



SHIRE OF YORK

**MINUTES OF THE ORDINARY
MEETING OF THE COUNCIL
HELD ON 19 DECEMBER 2016
COMMENCING AT 5.01PM
IN COUNCIL CHAMBERS,
YORK TOWN HALL, YORK**

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SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL
HELD ON MONDAY, 19 DECEMBER, 2016, COMMENCING
AT 5.01PM IN COUNCIL CHAMBERS, YORK TOWN HALL, YORK

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

1. OPENING

1.1 Declaration of Opening

Cr David Wallace, Shire President, declared the meeting open at 5.01pm

1.2 Disclaimer

The Shire President advised the following:

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

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

1.3 Standing Orders

Nil

1.4 Announcement of Visitors

Nil

1.5 Declarations of Interest that Might Cause a Conflict

Nil

1.6 Declarations of Financial Interest

Nil

1.7 Declarations of Interest that May Affect Impartiality

Nil

2. ATTENDANCE

2.1 Members

Cr David Wallace, Shire President; Cr Heather Saint; Cr Pam Heaton; Cr Jane Ferro; Cr Trevor Randell

2.2 Staff

Paul Martin, Chief Executive Officer; Suzie Haslehurst, Executive Manager Corporate and Community Services; Paul Crewe, Executive Manager Infrastructure & Development Services; Esmeralda Harmer, Community & Economic Development Officer; Helen D'Arcy-Walker, Executive Assistant

2.3 Apologies

Nil

2.4 Leave of Absence Previously Approved

Nil

2.5 Number of People in Gallery at Commencement of Meeting

There were 9 people in the Gallery at the commencement of the meeting

3. PRESENTATIONS

3.1 Petitions

Nil

3.2 Presentations

Best Decorated Business Competition

The Shire President acknowledged Mr Ron Macey who crafted the bell shaped perpetual trophy and Mrs Roma Paton who donated the small annual trophy for the winning business and organised the engraving of both.

The Shire President announced the winners of the Competition as follows -

- *Runner Up was Debbie Grout of Swann Lodge, and*
- *The Winner was Lisa Buckingham of Hairitage Hair. The Shire President presented Ms Buckingham with the Perpetual and Annual Trophy.*

Ms Buckingham thanked the Shire for running the competition and stated that she would purchase the small annual trophy for next years winner. Ms Buckingham suggested that the winner each year purchase the annual trophy for the following year's winner.

A cheque was presented by the Shire President to both the runner up for \$250 and the winner of the competition received \$500.

Christmas Walk Trail

The winner of the Children's Christmas Walk Trail Hamper was drawn by the Shire President.

The winner was 5 years old Lillian Bodè. Lillian will be contacted to collect her prize.

3.3 Deputations
Nil

3.4 Delegates reports
Nil

Ms Esmeralda Harmer left the meeting at 5.05pm.

4. QUESTIONS FROM PREVIOUS MEETING

4.1 Response to previous public questions taken on notice
Nil

4.2 Response to unasked questions from the previous meeting

Ms Liz Christmas

Question 1:

Given the 19.3% of the York population who are aged over 65 years, and given the likely increase in actual numbers in coming years, if not also the proportion, putting a foreseeable strain on existing housing stock for this age group: does the Shire intend to consult those most knowledgeable and relevant in the Community re the needs of our older citizens (agencies such as York's Home & Community Care (HACC) and those of us living here who are in the relevant age bracket), prior to the Shire's Submission/Response re the Seniors Housing Strategy?

Response provided by the Executive Manager Corporate and Community Services:

The Shire encourages all interested parties to make a submission to the Department of Housing. Officers will contact service providers, agencies and other stakeholders (eg YHAG) prior to formulating the Shire's submission. In addition, Council has adopted as part of its Corporate Business Plan, the development of an Age-Friendly Plan in this financial year. An outline of the process including a community engagement plan and timeline will be brought to Council for consideration in the coming months.

Question 2:

Is the Shire aware that another limit to availability of affordable housing for the elderly in York is that Balladong (a) is also open to people from elsewhere, hence not necessarily accessible to those elderly of York who may be seeking a lease on appropriate housing and (b) has limitations set by conditions associated with the lease of units (e.g. non-inheritability of units by family on the owner's decease) limiting the attractiveness of takeup of those units?

Response provided by the Executive Manager Corporate and Community Services:

The Shire will be advocating for the Department of Housing to consider the diverse needs of regional communities in particular, with regards to the five themes identified in the Discussion Paper and the barriers making it more difficult for seniors to remain within their communities.

Question 3:

Is the Shire aware that once Home and Community Care (HACC) is replaced by privatised or outsourced services, as is intended to happen, then an extra burden will likely be placed on elderly individuals' capacity to remain in their own current homes as they now do with the support, cleaning and garden & safety maintenance services of HACC personnel who are in and of their own community rather than being outsiders and strangers?

Response provided by the Executive Manager Corporate and Community Services:

This and many other issues relating to the needs of our seniors will be considered during the development and consultation process for the Shire's Age Friendly Plan which will help to guide the Shire's future investment and advocacy in this area.

Dr James Plumridge

Question 1:

- (a) What progress has been made, and how, towards the formulation of a business plan for the YRCC;
- (b) If and when the business plan will be released for public scrutiny and discussion;
- (c) Which of the issues 'involved' in my May question the business plan is likely to address;
- (d) Why apparently no part of my May question could be answered by consulting Shire records; and
- (e) If the answer to (d) is that documents are missing from the files—
 - (1) What categories of document—e.g. those relating to awarding of contracts—appear to be missing;
 - (2) Is the Shire satisfied that with respect to any missing documents no offences have been committed against the State Records Act 2000; and
 - (3) If it is not thus satisfied, will the Shire refer the matter to the proper authorities for investigation and possible prosecution?

Response provided by the Executive Manager Corporate and Community Services:

Item SY141 – 11/16 of the November Agenda outlines a process for the development of a Discussion Paper which is intended to provide options for the future management of the YRCC. The process will include a comprehensive review of the capital costs, current usage and operating costs, as well as options for the future management of the centre. All of the issues raised by your question will be considered during the development of the Discussion Paper which will be presented to Council for its consideration. Once direction has been received, a management framework will be developed that takes into account community and stakeholder feedback and will inform the future management of the YRCC and Shire budget allocations.

5. PUBLIC QUESTION TIME

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

6.7 Other procedures for question time for the public

- (1) A member of the public who wishes to ask a question during question time must identify themselves and register with a Council Officer immediately prior to the meeting.*
- (2) A question may be taken on notice by the Council for later response.*
- (3) When a question is taken on notice the CEO is to ensure that—
 - (a) a response is given to the member of the public in writing; and*
 - (b) a summary of the response is included in the agenda of the next meeting of the Council.**
- (4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to—
 - (a) declare that he or she has an interest in the matter; and*
 - (b) allow another person to respond to the question.**

(5) Each member of the public with a question is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions.

(6) Where a member of the public provides written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.

(7) The Presiding Member may decide that a public question shall not be responded to where—

(a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;

(b) the member of the public uses public question time to make a statement, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or

(c) the member of the public asks a question that is offensive or defamatory in nature, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.

(8) A member of the public shall have 2 minutes to submit a question.

(9) The Council, by resolution, may agree to extend public question time.

(10) Where any questions remain unasked at the end of public question time they may be submitted to the CEO who will reply in writing and include the questions and answers in the agenda for the next ordinary Council meeting.

(11) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.

Public Question Commenced at: 5.06pm

5.1 Written Questions – Current Agenda
Nil

5.2 Public Question Time
Nil

As there were no questions received from the Gallery, Public Question Time Concluded at 5.07pm.

6. APPLICATIONS FOR LEAVE OF ABSENCE

The following Councillors applied for Leave of Absence:

Cr David Wallace – 16 January, 2017 to 19 February, 2017 inclusive

Cr Denese Smythe – 19 December, 2016 to 26 December, 2016 inclusive

Cr Tricia Walters – 19 December, 2016 one day only

**RESOLUTION
011216**

Moved: Cr Randell

Seconded: Cr Ferro

“That Council approves Leave of Absence for –

- *Cr David Wallace from the 16 January, 2017 to 19 February, 2017;*
- *Cr Denese Smythe from the 19 December, 2016 to 26 December, 2016; and*
- *Cr Tricia Walters for the 19 December, 2016.”*

CARRIED: 5/0

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Minutes of the Ordinary Council Meeting held 28 November, 2016

Corrections

Confirmation

**RESOLUTION
021216**

Moved: Cr Randell

Seconded: Cr Saint

“That the minutes of the Ordinary Council Meeting held 28 November, 2016 be confirmed as a correct record of proceedings.”

CARRIED: 5/0

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

9. OFFICER’S REPORTS

SY156-12/16 – Biennial Community Scorecard – Endorsement of Survey Questions

| | |
|-------------------------------------|---|
| FILE REFERENCE: | OR.CMA.2.1 |
| APPLICANT OR PROPONENT(S): | N/A |
| AUTHORS NAME & POSITION: | Paul Martin, Chief Executive Officer |
| RESPONSIBLE OFFICER: | Paul Martin, Chief Executive Officer |
| PREVIOUSLY BEFORE COUNCIL: | Nil |
| DISCLOSURE OF INTEREST: | Nil |
| APPENDICES: | Draft 2017 Community Scorecard |

Nature of Council’s Role in the Matter:

- Executive

Purpose of the Report:

This report presents Council with draft questions for the Biennial community scorecard for consideration and endorsement.

Background:

An action identified to be undertaken every two years in the Corporate Business Plan is a survey of the community. This survey was identified to be undertaken in the 2016/17 FY and funds have been included in this year’s budget to facilitate this occurring.

A regular community survey is a chance for the organisation to understand the opinions and views of the community, identify issues and areas for focus, benchmark performance and track improvements over time.

Importantly, the survey is a fundamental part of a healthy democracy and well-functioning local government.

The survey is not generally used to seek direction on major initiatives but more to provide feedback on the performance of the organisation.

The Shire of York has not undertaken a comprehensive survey of this nature for some time so the results of this survey will be used as a baseline of performance into the future.

Comments and details:

Officers have engaged CATALYSE to undertake the community survey. This company has a significant amount of experience in conducting similar surveys for other local government authorities. This experience will not only be valuable but will also importantly enable a comparison with other local governments for benchmarking purposes.

CATALYSE has reviewed the Council’s Corporate Business Plan and worked with Officers to develop the attached draft questions for Council’s consideration.

Whilst most of the questions are relatively standard and allow comparison with other local governments, some questions with particular relevance to the Shire of York are included.

If Council agrees with the questions, the survey will be distributed in the following manner:

- A “To the Householder” letter will be sent to every household in York. Included in this letter will be a copy of the survey and a reply paid envelope addressed to CATALYSE. The surveys will be returned directly to CATALYSE rather than the Shire of York.
- A copy of the survey will be available to complete online with a link from the Shire’s website. Results will be directly collated by CATALYSE.

The survey will be distributed during the first week of February 2017 with surveys closing 20 February 2017.

The results of the survey will be available soon after this and will be presented to a Council meeting for consideration.

The survey results will assist in developing the budget for the 2017/18 FY.

Implications to consider:

- Strategic
This report addresses an action in the Council's Corporate Business Plan.
- Financial
\$15,000 is included in the 2016/17 FY budget to undertake the survey. The price quoted is within this budget allocation.

Voting Requirements:

Absolute Majority Required: No

RESOLUTION

031216

Moved: Cr Ferro

Seconded: Cr Saint

"That Council adopts the 2017 Community Scorecard questionnaire as attached at Appendix 1 and requests the Chief Executive Officer to arrange distribution of the survey as outlined in this report."

CARRIED: 5/0

SY157-12/16 – Councillors Professional Development for the Period April – October 2016

FILE REFERENCE: OR.CLR.2
APPLICANT OR PROPONENT(S): N/A
AUTHORS NAME & POSITION: Paul Martin, Chief Executive Officer
RESPONSIBLE OFFICER: Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL: Nil
DISCLOSURE OF INTEREST: Nil
APPENDICES: Report from Councillor Randell

Nature of Council’s Role in the Matter:

- Review

Purpose of the Report:

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

Background:

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

6. Report Back

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

Comments and details:

Attached to this item is a copy of a report received by the Chief Executive Officer from Councillor Randell regarding professional development events participated in during this time.

Implications to consider:

- Consultative – Nil
- Strategic – Nil
- **Policy related**
This item addresses the reporting requirements of Council Policy *G 1.2 Councillors: Professional Development*.
- Financial – Nil
- Legal and Statutory – Nil
- Risk related - Nil

Voting Requirements:

Absolute Majority Required: No

**RESOLUTION
041216**

Moved: Cr Saint

Seconded: Cr Heaton

“That Council notes the individual report from Councillor Randell attached to this agenda item in accordance with Policy G 1.2 Councillors Professional Development.”

CARRIED: 5/0

SY158-12/16 – Timeline and Process for Adoption of the 2017/18 Annual Budget

FILE REFERENCE: FI.BUD1718
APPLICANT OR PROPONENT(S): N/A
AUTHORS NAME & POSITION: Suzie Haslehurst, Executive Manager
Corporate & Community Services
RESPONSIBLE OFFICER: Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL: Nil
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil

Nature of Council's Role in the Matter:

- Executive
- Review

Purpose of the Report:

This report seeks Council's endorsement of a proposed timeline for the adoption of the 2017/18 Annual Budget.

Background:

Under Section 6.2(1) of the *Local Government Act 1995* (the Act), each local government is required to prepare and adopt by absolute majority a budget for the following financial year. The Act prescribes that this must be done between 1 June and 31 August for the financial year ending 30 June following that August.

Regulations 22-32 of the *Local Government (Financial Management) Regulations 1996* outline the information required to be included in the annual budget which includes as a minimum, the following;

- An income statement
- A cash flow statement
- Rates and service charges to be imposed
- Fees and charges to be imposed

The annual budget is to be lodged with the Department of Local Government and Communities within 30 days of its adoption by the local government.

Comments and details:

Officers have developed a timeline for the development and adoption of the 2017/18 Annual Budget which includes a number of opportunities for Council's input and direction. The timeline has been developed to achieve adoption of the annual budget by 30 June.

It is noted that in accordance with Council's acceptance of the Audit Committee's recommendation in October 2016, Moore Stephens has been engaged to undertake the following;

- Review of Financial Management systems and procedures pursuant to Regulation 5 of the *Local Government (Financial Management) Regulations 1996*;
- Review of Risk Management, Internal Control and Legislative Compliance pursuant to Regulation 17 of the *Local Government (Audit) Regulations 1996*; and
- The 2016/17 statutory financial audit.

This package of work will be commenced in February 2017. While it is anticipated that the budget will be developed concurrently with this work, Officers acknowledge that this could potentially impact proposed timelines.

Officers are also proposing to work with Moore Stephens to update the Council's Long Term Financial Plan which is required to be adopted as part of the budget. As previously identified in earlier reports to Council, the 2017/18 budget process will deal with some matters which could have significant financial implications and therefore Officers are keen to ensure these are made with a sound long term financial sustainability goal in mind.

Proposed Timeline

| | |
|------------------|---|
| 19 December 2016 | Council approval of Budget Timeline |
| January 2017 | Finalisation of financials for mid-year budget review Preparation of information required by Moore Stephens Preparation of staff budget templates |
| February 2017 | Moore Stephens commences Financial Management Review and Audit Regulation 17 Review |
| 27 February 2017 | Council to meet with Moore Stephens Council to consider Mid-Year Budget Review |
| 29 March 2017 | Lodge Mid-Year Review with Department of Local Government and Communities |
| 3 April 2017 | Council Concept Forum – Long Term Financial Plan |
| 1 May 2017 | Council Concept Forum – 1 st draft budget |
| 15 May 2017 | Council briefing – 2 nd draft budget, fees and charges, rates |
| 22 May 2017 | Council adoption of rate in the dollar for two weeks public advertising |
| 26 June 2017 | Proposed adoption of Statutory Budget for 2017/18 and adoption of Council's revised Long Term Financial Plan |

Implications to consider:

- Consultative
Given the Shire of York does not impose differential rates, there is no legislative requirement to publicly advertise the rate in the dollar proposed as part of the annual budget. However, officers propose that the rate in the dollar be advertised for a period of two weeks to provide the community with an opportunity to comment prior to budget adoption.
- Strategic
The timely adoption of the Annual Budget is a key service that is linked to *Theme 5 – Strong and Effective Governance* as outlined in the Shire's Corporate Business Plan.
- Policy related
G4.1 *Integrated Planning and Reporting (Planning)*
G4.3 *Financial Planning and Sustainability*
- Financial
Nil

- Legal and Statutory

Local Government Act 1995

6.2. Local government to prepare annual budget

(1) *During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*

** Absolute majority required.*

(2) *In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —*

(a) the expenditure by the local government; and

(b) the revenue and income, independent of general rates, of the local government; and

(c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.

(3) *For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.*

(4) *The annual budget is to incorporate —*

(a) particulars of the estimated expenditure proposed to be incurred by the local government; and

(b) detailed information relating to the rates and service charges which will apply to land within the district including —

(i) the amount it is estimated will be yielded by the general rate; and

(ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;

and

(c) the fees and charges proposed to be imposed by the local government; and

(d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government; and

(e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used; and

(f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and

and

(g) such other matters as are prescribed.

(5) *Regulations may provide for —*

(a) the form of the annual budget; and

(b) the contents of the annual budget; and

(c) the information to be contained in or to accompany the annual budget.

- Risk related

Should the budget not be adopted in accordance with the Act, special permission will need to be sought from the Minister for Local Government and Communities. This will adversely affect the Shire's reputation with both the Department of Local Government and Communities and the local community. Therefore, Officers have proposed a timeline which results in the adoption of the budget by 30 June 2017. In the event of any unforeseen delay, the Shire still has two months to adopt the budget in compliance with the Act.

A further reason for early adoption of the budget is so that the organisation's operations can continue uninterrupted and service levels to the community maintained.

Voting Requirements:
Absolute Majority Required: No

RESOLUTION
051216

Moved: Cr Ferro

Seconded: Cr Heaton

“That Council notes the timeline and process for the adoption of the 2017/18 Annual Budget”.

CARRIED: 5/0

SY159-12/16 – York Festival Multi-Year Funding Proposal

FILE REFERENCE: CS.CEV.19
APPLICANT OR PROPONENT(S): The York Festival
AUTHORS NAME & POSITION: Esmeralda Harmer, Community & Economic Development Officer
RESPONSIBLE OFFICER: Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL: No
DISCLOSURE OF INTEREST: Nil
APPENDICES: Appendix 1 – Confidential distributed to Councillors, CEO and Executive Managers only. (In accordance with Section 5.23 (2) (e) of the Local Government Act 1995) The York Festival 3 Year Funding Proposal

Appendix 2 – Confidential distributed to Councillors, CEO and Executive Managers only. (In accordance with Section 5.23 (2) (e) of the Local Government Act 1995) The 2016 York Festival Acquittal

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

Council is requested to consider a multi-year funding agreement for the York Festival and the economic benefit to the community of such a proposal. This report outlines the Shire of York's previous involvement with the York Festival and proposed budget allocations for a multi-year funding arrangement to be considered as part of the 2017/18 budget process.

Background:

The York Festival, formerly the York Bazaar, was established in 2014 by resident Jenny Garroun, with an aim to revitalise the festival atmosphere in York of previous years. Over the past three years, the York Festival has grown in number and size attracting a reported 1,539 visitors in 2014 with an increase to 2,347 visitors this year. Main attractions of the Festival now include WA artisans, live music, Hay Bale Art Competition, workshops, kids activities, Mt Brown footrace and sand sculpture.

Council at the Ordinary Council Meeting held on 27 June 2016 resolved as follows:

"That Council:

- 1. Requests the Chief Executive Officer to include the estimated surplus from unspent Tourism funds in 2015/16, being \$46,454, as a specific carry forward in the 2016/17 draft budget for future funding requests listed below.*
- 2. Approve the following funding requests from remaining funds in the 2015/16 budget;*
 - Jemma Read \$ 500*
 - Gooder Judder \$1,000*
- 3. Approve the following funding requests and include in the 2016/17 budget;*
 - York Golf Club \$ 1,000 Cash only*
 - York Men's Shed \$ 2,954 Cash only*
 - York Society \$15,750 Cash only*
 - York Community Resource Centre \$ 1,500 In-kind support*
 - The York Festival \$15,000 Cash and in-kind*

| | | |
|---------------------------------------|----------|------------------|
| • York Gourmet Food and Wine Festival | \$15,000 | Cash and in-kind |
| • York Agricultural Show | \$10,000 | Cash and in-kind |
| • York Motorcycle Festival | \$15,000 | Cash and in-kind |
| • Avon Valley Writer's Festival | \$ 2,500 | Cash and in-kind |
| • All Ford Day Cruise | \$ 2,586 | In-kind support |
| • Veteran Car Club | \$ 2,500 | Cash and in-kind |
| • Children's Street Christmas Party | \$ 6,000 | Cash only |
| • Medieval Fayre | \$ 5,000 | Cash and in-kind |
| • Arts and Crafts Awards | \$ 5,500 | In-kind support |

4. *Delegate authority to the Chief Executive Officer to negotiate the cash and in-kind balance with the above applicants where required."*

As a commercial entity, the York Festival is financed through a mix of stall fees, ticket entry, Shire contribution and the Festival organiser's personal funds. It is noted that 2016 was the first year the Shire has provided any type of cash and in kind assistance to the York Festival and this year's acquittal is included as a confidential attachment to this report.

Comments and details:

Shire officers have met with the York Festival organiser to discuss the success of this year's festival and future growth opportunities. Ms Garroun has indicated that to ensure the long-term sustainability of the festival, she has sought to establish an incorporated association to manage the festival. Officers concur with this approach as it will provide greater opportunity to attract funding and leverage the support required to maintain and develop a successful annual event for the town.

In previous years, fenced ticketed entry entitled participants access to all activities, such as art installations, live music, market stalls and food, limiting the locales and opportunity to grow the event across multiple locations. Through Community feedback and survey, a lower level of local participation in the Festival was acknowledged, with the entry fee/s identified as the primary barrier.

Addressing these concerns, the 2017 York Festival program looks to include, under the proposed not for profit status, entry by gold coin donation. It is envisioned that varying the ticketed entry to entry by gold coin donation and charging only for specific inclusions will provide;

- an inclusive approach responsive to community input; and
- spread the Festival throughout the York CBD and include new locations such as Sandalwood Yards, Avon Park, Masonic Hall, Castle Hotel, and the Courthouse complex.

The proposed new entry fee and the opportunity to include multiple locations in the 2017 program will allow the inclusion of new activities to the program such as:

- The Great Gold Hunt, a treasure finding based activity throughout York for groups or families to follow a series of clues that tell something of York's history.
- The Running of the Lambs fun event at Avon Park, inviting children young and old to create a lamb 'onesie' suit to wear and take part in a fun run event.
- Four performances by the Spare Parts Puppet Theatre of an adaptation of Roald Dahl's "The Twits" novel in the Masonic Hall.
- Town Crier competition encouraging people to volunteer to act as town criers who are tasked with the job of announcing the time and location of various program elements. Set throughout the CBD, town criers will earn votes from the public for creativity and be appointed the honorary Town Crier until next Festival
- Market stalls at the Sandalwood Yards

- Living art windows matching six artists with six shop windows along Avon Terrace, with each artist creating an unobtrusive window display that speaks of the history of each building and the type of business that operated there, either current or past.
- What Lies Buried Rises exhibition at the Residency Museum. A series of photographs and artefacts by Balladong Noongar Artists that reflect on the story of Sarah Cook and her baby who were murdered near York in 1839.
- Western Saloon Alternative Country Music at the Castle Hotel to feature a line-up of approximately seven bands performing over the Festival weekend.
- Troopers Yards behind the Courthouse to be utilised as installation space for Hay Bale Challenge art entries.
- Commissioned work by String Symphony featuring a giant puppet, that sits within a 5m truss to be illuminated and operated by two professional puppeteers. Members of the public will be invited to engage as puppeteers with the Courthouse complex location proposed to house the installation.

Officers have identified that the York Festival is one of a few events that has the capacity and potential to align with the future positioning of York and attract people from Perth and the broader state to visit the town. By proposing the new entry fee and imposing a cover charge for specified events only, it is anticipated the local community will actively participate in more activity offered across the 2017 program. Engagement through the local school, York CRC and other community partnerships is planned in 2017 as in previous years to ensure static displays and exhibitions are reflective of the vibrancy of community involvement.

Festival organisers are requesting Council considers contributing \$22,000 of cash per annum to assist the Festival over the three-year period. The proposed multi-year agreement provides:

- Support to grow and develop both festival content and attendances, from a level of certainty multi-year funding provides.
- Opportunities for external funding applications to be made leveraging the multi-year funding support proposed by the Shire particularly with the proposal to move the Festival to an incorporated association.
- The organiser financial security to engage and book in advance each year, performers, artists, and theatre groups to provide new and exciting aspects to the Festival that are consistent with York's image and aspirations.

Officers are recommending Council requests the Chief Executive Officer to negotiate a draft three-year funding agreement with the York Festival with a number of conditions. Officers have identified as part of the Officer Recommendation some proposed conditions (i.e. the festival becoming an incorporated body), if Councillors have additional conditions they would like to see included in the draft agreement these should be included in any Council resolution.

The York Festival proposal also offers opportunity to further develop the social and community fabric of the town by developing a sense of place and building social and cultural benefits such as community pride, identity, volunteerism, and the general benefit of pulling the town together through partnerships. The York Festival benefits local vendors, artisans, craftspeople, restaurateurs, hoteliers, and proprietors who may indeed make a large portion of their annual income during festival weekends. Planned main street revitalisations can also be a positive economic spin-off highlighted through festival weekends. Appearance improvements made for The York Festival such as the hay bale art installations and living art window displays have year-round benefits and can create stimulus for improved town retailing and service industries both pre and post-event. Although difficult to quantify, these types of outcomes are fundamental in aligning York's presence on the Festival map and considered consistent with the Shire's Strategic Community Plan for the town.

Implications to consider:

- Consultative

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

- Strategic

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

- *Supporting the establishment and marketing of a calendar of key events to encourage visitors to the Shire. These events will be focused on achieving economic benefit and will sit alongside and complement more community focused events.*
- *Supporting the business community to build its networks.*

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

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

- Financial

Should Council approve this request, it would represent the largest cash sponsorship provided by the Shire to any event, with recurrent budget allocations required as part of each yearly budgeting process to honour the multi-year funding arrangement. It is suggested this process be detailed within the multi-year proposal to ensure the remaining available funding pool for other potential events is not compromised. Financial Acquittals for sponsorship made in the 2016 year have been included as a confidential attachment to this report and will be required for each year of the proposed multi-year agreement in accordance with the *C1.3 Community Funding: Donations, Grants, Sponsorship and Waiver of fees Policy Clause 8, Acquittal*

- Risk related

Whilst the suggested amount of sponsorship is substantial and has the potential to be perceived as an inequitable distribution of funds, the loss of a valuable community asset, vibrancy to the town and potential to grow the reach and market of this event to York and the impact this is likely to have should also be weighted.

Voting Requirements:

Absolute Majority Required: No

**RESOLUTION
061216**

Moved: Cr Randell

Seconded: Cr Saint

“That Council;

- 1. *Receives the acquittal of the 2016 York Festival.***
- 2. *Requests the Chief Executive Officer to negotiate a draft Three Year Funding Agreement with the organisers of the York Festival subject to the following conditions:***
 - (a) the York Festival becoming an incorporated body;***
 - (b) a maximum of \$22,000 per annum to be provided as a cash contribution to the Festival;***
 - (c) any works undertaken by the Shire to be charged as private works;***
 - (d) promotion and acknowledgement of the Shire’s contribution; and***
 - (e) provision of acquittal requirements as per the C1.3 Community Funding: Donations, Grants, Sponsorship, and Waiver of fees Policy.***
- 3. *Requests the Chief Executive Officer to present the draft Agreement to Council for consideration prior to execution.”***

CARRIED: 5/0

SY160-12/16 – Award of RFT 03/1617 Installation of Synthetic Grass for the Tennis Courts at the Forrest Oval Sports Precinct

FILE REFERENCE: AS.TEN.54
APPLICANT OR PROPONENT(S): Shire of York
AUTHORS NAME & POSITION: Paul Crewe, Executive Manager
Infrastructure and Development Services
RESPONSIBLE OFFICER: Paul Crewe, Executive Manager
Infrastructure and Development Services
PREVIOUSLY BEFORE COUNCIL: N/A
DISCLOSURE OF INTEREST: N/A
APPENDICES: Confidential Attachment A – “Recommendation Report”

Attachment A is confidential under Section 5.23 - 2(c) of the Local Government Act 1995 in that it deals with "a contract entered into or which may be entered into, by the local government".

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

Nature of Council’s Role in the Matter:

- Executive

Purpose of the Report:

Council is requested to consider the tenders received in response to Request for Tender RFT03/1617 for the Installation of Synthetic Grass for the Tennis Courts at the Forrest Oval Sports Precinct. The tender has now closed and tender submissions have been received and evaluated.

This report summarises the submissions received and recommends that Council awards RFT03/1617 for the Installation of Synthetic Grass for the Tennis Courts at the Forrest Oval Sports Precinct to West Coast Synthetic Surfaces for their “Omni-Court Cool-plus” Synthetic turf for a price of \$171,300 (Excl GST) in accordance with the tender evaluation panel recommendation.

Background:

The Shire of York sought Tenders from suitably qualified Tenderers to supply and install Synthetic Turf on eight Tennis courts at the Forrest Oval Sporting Complex in York.

The synthetic turf was a replacement item for turf at the end of its life so no sub-base or base course construction was required. This was confirmed by way of geotechnical testing undertaken on the site.

Tenderers were asked to provide the following scope of works:

- Inspection and initial report on the existing surface including a review of geotechnical and as-constructed survey which makes comments on the product being offered and its suitability to the existing site conditions.
- Full specification on the product including;
 - type of secondary backing and its thickness;
 - thickness of stitch at the back of the product;
 - methodology of application of the secondary backing;
 - amount of curing time allowed after the application of the secondary backing; and
 - if the backing makes use of an aerated latex.

- Full specification on the installation including;
 - installer's experience;
 - methodology of laying;
 - the type of tape being used;
 - the amount of adhesive being used (if any);
 - optimum weather conditions for laying the material (manufacturers guide) and
 - a methodology in sand application and grooming.
- Warranty and guarantee on both the synthetic material being purchased and the installation method.
- A comprehensive maintenance manual, with a once a month visit for a period of 12 months with included "maintenance training" session with both the Shire of York Employees and the York Tennis club.

The successful tenderer will be reporting to the Executive Manager of Infrastructure and Development Services to fulfil the requirements as described in this report.

Comments and details:

The Tenders were evaluated by Shire Officers, a representative from both Tennis West and the York Tennis Club. The Recommendation report including an assessment of the qualitative and price considerations has been included in the confidential "Recommendation Report".

Tender documents were issued to 11 Tenderers, and the Shire of York received 5 Tenders by the closing date at 2pm on 24 November 2016.

A copy of all documentation was provided to each member of the tender review panel for assessment. The tender documentation provided for the evaluation process to include, among other considerations, the following methodology:

- Tenders were evaluated using the tendered prices, information provided by tenderers in response to the qualitative criteria specified in the tender documents and such other information the Shire considers necessary in order to evaluate the tenders against the selection criteria.
- A scoring and weighting system was used as part of the assessment of the tendered prices and qualitative criteria, with the objective to allocate points and weightings in accordance with the relative degree of importance that the Shire places on price and each of the qualitative criteria. The extent to which a tender demonstrated greater satisfaction of each of these qualitative criteria resulted in a greater score.
- The tendered prices were then assessed together with the weighted qualitative criteria and the tenders scored and ranked to determine the most advantageous outcome to the Shire of York. The Shire has adopted a best value for money approach to this Request for Tender which means that, although price will be a consideration, the tender containing the lowest price will not necessarily be accepted, nor will the tender ranked the highest on the qualitative criteria.
- The tender required applicants to address specific selection criteria and complete a pricing schedule for the contract. The following weightings applied to the qualitative criteria and price:

- Relevant Experience 15%
- Key Personnel Skills and Experience 10%
- Tenderer's Resources 10%
- Demonstrated Understanding 5%
- Price 60%

The tender evaluation was conducted in accordance with the requirements of the tender documents (including the above) and resulted in the tender from West Coast Synthetic Surfaces being ranked as the preferred tender.

The attached confidential Tender Evaluation and Recommendation report (Attachment A) provides the detailed evaluation outcome.

Implications to consider:

- **Consultative**

Officers consulted with Tennis West, the Tennis club and a number of other clubs who have recently had Synthetic Grass installed in other locations around Western Australia.

The Advertising of RFT03/1617 for the Installation of Synthetic Grass for the Tennis Courts at the Forrest Oval Sports Precinct was included in the West Australian Newspaper (5 November 2016), the Hills / Avon Valley Gazette (4 November 2016) and the Shire's Website.

- **Policy related**

The review process will, as a minimum, have regard for the following Policies of Council;

- F 1.2 Procurement
- G 2.9 Community Engagement and Consultation
- G 4.3 Financial Planning and Sustainability
- G 4.5 Asset Management
- G 4.6 Risk Assessment and Management

- **Financial**

The Shire of York has nominated a sum of \$175,000 for the replacement of the Synthetic Turf at the Tennis club in its 2016/17 budget. The recommended tender is within budget allocations.

It should be noted that Officers will undertake some minor works to prepare the site prior to installation of the new surface. These are expected to be within the overall budget allocations for this project.

- **Legal and Statutory**

- Section 3.57 of *Local Government Act 1995* requires "A local government to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods and services".
- Part 4 (Tenders) of the *Local Government (Functions and General) Regulations 1996* require that tenders be publicly invited for such contracts where the estimated cost of providing the total service exceeds \$150,000.
- Compliance with the *Local Government Act 1995* section 3.57 is required in the issuing and tendering of contracts.

- **Risk related**

Outlined below are the identified risks related to the Officer recommendations contained in this report.

| Identified Risk | Risk type | Level of Risk | Mitigation |
|--|-----------------------|---------------|---|
| Contractual variations | Budget | Low | Tender Documents are thorough, specification and administration of the contract will be undertaken in accordance with Local Government standards. |
| Material or installation failure | Contractual | Medium | The Contract documents and specification has requested all tenders provide a warranty on both the material used and the installation of the material. In the Preferred option the warranty on the installation is 5 years and the product material is 8 years |
| Maintenance of the material not done to standard voiding warrantee | Contractual | Medium | The Shire has written into the contract that Tenderers will provide a 12 month inspection, training and maintenance program period which will be undertaken once a month for both the Shire of York and the Tennis club. This can be continued into further years if required. This will guarantee the contractors product is being maintained to the standard they recommend for their material. |
| Sub surface damage | Physical construction | Medium | Geotechnical testing has been undertaken in spot samples around the Tennis Courts |

- **Options**

Council may consider the following alternate options:

- The Council chooses not to accept the Officer Recommendation and award the Tender to an alternative tenderer. In the view of the Officers this could result in a Tender being awarded to a tenderer that is not most advantageous to the Shire.
- The Council may choose not to accept the Officer Recommendation and not award the tender. This would mean going back out to tender, resulting in significant delays to the contract award and significant delays to re-opening the Tennis courts to the Community.

- **Timeline for implementation of Officer Recommendation**

Once Council has endorsed the Officer Recommendation, it will take Officers approximately 2 weeks to formalise and award the Contract. The preferred Tenderer has advised an implementation program of approximately 6-8 weeks from the manufacturing and shipping of the product to complete installation. This timeline may vary if the manufacturer has a shut-down period over Christmas.

Voting Requirements:

Absolute Majority Required: Yes

**RESOLUTION
071216**

Moved: Cr Ferro

Seconded: Cr Heaton

“That Council:

- 1. Adopts the outcome of the tender evaluation panel’s assessment in relation to Tender Award of RFT 03/1617 Installation of Synthetic Grass for the Tennis Courts at the Forrest Oval Sports Precinct which recommends the tender submitted by West Coast Synthetic Surfaces for their “Omni-Court Cool-plus” Synthetic turf for a price of \$171,300 (Excl GST) as the preferred Tender; and***
- 2. Delegates authority to the Chief Executive Officer, to award the contract to West Coast Synthetic Surfaces for their “Omni-Court Cool-plus” Synthetic turf product.”***

***CARRIED: 5/0
WITH ABSOLUTE MAJORITY***

SY161-12/16 – Approval to Keep Six Dogs

FILE REFERENCE: RS ANC.2
APPLICANT: Mr Nigel Spencer - 54 Knotts Road, York
AUTHORS NAME & POSITION: John Goward, Ranger
RESPONSIBLE OFFICER: Paul Crewe, Executive Manager Infrastructure and Development Services
PREVIOUSLY BEFORE COUNCIL: N/A
DISCLOSURE OF INTEREST: N/A
APPENDICES: Appendix 1 – Copy of Letter to Immediate Neighbours
Appendix 2 – Photographs of Dogs and Means of Confinement to Property

Nature of Council's Role in the Matter:

- Legislative

Purpose of the Report:

To consider an application made by Mr Nigel Spencer of 54 Knotts Road, York in accordance with the provisions of Section 26(3) of the *Dog Act 1976*, to keep more than the prescribed number of dogs, on a premises.

Background:

It is a requirement of the Shire of York Dog Local Law (2000), that the maximum number of dogs that can be kept on a premises within a town site is two (2), unless an exemption is granted by Council under the provisions of Section 26(3) of the *Dog Act 1976*.

Council has approved similar applications in the past where adjoining neighbours have had no objections to the request and the Shire Ranger or other authorised officer has considered that there are no valid reasons for withholding such approval.

Comments and details:

Mr Spencer has lived in York since 2011 and has been keeping nine (9) dogs at the property. Through contact with the Shire Ranger he has been advised that he needs to apply for an exemption to keep more than two dogs.

Originally Mr Spencer kept six (6) working sheep dogs on the property which he used in his mobile farmyard display called 'Incredible Creatures'. He travelled extensively visiting schools, prisons and rural shows over the state of Western Australia.

The remaining three (3) dogs belong to Mr Spencer's partner, Dr. Susan Stevenson who moved in with her pet dogs three years ago.

Mr Spencer has re-homed and found new ownership of the following three (3) dogs to a local farm operator:

1. Fly, female Collie Kelpie crossbreed, sterilized, 15 months old
2. Moss, male Collie Kelpie crossbreed, unsterilized, 15 months old
3. Sparx, male Collie, unsterilized, 10 months old.

Mr Spencer is applying for an exemption to keep the remaining six (6) dogs, which are listed below:

1. Dan, male Kelpie, unsterilized, 7 years old
2. Bailey, male Australian Shepherd, unsterilized, 12 years old
3. Lou, female New Zealand Huntaway, sterilized, 3 years old
4. Dante, male Maremma, sterilized, 6 years old
5. Banjo, Male Labrador, sterilized, 15 years old
6. Wombat, female Jack Russell Fox Terrier crossbreed, sterilized 10 years old

On Friday 25 July 2016 at approximately 10.00am the Shire Ranger attended at 54 Knotts Road, York and spoke with Mr Nigel Spencer. The Ranger viewed the perimeter fencing of the property, a large internal fenced yard and numerous well-constructed dog pens, which in his opinion would adequately confine the six (6) dogs in question. The Ranger met three (3) of the dogs the subject of this application. These three (3) dogs seemed well adjusted. The Ranger photographed the dogs & also the fenced areas.

On Wednesday 15 November 2016 the Ranger attended at 54 Knotts Road and took photographs of the remaining three (3) dogs which also seemed well adjusted.

Three of the dogs were previously registered at Bridgetown by Doctor Susan Stevenson and three were previously registered at the Shire of York by Mr Nigel Spencer. All dogs will be registered at the Shire of York if this application is approved.

There has been a delay in the finalising of this application due to Mr Spencer's work commitments and initial indecision as to which dogs to keep and where to relocate the dogs in excess of the prescribed limit.

Implications to consider:

Risk Related:

Keeping of six dogs in a town site may impact on the social cohesion of a community if the dogs create a nuisance.

Consultative:

On 27 July 2016 letters were posted to adjoining neighbors which outlined Mr. Spencer's application and stating that if the neighbors had any objections they could notify the Shire within 10 days. No objections have been received.

**RESOLUTION
081216**

Moved: Cr Randell

Seconded: Cr Heaton

“That Council approves an exemption for the keeping of six (6) dogs at 54 Knotts Road, York subject to the following conditions:

- a. That the exemption be reviewed in twelve months’ time to ensure that no adverse problems have been experienced as a result of the exemption;***
- b. That Council reserves the right to withdraw the exemption if prior to the review period any of the six (6) dogs are in contravention of the Dog Act 1976;***
- c. The exemption applies only to the dogs nominated by the applicant;***
- d. Each dog is microchipped;***
- e. Each dog must be registered with the Shire of York; and***
- f. Upon the death or permanent removal of any of the nominated dogs the only dogs to then be kept are the remaining dogs which have been granted an exemption under this application.”***

CARRIED: 5/0

SY162-12/16 – Approval to Keep Three Cats

FILE REFERENCE: RS.ANC.4
APPLICANT: Ms Lynette Cutter - 2 Durable Street, York
AUTHORS NAME & POSITION: John Goward, Ranger
RESPONSIBLE OFFICER: Paul Crewe, Executive Manager Infrastructure and Development Services
PREVIOUSLY BEFORE COUNCIL: N/A
DISCLOSURE OF INTEREST: N/A
APPENDICES: Appendix 1 – Photographs of cats

Nature of Council's Role in the Matter:

- Legislative

Purpose of the Report:

To consider an application made by Ms Lynette Cutter of 2 Durable Street, York to keep more than two cats over the age of 3 months in accordance with the provisions of the Shire of York Health Local Law 2007, Section 5.2.4.1.

Background:

Under the provisions of the *Cat Act 2011*, Section 79(3) (h) the Shire of York may make Local Laws under this Act limiting the number of cats that may be kept at premises, or premises of a particular type.

A Cat Local Law has not been made in accordance with the provisions of the *Cat Act 2011* by the Shire of York at this time.

However, the Shire of York Health Local Law 2007, Section 5.2.4.1 allows a person to keep more than 2 cats over the ages of 3 months on premises on any land within the District with an exemption in writing from the Council.

Under the provisions of the *Cat Act 2011*, Division 2 - Local Laws

79. Local Laws

- (3) *Without limiting subsection (1), a local law may be made as to one or more of the following —*
- (a) *the registration of cats;*
 - (b) *removing and impounding cats;*
 - (c) *keeping, transferring and disposing of cats kept at cat management facilities;*
 - (d) *the humane destruction of cats;*
 - (e) *cats creating a nuisance;*
 - (f) *specifying places where cats are prohibited absolutely;*
 - (g) *requiring that in specified areas a portion of the premises on which a cat is kept must be enclosed in a manner capable of confining cats;*
 - (h) *limiting the number of cats that may be kept at premises, or premises of a particular type;*
 - (i) *the establishment, maintenance, licensing, regulation, construction, use, record keeping and inspection of cat management facilities;*
 - (j) *the regulation of approved cat breeders, including record keeping and inspection;*
 - (k) *fees and charges payable in respect of any matter under this Act.*

The Shire of York Health Local Laws 2007 - Cats

- 5.2.4 (1) *Subject to subsection (6), a person shall not, without an exemption in writing from the Council, keep more than 2 cats over the ages of 3 months on premises on any land within the District.*
- (2) *An owner or occupier of premises may apply in writing to the Council for exemption from the requirements of subsection (1).*
- (3) *the Council shall not grant an exemption under this Section unless it is satisfied that the number of cats to be kept will not be a nuisance or injurious or dangerous to health.*
- (4) *An exemption granted under this Section shall specify -*
- (a) the owner or occupier to whom the exemption applies;*
 - (b) the premises to which the exemption applies; and*
 - (c) the maximum number of cats which may be kept on the premises.*
- (5) *A person who is granted an exemption under subsection (3) may be required by Council to:*
- (a) provide for each cat kept at or on the premises, a properly constructed shelter with an enclosure complying with the following-*
 - (i) each shelter shall have a floor area of not less than 0.5 square metres for each cat over the age of 3 months kept or to be kept therein; and*
 - (ii) the area of the enclosure appurtenant to each shelter shall be not less than 3 times the area of the shelter;*
 - (b) ensure every shelter and enclosure is situated at a distance of not less than -*
 - (i) 2 metres from the boundary of any lot not owned or occupied by the person by whom the cats are kept;*
 - (ii) 10 metres from any dwelling, church, schoolroom, hall or premises in which food is manufactured, packed or prepared for human consumption;*
 - (c) keep all shelters, enclosures, yards and grounds in which cats are kept in a clean condition and free from vectors of disease at all times and clean, disinfect or otherwise deal with them as directed by an Environmental Health Officer from time to time.*
- (6) *A person may keep more the 2 cats on premises used for veterinary purposes or as a pet shop.*

This is the first application received by the Shire of York to keep more than the prescribed number of cats, since the Cat Act 2011 came into force in 2013.

Comments and details:

Ms Cutter has owned the cats since they were kittens and has lived in York for the past 12 months.

The cats are:

- 'Bella' a 12 year old Chinchilla, sterilized and microchipped female, grey, tan and white in colour
- 'Holly' a 12 year old domestic long hair, sterilized and microchipped female, black and white in colour,
- 'TJ', a 12 year old domestic long hair, sterilized and microchipped male, tan and white in colour.

Ms Cutter attended the Shire of York Administration Office to register her three (3) cats and was informed that she must apply to Council to keep more than two cats.

An application for a certificate of registration for her cat, 'Bella', being the third cat was received from Ms Cutter on 21 October 2016.

On Monday 14 November 2016 at approximately 11.15am the Shire Ranger attended at 2 Durable Street, York and spoke to Ms Lynette Cutter. Ms Cutter showed the Ranger the three cats subject to the application. Ms Cutter explained the cats hardly go out of the house and are three well-loved pets which were previously registered in Midland through the City of Swan. The cats appeared to be very healthy and well-adjusted to their environment and were easily handled by Ms Cutter and friendly towards the Ranger. The Ranger took a photograph of each cat as attached in Appendix 2.

Implications to consider:

Risk Related:

Keeping of three cats in a town site may impact on the social cohesion of a community if the cats create a nuisance.

Consultative:

Each cat in question is 12 years old and Ms. Cutter has housed them at 2 Durable Street for 12 months. As there have been no known complaints regarding these cats, it is believed that it is unnecessary to conduct a letter drop to assess if neighbors have any objections to the keeping of these cats.

**RESOLUTION
091216**

Moved: Cr Saint

Seconded: Cr Ferro

"That Council approves an exemption for the keeping of three (3) cats at 2 Durable Street, York subject to the following conditions:

- a. That Council has the right to withdraw the exemption if prior to the review period any of the three cats are in contravention of the Cat Act 2011 or the Shire of York Health Local Law 2007;***
- b. That the exemption be reviewed in 12 months' time to ensure that no adverse problems have been experienced as a result of the exemption;***
- c. That the exemption applies only to the cats nominated by the applicant;***
- d. Each cat on the property must be registered with the Shire of York;***
- e. Each cat is microchipped;***
- f. Each cat is sterilized; and***
- g. Upon the death or permanent removal of any of the nominated cats a maximum of two cats only will be permitted to be kept on this property."***

CARRIED: 5/0

SY163-12/16 – Financial Report for November 2016

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

Nature of Council's Role in the Matter:

- Legislative
- Review

Purpose of the Report:

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

Background:

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

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

Comments and details:

The Financial Report for the period ending 30 November 2016 is presented for Council's consideration and includes the following;

- Monthly Statements for the period ended 30 November 2016
- List of Creditor's Payments
- Corporate Credit Card Transaction Listing

The list of creditor's payments made under Delegation DE3-1 'Authority to make payments from Trust and Municipal Funds' for the month of November include total municipal payments of \$2,618,192.

While this appears to be higher than normal, it can be noted that \$2,300,000 was paid into term deposits held with Westpac and National Australia Bank. Further details of these deposits can be found in Council's Investment Report for the month of November 2016.

The following information provides balances for key financial areas for the Shire of York's financial position as at 30 November 2016;

Outstanding Rates and Services

Total outstanding rates as at 30 November 2016 are \$2,593,661 compared to \$3,103,088 as at 31 October 2016.

Previous Years

| | | | |
|---|------------------------------|--------|-------------------------|
| 3 years and over | \$182,577.42 | 7.04% | of rates outstanding |
| 2 years and over | \$134,962.47 | 5.20% | of rates outstanding |
| 1 year and over | \$338,759.65 | 13.06% | of rates outstanding |
| <u>Total Prior Years outstanding</u> | <u>\$656,299.54</u> | 25.30% | of rates outstanding |
| Current Rates | <u>\$1,937,361.21</u> | 74.70% | outstanding |
| <u>Total Rates Outstanding</u> | <u>\$2,593,660.75</u> | | |

Outstanding Sundry Debtors

Total outstanding sundry debtors as at 30 November 2016 are \$330,832 compared to \$334,125 as at 31 October 2016.

| | | | |
|---|----------------------------|--------|----------------------------------|
| 90 days and over | \$311,246.07 | 94.08% | of sundry debtors outstanding |
| 60 days and over | \$1,460.04 | 0.44% | of sundry debtors outstanding |
| 30 days and over | \$6,060.25 | 1.83% | of sundry debtors outstanding |
| Current | <u>\$12,065.80</u> | 3.65% | of sundry debtors outstanding |
| <u>Total Debtors Outstanding</u> | <u>\$330,832.16</u> | | |

Council is currently in the process of finalising a number of large long-standing debts contained within the above balances. As a risk mitigation strategy, a contingent liability has been included in the Balance Sheet.

Implications to consider:

- **Legal and Statutory**

Local Government Act 1995

6.10. *Financial management regulations Regulations may provide for —*

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

Local Government (Financial Management) Regulations 1996

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

(1A) *In this regulation —*

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

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
 - (b) budget estimates to the end of the month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.
[Regulation 34 inserted in Gazette 31 Mar 2005 p. 1049-50; amended in Gazette 20 Jun 2008 p. 2724.]

- **Policy**

Policy F1.2 Procurement

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

Voting Requirements:

Absolute Majority Required: No

**RESOLUTION
101216**

Moved: Cr Randell

Seconded: Cr Ferro

“That Council:

- 1. *Receives the Monthly Financial Report and the list of payments drawn from the Municipal and Trust accounts for the period ending 30 November 2016 as summarised below:***

Nov-16

| MUNICIPAL FUND | AMOUNT |
|---------------------------------|---------------------|
| Cheque Payments | 1,319,145.69 |
| Electronic Funds Payments | 1,299,046.84 |
| Payroll Debits | 190,388.64 |
| Payroll Debits - Superannuation | 40,845.69 |
| Bank Fees | 662.99 |
| Corporate Cards | 0.00 |
| Fuji Xerox Equipment Rental | 86.20 |
| Fire Messaging Service | 0.00 |
| TOTAL | 2,850,176.05 |

TRUST FUND

| | |
|---------------------------|-------------------|
| Electronic Funds Payments | 10,344.15 |
| Cheque Payments | 270.00 |
| Direct Debits Licensing | 115,251.45 |
| TOTAL | 125,865.60 |

| | |
|----------------------------|---------------------|
| TOTAL DISBURSEMENTS | 2,976,041.65 |
|----------------------------|---------------------|

- 2. *Notes that the total Municipal Fund payments of \$2,618,192.35 for November included \$2,300,000 of investments placed with Westpac and National Australia Bank.***

CARRIED: 5/0

SY164-12/16 – Investments – November 2016

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

Nature of Council's Role in the Matter:

- Legislative
- Review

Purpose of the Report:

To report to Council the balance of investments held by the Shire of York as at 30 November 2016.

Background:

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

Comments and details:

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

- a) Council's Investments as at 30 November 2016
- b) Application of Investment Funds
- c) Investment Performance

Implications to consider:

- **Legal and Statutory**

Local Government Act 1995

6.14. Power to invest

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

Local Government (Financial Management) Regulations 1996

19. Investments, control procedures for

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

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

- (1) *In this regulation —*

authorised institution means —

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

foreign currency means a currency except the currency of Australia.
- (2) *When investing money under section 6.14(1), a local government may not do any of the following —*
 - (a) *deposit with an institution except an authorised institution;*
 - (b) *deposit for a fixed term of more than 12 months;*
 - (c) *invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;*
 - (d) *invest in bonds with a term to maturity of more than 3 years;*
 - (e) *invest in a foreign currency.*

- **Policy**

Policy F1.4 Investment

Voting Requirements:

Absolute Majority Required: No

RESOLUTION

111216

Moved: Cr Saint

Seconded: Cr Heaton

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

CARRIED: 5/0

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

The Shire President thanked everyone for their attendance and wished all a Merry Christmas and Happy New Year

SY165-12/16 – Closing the Meeting to the Public & Press

FILE REFERENCE:

APPLICANT OR PROPOENT(S): Paul Martin, Chief Executive Officer
AUTHORS NAME & POSITION: Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL: No
DISCLOSURE OF INTEREST: Nil

Statutory Environment:

Local Government Act 1995 – Part 5 – Division 2 – Section 5.23:

- (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 —*
- (b) *the personal affairs of any person; 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;*

Voting Requirements:

Absolute Majority Required: No

RESOLUTION

121216

Moved: Cr Heaton

Seconded: Cr Randell

“That Council:

Closes the meeting to members of the public and the press to deal with matters affecting the personal affairs of any person; and a matter that if disclosed, would reveal a trade secret; or information that has a commercial value to a person; or 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.”

CARRIED: 5/0

Note to this Item:

The Gallery left the meeting and the doors were Closed at 5.18pm

Staff members, Mr Paul Martin, CEO; Mr Paul Crewe, Executive Manager Infrastructure & Development Services; Mrs Suzie Haslehurst, Executive Manager Corporate & Community Services; and Mrs Helen D’Arcy-Walker, Executive Assistant remained in the room.

SY166-12/16 – Rates Write-off

FILE REFERENCE: FI.DRS.3 – Lot 100 Wrights Rd, Mount Hardey
APPLICANT OR PROPONENT(S): A60855
AUTHORS NAME & POSITION: Anneke Birleson, Rates Officer
RESPONSIBLE OFFICER: Suzie Haslehurst, Executive Manager Corporate and Community Services
PREVIOUSLY BEFORE COUNCIL: No
DISCLOSURE OF INTEREST: N/A
APPENDICES: Nil

**RESOLUTION
131216**

Moved: Cr Ferro

Seconded: Cr Heaton

“That Council approves the write-off of the rates and service charges for the 2015/16 financial year on A60855 plus any accrued interest.”

***CARRIED: 5/0
WITH ABSOLUTE MAJORITY***

SY167-12/16 – Opening the Meeting to the Public & Press

FILE REFERENCE:

APPLICANT OR PROPOENT(S): Paul Martin, Chief Executive Officer
AUTHORS NAME & POSITION: Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL: No
DISCLOSURE OF INTEREST: Nil

Statutory Environment:

Local Government Act 1995 – Part 5 – Division 2 – Section 5.23:

(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 —*

(b) *the personal affairs of any person; 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;

Voting Requirements:

Absolute Majority Required: No

RESOLUTION

141216

Moved: Cr Randell

Seconded: Cr Heaton

“That Council Opens the meeting to members of the public and the press.”

CARRIED: 5/0

Note to this Item:

The doors were Opened at 5.20pm

- 13.2 Public reading of resolutions to be made public
As no-one from the Gallery returned the Shire President did not read out the items resolution

14. CLOSURE

The Shire President wished very one a Merry Christmas and a Happy New Year. The Shire President also thank his fellow Councillors and the new Administration team for their support over the last 12 months.

Meeting Closed at 5.21pm.