Statement of Financial Activity in accordance with *Financial Management Regulation 32* to agree to the surplus/(deficit) after imposition of general rates.

	Amended Budget Opening 30 June 2023	Last Year Closing 30 June 2023	Year to Date 31 October 202
	\$	\$	\$
<b>Adjustments to net current assets</b>			
Less: Reserve accounts	(2,585,273)	(2,585,273)	(2,585,27)
Add: Current liabilities not expected to be cleared at the end of the year			
- Current portion of borrowings	207,802	207,802	157,52
- Current portion of employee benefit provisions held in reserve	506,927	506,927	506,92
<b>Total adjustments to net current assets</b>	<b>(1,870,544)</b>	<b>(1,870,544)</b>	<b>(1,920,82)</b>

**CURRENT AND NON-CURRENT CLASSIFICATION**

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. Unless otherwise stated assets or liabilities are classified as current if expected to be settled within the next 12 months, being the Council's operational cycle.

**SHIRE OF YORK**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**FOR THE PERIOD ENDED 31 OCTOBER 2023**

**3 EXPLANATION OF MATERIAL VARIANCES**

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date actual materially.

The material variance adopted by Council for the 2023-24 year is \$10,000 or 10.00% whichever is the greater.

Description	Var. \$	Var. %	
	\$	%	
<b>Revenue from operating activities</b>			
<b>General rates</b>	18,889	0.29%	▲
Budget apportioned 4/12			
<b>Grants, subsidies and contributions</b>	112,127	87.07%	▲
Budget apportioned 4/12			
RRG Grant received			
<b>Fees and charges</b>	533,539	125.88%	▲
Budget apportioned 4/12			
Waste fees and charges processed in rates billing in September 2023			
<b>Interest revenue</b>	33,250	44.33%	▲
Budget apportioned 4/12			
Interest on rates instalments calculated in October 2023			
<b>Other revenue</b>	(27,675)	(18.56%)	▼
Budget apportioned 4/12th			
Exgratia rates and PML WACHS annual fee received in October 2023			
<b>Profit on asset disposals</b>	(2,132)	(100.00%)	▼
Budget apportioned 4/12			
Procurement of plant and fleet vehicles not completed			
<b>Expenditure from operating activities</b>			
<b>Employee costs</b>	57,480	2.89%	▲
Budget apportioned 4/12			
Under budget in Admin salaries due to timing of employment engagement			
<b>Materials and contracts</b>	418,726	27.61%	▲
Budget apportioned 4/12			
Under budget for October 2023 for Admin overheads and labour costs			
<b>Utility charges</b>	39,572	38.21%	▲
Budget apportioned 4/12 - minimum utility charges for York Swimming Pool due to closure in off season			
<b>Depreciation</b>	2,419,732	100.00%	▲
Depreciation not processed			
<b>Finance costs</b>	14,571	69.72%	▲
Budget apportioned 4/12			
<b>Insurance</b>	(231,395)	(259.81%)	▼
Budget apportioned 4/12			
Second instalment of LGIS insurance payment processed in October 2023			
<b>Other expenditure</b>	104,366	36.86%	▲
Budget apportioned 4/12			
<b>Loss on asset disposals</b>	85,292	100.00%	▲
Budget apportioned 4/12			
Procurement of plant and fleet vehicles not completed			
<b>Non-cash amounts excluded from operating activities</b>	(2,502,892)	(100.00%)	▼
Depreciation not processed			
<b>Inflows from investing activities</b>			
<b>Proceeds from capital grants, subsidies and contributions</b>	(909,898)	(68.31%)	▼
Budget apportioned 4/12			
<b>Outflows from investing activities</b>			
<b>Payments for property, plant and equipment</b>	104,306	30.49%	▲
Budget apportioned 4/12			
<b>Payments for construction of infrastructure</b>	1,272,226	82.58%	▲
Budget apportioned 4/12			
<b>Surplus or deficit at the start of the financial year</b>	(129,684)	(3.39%)	▼
Refer to Note 2(a)			
<b>Surplus or deficit after imposition of general rates</b>	1,406,219	18.51%	▲
Due to variances described above			

**SHIRE OF YORK**  
**SUPPLEMENTARY INFORMATION**

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**SHIRE OF YORK**  
**SUPPLEMENTARY INFORMATION**  
**FOR THE PERIOD ENDED 31 OCTOBER 2023**

**1 KEY INFORMATION**

**Funding Surplus or Deficit Components**

	<b>Funding surplus / (deficit)</b>			
	<b>Amended Budget</b>	<b>YTD Budget (a)</b>	<b>YTD Actual (b)</b>	<b>Var. \$ (b)-(a)</b>
<b>Opening</b>	<b>\$3.82 M</b>	<b>\$3.82 M</b>	<b>\$3.69 M</b>	<b>(\$0.13 M)</b>
<b>Closing</b>	<b>\$0.05 M</b>	<b>\$7.60 M</b>	<b>\$9.00 M</b>	<b>\$1.41 M</b>

Refer to Statement of Financial Activity

<b>Cash and cash equivalents</b>			<b>Payables</b>		<b>Receivables</b>	
	<b>\$9.30 M</b>	<b>% of total</b>		<b>\$0.72 M</b>	<b>% Outstanding</b>	
<b>Unrestricted Cash</b>	<b>\$6.71 M</b>	<b>72.2%</b>	<b>Trade Payables</b>	<b>\$0.03 M</b>		<b>\$0.32 M</b>
<b>Restricted Cash</b>	<b>\$2.59 M</b>	<b>27.8%</b>	<b>0 to 30 Days</b>		<b>(4.8%)</b>	<b>\$3.75 M</b>
			<b>Over 30 Days</b>		<b>104.9%</b>	<b>\$0.32 M</b>
			<b>Over 90 Days</b>		<b>0.0%</b>	<b>Over 30 Days</b>
						<b>Over 90 Days</b>

Refer to 3 - Cash and Financial Assets

Refer to 9 - Payables

Refer to 7 - Receivables

**Key Operating Activities**

<b>Amount attributable to operating activities</b>			
<b>Amended Budget</b>	<b>YTD Budget (a)</b>	<b>YTD Actual (b)</b>	<b>Var. \$ (b)-(a)</b>
<b>(\$2.03 M)</b>	<b>\$4.38 M</b>	<b>\$5.44 M</b>	<b>\$1.07 M</b>

Refer to Statement of Financial Activity

<b>Rates Revenue</b>			<b>Grants and Contributions</b>			<b>Fees and Charges</b>		
<b>YTD Actual</b>	<b>\$7.61 M</b>	<b>% Variance</b>	<b>YTD Actual</b>	<b>\$0.24 M</b>	<b>% Variance</b>	<b>YTD Actual</b>	<b>\$0.96 M</b>	<b>% Variance</b>
<b>YTD Budget</b>	<b>\$7.60 M</b>	<b>0.2%</b>	<b>YTD Budget</b>	<b>\$0.13 M</b>	<b>87.1%</b>	<b>YTD Budget</b>	<b>\$0.42 M</b>	<b>125.9%</b>

Refer to 10 - Rate Revenue

Refer to 13 - Grants and Contributions

Refer to Statement of Financial Activity

**Key Investing Activities**

<b>Amount attributable to investing activities</b>			
<b>Amended Budget</b>	<b>YTD Budget (a)</b>	<b>YTD Actual (b)</b>	<b>Var. \$ (b)-(a)</b>
<b>(\$1.23 M)</b>	<b>(\$0.55 M)</b>	<b>(\$0.08 M)</b>	<b>\$0.47 M</b>

Refer to Statement of Financial Activity

<b>Proceeds on sale</b>			<b>Asset Acquisition</b>			<b>Capital Grants</b>		
<b>YTD Actual</b>	<b>\$0.00 M</b>	<b>%</b>	<b>YTD Actual</b>	<b>\$0.27 M</b>	<b>% Spent</b>	<b>YTD Actual</b>	<b>\$0.42 M</b>	<b>% Received</b>
<b>Amended Budget</b>	<b>\$0.43 M</b>	<b>(100.0%)</b>	<b>Amended Budget</b>	<b>\$4.62 M</b>	<b>(94.2%)</b>	<b>Amended Budget</b>	<b>\$4.00 M</b>	<b>(89.4%)</b>

Refer to 6 - Disposal of Assets

Refer to 5 - Capital Acquisitions

Refer to 5 - Capital Acquisitions

**Key Financing Activities**

<b>Amount attributable to financing activities</b>			
<b>Amended Budget</b>	<b>YTD Budget (a)</b>	<b>YTD Actual (b)</b>	<b>Var. \$ (b)-(a)</b>
<b>(\$0.52 M)</b>	<b>(\$0.05 M)</b>	<b>(\$0.05 M)</b>	<b>\$0.00 M</b>

Refer to Statement of Financial Activity

<b>Borrowings</b>		<b>Reserves</b>	
<b>Principal repayments</b>	<b>(\$0.05 M)</b>	<b>Reserves balance</b>	<b>\$2.59 M</b>
<b>Interest expense</b>	<b>(\$0.01 M)</b>	<b>Interest earned</b>	<b>\$0.00 M</b>
<b>Principal due</b>	<b>\$1.12 M</b>		

Refer to 11 - Borrowings

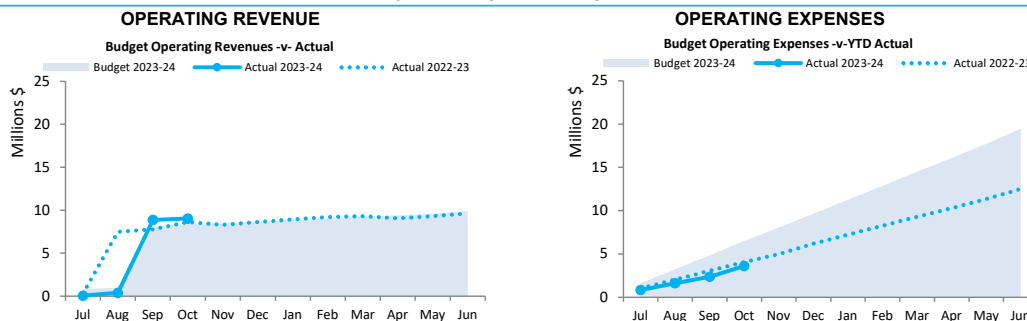
Refer to 4 - Cash Reserves

This information is to be read in conjunction with the accompanying Financial Statements and notes.

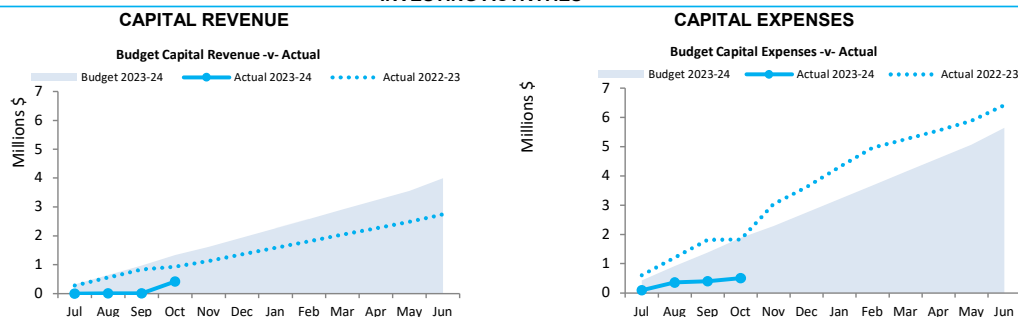
SHIRE OF YORK  
SUPPLEMENTARY INFORMATION  
FOR THE PERIOD ENDED 31 OCTOBER 2023

2 KEY INFORMATION - GRAPHICAL

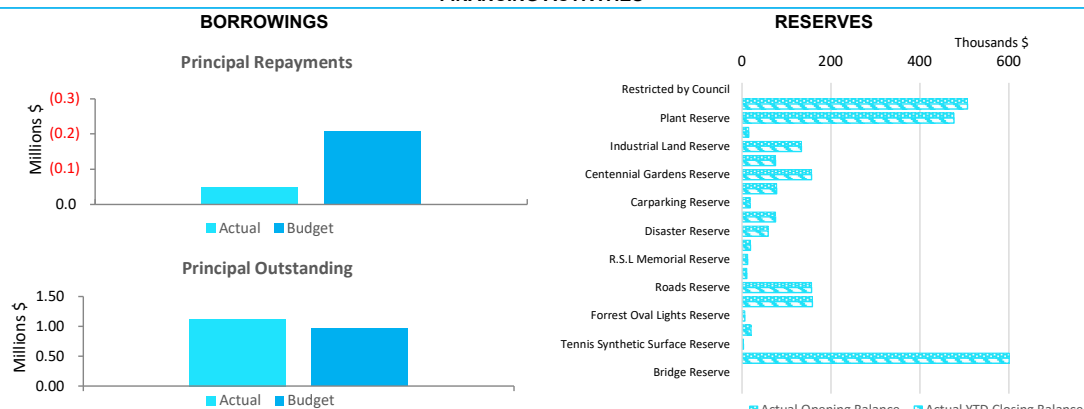
OPERATING ACTIVITIES



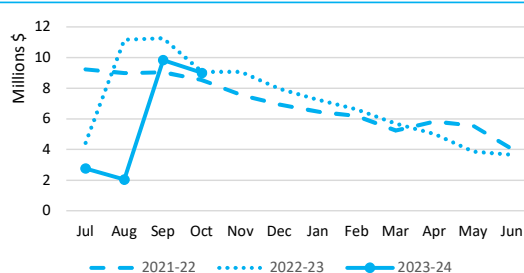
INVESTING ACTIVITIES



FINANCING ACTIVITIES



Closing funding surplus / (deficit)



This information is to be read in conjunction with the accompanying Financial Statements and Notes.

**SHIRE OF YORK  
SUPPLEMENTARY INFORMATION  
FOR THE PERIOD ENDED 31 OCTOBER 2023**

**3 CASH AND FINANCIAL ASSETS**

Description	Classification	Unrestricted	Restricted	Total Cash	Trust	Institution	Interest Rate	Maturity Date
		\$	\$	\$	\$			
Municipal Bank	Cash and cash equivalents	5,409,604	0	5,409,604	0	n/a	Variable	n/a
Cash on Hand	Cash and cash equivalents	1,380	0	1,380	0	n/a	n/a	n/a
Westpac Flexi	Cash and cash equivalents	5,402	0	5,402	0	Westpac	Variable	n/a
AMP at call	Cash and cash equivalents	6,717	0	6,717	0	AMP	Variable	n/a
AMP	Cash and cash equivalents	290,583	0	290,583	0	AMP	Variable	n/a
Municipal Term Deposit	Financial assets at amortised cost	500,000	0	500,000	0	AMP	4.35%	Dec-23
Municipal Term Deposit	Financial assets at amortised cost	500,312	0	500,312	0	AMP	5.40%	Aug-24
Reserve Bank	Cash and cash equivalents	0	518,275	518,275	0	NAB	Variable	n/a
Reserve Term Deposit	Financial assets at amortised cost	0	1,003,685	1,003,685	0	NAB	4.22%	Dec-23
Reserve Term Deposit	Financial assets at amortised cost	0	492,529	492,529	0	Bendigo	5.00%	May-24
Reserve Term Deposit	Financial assets at amortised cost	0	570,784	570,784	0	AMP	5.15%	Oct-24
Trust Fund	Cash and cash equivalents	0	0	0	58,422	n/a	n/a	n/a
<b>Total</b>		<b>6,713,998</b>	<b>2,585,273</b>	<b>9,299,271</b>	<b>58,422</b>			
<b>Comprising</b>								
Cash and cash equivalents		5,713,686	518,275	6,231,961	58,422			
Financial assets at amortised cost		1,000,312	2,066,998	3,067,310	0			
		<b>6,713,998</b>	<b>2,585,273</b>	<b>9,299,271</b>	<b>58,422</b>			

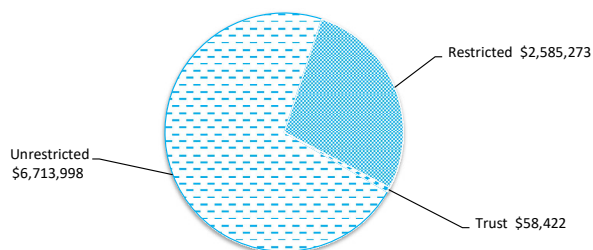
**KEY INFORMATION**

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value. Bank overdrafts are reported as short term borrowings in current liabilities in the statement of net current assets.

The local government classifies financial assets at amortised cost if both of the following criteria are met:

- the asset is held within a business model whose objective is to collect the contractual cashflows, and
- the contractual terms give rise to cash flows that are solely payments of principal and interest.

Financial assets at amortised cost held with registered financial institutions are listed in this note other financial assets at amortised cost are provided in Note 4 - Other assets.



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**4 RESERVE ACCOUNTS**

Reserve name	Budget Opening Balance	Budget Transfers In (+)	Budget Transfers Out (-)	Budget Closing Balance	Actual Opening Balance	Actual Transfers In (+)	Actual Transfers Out (-)	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$
<b>Restricted by Council</b>								
Leave Reserve	506,927	0	0	506,927	506,927	0	0	506,927
Plant Reserve	476,688	40,000	0	516,688	476,688	0	0	476,688
Avon River Mtce Reserve	15,426	0	0	15,426	15,426	0	0	15,426
Industrial Land Reserve	134,010	0	0	134,010	134,010	0	0	134,010
Refuse Site Develop Reserve	75,519	0	0	75,519	75,519	0	0	75,519
Centennial Gardens Reserve	156,162	0	0	156,162	156,162	0	0	156,162
Pioneer Memorial Lodge Reserve	78,533	0	(78,000)	533	78,533	0	0	78,533
Carparking Reserve	18,623	0	0	18,623	18,623	0	0	18,623
Building Reserve	75,380	0	0	75,380	75,380	0	0	75,380
Disaster Reserve	59,281	0	0	59,281	59,281	0	0	59,281
Tied Grant Funds Reserve	19,557	0	0	19,557	19,557	0	0	19,557
R.S.L Memorial Reserve	12,600	0	0	12,600	12,600	0	0	12,600
Greenhills Townsite Development Reserve	11,221	0	0	11,221	11,221	0	0	11,221
Roads Reserve	156,884	0	0	156,884	156,884	0	0	156,884
Land & Infrastructure Reserve	158,104	0	0	158,104	158,104	0	0	158,104
Forrest Oval Lights Reserve	6,161	0	0	6,161	6,161	0	0	6,161
Bowls Synthetic Surface Reserve	20,445	0	0	20,445	20,444	0	0	20,444
Tennis Synthetic Surface Reserve	3,155	0	0	3,155	3,155	0	0	3,155
Recreation Reserve	500,597	0	0	500,597	600,598	0	0	600,598
Bridge Reserve	0	347,957	0	347,957	0	0	0	0
Swimming Pool Reserve	100,000	0	0	100,000	0	0	0	0
	<b>2,585,273</b>	<b>387,957</b>	<b>(78,000)</b>	<b>2,895,230</b>	<b>2,585,273</b>	<b>0</b>	<b>0</b>	<b>2,585,273</b>

**SHIRE OF YORK**  
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**INVESTING ACTIVITIES**

**5 CAPITAL ACQUISITIONS**

	Budget	Amended YTD Budget	YTD Actual	YTD Actual Variance
	\$	\$	\$	\$
<b>Capital acquisitions</b>				
Land	31,500	10,500	0	(10,500)
Buildings	381,619	127,196	114,716	(12,483)
Furniture & Equipment	78,685	26,228	6,452	(19,776)
Plant & Equipment	534,500	178,160	116,610	(61,550)
<b>Acquisition of property, plant and equipment</b>	<b>1,026,304</b>	<b>342,084</b>	<b>237,778</b>	<b>(104,306)</b>
Infrastructure	4,621,584	1,540,520	268,294	(1,272,220)
<b>Acquisition of infrastructure</b>	<b>4,621,584</b>	<b>1,540,520</b>	<b>268,294</b>	<b>(1,272,220)</b>
<b>Total capital acquisitions</b>	<b>5,647,888</b>	<b>1,882,604</b>	<b>506,072</b>	<b>(1,376,532)</b>
<b>Capital Acquisitions Funded By:</b>				
Capital grants and contributions	3,996,335	1,332,104	422,206	(909,895)
Other (disposals & C/Fwd)	425,454	0	0	
Reserve accounts				
Pioneer Memorial Lodge Reserve	78,000	0	0	
Contribution - operations	1,148,099	550,500	83,866	(466,633)
<b>Capital funding total</b>	<b>5,647,888</b>	<b>1,882,604</b>	<b>506,072</b>	<b>(1,376,532)</b>

**SIGNIFICANT ACCOUNTING POLICIES**

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

Assets for which the fair value as at the date of acquisition is under \$5,000 are not recognised as an asset in accordance with *Financial Management Regulation 17A (5)*. These assets are expensed immediately.

Where multiple individual low value assets are purchased together as part of a larger asset or collectively forming a larger asset exceeding the threshold, the individual assets are recognised as one asset and capitalised.

**Initial recognition and measurement for assets held at cost**

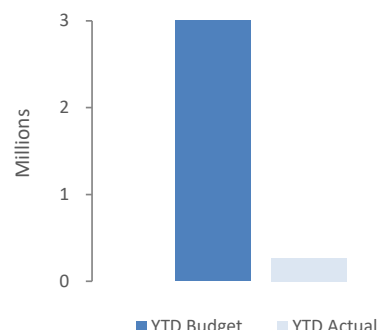
Plant and equipment including furniture and equipment is recognised at cost on acquisition in accordance with *Financial Management Regulation 17A*. Where acquired at no cost the asset is initially recognise at fair value. Assets held at cost are depreciated and assessed for impairment annually.

**Initial recognition and measurement between**

**mandatory revaluation dates for assets held at fair value**

In relation to this initial measurement, cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at zero cost or otherwise significantly less than fair value, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the Shire includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.

**Payments for Capital Acquisitions**



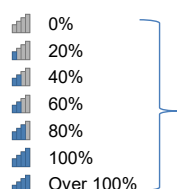
SHIRE OF YORK  
SUPPLEMENTARY INFORMATION  
FOR THE PERIOD ENDED 31 OCTOBER 2023

INVESTING ACTIVITIES

5 CAPITAL ACQUISITIONS - DETAILED

Capital expenditure total

Level of completion indicators



Percentage Year to Date Actual to Annual Budget expenditure where the expenditure over budget highlighted in red.

Level of completion indicator, please see table at the end of this note for further detail.

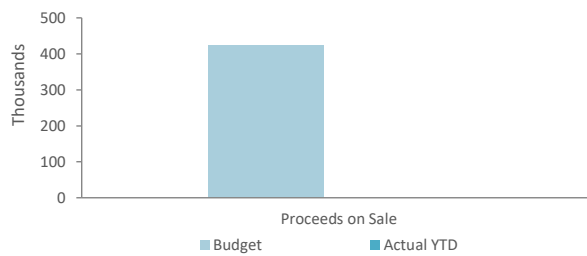
Account Description			Amended Current Budget	Year to Date Budget	Year to Date Actual	Variance (Under)/Over
<b>Capital Expenditure</b>						
<b>Land</b>						
	146303	LAND PURCHASE AND DEVELOPMENT	31,500	10,500	0	(10,50)
	<b>Land Total</b>		<b>31,500</b>	<b>10,500</b>	<b>0</b>	<b>(10,50)</b>
<b>Buildings</b>						
	043141	ADMIN OFFICE CAPITAL - BUILDINGS	10,000	3,332	21	(3,31)
	067304	CENTENNIAL UNITS - BUILDING	5,500	1,832	0	(1,83)
	068302	PML BUILDING CAPITAL	229,509	76,500	78,323	1,823
	112302	SWIMMING POOL CAPITAL (STAGE 1) - BUILDINGS	75,000	25,000	29,746	4,746
	112303	BUILDING POOL	5,500	1,832	4,845	3,013
	113029	TOWN HALL BUILDING	24,000	8,000	1,431	(6,56)
	118300	BUILDING CAPITAL	32,110	10,700	350	(10,35)
	<b>Buildings Total</b>		<b>381,619</b>	<b>127,196</b>	<b>114,716</b>	<b>(12,47)</b>
<b>Furniture &amp; Equipment</b>						
	043142	FURNITURE & EQUIPMENT ADMIN	78,685	26,228	6,452	(19,77)
	<b>Furniture &amp; Equipment Total</b>		<b>78,685</b>	<b>26,228</b>	<b>6,452</b>	<b>(19,77)</b>
<b>Plant &amp; Equipment</b>						
	042339	ADMINISTRATION VEHICLES	133,500	44,500	0	(44,50)
	053035	RANGER VEHICLE PURCHASE CAPITAL	46,000	15,332	0	(15,33)
	123804	EV CHARGING STATION	20,000	6,664	0	(6,66)
	127304	PLANT PURCHASES CAPITAL	335,000	111,664	116,610	4,946
	<b>Plant &amp; Equipment Total</b>		<b>534,500</b>	<b>178,160</b>	<b>116,610</b>	<b>(61,55)</b>
<b>Infrastructure</b>						
	043145	ADMINISTRATION CARPARK INFRASTRUCTURE	37,000	12,332	0	(12,33)
	109383	CEMETERY INFRASTRUCTURE	121,830	40,612	15,788	(24,82)
	109389	CBD UPGRADE	100,000	33,332	13,727	(19,60)
	113331	FORREST OVAL INFRASTRUCTURE	35,000	11,668	11,464	(20)
	113335	HERITAGE TRAILS INFRASTRUCTURE	0	0	21,277	21,277
	113346	MOTOCROSS TRACK INFRASTRUCTURE	135,000	45,000	11,300	(33,70)
	113367	WAR MEMORIAL PARK - INFRASTRUCTURE	6,000	2,000	0	(2,00)
	122400	ROADS TO RECOVERY PROJECTS	677,317	225,772	0	(225,77)
	122401	REGIONAL ROAD GROUP PROJECTS	1,366,361	455,452	5,456	(449,99)
	122402	MUNICIPAL ROAD CONSTRUCTION PROJECTS	67,877	22,624	0	(22,62)
	122404	MUNICIPAL BRIDGE CONSTRUCTION PROJECTS	834,526	278,176	9,380	(268,79)
	122407	BLACKSPOT PROJECTS	295,650	98,548	0	(98,54)
	122409	LRCIP PROJECTS	492,577	164,192	2,783	(161,40)
	122411	DRAINAGE CONSTRUCTION PROJECTS	240,403	80,132	177,119	96,987
	122414	MUNICIPAL ROAD CONSTRUCTION RRSP PROJECTS	212,043	70,680	0	(70,68)
	<b>Infrastructure Total</b>		<b>4,621,584</b>	<b>1,540,520</b>	<b>268,294</b>	<b>(1,272,22)</b>
	<b>Grand Total</b>		<b>5,647,888</b>	<b>1,882,604</b>	<b>506,072</b>	<b>(1,376,53)</b>

**SHIRE OF YORK  
SUPPLEMENTARY INFORMATION  
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**OPERATING ACTIVITIES**

**6 DISPOSAL OF ASSETS**

Asset Ref.	Asset description	Budget				YTD Actual			
		Net Book	Proceeds	Profit	(Loss)	Net Book	Proceeds	Profit	(Loss)
		Value				Value			
		\$	\$	\$	\$	\$	\$	\$	\$
	<b>Land and Buildings</b>								
	Land 25-27 South St	491,227	245,454	0	(245,773)	0	0	0	
	<b>Plant and equipment</b>								
12239	2022 Ford Everest	45,600	52,000	6,400	0	0	0	0	
12237	2021 Mazda CX8	32,200	27,000	0	(5,200)	0	0	0	
12224	2021 Mazda 3	23,900	23,000	0	(900)	0	0	0	
12200	2018 Isuzu Dmax SX	21,200	18,000	0	(3,200)	0	0	0	
11820	2010 Hino Truck	60,825	60,000	0	(825)	0	0	0	
		<b>674,952</b>	<b>425,454</b>	<b>6,400</b>	<b>(255,898)</b>	<b>0</b>	<b>0</b>	<b>0</b>	

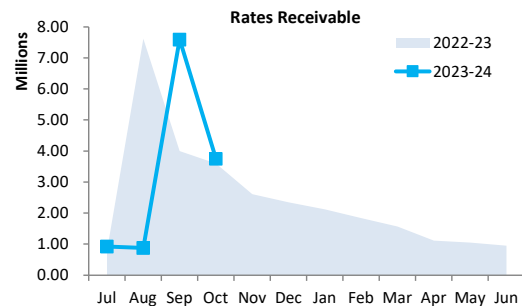


**SHIRE OF YORK  
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**OPERATING ACTIVITIES**

**7 RECEIVABLES**

Rates receivable	30 Jun 2023	31 Oct 2023
	\$	\$
Opening arrears previous years	690,542	934,701
Levied this year	7,003,151	7,613,167
Less - collections to date	(6,361,500)	(4,277,024)
Gross rates collectable	<b>1,332,193</b>	<b>4,270,844</b>
Allowance for impairment of rates receivable	(397,492)	(518,457)
<b>Net rates collectable</b>	<b>934,701</b>	<b>3,752,387</b>
% Collected	82.7%	50.0%



Receivables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Receivables - general	(664)	43,241	5,004	1,247	10,023	58,851
Percentage	(1.1%)	73.5%	8.5%	2.1%	17.0%	
<b>Balance per trial balance</b>						
Sundry debtors						58,851
Other receivables						164,970
GST receivable						59,500
Receivables for employee related provisions						37,410
Allowance for credit losses of trade receivables						(2,980)
<b>Total receivables general outstanding</b>						<b>317,751</b>

Amounts shown above include GST (where applicable)

**KEY INFORMATION**

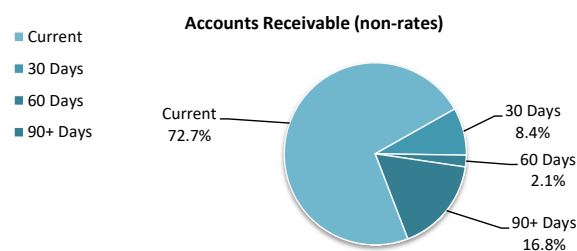
Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods and services performed in the ordinary course of business.

Trade receivables are recognised at original invoice amount less any allowances for uncollectable amounts (i.e. impairment). The carrying amount of net trade receivables is equivalent to fair value as it is due for settlement within 30 days.

**Classification and subsequent measurement**

Receivables which are generally due for settlement within 30 days except rates receivables which are expected to be collected within 12 months are classified as current assets. All other receivables such as, deferred pensioner rates receivable after the end of the reporting period are classified as non-current assets.

Trade and other receivables are held with the objective to collect the contractual cashflows and therefore the Shire measures them subsequently at amortised cost using the effective interest rate method.



**SHIRE OF YORK  
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**OPERATING ACTIVITIES**

**8 OTHER CURRENT ASSETS**

	Opening Balance 1 July 2023	Asset Increase	Asset Reduction	Closing Balance 31 October 2023
<b>Other current assets</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Inventory</b>				
Fuel	46,329	49,784	(54,785)	41,328
<b>Total other current assets</b>	<b>46,329</b>	<b>49,784</b>	<b>(54,785)</b>	<b>41,328</b>

Amounts shown above include GST (where applicable)

**KEY INFORMATION**

**Inventory**

Inventories are measured at the lower of cost and net realisable value.

Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

**SHIRE OF YORK  
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**OPERATING ACTIVITIES**

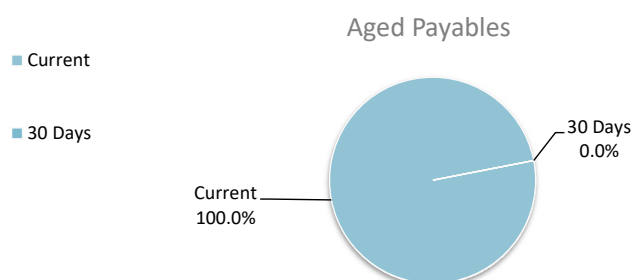
**9 PAYABLES**

<b>Payables - general</b>	<b>Credit</b>	<b>Current</b>	<b>30 Days</b>	<b>60 Days</b>	<b>90+ Days</b>	<b>Total</b>
	\$	\$	\$	\$	\$	\$
Payables - general	(1,540)	157	0	29,801	0	28,418
Percentage	-5.4%	0.6%	0.0%	104.9%	0.0%	
<b>Balance per trial balance</b>						
Sundry creditors						28,418
ATO liabilities						131,611
Other payables						221,109
Accrued interest						11,391
Prepaid rates						45,551
Bonds and deposits						286,591
<b>Total payables general outstanding</b>						<b>724,681</b>

Amounts shown above include GST (where applicable)

**KEY INFORMATION**

Trade and other payables represent liabilities for goods and services provided to the Shire prior to the end of the period that are unpaid and arise when the Shire becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition. The carrying amounts of trade and other payables are considered to be the same as their fair values, due to their short-term nature.



SHIRE OF YORK  
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OPERATING ACTIVITIES

10 RATE REVENUE

General rate revenue

RATE TYPE	Rate in	Number of	Rateable	Rate	Budget	Total	Rate	YTD Actual	Total
	\$ (cents)	Properties	Value	Revenue	Interim	Revenue	Revenue	Interim	Revenue
				\$	\$	\$	\$	\$	\$
<b>Gross rental value</b>									
GRV General Rate	0.134045	1,493	25,485,881	3,416,255	21,000	3,437,255	3,416,255	(1,738)	3,414,517
<b>Unimproved value</b>									
UV General Rate	0.008859	407	364,072,031	3,225,314	0	3,225,314	3,225,314	(776)	3,224,538
<b>Sub-Total</b>		<b>1,900</b>	<b>389,557,912</b>	<b>6,641,569</b>	<b>21,000</b>	<b>6,662,569</b>	<b>6,641,569</b>	<b>(2,514)</b>	<b>6,639,054</b>
<b>Minimum payment</b>									
<b>Minimum Payment \$</b>									
<b>Gross rental value</b>									
GRV General Rate	1,320	477	1,577,413	629,640	0	629,640	629,640	0	629,640
<b>Unimproved value</b>									
UV General Rate	1,320	292	28,348,622	385,440	0	385,440	385,440	0	385,440
<b>Sub-total</b>		<b>769</b>	<b>29,926,035</b>	<b>1,015,080</b>	<b>0</b>	<b>1,015,080</b>	<b>1,015,080</b>	<b>0</b>	<b>1,015,080</b>
Discount						(58,190)			(62,371)
<b>Amount from general rates</b>						<b>7,619,459</b>			<b>7,591,769</b>
Ex-gratia rates						21,403			21,403
<b>Total general rates</b>						<b>7,640,862</b>			<b>7,613,172</b>

**SHIRE OF YORK**  
**SUPPLEMENTARY INFORMATION**  
**FOR THE PERIOD ENDED 31 OCTOBER 2023**

**FINANCING ACTIVITIES**

**11 BORROWINGS**

**Repayments - borrowings**

**Information on borrowings**

Particulars	Loan No.	New Loans			Principal Repayments		Principal Outstanding		Interest Repayments	
		1 July 2023	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	\$
Forrest Oval Stage 1	62	732,236	0	0	0	(72,929)	732,236	659,307	0	(45,000)
Forrest Oval Stage 2	63	104,269	0	0	(6,346)	(25,879)	97,923	78,390	(6,346)	(4,870)
Forrest Oval Stage 3	64	162,645	0	0	(9,899)	(40,368)	152,746	122,277	(1,342)	(7,600)
Old Convent School	67	175,858	0	0	(34,034)	(68,626)	141,824	107,232	(2,893)	(5,220)
<b>Total</b>		<b>1,175,008</b>	<b>0</b>	<b>0</b>	<b>(50,279)</b>	<b>(207,802)</b>	<b>1,124,729</b>	<b>967,206</b>	<b>(10,581)</b>	<b>(62,700)</b>
Current borrowings		207,802					157,523			
Non-current borrowings		967,206					967,206			
		<b>1,175,008</b>					<b>1,124,729</b>			

All debenture repayments were financed by general purpose revenue.

**KEY INFORMATION**

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

Fair values of borrowings are not materially different to their carrying amounts, since the interest payable on those borrowings is either close to current market rates or the borrowings are of a short term nature. Non-current borrowings fair values are based on discounted cash flows using a current borrowing rate.

**SHIRE OF YORK  
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**OPERATING ACTIVITIES**

**12 OTHER CURRENT LIABILITIES**

	Note	Opening Balance 1 July 2023 \$	Liability transferred from/(to) non current \$	Liability Increase \$	Liability Reduction \$	Closing Balance 31 October 2023 \$
<b>Other current liabilities</b>						
<b>Other liabilities</b>						
Capital grant/contributions liabilities		858,734	0	0	0	858,734
<b>Total other liabilities</b>		858,734	0	0	0	858,734
<b>Employee Related Provisions</b>						
Provision for annual leave		461,128	0	0	0	461,128
Provision for long service leave		233,075	0	0	0	233,075
Provision for sick leave		51,125	0	0	0	51,125
<b>Total Provisions</b>		745,328	0	0	0	745,328
<b>Total other current liabilities</b>		<b>1,604,062</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,604,062</b>

Amounts shown above include GST (where applicable)

A breakdown of contract liabilities and associated movements is provided on the following pages at Note 14

**KEY INFORMATION**

**Provisions**

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

**Employee Related Provisions**

**Short-term employee benefits**

Provision is made for the Shire's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.

The Shire's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the calculation of net current assets.

**Other long-term employee benefits**

The Shire's obligations for employees' annual leave and long service leave entitlements are recognised as employee related provisions in the statement of financial position.

Long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations of service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur. The Shire's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Shire does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.

**Contract liabilities**

An entity's obligation to transfer goods or services to a customer for which the entity has received consideration (or the amount is due) from the customer.

**Capital grant/contribution liabilities**

Grants to acquire or construct recognisable non-financial assets to identified specifications be constructed to be controlled by the Shire are recognised as a liability until such time as the Shire satisfies its obligations under the agreement.

SHIRE OF YORK  
SUPPLEMENTARY INFORMATION  
FOR THE PERIOD ENDED 31 OCTOBER 2023

OPERATING ACTIVITIES

13 GRANTS, SUBSIDIES AND CONTRIBUTIONS

Provider	Unspent grant, subsidies and contributions liability					Grants, subsidies and contributions revenue		
	Liability 1 July 2023	Increase in Liability	Decrease in Liability (As revenue)	Liability 31 Oct 2023	Current Liability 31 Oct 2023	Amended Budget Revenue	YTD Budget	YTD Revenue Actual
	\$	\$	\$	\$	\$	\$	\$	\$
<b>Grants and subsidies</b>								
Australia Day Council	0	0	0	0	0	31,000	10,332	0
Grant Funds (Untied)	0	0	0	0	0	44,745	14,912	11,186
Grant Local Road (Untied)	0	0	0	0	0	39,160	13,052	9,790
LGGS Grants	0	0	0	0	0	56,990	18,996	28,495
Library Grants	4,556	0	0	4,556	4,556	4,556	1,516	0
Grant RRG - Direct	0	0	0	0	0	177,559	59,184	191,441
	<b>4,556</b>	<b>0</b>	<b>0</b>	<b>4,556</b>	<b>4,556</b>	<b>354,010</b>	<b>117,992</b>	<b>240,912</b>
<b>Contributions</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>32,378</b>	<b>10,793</b>	<b>0</b>
<b>TOTALS</b>	<b>4,556</b>	<b>0</b>	<b>0</b>	<b>4,556</b>	<b>4,556</b>	<b>386,388</b>	<b>128,785</b>	<b>240,912</b>

SHIRE OF YORK  
SUPPLEMENTARY INFORMATION  
FOR THE PERIOD ENDED 31 OCTOBER 2023

INVESTING ACTIVITIES

14 CAPITAL GRANTS, SUBSIDIES AND CONTRIBUTIONS

Provider	Capital grant/contribution liabilities					Capital grants, subsidies and contributions revenue		
	Liability 1 July 2023	Increase in Liability	Decrease in Liability (As revenue)	Liability 31 Oct 2023	Current Liability 31 Oct 2023	Amended Budget Revenue	YTD Budget	YTD Revenue Actual
	\$	\$	\$	\$	\$	\$	\$	\$
<b>Capital grants and subsidies</b>								
Cemetery Grant Income	0	0	0	0	0	9,000	3,000	9,900
Recreation Grants - Taxable	0	0	0	0	0	135,000	45,000	
Grant Income Museum	6,359	0	0	6,359	6,359	15,899	5,296	
DLGSC Grant - ORV Facility	40,000	0	0	40,000	40,000	0	0	
Grants Income	0	0	0	0	0	0	0	2,000
Road to Recovery Grants	0	0	0	0	0	677,317	225,772	
Grant - RRG - Roads	409,357	0	0	409,357	409,357	1,366,360	455,452	
Grant Govt-Black Spot Funding	0	0	0	0	0	322,830	107,608	
Grants - LRCIP	363,540	0	0	363,540	363,540	1,257,885	419,296	410,300
Grant - RRSP - Roads	0	0	0	0	0	212,044	70,680	
Grants - Main Roads Safety Program	34,922	0	0	34,922	34,922	0	0	
	<b>854,178</b>	<b>0</b>	<b>0</b>	<b>854,178</b>	<b>854,178</b>	<b>3,996,335</b>	<b>1,332,104</b>	<b>422,200</b>

**SHIRE OF YORK  
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**15 TRUST FUND**

Funds held at balance date which are required by legislation to be credited to the trust fund and which are not included in the financial statements are as follows:

Description	Opening Balance	Amount Received	Amount Paid	Closing Balance
	1 July 2023			31 Oct 2023
	\$	\$	\$	\$
Cash in Lieu - Public Open Space	58,422	0	0	58,422
	<b>58,422</b>	<b>0</b>	<b>0</b>	<b>58,422</b>

**SHIRE OF YORK  
SUPPLEMENTARY INFORMATION  
FOR THE PERIOD ENDED 31 OCTOBER 2023**

**16 BUDGET AMENDMENTS**

Amendments to original budget since budget adoption. Surplus/(Deficit)

Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
			\$	\$	\$	\$
<b>Budget adoption</b>						30,000
Cemetery Infrastructure	OCM 26/09/23 Res. 060923	Capital expenses			(116,830)	(86,830)
Grants LRCI	OCM 26/09/23 Res. 060923	Capital revenue		36,237		(50,593)
Grants LRCI	OCM 26/09/23 Res. 060923	Capital revenue		80,593		30,000
Forrest Oval lighting and drainage	OCM 26/09/23 Res. 060923	Capital expenses			(10,000)	20,000
Bridge Construction Project	OCM 26/09/23 Res. 060923	Capital expenses		10,000		30,000
York CRC charges other taxable supply	OCM 26/09/23 Res. 150923	Operating revenue		171,155		201,155
York CRC expenses	OCM 26/09/23 Res. 150923	Operating expenses			(182,196)	18,959
York CRC Garden/Carpark maintenance	OCM 26/09/23 Res. 150923	Operating expenses			(2,950)	16,009
Wheatbelt Regional University	OCM 26/09/23 Res. 150923	Operating expenses		10,000		26,009
Multiyear funding agreements	OCM 26/09/23 Res. 150923	Operating expenses		25,000		51,009
				<b>332,985</b>	<b>(311,976)</b>	<b>51,009</b>

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EFT30543	03/10/2023 ASHLEY ROBERT GARRATT	COUNCILLOR ALLOWANCES - SEPTEMBER 2023	1		1,269.18
NV CRS PMT	30/09/2023 ASHLEY ROBERT GARRATT	COUNCILLOR ALLOWANCES - SEPTEMBER 2023	1	1,269.18	
EFT30544	03/10/2023 DENESE EILEEN SMYTHE	COUNCILLOR ALLOWANCES - SEPTEMBER 2023	1		3,289.73
NV CRS PMT	30/09/2023 DENESE EILEEN SMYTHE	COUNCILLOR ALLOWANCES - SEPTEMBER 2023	1	3,289.73	
EFT30545	03/10/2023 DENIS CHARLES WARNICK	COUNCILLOR ALLOWANCES - SEPTEMBER 2023	1		1,620.23
NV CRS PMT	30/09/2023 DENIS CHARLES WARNICK	COUNCILLOR ALLOWANCES - SEPTEMBER 2023	1	1,620.23	
EFT30546	03/10/2023 KEVIN RICHARD TRENT	COUNCILLOR ALLOWANCES - SEPTEMBER 2023	1		1,269.18
NV CRS PMT	30/09/2023 KEVIN RICHARD TRENT	COUNCILLOR ALLOWANCES - SEPTEMBER 2023	1	1,269.18	
EFT30547	03/10/2023 PAMELA HELEN HEATON	COUNCILLOR ALLOWANCES - SEPTEMBER 2023	1		1,269.18
NV CRS PMT	30/09/2023 PAMELA HELEN HEATON	COUNCILLOR ALLOWANCES - SEPTEMBER 2023	1	1,269.18	
EFT30548	03/10/2023 PETER ALLAN WRIGHT	COUNCILLOR ALLOWANCES - SEPTEMBER 2023	1		1,269.18
NV CRS PMT	30/09/2023 PETER ALLAN WRIGHT	COUNCILLOR ALLOWANCES - SEPTEMBER 2023	1	1,269.18	
EFT30549	09/10/2023 ACOUSTIGUIDE OF AUSTRALIA PTY LTD	2023/24 ANNUAL APP HOSTING AND MAINTENANCE FEE - YORK TRAILS AND TOURS APP	1		440.00
NV 20220079	01/07/2023 ACOUSTIGUIDE OF AUSTRALIA PTY LTD	2023/24 ANNUAL APP HOSTING AND MAINTENANCE FEE - YORK TRAILS AND TOURS APP	1	440.00	
EFT30550	09/10/2023 ASH & RAIN PTY LTD THE JAHAYA REIGN FAMILY TRUST	STAFF NAME BADGES X 6	1		110.00
NV INV-1179	28/09/2023 ASH & RAIN PTY LTD THE JAHAYA REIGN FAMILY TRUST	STAFF NAME BADGES X 6	1	110.00	
EFT30551	09/10/2023 ASV SALES & SERVICE	NEW CUTTING EDGE PLUS NEW HARDWARE FOR THE SKIDSTEER SWEEPER BUCKET 1GJZ237 - APPROVED VARIATION	1		828.51
NV 320351	14/09/2023 ASV SALES & SERVICE	NEW CUTTING EDGE PLUS NEW HARDWARE FOR THE SKIDSTEER SWEEPER BUCKET 1GJZ237 - APPROVED VARIATION	1	828.51	
EFT30552	09/10/2023 AUSCO MODULAR PTY LTD	23.24 MONTHLY MULTIPURPOSE TRANSPORTABLE HIRE (LIA) 1/10/23-31/10/23	1		889.37
NV 7406887	01/10/2023 AUSCO MODULAR PTY LTD	23.24 MONTHLY MULTIPURPOSE TRANSPORTABLE HIRE (LIA) 1/10/23-31/10/23	1	889.37	

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EFT30553	09/10/2023 BELLISSIMO YORK	CONTRIBUTION TOWARDS CATERING FOR ROCKS SYMPOSIUM - 20 SEPTEMBER 2023 (WITH PERTH NRM)	1		1,100.00
NV 00000163	30/09/2023 BELLISSIMO YORK	CONTRIBUTION TOWARDS CATERING FOR ROCKS SYMPOSIUM - 20 SEPTEMBER 2023 (WITH PERTH NRM)	1	1,100.00	
EFT30554	09/10/2023 BLUE FORCE PTY LTD	ALARM MONITORING SERVICES YORK VISITOR CENTRE	1		42.86
NV 181158	01/08/2023 BLUE FORCE PTY LTD	ALARM MONITORING SERVICES YORK VISITOR CENTRE - 01/08/23-31/08/23	1	21.43	
NV 183529	01/09/2023 BLUE FORCE PTY LTD	ALARM MONITORING SERVICES YORK VISITOR CENTRE - 01/09/23-30/09/23	1	21.43	
EFT30555	09/10/2023 BRITTANY MOORE - WITH, B	MONTHLY SOCIAL MEDIA MANAGEMENT	1		2,970.00
NV INV-0204	13/07/2023 BRITTANY MOORE - WITH, B	MONTHLY SOCIAL MEDIA MANAGEMENT - JULY 2023	1	990.00	
NV INV-0205	14/08/2023 BRITTANY MOORE - WITH, B	MONTHLY SOCIAL MEDIA MANAGEMENT - AUGUST 2023	1	990.00	
NV INV-0208	18/09/2023 BRITTANY MOORE - WITH, B	MONTHLY SOCIAL MEDIA MANAGEMENT - SEPTEMBER 2023	1	990.00	
EFT30556	09/10/2023 BUSH CONTRACTING	FLOAT HIRE ROLLER FROM NORTHBOURNE RD TO THE SHIRE OF YORK WORKS DEPOT	1		396.00
NV INV-0207	02/10/2023 BUSH CONTRACTING	FLOAT HIRE ROLLER FROM NORTHBOURNE RD TO THE SHIRE OF YORK WORKS DEPOT	1	396.00	
EFT30557	09/10/2023 CASTLEDINE & CASTLEDINE	ARTWORK MODIFICATIONS FOR INTERPRETIVE SCREEN - RESIDENCY MUSEUM	1		385.00
NV 3654	29/09/2023 CASTLEDINE & CASTLEDINE	ARTWORK MODIFICATIONS FOR INTERPRETIVE SCREEN - RESIDENCY MUSEUM	1	385.00	
EFT30558	09/10/2023 CHADSON ENGINEERING	FOOT VALVE REPLACEMENT - SWIMMING POOL	1		1,540.00
NV A0104067	28/09/2023 CHADSON ENGINEERING	FOOT VALVE REPLACEMENT - SWIMMING POOL	1	1,540.00	
EFT30559	09/10/2023 COUNTRY COPIERS	COPIER CHARGES 7/5/23-7/9/23 - RESIDENCY MUSEUM	1		78.99
NV 217316	07/09/2023 COUNTRY COPIERS	COPIER CHARGES 7/5/23-7/9/23 - RESIDENCY MUSEUM	1	78.99	
EFT30560	09/10/2023 DARRYS PLUMBING AND GAS	PLUMBING SERVICES	1		3,053.13
NV IV00965	15/09/2023 DARRYS PLUMBING AND GAS	CHECK PIPES AND INSTALL A STOP VALVE AT 75 OSNABURG RD YORK	1	664.62	
NV IV00973	15/09/2023 DARRYS PLUMBING AND GAS	YRCC GYM - INVESTIGATE LEAK IN CEILING, REPLACED COPPER PIPE TO REPLACE LEAK	1	654.58	
NV IV00969	15/09/2023 DARRYS PLUMBING AND GAS	YRCC - BLOCKED TOILET AND FAULTY TOILET CISTERN	1	1,367.08	

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NV IV01002	29/09/2023 DARRYS PLUMBING AND GAS	REPLACE FLUSHING MECHANISM AND LOCATE LEAK ON MALE TOILET AT TEA ROOMS (PAVILION)	1	366.85	
EFT30561	09/10/2023 DARU SALAM	SUPPLY A DIGERIDOO PLAYER FOR A WELCOME TO COUNTRY AT PUBLIC SYMPOSIUM "ON THE ROCKS MANAGING CULTURE AND NATURAL HERITAGE OF WA'S GRANITE OUTCROPS ON THE 20TH SEPTEMBER 2023 PLAYER DARU SALAM - 20/09/2023	1		100.00
NV 0001	11/09/2023 DARU SALAM	SUPPLY A DIGERIDOO PLAYER FOR A WELCOME TO COUNTRY AT PUBLIC SYMPOSIUM "ON THE ROCKS MANAGING CULTURE AND NATURAL HERITAGE OF WA'S GRANITE OUTCROPS ON THE 20TH SEPTEMBER 2023 PLAYER DARU SALAM - 20/09/2023	1	100.00	
EFT30562	09/10/2023 DIRECTIONS WORKFORCE SOLUTIONS INC	MONTHLY PLACEMENT FEE FOR ADMIN TRAINEE - SEPTEMBER 2023	1		6,346.80
NV 85768	28/09/2023 DIRECTIONS WORKFORCE SOLUTIONS INC	MONTHLY PLACEMENT FEE FOR ADMIN TRAINEE - SEPTEMBER 2023	1	6,346.80	
EFT30563	09/10/2023 ENVIRO PLANT HIRE PTY LTD	MULTI TYRE ROLLER - MONTHLY HIRE - AUGUST 2023 - RURAL ROADS - GENERAL	1		6,006.00
NV INV231763	31/08/2023 ENVIRO PLANT HIRE PTY LTD	MULTI TYRE ROLLER - MONTHLY HIRE - AUGUST 2023 - RURAL ROADS - GENERAL	1	6,006.00	
EFT30564	09/10/2023 ETC SOLUTIONS	PIONEER MEMORIAL LODGE SWITCHBOARD DESIGN PART B - DETAILED DESIGN	1		7,453.60
NV INV13317	29/09/2023 ETC SOLUTIONS	PIONEER MEMORIAL LODGE SWITCHBOARD DESIGN PART B - DETAILED DESIGN	1	7,453.60	
EFT30565	09/10/2023 EXURBAN RURAL & REGIONAL PLANNING	TOWN PLANNING CONSULTING SERVICES (AUGUST & SEPTEMBER 2023) - GENERAL ADVICE	1		2,286.87
NV URP-4415	02/09/2023 EXURBAN RURAL & REGIONAL PLANNING	TOWN PLANNING CONSULTING SERVICES (AUGUST 2023) - GENERAL ADVICE	1	1,041.14	
NV URP-4429	01/10/2023 EXURBAN RURAL & REGIONAL PLANNING	TOWN PLANNING CONSULTING SERVICES (SEPTEMBER 2023) - GENERAL ADVICE	1	1,245.73	
EFT30566	09/10/2023 FOCUS NETWORKS	FOCUS NETWORKS MONTHLY SUPPORT - HOSTED & RECOVERY SERVICES - SEPT 2023	1		5,755.32
NV	11/09/2023 FOCUS NETWORKS	FOCUS NETWORKS MONTHLY SUPPORT - HOSTED & RECOVERY SERVICES - SEPT 2023	1	5,755.32	
EFT30567	09/10/2023 FUEL DISTRIBUTORS	SUPPLY FOR DELIVERY TO THE SHIRE OF YORK 7501 LITRES OF DISTILLATE	1		15,912.32
NV 00500868	02/10/2023 FUEL DISTRIBUTORS	SUPPLY FOR DELIVERY TO THE SHIRE OF YORK 7501 LITRES OF DISTILLATE	1	15,912.32	
EFT30568	09/10/2023 GARRARDS PTY LTD	SUPPLIES FOR MOSQUITO SPRAYING	1		796.20

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NV 1063614	10/07/2023 GARRARDS PTY LTD	SUPPLIES FOR MOSQUITO SPRAYING	1	796.20	
EFT30569	09/10/2023 HP PPS AUSTRALIA PTY LTD	REPAIR SCREEN FOR HP LAPTOP (SERIAL NUMBER) 5CD1404VWC	1		571.97
NV	20/09/2023 HP PPS AUSTRALIA PTY LTD	REPAIR SCREEN FOR HP LAPTOP (SERIAL NUMBER) 5CD1404VWC	1	571.97	
EFT30570	09/10/2023 JOMAR WA PTY LTD	BRIDGE REPAIR PROJECT - SPENCERS BROOK-YORK ROAD BRIDGE 4154	1		715.00
NV IN0408	28/09/2023 JOMAR WA PTY LTD	BRIDGE REPAIR PROJECT - SPENCERS BROOK-YORK ROAD BRIDGE 4154	1	715.00	
EFT30571	09/10/2023 JULES SHOPPE	CATERING FOR BUSH FIRE BRIGADE TRAINING	1		365.50
NV IV0089	26/09/2023 JULES SHOPPE	CATERING FOR BUSH FIRE BRIGADE TRAINING - 26 SEPTEMBER 2023	1	260.00	
NV IV0090	29/09/2023 JULES SHOPPE	CATERING FOR BUSH FIRE BRIGADE TRAINING - 29 SEPTEMBER 2023	1	105.50	
EFT30572	09/10/2023 KLEENHEAT GAS	SUPPLY BULK GAS 154.9L - GWAMBYGINE PARK	1		275.18
NV 22144510	31/08/2023 KLEENHEAT GAS	SUPPLY BULK GAS 154.9L - GWAMBYGINE PARK	1	275.18	
EFT30573	09/10/2023 KLEENWEST DISTRIBUTORS	CLEANING & SANITARY PRODUCTS	1		2,213.43
NV 00085192	13/09/2023 KLEENWEST DISTRIBUTORS	CLEANING & SANITARY PRODUCTS	1	958.93	
NV 00085665	27/09/2023 KLEENWEST DISTRIBUTORS	CLEANING & SANITARY PRODUCTS	1	1,254.50	
EFT30574	09/10/2023 LANDGATE	LANDGATE VALUATIONS	1		780.78
NV 384418	29/05/2023 LANDGATE	LANDGATE VALUATION SERVICES - GROSS RENTAL VALUATIONS G2023/07 15/4/23-28/4/23 & G2023/08 29/4/23-12/5/2	1	615.03	
NV 387816	23/09/2023 LANDGATE	RURAL UV INTERIM VALUATION - SCHEDULE: R2023/05 - 10/6/23-15/9/23	1	91.60	
NV 387898	27/09/2023 LANDGATE	GROSS RENTAL VALUATIONS CHARGEABLE - SCHEDULE: G2023/14 - 19/08/23-01/09/23	1	74.15	
EFT30575	09/10/2023 LISA NICOLE IMAGERY	PHOTOGRAPHY SERVICES - ON THE ROCKS SYMPOSIUM - 20 SEPTEMBER 2023	1		450.00
NV 205	27/09/2023 LISA NICOLE IMAGERY	PHOTOGRAPHY SERVICES - ON THE ROCKS SYMPOSIUM - 20 SEPTEMBER 2023	1	450.00	
EFT30576	09/10/2023 LLEW WITHERS	SHIRE OF YORK HEALTH & WELLBEING PLAN	1		4,400.00
NV 8	27/09/2023 LLEW WITHERS	SHIRE OF YORK HEALTH & WELLBEING PLAN	1	4,400.00	
EFT30577	09/10/2023 MAL AUTOMOTIVES	CAR 20000KM SERVICE - 1HSA231 (EMIDS VEHICLE)	1		330.74
NV 29763	15/09/2023 MAL AUTOMOTIVES	CAR 20000KM SERVICE - 1HSA231 (EMIDS VEHICLE)	1	330.74	

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EFT30578	09/10/2023 MCLEODS BARRISTERS AND SOLICITORS	GREAT SOUTHERN LANDFILL (ALLAWUNA FARM) STATE ADMINISTRATIVE TRIBUNAL APPEAL - MATTER 42361	1		179.85
NV 131805	31/08/2023 MCLEODS BARRISTERS AND SOLICITORS	GREAT SOUTHERN LANDFILL (ALLAWUNA FARM) STATE ADMINISTRATIVE TRIBUNAL APPEAL - MATTER 42361	1	179.85	
EFT30579	09/10/2023 MINUTEMAN PRESS MIDLAND	PRINTING - CERTIFICATE OF SERVICE - CR PAM HEATON	1		27.50
NV 23929	29/09/2023 MINUTEMAN PRESS MIDLAND	PRINTING - CERTIFICATE OF SERVICE - CR PAM HEATON	1	27.50	
EFT30580	09/10/2023 POOLSHOP ONLINE	SWIMMING POOL SUPPLIES - SEPTEMBER 2023	1		1,465.00
NV INV-1582	27/09/2023 POOLSHOP ONLINE	SWIMMING POOL SUPPLIES - SEPTEMBER 2023	1	1,465.00	
EFT30581	09/10/2023 PUREWATER POOL SERVICES	ANNUAL SERVICE OF POOL CHLORINATOR	1		1,999.25
NV 2768	29/09/2023 PUREWATER POOL SERVICES	ANNUAL SERVICE OF POOL CHLORINATOR	1	1,999.25	
EFT30582	09/10/2023 RIVER CONSERVATION SOCIETY INC	MULTI YEAR FUNDING AGREEMENT COUNCIL RESOLUTION - 80% OF \$12594	1		11,082.72
NV 110	29/09/2023 RIVER CONSERVATION SOCIETY INC	MULTI YEAR FUNDING AGREEMENT COUNCIL RESOLUTION - 80% OF \$12594	1	11,082.72	
EFT30583	09/10/2023 ROBBIE COX GEARBOXES AND AUTOMOTIVES	ANNUAL SERVICE AND SAFETY INSPECTION FOR THE EWP - DEPOT	1		372.29
NV 79	21/09/2023 ROBBIE COX GEARBOXES AND AUTOMOTIVES	ANNUAL SERVICE AND SAFETY INSPECTION FOR THE EWP - DEPOT	1	372.29	
EFT30584	09/10/2023 ROUS ELECTRICAL	ELECTRICAL SERVICES - VARIOUS LOCATIONS	1		563.00
NV 00003715	22/09/2023 ROUS ELECTRICAL	ELECTRICAL SERVICES - VARIOUS LOCATIONS	1	563.00	
EFT30585	09/10/2023 SANOKIL	SANITARY WASTE UNITS AND SERVICING - SEPTEMBER 2023	1		277.20
NV 207905	01/09/2023 SANOKIL	SANITARY WASTE UNITS AND SERVICING - SEPTEMBER 2023	1	277.20	
EFT30586	09/10/2023 SEEK LIMITED	SEEK ADVERT 27/9/23 - CLEANER (CASUAL)	1		401.50
NV 700136334	27/09/2023 SEEK LIMITED	SEEK ADVERT 27/9/23 - CLEANER (CASUAL)	1	401.50	
EFT30587	09/10/2023 SHENTON ENTERPRISES PTY LTD	TELSA 90 RECHARGABLE POOL CLEANER - YORK SWIMMING POOL	1		375.00
NV 195096	21/09/2023 SHENTON ENTERPRISES PTY LTD	TELSA 90 RECHARGABLE POOL CLEANER - YORK SWIMMING POOL	1	375.00	
EFT30588	09/10/2023 SHIRE OF NORTHAM	AROC MEMBERSHIP FINANCIAL YEAR 2023/24	1		5,500.00
NV 047	28/09/2023 SHIRE OF NORTHAM	AROC MEMBERSHIP FINANCIAL YEAR 2023/24	1	5,500.00	
EFT30589	09/10/2023 SYNERGY	ELECTRICITY	1		1,342.82

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NV 108761310	31/08/2023 SYNERGY	ELECTRICITY	1	224.23	
NV 785488350	31/08/2023 SYNERGY	ELECTRICITY	1	1,118.59	
EFT30590	09/10/2023 THREE CHILLIES DESIGN PTY LTD	DESIGN AND UPGRADE - OFF ROAD VEHICLE AREA - MOTOCROSS TRACK	1		12,430.00
NV INV-01995	14/09/2023 THREE CHILLIES DESIGN PTY LTD	DESIGN AND UPGRADE - OFF ROAD VEHICLE AREA - MOTOCROSS TRACK	1	12,430.00	
EFT30591	09/10/2023 TOLL IPEC PTY LTD	FREIGHT CHARGES - 14 SEPT 2023	1		56.53
NV	01/10/2023 TOLL IPEC PTY LTD	FREIGHT CHARGES - 14 SEPT 2023	1	56.53	
EFT30592	09/10/2023 TOTALLY WORK WEAR	PPE UNIFORM SUPPLIES	1		1,192.03
NV	04/08/2023 TOTALLY WORK WEAR	PPE UNIFORM SUPPLIES - EMIDS - ESSO	1	625.38	
NV MD42932	10/08/2023 TOTALLY WORK WEAR	CREDIT FOR RETURNED LADIES ZIP SCUFF BOOT - ESSO	1	-211.45	
NV	22/08/2023 TOTALLY WORK WEAR	PPE UNIFORM SUPPLIES - EMIDS - ESSO - PLANNER	1	739.24	
NV MD43206	11/09/2023 TOTALLY WORK WEAR	CREDIT NOTE - PPE UNIFORM AND EMBROIDERY	1	-123.09	
NV	14/09/2023 TOTALLY WORK WEAR	PPE BOOT SUPPLIES – 1 X SIZE 10.5 - K27160 - KING GEE IN THE WHEAT	1	161.95	
EFT30593	09/10/2023 TREE TECH AUSTRALIA	STUMP GRINDING - VARIOUS LOCATIONS	1		849.20
NV INV-0082	23/09/2023 TREE TECH AUSTRALIA	STUMP GRINDING - VARIOUS LOCATIONS	1	849.20	
EFT30594	09/10/2023 W GIBBS & SON	DEPOSIT FOR PIONEER MEMORIAL LODGE KITCHEN UPGRADE - 21 SEPTEMBER 2023	1		15,608.13
NV 11578	29/09/2023 W GIBBS & SON	DEPOSIT FOR PIONEER MEMORIAL LODGE KITCHEN UPGRADE - 21 SEPTEMBER 2023	1	15,608.13	
EFT30595	09/10/2023 WATERLOGIC AUSTRALIA PTY LTD	WATER FILTRATION UNIT - OCTOBER 2023	1		78.45
NV	02/10/2023 WATERLOGIC AUSTRALIA PTY LTD	WATER FILTRATION UNIT - OCTOBER 2023	1	78.45	
EFT30596	09/10/2023 WESTERN POWER CORPORATION	ANNUAL MAST RENTAL FEES 23/24 TELECOMMUNICATIONS - PRODUCTS AND SERVICES CHARGE	1		459.69
NV	31/08/2023 WESTERN POWER CORPORATION	ANNUAL MAST RENTAL FEES 23/24 TELECOMMUNICATIONS - PRODUCTS AND SERVICES CHARGE	1	459.69	
EFT30597	09/10/2023 WILDFLORA FACTORY PTY LTD	SUPPLY AND DELIVERY OF ASSORTED WILDFLOWER SEEDS FOR RESALE STOCK AT YORK VISITOR CENTRE	1		480.00
NV INV-102936	22/09/2023 WILDFLORA FACTORY PTY LTD	SUPPLY AND DELIVERY OF ASSORTED WILDFLOWER SEEDS FOR RESALE STOCK AT YORK VISITOR CENTRE	1	480.00	

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EFT30598	09/10/2023 WREN OIL	OIL WASTE DISPOSAL & ADMIN/COMPLIANCE FEES 23/24 - TRANSFER STATION	1		16.50
NV 157866	26/09/2023 WREN OIL	OIL WASTE DISPOSAL & ADMIN/COMPLIANCE FEES 23/24 - TRANSFER STATION	1	16.50	
EFT30599	09/10/2023 YORK & DISTRICTS ARCHERY CLUB INC	YORK DISTRICT ARCHERY CLUB - PURCHASE OF EQUIPMENT - 90% OF \$2000	1		1,800.00
NV 002	28/09/2023 YORK & DISTRICTS ARCHERY CLUB INC	YORK DISTRICT ARCHERY CLUB - PURCHASE OF EQUIPMENT - 90% OF \$2000	1	1,800.00	
EFT30600	09/10/2023 YORK & DISTRICTS COMMUNITY MATTERS	COMMUNITY MATTERS & ADVERTISING	1		1,966.00
NV 3296	29/09/2023 YORK & DISTRICTS COMMUNITY MATTERS	LOCAL GOVERNMENT ELECTION NOTICE 29/9/23 - COMMUNITY MATTERS - OCTOBER 2023	1	392.00	
NV 3325	30/09/2023 YORK & DISTRICTS COMMUNITY MATTERS	COMMUNITY MATTERS - SHIRE UPDATE PAGE - OCTOBER 2023	1	1,574.00	
EFT30601	13/10/2023 ACUMENTIS (WA) PTY LTD	PROPERTY VALUATION FOR ROAD RESERVE WIDENING - MYANARRA ROAD SAINT RONANS ROAD RESERVE	1		2,750.00
NV	18/09/2023 ACUMENTIS (WA) PTY LTD	PROPERTY VALUATION FOR ROAD RESERVE WIDENING - MYANARRA ROAD SAINT RONANS ROAD RESERVE	1	2,750.00	
EFT30602	13/10/2023 ANNIE QUINN MEDLEY	REIMBURSEMENT FOR RESIDENCY MUSEUM - SPRING INTO YORK 04/10/2023	1		60.95
NV 04102023	04/10/2023 ANNIE QUINN MEDLEY	REIMBURSEMENT FOR RESIDENCY MUSEUM - SPRING INTO YORK 04/10/2023	1	60.95	
EFT30603	13/10/2023 AUSTRALIAN GROWN	SUPPLY OF MISCELLANEOUS RESALE STOCK - YVC	1		669.90
NV S143320	15/09/2023 AUSTRALIAN GROWN	SUPPLY OF MISCELLANEOUS RESALE STOCK - YVC	1	669.90	
EFT30604	13/10/2023 AUSTRALIAN SERVICES UNION	UNION FEES	1		157.00
NV 65	05/10/2023 AUSTRALIAN SERVICES UNION	UNION FEES		26.50	
NV 65	05/10/2023 AUSTRALIAN SERVICES UNION	UNION FEES		26.50	
NV 65	05/10/2023 AUSTRALIAN SERVICES UNION	UNION FEES		26.50	
NV 65	05/10/2023 AUSTRALIAN SERVICES UNION	UNION FEES		26.50	
NV 65	05/10/2023 AUSTRALIAN SERVICES UNION	UNION FEES		26.50	
NV 65	05/10/2023 AUSTRALIAN SERVICES UNION	UNION FEES		24.50	
EFT30605	13/10/2023 BLUE FORCE PTY LTD	ALARM MONITORING SERVICES YORK VISITORS CENTRE - 01/10/2023-31/10/2023	1		22.71
NV 185379	03/10/2023 BLUE FORCE PTY LTD	ALARM MONITORING SERVICES YORK VISITORS CENTRE - 01/10/2023-31/10/2023	1	22.71	

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EFT30606	13/10/2023 COUNTRY WOMEN'S ASSOCIATION (CWA YORK BRANCH)	CWA TOTE BAGS X 9 FOR MUSEUM GIFT SHOP - RESIDENCY MUESUM	1		135.00
NV 014	05/10/2023 COUNTRY WOMEN'S ASSOCIATION (CWA YORK BRANCH)	CWA TOTE BAGS X 9 FOR MUSEUM GIFT SHOP - RESIDENCY MUESUM	1	135.00	
EFT30607	13/10/2023 DIRT TRACK DESIGNS	PURCHASE OF SOUVENIR MAGNETS FOR RE-SALE AT YORK VISITOR CENTRE	1		300.00
NV 72	29/09/2023 DIRT TRACK DESIGNS	PURCHASE OF SOUVENIR MAGNETS FOR RE-SALE AT YORK VISITOR CENTRE	1	300.00	
EFT30608	13/10/2023 FOCUS NETWORKS	FOCUS NETWORKS MONTHLY SUPPORT - MANAGED PROACTIVE SERVICES - OCTOBER 2023	1		11,778.04
NV	29/09/2023 FOCUS NETWORKS	FOCUS NETWORKS - WINDOWS HELLO HELP INSTALLATION & CONFIGURATION - EMIDS	1	396.00	
NV	03/10/2023 FOCUS NETWORKS	FOCUS NETWORKS MONTHLY SUPPORT - MANAGED PROATIVE SERVICES - SEP 2023	1	5,534.10	
NV	04/10/2023 FOCUS NETWORKS	FOCUS NETWORKS MONTHLY SUPPORT - MANAGED PROACTIVE SERVICES - OCTOBER 2023	1	5,847.94	
EFT30609	13/10/2023 ISOBEL ELLEN CAMERON	REIMBURSEMENT FOR VISITOR CENTER SUPPLIES - 10/09/2023	1		41.90
NV 10092023	10/09/2023 ISOBEL ELLEN CAMERON	REIMBURSEMENT FOR VISITOR CENTER SUPPLIES - 10/09/2023	1	41.90	
EFT30610	13/10/2023 JAKE ASHLEY BRENNAN	REIMBURSEMENT FOR RENEWAL OF STAFF CPR COURSE - 02/10/2023	1		69.00
NV 02102023	02/10/2023 JAKE ASHLEY BRENNAN	REIMBURSEMENT FOR RENEWAL OF STAFF CPR COURSE - 02/10/2023	1	69.00	
EFT30611	13/10/2023 JASMIN WYNNE	REIMBURSEMENT FOR ADMIN IGA REFRESHMENTS 09/10/23	1		37.71
NV 091023	09/10/2023 JASMIN WYNNE	REIMBURSEMENT FOR ADMIN IGA REFRESHMENTS 09/10/23	1	37.71	
EFT30612	13/10/2023 LEISURE INSTITUTE OF WESTERN AUSTRALIA AQUATICS INC	SWIMMING POOL STAFF TRAINING - REGIONAL WA AQUATIC RECREATION SEMINAR KELLERBERRIN 2023	1		240.00
NV 4343	02/10/2023 LEISURE INSTITUTE OF WESTERN AUSTRALIA AQUATICS INC	SWIMMING POOL STAFF TRAINING - REGIONAL WA AQUATIC RECREATION SEMINAR KELLERBERRIN 2023	1	240.00	
EFT30613	13/10/2023 MCLEODS BARRISTERS AND SOLICITORS	FINALISATION OF PROPERTY SETTLEMENT - LOT 800 (NO. 27) & LOT 801 (NO. 25) SOUTH STREET YORK - MATTER 42027	1		666.05
NV 131945	28/09/2023 MCLEODS BARRISTERS AND SOLICITORS	FINALISATION OF PROPERTY SETTLEMENT - LOT 800 (NO. 27) & LOT 801 (NO. 25) SOUTH STREET YORK - MATTER 42027	1	666.05	
EFT30614	13/10/2023 NODE1 INTERNET	NBN BUSINESS FIBRE & INTERNET SERVICES	1		3,290.40

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NV N538081	09/08/2023 NODE1 INTERNET	NBN BUSINESS FIBRE - SERVICE CHARGE - SEPTEMBER 2023	1	1,086.80	
NV N549003	14/09/2023 NODE1 INTERNET	NBN BUSINESS FIBRE - SERVICE CHARGE - OCTOBER 2023	1	1,101.80	
NV N557108	06/10/2023 NODE1 INTERNET	INTERNET CHARGES - ADMIN BUILDING - DEPOT	1	1,101.80	
EFT30615	13/10/2023 PORTER CONSULTING ENGINEERS	CLAIM FOR WORKS COMPLETED 29 SEPTEMBER 2023 STAGE 1 - YORK-TAMMIN (GOLDFIELDS) RD WIDENING RRG PROJECT	1		4,654.10
NV 00023574	29/09/2023 PORTER CONSULTING ENGINEERS	CLAIM FOR WORKS COMPLETED 29 SEPTEMBER 2023 STAGE 1 - YORK-TAMMIN (GOLDFIELDS) RD WIDENING RRG PROJECT	1	4,654.10	
EFT30616	13/10/2023 SANOKIL	MONTHLY SUPPLY OF SANITARY WASTE UNITS AND SERVICING VARIOUS SITES - OCTOBER 2023	1		277.20
NV 20138813	01/10/2023 SANOKIL	MONTHLY SUPPLY OF SANITARY WASTE UNITS AND SERVICING VARIOUS SITES - OCTOBER 2023	1	277.20	
EFT30617	13/10/2023 SEEK LIMITED	SEEK ADVERTISEMENT 4/10/23 - CRC - COMMUNITY DEVELOPMENT OFFICER - CUSTOMER SERVICE OFFICER	1		693.00
NV 700153387	04/10/2023 SEEK LIMITED	SEEK ADVERTISEMENT 4/10/23 - CRC - COMMUNITY DEVELOPMENT OFFICER - CUSTOMER SERVICE OFFICER	1	693.00	
EFT30618	13/10/2023 SNAP PRINTING MIDLAND	RESIDENCY MUSEUM X 1000 - FLYERS	1		210.00
NV	27/09/2023 SNAP PRINTING MIDLAND	RESIDENCY MUSEUM X 1000 - FLYERS	1	210.00	
EFT30619	13/10/2023 ST JOHN AMBULANCE ASSOCIATION - YORK	VENUE HIRE STAFF TRAINING - 15 SEPTEMBER 2023	1		55.00
NV	28/09/2023 ST JOHN AMBULANCE ASSOCIATION - YORK	VENUE HIRE STAFF TRAINING - 15 SEPTEMBER 2023	1	55.00	
EFT30620	13/10/2023 STEPHANIE MARTIN	REIMBURSEMENT STAFF POLICE CLEARANCE - VISITOR CENTRE STEPHANIE MARTIN	1		58.70
NV 27092023	27/09/2023 STEPHANIE MARTIN	REIMBURSEMENT STAFF POLICE CLEARANCE - VISITOR CENTRE STEPHANIE MARTIN	1	58.70	
EFT30621	13/10/2023 SYNERGY	ELECTRICITY	1		2,358.16
NV 335462800	13/09/2023 SYNERGY	ELECTRICITY	1	2,358.16	
EFT30622	13/10/2023 TOLL IPEC PTY LTD	FREIGHT	1		182.29
NV	03/09/2023 TOLL IPEC PTY LTD	FREIGHT CHARGES 24-31/8/23	1	91.71	
NV	03/09/2023 TOLL IPEC PTY LTD	FREIGHT CHARGES FOR LIBRARY 24/8/23	1	90.58	

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EFT30623	13/10/2023 TOTALLY WORK WEAR	RANGER WEATHER JACKET WITH RANGER LOGO 2 PIECES - RANGER SHIRT WITH RANGER LOGO 3 PIECES - RANGER CARGO PANTS 2 PIECES - 08/08/2023	1		454.16
NV MD121641	08/08/2023 TOTALLY WORK WEAR	RANGER WEATHER JACKET WITH RANGER LOGO 2 PIECES - RANGER SHIRT WITH RANGER LOGO 3 PIECES - RANGER CARGO PANTS 2 PIECES - 08/08/2023	1	454.16	
EFT30624	13/10/2023 VOCUS COMMUNICATIONS	MONTHLY INTERNET CHARGES - OCTOBER 2023	1		385.00
NV P1061547	01/10/2023 VOCUS COMMUNICATIONS	MONTHLY INTERNET CHARGES - OCTOBER 2023	1	385.00	
EFT30625	13/10/2023 VOCUS PTY LTD	VOCUS PTY LTD - MONTHLY LANDLINE SERVICES - OCTOBER 2023	1		554.81
NV 81021	03/10/2023 VOCUS PTY LTD	VOCUS PTY LTD - MONTHLY LANDLINE SERVICES - OCTOBER 2023	1	554.81	
EFT30626	13/10/2023 WATER CORPORATION OF WA	WATER CHARGES	1		9,493.89
NV	12/09/2023 WATER CORPORATION OF WA	WATER CHARGES	1	72.94	
NV	22/09/2023 WATER CORPORATION OF WA	WATER CHARGES	1	86.01	
NV	22/09/2023 WATER CORPORATION OF WA	WATER CHARGES	1	5,911.73	
NV	26/09/2023 WATER CORPORATION OF WA	WATER CHARGES	1	670.88	
NV	28/09/2023 WATER CORPORATION OF WA	WATER CHARGES	1	2,408.28	
NV	29/09/2023 WATER CORPORATION OF WA	WATER CHARGES	1	31.54	
NV	29/09/2023 WATER CORPORATION OF WA	WATER CHARGES	1	71.68	
NV	29/09/2023 WATER CORPORATION OF WA	WATER CHARGES	1	123.28	
NV	29/09/2023 WATER CORPORATION OF WA	WATER CHARGES	1	117.55	
EFT30627	13/10/2023 YORK GENERAL PRACTICE	PRE-EMPLOYMENT MEDICAL 10/10/23 - YVC STAFF	1		148.50
NV 234512	10/10/2023 YORK GENERAL PRACTICE	PRE-EMPLOYMENT MEDICAL 10/10/23 - YVC STAFF	1	148.50	
EFT30628	13/10/2023 YORK MITRE 10	MONTHLY MAINTENANCE SUPPLIES – AUGUST 2023	1		1,749.72
NV YSHIRE	31/08/2023 YORK MITRE 10	MONTHLY MAINTENANCE SUPPLIES - DEPOT - AUGUST 2023	1	434.43	
NV YSHIRE	31/08/2023 YORK MITRE 10	3X NATIVE PLANTS FOR CITIZENSHIP CEREMONIES - AUGUST 2023	1	68.40	
NV YSHIRE	31/08/2023 YORK MITRE 10	NATIVE PLANT FOR CITIZENSHIP CEREMONY	1	22.95	
NV YSHIRE	31/08/2023 YORK MITRE 10	SAFETY BONUS VOUCHERS - DEPOT	1	400.00	
NV YSHIRE	31/08/2023 YORK MITRE 10	PAINT FOR SWIMMING POOL	1	72.33	
NV YSHIRE	30/09/2023 YORK MITRE 10	MONTHLY MAINTENANCE SUPPLIES - DEPOT - SEPTEMBER 2023	1	498.47	

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NV YSHIRE	30/09/2023 YORK MITRE 10	MONTHLY MAINTENANCE SUPPLIES - SEPTEMBER 2023 - RESIDENCY MUSEUM	1	184.64	
NV YSHIRE	30/09/2023 YORK MITRE 10	MONTHLY HARDWARE SUPPLIES, EQUIPMENT AND MATERIALS - SEPTEMBER 2023	1	68.50	
EFT30629	13/10/2023 BUILDING AND ENERGY	BSL COLLECTION FOR SEPTEMBER 2023	2		804.95
NV T6	04/10/2023 BUILDING AND ENERGY	BSL COLLECTION FOR SEPTEMBER 2023	2	804.95	
EFT30630	13/10/2023 CONSTRUCTION TRAINING FUND	CTF COLLECTION FOR SEPTEMBER 2023	2		205.59
NV T9	04/10/2023 CONSTRUCTION TRAINING FUND	CTF COLLECTION FOR SEPTEMBER 2023	2	205.59	
EFT30631	13/10/2023 SHIRE OF YORK	BSL & CTF COLLECTION - AGENCY FEE SEPTEMBER 2023	2		89.75
NV T9	04/10/2023 SHIRE OF YORK	CTF COLLECTION - AGENCY FEE FOR SEPTEMBER 2023	2	24.75	
NV T6	04/10/2023 SHIRE OF YORK	BSL COLLECTION - AGENCY FEE SEPTEMBER 2023	2	65.00	
EFT30632	20/10/2023 AUSCOINWEST	PURCHASE OF SOUVENIR COINS FOR RESALE AT YORK VISITOR CENTRE - SEPTEMBER 2023	1		1,397.00
NV 3306	08/09/2023 AUSCOINWEST	PURCHASE OF SOUVENIR COINS FOR RESALE AT YORK VISITOR CENTRE - SEPTEMBER 2023	1	1,397.00	
EFT30633	20/10/2023 AUSTRALIAN TAXATION OFFICE	BAS - SEPTEMBER 2023	1		81,820.00
NV BAS - SEP	20/10/2023 AUSTRALIAN TAXATION OFFICE	BAS - SEPTEMBER 2023	1	81,820.00	
EFT30634	20/10/2023 AVON VALLEY PICTURE FRAMING	PURCHASE OF PUBLICATION "TOLLING THE TIME" FOR RESALE AT YORK VISITOR CENTRE	1		70.00
NV 12102023	12/10/2023 AVON VALLEY PICTURE FRAMING	PURCHASE OF PUBLICATION "TOLLING THE TIME" FOR RESALE AT YORK VISITOR CENTRE	1	70.00	
EFT30635	20/10/2023 AVON WASTE	RUBBISH/RECYCLING COLLECTION	1		77,473.51
NV 00057925	25/08/2023 AVON WASTE	RUBBISH/RECYCLING COLLECTION 25/08/2023	1	26,378.98	
NV 00058408	08/09/2023 AVON WASTE	RUBBISH/RECYCLING COLLECTION 08/09/2023	1	13,860.18	
NV 00058428	22/09/2023 AVON WASTE	RUBBISH/RECYCLING COLLECTION 22/09/2023	1	26,243.93	
NV 00058456	30/09/2023 AVON WASTE	RUBBIAH/RECYCLING CHARGES - YORK MOTOR SHOW - SEPTEMBER 2023	1	880.00	
NV 00058890	06/10/2023 AVON WASTE	RUBBISH/RECYCLING COLLECTION 06/10/2023	1	10,110.42	
EFT30636	20/10/2023 BELGRAVIA HEALTH & LEISURE GROUP PTY LTD	YRCC MANAGEMENT FEES - SEPTEMBER 2023	1		27,540.89

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NV B036517	30/09/2023 BELGRAVIA HEALTH & LEISURE GROUP PTY LTD	YRCC MANAGEMENT FEES - SEPTEMBER 2023	1	27,540.89	
EFT30637	20/10/2023 BLING DESIGN	DESIGN OF RECONCILIATION ACTION PLAN DOCUMENT - 50% OF \$1200.00	1		600.00
NV 1954	14/09/2023 BLING DESIGN	DESIGN OF RECONCILIATION ACTION PLAN DOCUMENT - 50% OF \$1200.00	1	600.00	
EFT30638	20/10/2023 BOC GASES	SUPPLY VARIOUS GAS & CONTAINER RENTAL 29/08/23-27/09/23	1		39.46
NV	28/09/2023 BOC GASES	SUPPLY VARIOUS GAS & CONTAINER RENTAL 29/08/23-27/09/23	1	39.46	
EFT30639	20/10/2023 CALTEX AUSTRALIA PTY LTD	FUEL CARD - SEPTEMBER 2023	1		2,208.47
NV	30/09/2023 CALTEX AUSTRALIA PTY LTD	FUEL CARD - SEPTEMBER 2023	1	2,208.47	
EFT30640	20/10/2023 CIRCUITWEST	ANNUAL MEMBERSHIP ORDINARY MEMBER 2023/24	1		385.00
NV INV-1018	03/10/2023 CIRCUITWEST	ANNUAL MEMBERSHIP ORDINARY MEMBER 2023/24	1	385.00	
EFT30641	20/10/2023 DARRYS PLUMBING AND GAS	REPAIRS TO FOOT VALVE 29/09/23 - SWIMMING POOL	1		253.00
NV IN01001	29/09/2023 DARRYS PLUMBING AND GAS	REPAIRS TO FOOT VALVE 29/09/23 - SWIMMING POOL	1	253.00	
EFT30642	20/10/2023 DEPARTMENT OF FIRE & EMERGENCY SERVICES (DFES)	23/24 ESL IN ACCORDANCE WITH FIRE & EMERGENCY SERVICES ACT 1998 PART 6A - EMERGENCY SERVICES LEVY - SECTION 36L & 36M	1		5,585.79
NV 156395	11/10/2023 DEPARTMENT OF FIRE & EMERGENCY SERVICES (DFES)	23/24 ESL IN ACCORDANCE WITH FIRE & EMERGENCY SERVICES ACT 1998 PART 6A - EMERGENCY SERVICES LEVY - SECTION 36L & 36M	1	5,585.79	
EFT30643	20/10/2023 FEDERATION OF WA PCYC - YORK POLICE BLUE LIGHT UNIT	DONATION TO YORK BLUE LIGHT UNIT - YORK POLICE 24HR BIKE RIDE CHARITY FUNDRAISER	1		1,000.00
NV	06/10/2023 FEDERATION OF WA PCYC - YORK POLICE BLUE LIGHT UNIT	DONATION TO YORK BLUE LIGHT UNIT - YORK POLICE 24HR BIKE RIDE CHARITY FUNDRAISER	1	1,000.00	
EFT30644	20/10/2023 FOCUS NETWORKS	FOCUS NETWORKS - OVERDUE INTEREST FEE - 5X DAYS AT \$0.32 PER DAY	1		1.76
NV INV-8540	13/10/2023 FOCUS NETWORKS	FOCUS NETWORKS - OVERDUE INTEREST FEE - 5X DAYS AT \$0.32 PER DAY	1	1.76	
EFT30645	20/10/2023 GALLERY 152	COMMUNITY FUNDING GRANT FOR YORK BOTANIC ART PRIZE 2023 - 80% OF \$15,000	1		13,200.00
NV 00002651	28/09/2023 GALLERY 152	COMMUNITY FUNDING GRANT FOR YORK BOTANIC ART PRIZE 2023 - 80% OF \$15,000	1	13,200.00	
EFT30646	20/10/2023 HEARTLANDS VET HOSPITAL	VET SERVICES - X2 CAT EUTHANASIA - 13/09/2023 & 20/09/2023	1		234.00

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NV 1466899	13/10/2023 HEARTLANDS VET HOSPITAL	VET SERVICES - X2 CAT EUTHANASIA - 13/09/2023 & 20/09/2023	1	234.00	
EFT30647	20/10/2023 IT VISION	CHANGES TO PAYROLL AWARD/ TRAINING	1		1,108.80
NV 39112	30/09/2023 IT VISION	CHANGES TO PAYROLL AWARD/ TRAINING	1	1,108.80	
EFT30648	20/10/2023 JTAGZ PTY LTD	SUPPLY DOG & CAT TAGS 2023-24	1		328.90
NV 00027991	03/10/2023 JTAGZ PTY LTD	SUPPLY DOG & CAT TAGS 2023-24	1	328.90	
EFT30649	20/10/2023 JULES SHOPPE	SUPPLY LUNCH FOR BUSH FIRE BRIGADE TRAINING - 12 OCTOBER 2023	1		112.00
NV IV0092	12/10/2023 JULES SHOPPE	SUPPLY LUNCH FOR BUSH FIRE BRIGADE TRAINING - 12 OCTOBER 2023	1	112.00	
EFT30650	20/10/2023 KLK FARMS PTY LTD	SUPPLY OF GRAVEL FOR DEPOT - JULY 2023	1		154.00
NV 14166	14/08/2023 KLK FARMS PTY LTD	SUPPLY OF GRAVEL FOR DEPOT - JULY 2023	1	154.00	
EFT30651	20/10/2023 LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	CEO ATTENDANCE AT LG PROFESSIONALS WA ANNUAL STATE CONFERENCE - NOVEMBER 2023	1		1,450.00
NV 37391	03/10/2023 LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	CEO ATTENDANCE AT LG PROFESSIONALS WA ANNUAL STATE CONFERENCE - NOVEMBER 2023	1	1,450.00	
EFT30652	20/10/2023 MAL AUTOMOTIVES	SUPPLY AND FIT A BULLBAR ONTO AN EXTRA CAB 2022 ISUZU UTE (Y770)	1		3,196.80
NV 29863	16/10/2023 MAL AUTOMOTIVES	SUPPLY AND FIT A BULLBAR ONTO AN EXTRA CAB 2022 ISUZU UTE (Y770)	1	3,196.80	
EFT30653	20/10/2023 MOORE AUSTRALIA	COMPILATION OF JULY 23 AND AUGUST 23 STATEMENT OF FINANCIAL ACTIVITY REPORTS	1		8,250.00
NV 432329	30/09/2023 MOORE AUSTRALIA	COMPILATION OF JULY 23 AND AUGUST 23 STATEMENT OF FINANCIAL ACTIVITY REPORTS	1	8,250.00	
EFT30654	20/10/2023 OFFICEWORKS	OFFICE FURNITURE	1		1,216.90
NV 394257261	29/09/2023 OFFICEWORKS	CREDIT NOTE - TORO STRAIGHT DESK - 1800MM MAPLE/GREY - ADMIN GOV COORDINATOR	1	-269.00	
NV 609926541	09/10/2023 OFFICEWORKS	OFFICE FURNITURE - PAYROLL	1	278.97	
NV 609926541	09/10/2023 OFFICEWORKS	OFFICE FURNITURE - PAYROLL	1	922.98	
NV 609968434	10/10/2023 OFFICEWORKS	SMART TV AND WEBCAM FOR MEETIN PURPOSES - GRAD ENGINEERS	1	283.95	
EFT30655	20/10/2023 REBECCA LEE-ANNE ATKINSON	REIMBURSEMENT STAFF ATTENDANCE (REBECCA ATKINSON) FOR WOMEN IN BUSINESS LADIES LUNCHEON - 13 OCTOBER 2023	1		75.00

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NV 13102023	13/10/2023 REBECCA LEE-ANNE ATKINSON	REIMBURSEMENT STAFF ATTENDANCE (REBECCA ATKINSON) FOR WOMEN IN BUSINESS LADIES LUNCHEON - 13 OCTOBER 2023	1	75.00	
EFT30656	20/10/2023 RINGA CIVIL	SUPPLY OF WET HIRE 14000L WATER CART	1		14,157.00
NV INV-1304	04/09/2023 RINGA CIVIL	SUPPLY OF WET HIRE 14000L WATER CART - 04/09/2023-15/09/2023	1	9,009.00	
NV INV-1304	04/09/2023 RINGA CIVIL	SUPPLY OF WET HIRE 14000L WATER CART - 18/09/2023-21/09/2023	1	5,148.00	
EFT30657	20/10/2023 ROUS ELECTRICAL	REPAIRS TO BOWLING GREENS LIGHTING 09/10/23	1		910.25
NV 00003723	09/10/2023 ROUS ELECTRICAL	REPAIRS TO BOWLING GREENS LIGHTING 09/10/23	1	910.25	
EFT30658	20/10/2023 RURAL RANGER SERVICES	CONTRACT RANGER SERVICES	1		697.51
NV 2311	07/08/2023 RURAL RANGER SERVICES	CONTRACT RANGER SERVICES RECEIVED ON 03/08/2023 - CALL OUT FROM EMIDS FOR REPORT OF AGGRESSIVE DOG	1	294.91	
NV 2328	16/10/2023 RURAL RANGER SERVICES	CONTRACT RANGER SERVICES - 10 OCTOBER 2023	1	402.60	
EFT30659	20/10/2023 SHRED-X PTY LTD	240L BIN SHREDDING COLLECTION - 30/09/23	1		13.00
NV 02111704	30/09/2023 SHRED-X PTY LTD	240L BIN SHREDDING COLLECTION - 30/09/23	1	13.00	
EFT30660	20/10/2023 SUNNY SIGNS COMPANY PTY LTD	SUPPLY OF MATERIALS FOR CONTAINERS FOR CHANGE SIGNAGE	1		770.00
NV 503095	14/08/2023 SUNNY SIGNS COMPANY PTY LTD	SUPPLY OF MATERIALS FOR CONTAINERS FOR CHANGE SIGNAGE	1	770.00	
EFT30661	20/10/2023 T-QUIP	P151 - SUPPLY AND DELIVER 4 X BRUSH POLY-WIRE	1		844.80
NV 123411#26	02/10/2023 T-QUIP	P151 - SUPPLY AND DELIVER 4 X BRUSH POLY-WIRE	1	844.80	
EFT30662	20/10/2023 TREE TECH AUSTRALIA	WESTERN POWER TREE PRUNING - AUGUST 2023	1		3,685.00
NV INV-0081	23/09/2023 TREE TECH AUSTRALIA	WESTERN POWER TREE PRUNING - AUGUST 2023	1	3,685.00	
EFT30663	20/10/2023 VETERAN CAR CLUB OF W.A. INC - YORK BRANCH	SPONSORSHIP FOR YORK MOTOR SHOW 2023 - 80% OF \$10,000 - NO GST	1		8,000.00
NV 1/10/23	01/10/2023 VETERAN CAR CLUB OF W.A. INC - YORK BRANCH	SPONSORSHIP FOR YORK MOTOR SHOW 2023 - 80% OF \$10,000 - NO GST	1	8,000.00	
EFT30664	20/10/2023 VOICE OF THE AVON	ANNUAL SPONSORSHIP 2023/24 FUNDING - 90% OF \$3300	1		2,970.00
NV 231017	02/10/2023 VOICE OF THE AVON	ANNUAL SPONSORSHIP 2023/24 FUNDING - 90% OF \$3300	1	2,970.00	
EFT30665	20/10/2023 W GIBBS & SON	PIONEER MEMORIAL LODGE KITCHEN UPGRADE	1		58,799.26

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NV 11583	06/10/2023 W GIBBS & SON	PIONEER MEMORIAL LODGE KITCHEN UPGRADE - AS PER VARIATION DATED 21 SEPTEMBER 2023	1	28,558.87	
NV 11590	16/10/2023 W GIBBS & SON	PIONEER MEMORIAL LODGE KITCHEN UPGRADE - ELECTRICAL AND PLUMBING ALTERATIONS	1	30,240.39	
EFT30666	20/10/2023 WESTCYCLE INC	SPONSORSHIP FOR YORK CANOLA CLASSIC 2023 - MILESTONE PAYMENT - 80%	1		7,920.00
NV 3539	06/10/2023 WESTCYCLE INC	SPONSORSHIP FOR YORK CANOLA CLASSIC 2023 - MILESTONE PAYMENT - 80%	1	7,920.00	
EFT30667	20/10/2023 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA)	E-LEARNING SUBSCRIPTION - ELECTED MEMBER ESSENTIALS MANDATORY TRAINING X 5 MODULES - BAND 3 - 01/11/2023-31/10/2024	1		6,930.00
NV SI-007404	11/10/2023 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA)	E-LEARNING SUBSCRIPTION - ELECTED MEMBER ESSENTIALS MANDATORY TRAINING X 5 MODULES - BAND 3 - 01/11/2023-31/10/2024	1	6,930.00	
EFT30668	20/10/2023 WHEATBELT OFFICE & BUSINESS MACHINES	PHOTOCOPIER CHARGES - 07/09/2023-10/10/2023 - ADMIN	1		1,372.63
NV 217742	10/10/2023 WHEATBELT OFFICE & BUSINESS MACHINES	PHOTOCOPIER CHARGES - 07/09/2023-10/10/2023 - ADMIN	1	1,372.63	
EFT30669	20/10/2023 WILLIAM NUNN	STAFF REIMBURSEMENT 13/10/23 - WORK SHOES - JACK NUNN	1		79.95
NV 131023	13/10/2023 WILLIAM NUNN	STAFF REIMBURSEMENT 13/10/23 - WORK SHOES - JACK NUNN	1	79.95	
EFT30670	20/10/2023 YORK & DISTRICT CO-OPERATIVE LTD	MONTHLY SUPPLIES & REFRESHMENTS - SEPTEMBER 2023	1		332.52
NV 641207347	30/09/2023 YORK & DISTRICT CO-OPERATIVE LTD	MONTHLY SUPPLIES & REFRESHMENTS FOR DEPOT - SEPTEMBER 2023	1	34.70	
NV 641205928	30/09/2023 YORK & DISTRICT CO-OPERATIVE LTD	MONTHLY SUPPLIES & REFRESHMENTS FOR ADMIN BUILDING - SEPTEMBER 2023	1	215.18	
NV 641207214	30/09/2023 YORK & DISTRICT CO-OPERATIVE LTD	MONTHLY SUPPLIES & REFRESHMENTS FOR RESIDENCY MUSEUM - SEPTEMBER 2023	1	82.64	
EFT30671	20/10/2023 YORK DISTRICT HIGH SCHOOL	MULTIYEAR FUNDING AGREEMENT 80% FINAL PAYMENT - 2023 AWARDS CEREMONY	1		1,980.00
NV 7588	11/10/2023 YORK DISTRICT HIGH SCHOOL	MULTIYEAR FUNDING AGREEMENT 80% FINAL PAYMENT - 2023 AWARDS CEREMONY	1	1,980.00	
EFT30672	27/10/2023 GUSTAAF KUNNEN	REFUND OF KERB BOND LOT 354 (33) ALFRED ST, YORK - RECEIPT 256469 - PAID ON 22/03/2022	2		500.00
NV T4	24/10/2023 GUSTAAF KUNNEN	REFUND OF KERB BOND LOT 354 (33) ALFRED ST, YORK - RECEIPT 256469 - PAID ON 22/03/2022	2	500.00	
EFT30673	27/10/2023 SHIRE OF YORK	REFUNDS PROCESSED AND PAID TO RATES	2		1,750.00

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NV T4	23/10/2023 SHIRE OF YORK	REFUND OF KERB BOND - LOT 109 (30) FORD ST, YORK - RECEIPT 247105 - PAID ON 23/11/2020 - TRANSFERRED TO 23/24 RATES A7130	2	500.00	
NV T77	24/10/2023 SHIRE OF YORK	CROSSOVER CONTRIBUTION AT LOT 132 (32) ANDREWS AVE, YORK (YORK ESTATE)	2	1,250.00	
EFT30674	27/10/2023 AFGRI EQUIPMENT AUSTRALIA PTY LTD	SUPPLY AND DELIVER PARTS FOR JOHN DEERE LOADER Y600 - 03/10/23	1		340.86
NV 2765420	03/10/2023 AFGRI EQUIPMENT AUSTRALIA PTY LTD	SUPPLY AND DELIVER PARTS FOR JOHN DEERE LOADER Y600 - 03/10/23	1	340.86	
EFT30675	27/10/2023 ANNIE QUINN MEDLEY	REIMBURSEMENT FOR PARKING FEE AT STATE HERITAGE CONFERENCE & 3 X OUTDOOR UMBRELLAS FOR RESIDENCY MUSEUM COURTYARD - 25/10/23	1		314.16
NV 25102023	25/10/2023 ANNIE QUINN MEDLEY	REIMBURSEMENT FOR PARKING FEE AT STATE HERITAGE CONFERENCE & 3 X OUTDOOR UMBRELLAS FOR RESIDENCY MUSEUM COURTYARD - 25/10/23	1	314.16	
EFT30676	27/10/2023 ARROW BRONZE	NICHE WALL PLAQUES,VASES	1		598.73
NV 743411	13/10/2023 ARROW BRONZE	NICHE WALL PLAQUES,VASES	1	306.96	
NV 743411	13/10/2023 ARROW BRONZE	NICHE WALL PLAQUES,VASES	1	291.77	
EFT30677	27/10/2023 ASHLEY ROBERT GARRATT	COUNCILLOR ALLOWANCES - 01-20 OCTOBER 2023	1		846.60
NV CRS PMT	25/10/2023 ASHLEY ROBERT GARRATT	COUNCILLOR ALLOWANCES - 01-20 OCTOBER 2023	1	846.60	
EFT30678	27/10/2023 AUSTRALIAN SERVICES UNION	UNION FEES	1		157.00
NV 66	19/10/2023 AUSTRALIAN SERVICES UNION	UNION FEES		26.50	
NV 66	19/10/2023 AUSTRALIAN SERVICES UNION	UNION FEES		26.50	
NV 66	19/10/2023 AUSTRALIAN SERVICES UNION	UNION FEES		26.50	
NV 66	19/10/2023 AUSTRALIAN SERVICES UNION	UNION FEES		26.50	
NV 66	19/10/2023 AUSTRALIAN SERVICES UNION	UNION FEES		26.50	
NV 66	19/10/2023 AUSTRALIAN SERVICES UNION	UNION FEES		24.50	
EFT30679	27/10/2023 AUTOPRO NORTHAM	SUPPLY AND DELIVER CANVAS SEAT COVERS FOR UTILITY 2022 4X4 DMAX CREW SX AUTO WHITE Y96	1		224.00
NV 1095318	04/10/2023 AUTOPRO NORTHAM	SUPPLY AND DELIVER CANVAS SEAT COVERS FOR UTILITY 2022 4X4 DMAX CREW SX AUTO WHITE Y96	1	224.00	
EFT30680	27/10/2023 AVON VALLEY AG	SUPPLY AND OCLLECTION OF PARTS FOR SKIDSTEER - 17/10/23	1		66.00
NV Y129077	17/10/2023 AVON VALLEY AG	SUPPLY AND OCLLECTION OF PARTS FOR SKIDSTEER - 17/10/23	1	66.00	

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EFT30681	27/10/2023 AVON WASTE	UNDERCHARGE FOR RECYCLING SERVICES FOR INVOICE 58890 06/10/23	1		3,488.76
NV 00058981	23/10/2023 AVON WASTE	UNDERCHARGE FOR RECYCLING SERVICES FOR INVOICE 58890 06/10/23	1	3,488.76	
EFT30682	27/10/2023 BRITTANY MOORE - WITH, B	MONTHLY SOCIAL MEDIA MANAGEMENT – OCTOBER 2023	1		990.00
NV INV-0211	23/10/2023 BRITTANY MOORE - WITH, B	MONTHLY SOCIAL MEDIA MANAGEMENT – OCTOBER 2023	1	990.00	
EFT30683	27/10/2023 BUGMAN PEST SERVICES	SPRAY WHITE ANT INFESTATION AT CEMETERY NICHE WALL ROTUNDA - 20/10/23	1		550.00
NV INV-0016	20/10/2023 BUGMAN PEST SERVICES	SPRAY WHITE ANT INFESTATION AT CEMETERY NICHE WALL ROTUNDA - 20/10/23	1	550.00	
EFT30684	27/10/2023 BUNNINGS WAREHOUSE	SUPPLIES FOR SWIMMING POOL - 17/10/23	1		111.51
NV	17/10/2023 BUNNINGS WAREHOUSE	SUPPLIES FOR SWIMMING POOL - 17/10/23	1	111.51	
EFT30685	27/10/2023 COMMISSIONER OF POLICE	VOLUNTEER POLICE CHECKS	1		17.00
NV 127088419	05/10/2023 COMMISSIONER OF POLICE	VOLUNTEER POLICE CHECKS	1	17.00	
EFT30686	27/10/2023 CREDIT MANAGEMENT AUSTRALIA POST	POSTAGE	1		3,450.77
NV	03/10/2023 CREDIT MANAGEMENT AUSTRALIA POST	POSTAGE - SEPTEMBER 2023	1	517.23	
NV	30/10/2023 CREDIT MANAGEMENT AUSTRALIA POST	POSTAGE - RATES MAIL OUT 2023/24	1	2,933.54	
EFT30687	27/10/2023 DENESE EILEEN SMYTHE	COUNCILLOR ALLOWANCES - 01-20 OCTOBER 2023	1		2,193.63
NV CRS PMT	25/10/2023 DENESE EILEEN SMYTHE	COUNCILLOR ALLOWANCES - 01-20 OCTOBER 2023	1	2,193.63	
EFT30688	27/10/2023 ENVIRO PLANT HIRE PTY LTD	MULTI TYRE ROLLER - MONTHLY HIRE FOR SEPTEMBER 2023 - RURAL ROADS - GENERAL	1		5,434.00
NV INV231817	30/09/2023 ENVIRO PLANT HIRE PTY LTD	MULTI TYRE ROLLER - MONTHLY HIRE FOR SEPTEMBER 2023 - RURAL ROADS - GENERAL	1	5,434.00	
EFT30689	27/10/2023 FLOUR MILL EMPORIUM INC	COMMUNITY FUNDING GRANT PROGRAM FOR FLOUR MILL SPONSORSHIP - 90% OF \$2000 - AUGUST 2023	1		1,800.00
NV 108	17/10/2023 FLOUR MILL EMPORIUM INC	COMMUNITY FUNDING GRANT PROGRAM FOR FLOUR MILL SPONSORSHIP - 90% OF \$2000 - AUGUST 2023	1	1,800.00	
EFT30690	27/10/2023 FOCUS NETWORKS	FOCUS NETWORKS MONTHLY SUPPORT - MANAGED PROACTIVE SERVICES	1		814.00
NV	18/10/2023 FOCUS NETWORKS	1 YEAR SSL CERTIFICATE FOR CONTENT.YORK.WA.GOV.AU	1	374.00	

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NV 13565	20/10/2023 FOCUS NETWORKS	FOCUS NETWORKS MONTHLY SUPPORT - MANAGED PROACTIVE SERVICES - OCTOBER 2023	1	440.00	
EFT30691	27/10/2023 HATWORLD PTY LTD	PURCHASE OF SUMMER HATS FOR RE-SALE AT YORK VISITOR CENTRE - 13/10/23	1		1,078.50
NV INV-2431	13/10/2023 HATWORLD PTY LTD	PURCHASE OF SUMMER HATS FOR RE-SALE AT YORK VISITOR CENTRE - 13/10/23	1	1,078.50	
EFT30692	27/10/2023 ISOBEL ELLEN CAMERON	REIMBURSEMENT FOR VISITOR CENTER SUPPLIES - 25/10/23	1		79.45
NV 25102023	25/10/2023 ISOBEL ELLEN CAMERON	REIMBURSEMENT FOR VISITOR CENTER SUPPLIES - 25/10/23	1	79.45	
EFT30693	27/10/2023 JAMES BENNETT PTY LTD	PURCHASE OF REQUESTED ITEMS NOT ABLE TO SUPPLY THROUGH INTER LIBRARY LOAN	1		236.50
NV 4807831	05/10/2023 JAMES BENNETT PTY LTD	PURCHASE OF REQUESTED ITEMS NOT ABLE TO SUPPLY THROUGH INTER LIBRARY LOAN - 05/10/23	1	65.78	
NV 4807993	10/10/2023 JAMES BENNETT PTY LTD	PURCHASE OF REQUESTED ITEMS NOT ABLE TO SUPPLY THROUGH INTER LIBRARY LOAN - 10/10/23	1	170.72	
EFT30694	27/10/2023 JULES SHOPPE	LUNCH CATERING FOR BUSHFIRE BRIGADE TRAINING 04 OCTOBER 2023 - 7 PEOPLE	1		152.50
NV IV0091	04/10/2023 JULES SHOPPE	LUNCH CATERING FOR BUSHFIRE BRIGADE TRAINING 04 OCTOBER 2023 - 7 PEOPLE	1	152.50	
EFT30695	27/10/2023 KEN DESIGNS	PURCHASE OF TOWN HALL TEA TOWELS FOR RESALE AT THE VISITORS CENTRE	1		320.00
NV 100357905	19/10/2023 KEN DESIGNS	PURCHASE OF TOWN HALL TEA TOWELS FOR RESALE AT THE VISITORS CENTRE	1	320.00	
EFT30696	27/10/2023 LANDGATE	GROSS RENTAL VALUATIONS CHARGEABLE - SCHEDULE NO. G023/17 - 30/09/23-13/10/23	1		122.07
NV 388203	24/10/2023 LANDGATE	GROSS RENTAL VALUATIONS CHARGEABLE - SCHEDULE NO. G2023/17 - 30/09/23-13/10/23	1	122.07	
EFT30697	27/10/2023 LEIGH BARRETT HERITAGE	PROVISION OF HERITAGE ADVISOR SERVICES 2023/2024	1		492.25
NV SOY27	18/10/2023 LEIGH BARRETT HERITAGE	PROVISION OF HERITAGE ADVISOR SERVICES 2023/2024	1	492.25	
EFT30698	27/10/2023 LGIS WA	LGIS INSURANCES 30/06/23-30/06/24 SECOND INSTALMENT	1		173,017.72
NV	01/10/2023 LGIS WA	LGIS INSURANCES 30/06/23-30/06/24 SECOND INSTALMENT	1	173,017.72	
EFT30699	27/10/2023 MAL AUTOMOTIVES	P165 - 50,000KM SERVICE ON 1HNW-727 - 25/10/23	1		363.93
NV 29903	25/10/2023 MAL AUTOMOTIVES	P165 - 50,000KM SERVICE ON 1HNW-727 - 25/10/23	1	363.93	

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EFT30700	27/10/2023 MARCUS JOSHUA WHELAN	REIMBURSEMENT FOR CAR PARKING AT STATE HERITAGE CONFERENCE - 23-24/10/23	1		34.32
NV 26102023	26/10/2023 MARCUS JOSHUA WHELAN	REIMBURSEMENT FOR CAR PARKING AT STATE HERITAGE CONFERENCE - 23-24/10/23	1	34.32	
EFT30701	27/10/2023 MARION KICKETT	ABORIGINAL LIASON AND YARNING	1		950.00
NV 0017	03/10/2023 MARION KICKETT	ABORIGINAL LIASON FOR LITTLE DITTIES - 11/09/23-14/09/23-22/09/23	1	300.00	
NV 0018	05/10/2023 MARION KICKETT	YARNING TALKS WITH DR MARION KICKETT YORK FESTIVAL - RESIDENCY MUSEUM - 23/09/23-24/09/23-30/09/23	1	650.00	
EFT30702	27/10/2023 PAMELA HELEN HEATON	COUNCILLOR ALLOWANCES - 01-20 OCTOBER 2023	1		846.60
NV CRS PMT	25/10/2023 PAMELA HELEN HEATON	COUNCILLOR ALLOWANCES - 01-20 OCTOBER 2023	1	846.60	
EFT30703	27/10/2023 PETER BAILEY BUILDING SERVICES	INSTALL ALUMINIUM SEATING & REPAIR CEILING IN GYM	1		1,800.00
NV 19102023	19/10/2023 PETER BAILEY BUILDING SERVICES	INSTALL ALUMINIUM SEATING IN SWIMMING POOL CHANGEROOMS - 19/10/23	1	1,500.00	
NV 24102023	24/10/2023 PETER BAILEY BUILDING SERVICES	REPAIRS TO CEILING IN YRCC GYMNASIUM FOLLOWING LEAK - 24/10/23	1	300.00	
EFT30704	27/10/2023 PHILLIP JOHN BATEMAN	PHILLIP BATEMAN - PROVIDE 1/2 DAY SITE CONSULTATION AT GLEBE STREET BRIDGE	1		280.00
NV 58	25/10/2023 PHILLIP JOHN BATEMAN	PHILLIP BATEMAN - PROVIDE 1/2 DAY SITE CONSULTATION AT GLEBE STREET BRIDGE	1	280.00	
EFT30705	27/10/2023 ROBBIE COX GEARBOXES AND AUTOMOTIVES	INVESTIGATE WIPER ISSUES FOR Y205 VOLVO GRADER - 18/10/23	1		272.25
NV 89	18/10/2023 ROBBIE COX GEARBOXES AND AUTOMOTIVES	INVESTIGATE WIPER ISSUES FOR Y205 VOLVO GRADER - 18/10/23	1	272.25	
EFT30706	27/10/2023 ROUS ELECTRICAL	REPAIR CHLORINE PUMP AND FAULTY LIGHTS AT SWIMMING POOL - 16/10/23	1		1,199.00
NV 00003728	11/10/2023 ROUS ELECTRICAL	INVESTIGATE AND REPAIR UNDERFLOOR LIGHTING AT THE RESIDENCY MUSEUM - 11/10/23	1	165.00	
NV 00003731	18/10/2023 ROUS ELECTRICAL	REPAIR CHLORINE PUMP AND FAULTY LIGHTS AT SWIMMING POOL - 16/10/23	1	836.00	
NV 00003730	18/10/2023 ROUS ELECTRICAL	INVESTIGATE AND REPAIR FAULTY SWITCH IN BEDROOM - UNIT 4 (40) MACARTNEY ST, YORK - 18/10/23	1	198.00	
EFT30707	27/10/2023 SHIRE OF BEVERLEY	ANNUAL REIMBURSEMENT CESM RECOUP 23/24 - 01/07/23-31/09/23 - TROY GRANVILLE	1		5,173.86
NV 9662	18/10/2023 SHIRE OF BEVERLEY	ANNUAL REIMBURSEMENT CESM RECOUP 23/24 - 01/07/23-31/09/23 - TROY GRANVILLE	1	5,173.86	

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EFT30708	27/10/2023 SYNERGY	ELECTRICITY	1		2,516.97
NV 254322430	17/10/2023 SYNERGY	ELECTRICITY	1	1,162.21	
NV 335462800	18/10/2023 SYNERGY	ELECTRICITY	1	1,303.26	
NV 333626240	23/10/2023 SYNERGY	ELECTRICITY	1	51.50	
EFT30709	27/10/2023 TIM CARTLEDGE AND JOY CARTLEDGE	REIMBURSEMENT FOR CROSSOVER SUBSIDY - 32 ANDREW AVENUE YORK	1		1,250.00
NV 24102023	24/10/2023 TIM CARTLEDGE AND JOY CARTLEDGE	REIMBURSEMENT FOR CROSSOVER SUBSIDY - 32 ANDREW AVENUE YORK	1	1,250.00	
EFT30710	27/10/2023 TITE SECURITY	SECURITY ALARM MONITORING QUARTER 4 INSTALLMENT - 01/10/23-31/12/23 - ADMIN BUILDING	1		271.70
NV 617292	03/09/2023 TITE SECURITY	SECURITY ALARM MONITORING QUARTER 4 INSTALLMENT - 01/10/23-31/12/23 - ADMIN BUILDING	1	271.70	
EFT30711	27/10/2023 TOLL IPEC PTY LTD	FREIGHT CHARGES 02-03/10/23	1		131.47
NV	08/10/2023 TOLL IPEC PTY LTD	FREIGHT CHARGES 02-03/10/23	1	131.47	
EFT30712	27/10/2023 VISHNU VIJAYAN	REIMBURSEMENT FOR MEDICAL & POLICE CLEARANCE 17/10/2023 - GRAD ENGINEER	1		292.00
NV 17102023	17/10/2023 VISHNU VIJAYAN	REIMBURSEMENT FOR MEDICAL & POLICE CLEARANCE 17/10/2023 - GRAD ENGINEER	1	292.00	
EFT30713	27/10/2023 VISIMAX SAFETY PRODUCTS	SUPPLIES FOR RANGER SERVICES - 13/10/23	1		297.90
NV INV-0956	13/10/2023 VISIMAX SAFETY PRODUCTS	SUPPLIES FOR RANGER SERVICES - 13/10/23	1	297.90	
EFT30714	27/10/2023 WATER CORPORATION OF WA	WATER CHARGES	1		248.83
NV	10/07/2023 WATER CORPORATION OF WA	WATER CHARGES	1	-1,205.90	
NV	26/09/2023 WATER CORPORATION OF WA	WATER CHARGES	1	125.33	
NV	09/10/2023 WATER CORPORATION OF WA	WATER CHARGES	1	76.40	
NV	09/10/2023 WATER CORPORATION OF WA	WATER CHARGES	1	47.10	
NV	26/10/2023 WATER CORPORATION OF WA	WATER CHARGES	1	472.82	
NV	26/10/2023 WATER CORPORATION OF WA	WATER CHARGES	1	733.08	
EFT30715	27/10/2023 WINC.	OFFICE STATIONERY ORDER - OCTOBER 2023	1		1,086.66
NV	23/10/2023 WINC.	OFFICE STATIONERY ORDER - OCTOBER 2023	1	1,086.66	

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Shire of York  
CREDITOR PAYMENTS LISTING - OCTOBER 2023

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Cheque / EFT No	Date Name	Invoice Description	Bank Code	INV Amount	Amount
EFT30716	27/10/2023 WREN OIL	OIL WASTE DISPOSAL ADMIN & COMPLIANCE FEES - 25/10/23 - 2600 LITRES - WASTE MANAGEMENT FACILITY	1		16.50
NV 159360	25/10/2023 WREN OIL	OIL WASTE DISPOSAL ADMIN & COMPLIANCE FEES - 25/10/23 - 2600 LITRES - WASTE MANAGEMENT FACILITY	1	16.50	
EFT30717	27/10/2023 YORK VOLUNTEER EMERGENCY SERVICES	FACILITATE CONTROLLED BURN OF GREEN WASTE - YORK WASTE TRANSFER STATION - 02-12 OCTOBER 2023	1		400.00
NV 09102023	09/10/2023 YORK VOLUNTEER EMERGENCY SERVICES	FACILITATE CONTROLLED BURN OF GREEN WASTE - YORK WASTE TRANSFER STATION - 02-12 OCTOBER 2023	1	400.00	
EFT30718	31/10/2023 ASMITA PATHAK	STAFF MEAL REIMBURSEMENT - PROJECT MANAGEMENT ESSENTIALS TRAINING - 16/10/23-17/10/23	1		35.50
NV 19102023	19/10/2023 ASMITA PATHAK	STAFF MEAL REIMBURSEMENT - PROJECT MANAGEMENT ESSENTIALS TRAINING - 16/10/23-17/10/23	1	35.50	
EFT30719	31/10/2023 BLAKE EDWARD LUXFORD	COUNCILLOR ALLOWANCES - OCTOBER 2023	1		380.98
NV CRS PMT	31/10/2023 BLAKE EDWARD LUXFORD	COUNCILLOR ALLOWANCES - OCTOBER 2023	1	380.98	
EFT30720	31/10/2023 DEBORAH NEEDLE	COLONIAL COSTUMES FOR EDUCATIONAL EVENTS - RESIDENCY MUSEUM - 02/10/23	1		370.00
NV 02102023	02/10/2023 DEBORAH NEEDLE	COLONIAL COSTUMES FOR EDUCATIONAL EVENTS - RESIDENCY MUSEUM - 02/10/23	1	370.00	
EFT30721	31/10/2023 DENESE EILEEN SMYTHE	COUNCILLOR ALLOWANCES - OCTOBER 2023	1		380.98
NV CRS PMT	31/10/2023 DENESE EILEEN SMYTHE	COUNCILLOR ALLOWANCES - OCTOBER 2023	1	380.98	
EFT30722	31/10/2023 DENIS CHARLES WARNICK	COUNCILLOR ALLOWANCES - OCTOBER 2023	1		1,674.99
NV CRS PMT	31/10/2023 DENIS CHARLES WARNICK	COUNCILLOR ALLOWANCES - OCTOBER 2023	1	1,674.99	
EFT30723	31/10/2023 ILLION TENDERLINK.COM	PUBLIC TENDER ADVERTISING - YORK-1076060 : RFT 02-2324 - AVON TERRACE ACCESS IMPROVEMENTS - CONSTRUCTION WORKS	1		190.30
NV	18/10/2023 ILLION TENDERLINK.COM	PUBLIC TENDER ADVERTISING - YORK-1076060 : RFT 02-2324 - AVON TERRACE ACCESS IMPROVEMENTS - CONSTRUCTION WORKS	1	190.30	
EFT30724	31/10/2023 KEVIN PYKE	COUNCILLOR ALLOWANCES - OCTOBER 2023	1		380.98
NV CRS PMT	31/10/2023 KEVIN PYKE	COUNCILLOR ALLOWANCES - OCTOBER 2023	1	380.98	
EFT30725	31/10/2023 KEVIN RICHARD TRENT	COUNCILLOR ALLOWANCES - OCTOBER 2023	1		1,918.40

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**CREDITOR PAYMENTS LISTING - OCTOBER 2023**

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Cheque / EFT No	Date Name	Invoice Description	Bank Code	INV Amount	Amount
NV CRS PMT	31/10/2023 KEVIN RICHARD TRENT	COUNCILLOR ALLOWANCES - OCTOBER 2023	1	1,918.40	
EFT30726	31/10/2023 MOORE AUSTRALIA	FINANCIAL SERVICES	1		29,535.00
NV 431198	31/07/2023 MOORE AUSTRALIA	FINANCIAL SERVICES PREPARATION AND LODGEMENT OF 2023 FRONGE BENEFITS TAX RETURN - 31/07/23	1	3,300.00	
NV 431783	31/08/2023 MOORE AUSTRALIA	FINANCIAL SERVICES FOR COMPILATION OF 23-24 ANNUAL BUDGET INCLUDING ADVICE AND ASSISTANCE - 24/8/23	1	24,860.00	
NV 431782	31/08/2023 MOORE AUSTRALIA	FINANCIAL SERVICES FOR BANK RECONCILIATION FOR PERIOD 1/07/22-30/06/23 - REVISED BANK RECS AS AT 30.6.23	1	1,375.00	
EFT30727	31/10/2023 PETER ALLAN WRIGHT	COUNCILLOR ALLOWANCES - OCTOBER 2023	1		1,312.23
NV CRS PMT	31/10/2023 PETER ALLAN WRIGHT	COUNCILLOR ALLOWANCES - OCTOBER 2023	1	1,312.23	
EFT30728	31/10/2023 POOLSHOP ONLINE	SUPPLY OF SAFETY SIGNS FOR SWIMMING POOL - 31/07/2023	1		1,245.00
NV INV-1525	31/07/2023 POOLSHOP ONLINE	SUPPLY OF SAFETY SIGNS FOR SWIMMING POOL - 31/07/2023	1	1,245.00	
EFT30729	31/10/2023 ROUS ELECTRICAL	30 % DEPOSIT FOR JOB COMENCEMENT AT YRCC - DOWN LIGHT REPLACEMENTS - 23/10/23	1		10,080.18
NV 00003739	23/10/2023 ROUS ELECTRICAL	30 % DEPOSIT FOR JOB COMENCEMENT AT YRCC - DOWN LIGHT REPLACEMENTS - 23/10/23	1	10,080.18	
EFT30730	31/10/2023 SYNERGY	ELECTRICITY	1		1,446.66
NV 785488350	02/10/2023 SYNERGY	ELECTRICITY	1	1,092.41	
NV 640233070	20/10/2023 SYNERGY	ELECTRICITY	1	128.66	
NV 102393870	20/10/2023 SYNERGY	ELECTRICITY	1	121.60	
NV 981500720	20/10/2023 SYNERGY	ELECTRICITY	1	103.99	
EFT30731	31/10/2023 TANNER EARTHMOVING	SUPPLY LEVELING - SECOND HOCKEY FEILD - 13/09/23 - VARIATION PROVIDED	1		9,200.00
NV 197	13/09/2023 TANNER EARTHMOVING	SUPPLY LEVELING - SECOND HOCKEY FEILD - 13/09/23 - VARIATION PROVIDED	1	9,200.00	
EFT30732	31/10/2023 WATER CORPORATION OF WA	WATER CHARGES	1		9,149.06
NV	02/10/2023 WATER CORPORATION OF WA	WATER CHARGES	1	163.07	
NV	02/10/2023 WATER CORPORATION OF WA	WATER CHARGES	1	499.56	
NV	02/10/2023 WATER CORPORATION OF WA	WATER CHARGES	1	94.61	

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Cheque / EFT No	Date Name	Invoice Description	Bank Code	INV Amount	Amount
NV	02/10/2023 WATER CORPORATION OF WA	WATER CHARGES	1	48.35	
NV	03/10/2023 WATER CORPORATION OF WA	WATER CHARGES	1	50.48	
NV	03/10/2023 WATER CORPORATION OF WA	WATER CHARGES	1	94.20	
NV	03/10/2023 WATER CORPORATION OF WA	WATER CHARGES	1	53.35	
NV	03/10/2023 WATER CORPORATION OF WA	WATER CHARGES	1	1,163.80	
NV	04/10/2023 WATER CORPORATION OF WA	WATER CHARGES	1	310.59	
NV	04/10/2023 WATER CORPORATION OF WA	WATER CHARGES	1	269.50	
NV	04/10/2023 WATER CORPORATION OF WA	WATER CHARGES	1	47.10	
NV	04/10/2023 WATER CORPORATION OF WA	WATER CHARGES	1	103.21	
NV	04/10/2023 WATER CORPORATION OF WA	WATER CHARGES	1	6,157.04	
NV	05/10/2023 WATER CORPORATION OF WA	WATER CHARGES	1	47.10	
NV	05/10/2023 WATER CORPORATION OF WA	WATER CHARGES	1	47.10	
DD16754.1	05/10/2023 PRECISION ADMINISTRATION SERVICES PTY LTD (BEAM SUPER)	SUPERANNUATION CONTRIBUTIONS FOR PAYROLL 5 OCTOBER 2023	1		28,436.14
NV	05/10/2023 PRECISION ADMINISTRATION SERVICES PTY LTD (BEAM SUPER)	SUPERANNUATION CONTRIBUTIONS FOR PAYROLL 5 OCTOBER 2023	1	28,436.14	
DD16771.1	19/10/2023 PRECISION ADMINISTRATION SERVICES PTY LTD (BEAM SUPER)	SUPERANNUATION CONTRIBUTIONS FOR PAYROLL 17 OCTOBER 2023	1		27,950.04
NV	19/10/2023 PRECISION ADMINISTRATION SERVICES PTY LTD (BEAM SUPER)	SUPERANNUATION CONTRIBUTIONS FOR PAYROLL 17 OCTOBER 2023	1	27,950.04	
DD16772.1	11/10/2023 TELSTRA	SHIRE MOBILE & INTERNET CHARGES 11/10/23-10/11/23	1		1,158.30
NV	11/10/2023 TELSTRA	SHIRE MOBILE & INTERNET CHARGES 11/10/23-10/11/23	1	1,158.30	
DD16772.3	02/10/2023 TELSTRA	SHIRE PHONES 25/09/23-24/10/23	1		319.33
NV	02/10/2023 TELSTRA	SHIRE PHONES 25/09/23-24/10/23	1	319.33	
DD16792.1	20/10/2023 PRECISION ADMINISTRATION SERVICES PTY LTD (BEAM SUPER)	SUPERANNUATION CONTRIBUTIONS FOR PAYROLL 20 OCTOBER 2023	1		57.98
NV	20/10/2023 PRECISION ADMINISTRATION SERVICES PTY LTD (BEAM SUPER)	SUPERANNUATION CONTRIBUTIONS FOR PAYROLL 20 OCTOBER 2023	1	57.98	

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Cheque /EFT No	Date	Name	Invoice Description	Bank Code	INV Amount	Amount
DD16821.1	31/10/2023	PRECISION ADMINISTRATION SERVICES PTY LTD (BEAM SUPER)	SUPERANNUATION CONTRIBUTIONS FOR PAYROLL 31 OCTOBER 2023	1		28,370.84
NV	31/10/2023	PRECISION ADMINISTRATION SERVICES PTY LTD (BEAM SUPER)	SUPERANNUATION CONTRIBUTIONS FOR PAYROLL 31 OCTOBER 2023	1	28,370.84	

**REPORT TOTALS**

Bank Code	Bank Name	TOTAL
1	MUNICIPAL FUND BANK	<b>881,680.19</b>
	TELSTRA BPAY POSTED IN SEPT 23 PAID ON OCT 23	<b>1378.59</b>
2	TRUST FUND BANK	<b>3,350.29</b>
<b>TOTAL</b>		<b>886,409.07</b>



**SHIRE OF YORK**  
**BUSINESS CARD SUMMARY**  
**October 2023**

***BUSINESS CARD 1 (M202) – EXECUTIVE MANAGER INFRASTRUCTURE AND DEVELOPMENT SERVICES***

Total purchases September 2023 \$ 4.00

29.9.23 Card Fee


***BUSINESS CARD 2 (M203) – EXECUTIVE MANAGER CORPORATE AND COMMUNITY SERVICES***

Total purchases September 2023 \$ 1284.89

6.9.23 SAI Global – Risk Management Guideline download  
 7.9.23 Shire of York – DOT Licensing Malebelling Fire Truck 1HSR598  
 12.9.23 Perth Ascot Central Accommodation – Health and Safety Officer training - Nicole Compton  
 17.9.23 Landgate – requisition notice amendments to lease York Archery Club  
 28.9.23 MC & RMS Smith, Greenhill Inn – OCM September 2023 Dinner  
 29.9.23 Card Fee

## Business Credit Card



009670  
  
 SHIRE OF YORK  
 PO BOX 22  
 YORK WA 6302

## Your details at a glance

BSB number	xxxxxxx
Account number	xxxxxxxxxx
Customer number	xxxxxxx/M202
Account title	SHIRE OF YORK

## Account summary

Statement period	1 May 2023 - 30 Sep 2023
Statement number	199
Opening balance on 1 May 2023	\$0.00
Payments & credits	\$0.00
Withdrawals & debits	\$0.00
Interest charges & fees	\$4.00
<b>Closing Balance on 30 Sep 2023</b>	<b>\$4.00</b>

## Account details

Credit limit	\$5,000.00
Available credit	\$4,996.00
Annual purchase rate	13.990%
Annual cash advance rate	13.990%

## Payment details

Minimum payment required	\$4.00
<b>Payment due</b>	<b>14 Oct 2023</b>

## Any questions?

Contact Robin Milner at 114 Avon Tce, York 6302  
 on **08 9641 2609**, or call **1300 BENDIGO** (1300 236 344).



## Business Credit Card

**Minimum Payment Warning.** If you make only the minimum payment each month, you will pay more interest and it will take you longer to pay off your balance.

If you make no additional charges using this card and each month you pay the minimum payment

You will pay off the Closing Balance shown on this statement in about  
**1 month**

And you will pay an estimated total of interest charges of  
**\$0.00**

## Having trouble making payments?

If you are having trouble making credit card repayments, please contact our Mortgage Help Centre on 1800 652 146.



Account number xxxxxx  
 Statement period 01/05/2023 to 30/09/2023  
 Statement number 199 (page 2 of 3)

### Business Credit Card

Date	Transaction	Withdrawals	Payments	Balance
<b>Opening balance</b>				<b>\$0.00</b>
29 Sep 23	CARD FEE 1 @ \$4.00	4.00		4.00
<b>Transaction totals / Closing balance</b>		<b>\$4.00</b>	<b>\$0.00</b>	<b>\$4.00</b>

### AUTOMATIC PAYMENTS HAVE BEEN SPECIFIED FOR YOUR ACCOUNT.

We suggest you carefully check all entries on your statement. Apparent errors or possible unauthorised transactions should be promptly reported to us.

The security of your Personal Identification Number (PIN) is very important. To avoid being liable for unauthorised transactions, you should follow the terms and conditions of your account. We also recommend some simple steps to protect your PIN:

- Memorise your PINs and passwords and destroy any communications advising you of new ones. Don't keep a record of your PINs or passwords, in written or electronic form.
- If you choose your own, ensure that it is not something easy to guess like your (or a family member's) birth date, name, phone number, postcode, driver's licence number or numbers that form a pattern.
- Don't tell anyone your PIN, not even friends, family or a bank representative.
- Ensure nobody watches you enter your PIN or password. A good practice is to cover the keypad when you put in your PIN or password.
- Watch out for email, SMS or call scams asking for details relating to your account. If you receive suspicious emails, please contact us immediately.

Please note: These are guidelines only. While following these steps will help you to protect your PIN, your liability for any losses arising from unauthorised transactions is determined in accordance with the ePayments Code. For further details, see

<https://asic.gov.au/regulatory-resources/financial-services/epayments-code/> or visit [bendigobank.com.au/mycard](http://bendigobank.com.au/mycard) for all card related information. Business customers visit [mybusinesscard](http://mybusinesscard).

An International Transaction Fee of 3% of the transaction amount (in AUD) is payable for each transaction which is conducted in a currency other than Australian dollars (AUD), or conducted in Australian dollars (AUD) but with or using a merchant, payment processor, financial institution or other entity (including an online merchant) who is outside of Australia. (Fee does not apply to Bendigo Ready Credit Card). Note: It may not always be apparent to you that an online merchant is located outside of Australia. Additional charges may apply for cash transactions.

#### Card Security

For information on how to securely use your card and account please visit [bendigobank.com.au/mycard](http://bendigobank.com.au/mycard) for all card related information. Business customers visit [mybusinesscard](http://mybusinesscard).

te Paid \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Amount \$ \_\_\_\_\_

### Business Credit Card - Payment options

**Pay in person:** Visit any **Bendigo Bank** branch to make your payment.

**Internet banking:** Pay your credit card using ebanking 24 hours a day, 7 days a week.  
[www.bendigobank.com.au](http://www.bendigobank.com.au)

Register for Internet or Phone Banking call **1300 BENDIGO** (1300 236 344). This service enables you to make payments conveniently between your Bendigo Bank accounts 24/7.

**Pay by post:** Mail this slip with your cheque to -  
**PO Box 480**  
**Bendigo VIC 3552.**  
 If paying by cheque please complete the details below.

**Bill code:** 342949  
**Ref:** 690774575

**Bank@Post™** Pay at any Post Office by **Bank@Post™** using your credit card.



### Business Credit Card

BSB number xxxxxx  
 Account number xxxxxxxx  
 Customer name SHIRE OF  
 Minimum payment required YORK  
 Closing Balance on 30 Sep 2023 \$4.00  
**Payment due** \$4.00  
 Date 14 Oct 2023  
 Payment amount

Drawer	Chq No	BSB	Account No	\$	¢

\*Fees will apply for payments made using Bank@Post. Refer to Bendigo Bank Schedule of Fees & Charges and Transaction Account Rebates.



Account number	xxxxxx
Statement period	01/05/2023 to 30/09/2023
Statement number	199 (page 3 of 3)

**Resolving Complaints**

If you have a complaint, please contact us on 1300 361 911 to speak to a member of our staff. If the matter has not been resolved to your satisfaction, you can lodge a complaint with the Australian Financial Complaints Authority (AFCA). AFCA provides fair and independent financial services complaint resolution that is free to consumers. You can contact AFCA at:

Website: [www.afca.org.au](http://www.afca.org.au)

Telephone: 1800 931 678 (free call)

Email: [info@afca.org.au](mailto:info@afca.org.au)

In writing to: Australian Financial Complaints Authority, GPO Box 3, Melbourne VIC 3001

And Australia's most trusted bank\*. Try more Bendigo.

\* Roy Morgan Risk Monitor, May 2022

## Business Credit Card



009670  
SHIRE OF YORK  
PO BOX 22  
YORK WA 6302

## Your details at a glance

BSB number	xxxxxxx
Account number	xxxxxxxxx
Customer number	xxxxxxx/M203
Account title	SHIRE OF YORK SHIRE OF YORK

## Account summary

Statement period	1 Sep 2023 - 30 Sep 2023
Statement number	184
Opening balance on 1 Sep 2023	\$1233.87
Payments & credits	\$1233.87
Withdrawals & debits	\$1280.89
Interest charges & fees	\$400
<b>Closing Balance on 30 Sep 2023</b>	<b>\$1,284.89</b>

## Account details

Credit limit	\$5,000.00
Available credit	\$3,715.11
Annual purchase rate	13.990%
Annual cash advance rate	13.990%

## Payment details

Minimum payment required	\$38.54
<b>Payment due</b>	<b>14 Oct 2023</b>

## Any questions?

Contact Robin Milner at 114 Avon Tce, York 6302  
on **08 9641 2609**, or call **1300 BENDIGO** (1300 236 344).



## Business Credit Card

**Minimum Payment Warning.** If you make only the minimum payment each month, you will pay more interest and it will take you longer to pay off your balance.

If you make no additional charges using this card and each month you pay the minimum payment

You will pay off the Closing Balance shown on this statement in about **9 years and 8 months**

And you will pay an estimated total of interest charges of **\$696.23**

If you make no additional charges using this card and each month you pay **\$61.68**

You will pay off the Closing Balance shown on this statement in about **2 years**

And you will pay an estimated total of interest charges of **\$195.43, a saving of \$500.80**

## Having trouble making payments?

If you are having trouble making credit card repayments, please contact our Mortgage Help Centre on 1800 652 146.



**Account number** xxxxxx  
**Statement period** 01/09/2023 to 30/09/2023  
**Statement number** 184 (page 2 of 4)

### Business Credit Card

Date	Transaction	Withdrawals	Payments	Balance
<b>Opening balance</b>				<b>\$1,233.87</b>
6 Sep 23	SAI GLOBAL, SYDNEY AUS RETAIL PURCHASE 05/09 CARD NUMBER 552638XXXXXX214 1	137.12		1,370.99
7 Sep 23	SHIRE OF YORK TRUST, YORK AUS RETAIL PURCHASE 05/09 CARD NUMBER 552638XXXXXX214 1	172.10		1,543.09
12 Sep 23	PERTH ASCOT CENTRAL, PERTH AUS RETAIL PURCHASE 08/09 CARD NUMBER 552638XXXXXX214 1	623.17		2,166.26
14 Sep 23	PERIODIC TFR 00130741741201 00000000000		1,233.87	932.39
17 Sep 23	LANDGATE, MIDLAND AUS RETAIL PURCHASE 15/09 CARD NUMBER 552638XXXXXX214 1	101.50		1,033.89
28 Sep 23	M C SMITH AND R M S, GREENHILLS AUS RETAIL PURCHASE 26/09 CARD NUMBER 552638XXXXXX214 1	247.00		1,280.89
29 Sep 23	CARD FEE 1 @ \$4.00	4.00		1,284.89
<b>Transaction totals / Closing balance</b>		<b>\$1,284.89</b>	<b>\$1,233.87</b>	<b>\$1,284.89</b>

AUTOMATIC PAYMENTS HAVE BEEN SPECIFIED  
FOR YOUR ACCOUNT.

te Paid \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Amount \$ \_\_\_\_\_

### Business Credit Card - Payment options

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[www.bendigobank.com.au](http://www.bendigobank.com.au)

Register for Internet or Phone Banking call **1300 BENDIGO** (1300 236 344). This service enables you to make payments conveniently between your Bendigo Bank accounts 24/7.

**Pay by post:** Mail this slip with your cheque to -  
**PO Box 480**  
**Bendigo VIC 3552.**  
If paying by cheque please complete the details below.

**Bill code:** 342949  
**Ref:** 691046619

**Bank@Post™** Pay at any Post Office by **Bank@Post™** using your credit card.



### Business Credit Card

**BSB number** xxxxxxxx  
**Account number** xxxxxxxx  
**Customer name** SHIRE OF YORK  
**Minimum payment required** \$38.54  
**Closing Balance on 30 Sep 2023** \$1,284.89  
**Payment due** 14 Oct 2023  
**Date** \_\_\_\_\_ **Payment amount** \_\_\_\_\_

Drawer	Chq No	BSB	Account No	\$	¢

\*Fees will apply for payments made using Bank@Post. Refer to Bendigo Bank Schedule of Fees & Charges and Transaction Account Rebates.



<b>Account number</b>	xxxxxx
<b>Statement period</b>	01/09/2023 to 30/09/2023
<b>Statement number</b>	184 (page 3 of 4)

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- Memorise your PINs and passwords and destroy any communications advising you of new ones. Don't keep a record of your PINs or passwords, in written or electronic form.
- If you choose your own, ensure that it is not something easy to guess like your (or a family member's) birth date, name, phone number, postcode, driver's licence number or numbers that form a pattern.
- Don't tell anyone your PIN, not even friends, family or a bank representative.
- Ensure nobody watches you enter your PIN or password. A good practice is to cover the keypad when you put in your PIN or password.
- Watch out for email, SMS or call scams asking for details relating to your account. If you receive suspicious emails, please contact us immediately.

Please note: These are guidelines only. While following these steps will help you to protect your PIN, your liability for any losses arising from unauthorised transactions is determined in accordance with the ePayments Code. For further details, see

<https://asic.gov.au/regulatory-resources/financial-services/epayments-code/> or visit [bendigobank.com.au/mycard](https://bendigobank.com.au/mycard) for all card related information. Business customers visit [mybusinesscard](https://bendigobank.com.au/mybusinesscard).

An International Transaction Fee of 3% of the transaction amount (in AUD) is payable for each transaction which is conducted in a currency other than Australian dollars (AUD), or conducted in Australian dollars (AUD) but with or using a merchant, payment processor, financial institution or other entity (including an online merchant) who is outside of Australia. (Fee does not apply to Bendigo Ready Credit Card). Note: It may not always be apparent to you that an online merchant is located outside of Australia. Additional charges may apply for cash transactions.

#### Card Security

For information on how to securely use your card and account please visit [bendigobank.com.au/mycard](https://bendigobank.com.au/mycard) for all card related information. Business customers visit [mybusinesscard](https://bendigobank.com.au/mybusinesscard).

#### Resolving Complaints

If you have a complaint, please contact us on 1300 361 911 to speak to a member of our staff. If the matter has not been resolved to your satisfaction, you can lodge a complaint with the Australian Financial Complaints Authority (AFCA). AFCA provides fair and independent financial services complaint resolution that is free to consumers. You can contact AFCA at:

Website: [www.afca.org.au](https://www.afca.org.au)

Telephone: 1800 931 678 (free call)


Email: [info@afca.org.au](mailto:info@afca.org.au)

In writing to: Australian Financial Complaints Authority, GPO Box 3, Melbourne VIC 3001

**And Australia's most trusted bank\*. Try more Bendigo.**

\* Roy Morgan Risk Monitor, May 2022



009670  
  
 SHIRE OF YORK  
 PO BOX 22  
 YORK WA 6302

### Card summary

**Account number** xxxxxx  
**Card number** 552638XXXXXX214  
**Customer number** xxxx/M203  
**Statement period** 01/09/2023 to 30/09/2023  
**Statement number** 184 (page 4 of 4)

### Any questions?

Contact Robin Milner at 114 Avon Tce, York 6302  
 on **08 9641 2609**, or call **1300 BENDIGO** (1300 236 344).

### Business Credit Card *(continued)*

Date	Transaction	Withdrawals	Payments
6 Sep 23	SAI GLOBAL, SYDNEY AUS	137.12	
7 Sep 23	SHIRE OF YORK TRUST, YORK AUS	172.10	
12 Sep 23	PERTH ASCOT CENTRAL, PERTH AUS	623.17	
17 Sep 23	LANDGATE, MIDLAND AUS	101.50	
28 Sep 23	M C SMITH AND R M S, GREENHILLS AUS	247.00	
<b>TOTALS</b>		<b>\$1,280.89</b>	<b>\$0.00</b>

We suggest you carefully check all entries on your statement. Apparent errors or possible unauthorised transactions should be promptly reported to us.

The security of your Personal Identification Number (PIN) is very important. To avoid being liable for unauthorised transactions, you should follow the terms and conditions of your account. We also recommend some simple steps to protect your PIN:

- Memorise your PINs and passwords and destroy any communications advising you of new ones. Don't keep a record of your PINs or passwords, in written or electronic form.
- If you choose your own, ensure that it is not something easy to guess like your (or a family member's) birth date, name, phone number, postcode, driver's licence number or numbers that form a pattern.
- Don't tell anyone your PIN, not even friends, family or a bank representative.
- Ensure nobody watches you enter your PIN or password. A good practice is to cover the keypad when you put in your PIN or password.
- Watch out for email, SMS or call scams asking for details relating to your account. If you receive suspicious emails, please contact us immediately.

Please note: These are guidelines only. While following these steps will help you to protect your PIN, your liability for any losses arising from unauthorised transactions is determined in accordance with the ePayments Code. For further details, see <https://asic.gov.au/regulatory-resources/financial-services/epayments-code/> or visit [bendigobank.com.au/mycard](https://bendigobank.com.au/mycard) for all card related information. Business customers visit [mybusinesscard](https://bendigobank.com.au/mybusinesscard).

**SY158-11/23 INVESTMENTS - OCTOBER 2023**

<b>File Number:</b>	<b>4.0473</b>
<b>Author:</b>	<b>Kristy Livingstone, Finance Manager</b>
<b>Authoriser:</b>	<b>Alina Behan, Executive Manager Corporate &amp; Community Services</b>
<b>Previously before Council:</b>	<b>Not Applicable</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Appendices:</b>	<b>1. Investment Register - October 2023 <a href="#">↓</a></b>

**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 was one (1) maturing Term deposit in October 2023. AMP Reserve Term Deposit matured on 25 October 2023 receiving \$27,683.01 in interest earned. Interest will be allocated to budgeted Reserve accounts accordingly. Reserve funds of \$570,783.67 have been rolled over for a further twelve (12) months at 5.15% with AMP to receive \$29,395.369 at maturity.

2023/24 Year to Date (YTD) Municipal and Trust interest totalling \$25,200.67 including Reserve interest totalling \$27,683.01 has been received and receipted as at 31 October 2023.

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 201123**

**Moved: Cr Peter Wright**

**Seconded: Cr Blake Luxford**

**That, with regard to Investments - October 2023, Council:**

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

**In Favour: Crs Kevin Trent, Denis Warnick, Blake Luxford, Kevin Pyke, Denese Smythe and Peter Wright**

**Against: Nil**

**CARRIED 6/0**



# SHIRE OF YORK INVESTMENT PORTFOLIO

## 31 October 2023

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, 14 December 2022	Thursday, 14 December 2023	365	500,000.00	5%	4.35%	521,750.00	21,750.00
	AMP Banking	BBB	Wednesday, 16 August 2023	Friday, 16 August 2024	366	500,311.65	5%	5.40%	520,574.27	27,090.85
MUNICIPAL - Interest Bearing NCDs/TDs						1,000,311.65	10%	4.88%	1,042,324.27	48,840.85
MUNICIPAL - Other funds										
	Municipal Account 118630623	BBB+				5,196,946.84	54%		5,196,946.84	0.00
	Westpac Flex-i	AA-				5,401.93	0%		5,401.93	0.00
	AMP Banking At call	BBB				6,738.83	0%		6,738.83	0.00
	AMP Banking Notice	BBB				295,460.80	3%		295,460.80	0.00
MUNICIPAL - Other						5,504,548.40	57%		5,504,548.40	0.00
RESERVE - Interest Bearing NCDs/TDs										
	National Australia Bank	AA-	Monday, 12 December 2022	Tuesday, 12 December 2023	365	1,003,684.94	10%	4.22%	1,046,040.51	42,355.57
	AMP Banking	BBB	Tuesday, 25 October 2022	Wednesday, 25 October 2023	365	570,783.67	6%	4.85%	598,466.68	27,683.01
	Bendigo Reserve TD		Thursday, 17 August 2023	Friday, 17 May 2024	274	492,529.06	5%	5.00%	511,015.77	18,486.71
RESERVE - Interest Bearing NCDs/TDs						2,066,997.67	22%	4.54%	2,155,522.96	88,525.29
RESERVE - Other funds										
	Reserve Acct 119521748	BBB+				555,759.48	6%		555,759.48	0.00
RESERVE - Other						555,759.48	6%		555,759.48	0.00
TRUST - Interest Bearing NCDs/TDs										
T2/SUBDIVISIONS	Bendigo Bank		Sunday, 29 January 2023	Monday, 29 January 2024	365	34,599.38	0.36%	4.05%	36,000.65	1,401.27
T40 I/SECTIONS 2513	Bendigo Bank		Sunday, 29 January 2023	Monday, 29 January 2024	365	32,459.85	0.34%	4.05%	33,774.47	1,314.62
T77 C/OVERS 2514	Bendigo Bank		Sunday, 29 January 2023	Monday, 29 January 2024	365	62,447.95	0.65%	4.05%	64,977.09	2,529.14

TRUST - Interest Bearing NCDs/TDs	129,507.18	1%	4.05%	134,752.22	5,245.04
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**TRUST - Other funds**

Trust Acct 118630649	BBB+	346,714.70	4%	346,714.70	0.00
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TRUST - Other		346,714.70	4%	346,714.70	0.00
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<b>TOTALS</b>		<b>9,603,839</b>	<b>100%</b>	<b>4.49%</b>	<b>9,739,622</b>	<b>142,611</b>
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**Reconciliation**

by rating	Value of Investments/Bank accounts	
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AA-	1,009,086.87	11%
BBB+	6,099,421.02	68%
BBB	1,873,294.95	21%

<b>TOTAL</b>	<b>8,981,802.84</b>	<b>100%</b>
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**Summary of Amounts**

**TD's by bank**

**Bank Accounts - Bendigo Bank**

Bendigo Bank	129,507.18	5%	Municipal	5,196,946.84
AMP Banking	1,571,095.32	58%	Reserve	555,759.48
National Australia Ban	1,003,684.94	37%	Trust	346,714.70
Westpac Bank	0.00	0%	AMP At call	6,738.83
			AMP Notice	295,460.80
			Wespac Flex-i	5,401.93
<b>TOTAL</b>	<b>2,704,287.44</b>	<b>100%</b>	<b>31-Oct-23</b>	<b>\$ 6,407,022.58</b>

<b>Total Cash</b>	<b>9,111,310.02</b>
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**Interest Earnings**

**Total Cash by Fund**

Fund	Adopted Budget	Year to Date Actual	Fund	
Municipal	\$ 70,000.00	\$ 25,200.67	Municipal	6,504,860.05
Reserve	\$ 47,000.00	\$ 27,683.01	Reserve	2,622,757.15
Trust	\$ -	\$ -	Trust	476,221.9
<b>Total</b>	<b>\$ 117,000.00</b>	<b>\$ 52,883.68</b>	<b>Total</b>	<b>\$ 9,603,839.08</b>

**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**

**RESOLUTION**

**211123**

**Moved: Cr Denese Smythe**

**Seconded: Cr Denis Warnick**

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

**SY159-11/23 - Confidential - Outstanding Rates and Charges - Payment Agreements**

**This matter is considered to be confidential under Section 5.23(2)e(iii) 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 that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government.**

**SY160-11/23 - Confidential - Recommendations of the York Honours Reference Group Meeting - Australia Day 2024 Award Recipients**

**This matter is considered to be confidential under Section 5.23(2)b 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 the personal affairs of any person.**

**In Favour: Crs Kevin Trent, Denis Warnick, Blake Luxford, Kevin Pyke, Denese Smythe and Peter Wright**

**Against: Nil**

***CARRIED 6/0***

*The Gallery left the meeting at 5.49pm and the doors were closed.*

**SY159-11/23 - CONFIDENTIAL - OUTSTANDING RATES AND CHARGES - PAYMENT AGREEMENTS****RESOLUTION****221123****Moved: Cr Denese Smythe****Seconded: Cr Peter Wright****That, with regard to the Outstanding Rates and Charges - Payment Agreements, Council:**

- 1. Approves the applications for payment agreements, as presented in confidential Appendix 1.**
- 2. Notes that any default on the agreements may result in debt recovery action.**

**In Favour:** Crs Kevin Trent, Denis Warnick, Blake Luxford, Kevin Pyke, Denese Smythe and Peter Wright

**Against:** Nil

**CARRIED 6/0****SY160-11/23 - CONFIDENTIAL - RECOMMENDATIONS OF THE YORK HONOURS REFERENCE GROUP MEETING - AUSTRALIA DAY 2024 AWARD RECIPIENTS****RESOLUTION****231123****Moved: Cr Denese Smythe****Seconded: Cr Denis Warnick****That, with regard to the Recommendations of the York Honours Reference Group Meeting - Australia Day 2024 Award Recipients, Council:**

- 1. Receives the Notes of the York Honours Reference Group Meeting held on 9 November 2023, as presented in confidential Appendix 1.**
- 2. Accepts the recommendations of the York Honours Reference Group for the 2024 Australia Day Award Recipients, as detailed in confidential Appendix 1, for the following categories:**
  - a. Junior Sports Star of the Year Award**
  - b. Senior Sports Star of the Year Award**
  - c. Community Citizen of the Year Award**
  - d. Young Community Citizen of the Year Award**
  - e. Senior Community Citizen of the Year Award**
  - f. Active Citizenship Award (Group or Event)**

**In Favour:** Crs Kevin Trent, Denis Warnick, Blake Luxford, Kevin Pyke, Denese Smythe and Peter Wright

**Against:** Nil

**CARRIED 6/0**

**RESOLUTION****241123****Moved: Cr Denese Smythe****Seconded: Cr Peter Wright****That Council opens the meeting to the public at 5.50pm.**

**In Favour:**     **Crs Kevin Trent, Denis Warnick, Blake Luxford, Kevin Pyke, Denese Smythe and Peter Wright**

**Against:**       **Nil**

**CARRIED 6/0****13.2     Public Reading of resolutions to be made public**

*The Shire President read aloud the two (2) resolutions made Behind Closed Doors to the one (1) person who returned to the Gallery.*

**14       CLOSURE**

*The Shire President thanked everyone for their attendance and closed the meeting at 5.53pm.*