



# SHIRE OF YORK

**MINUTES OF THE ORDINARY  
MEETING OF THE COUNCIL  
HELD ON 28 JANUARY 2016  
COMMENCING AT 5.05PM  
IN COUNCIL CHAMBERS,  
YORK TOWN HALL, YORK**



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## SHIRE OF YORK

### THE ORDINARY MEETING OF THE COUNCIL HELD ON THURSDAY, 28 JANUARY 2016, COMMENCING AT 5.05PM 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 5.05pm.*

##### 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

Motion Not Put

##### 1.4 Announcement of Visitors

*Nil*

## 1.5 Declarations of Interest that Might Cause a Conflict

Financial Interests  
*Nil*

Disclosure of Interest that May Affect Impartiality

*Cr Heather Saint – Item SY006-01/16 – Waiver of Hire Fees for the use of the Town Hall – One of the organisers of ‘Kind Hearts for Brave Souls’ event*

## 2. ATTENDANCE

### 2.1 Members

*Cr David Wallace, Shire President; Cr Denese Smythe, Deputy Shire President; Cr Heather Saint; Cr Pam Heaton; Cr Jane Ferro; Cr Trevor Randell; Cr Tricia Walters*

### 2.2 Mentoring/Monitoring Panel

*Ms Jenni Law, Department of Local Government & Communities; Cr Karen Chappel, Shire President, Shire of Morawa*

### 2.3 Staff

*Mark Dacombe, Acting Chief Executive Officer; Gordon Tester, Manager Development Services; Gael Ferguson, Governance; Helen D’Arcy-Walker, Executive Support Officer*

### 2.4 Apologies

*Nil*

### 2.5 Leave of Absence Previously Approved

*Nil*

### 2.6 Number of People in Gallery at Commencement of Meeting

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

## 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

1. At the Ordinary meeting of the Council held on 21 September 2015 the following resolution was passed:

Resolution 060915 – Adoption of Minutes

- That Council approve the Minutes of the Ordinary Council Meeting held on 24 August 2015 subject to the answers taken on notice at the July meeting be reviewed and resubmitted at the next Ordinary Council meeting for confirmation.

This resolution has not been acted on. The relevant questions follow and the reviewed answers will be noted in the Minutes of this meeting.

### **Mrs Roma Paton**

#### **Question 1:**

Is the Council aware Commissioner Best tabled for publication Appendix A, B, and C under Item 9.2.1 of the 6<sup>th</sup> July Council meeting with incorrect information in at least one document?

#### **Response:**

It is not known if the Council of the day was aware of the issue at the time however advice from the former Acting Chief Executive Officer indicates that the information referred to was an error which was corrected by the Commissioner prior to the meeting.

**Question 2**

Will Council please rescind Resolution 080715 on the ground that at least one document has incorrect information?

**Response:**

Resolution 080715 was in two parts. The first was to publish the appended documents. This has been acted on and rescinding it would have no effect. The second part of the resolution was to adopt the Shire of York policy titled 'Dealing with Unreasonable Conduct'. This policy was replaced by policy "G 2.1 Comprehensive Complaints Response" which was adopted at the Ordinary Council meeting held on 28 January 2016. This has effectively rescinded the 'Dealing with Unreasonable Conduct' policy.

**Question 3:**

Why was the word sacked used?

**Response:**

The use of the word was an error corrected by the Commissioner. The word does not form part of the public record of the meeting. It is not known why the word was originally used.

**Ms Jane Ferro****Question 3:**

Do the same Town Planning conditions apply for Laurelville and Faversham House seeing that both establishments are located in areas zoned residential?

**Response:**

These two properties are designated as Special Use Zones under Schedule 3 of the Town Planning Scheme. They are each subject to different conditions as they were established at different times. Special Use Zones are set out in Schedule 3 of the Town Planning Scheme. Special use zones essentially protect uses established prior to the Town Planning Scheme becoming operative and which otherwise might not be permitted in the new zone.

**Question 4:**

Are all food and accommodation providers in town required to have wheelchair access?

**Response:**

No, the requirements are based on those in place at the date of approval. However If current operations were to be upgraded substantially provision of disability access would be a consideration. If a new premise was being established it would be a requirement.

**Question 5:**

Is wheelchair access provided at the York Palace Hotel?

**Response:**

The extent to which the York Palace Hotel provides for wheelchair access includes:

- Main building lower floor is accessible from the lower courtyard
- Disability facilities are provided on the lower floor level
- One of the external accommodation units at the rear of the hotel is accessible with facilities.

**Question 8:**

It was stated in the Minutes for the 6 July 2015 Special Council Meeting – The Commissioner welcomed guests...to provide advice to him. What advice, if any, did they provide?

**Response:**

Any advice provided was provided orally and not recorded.

**Question 11:**

When was the Avon Waste Development Proposal lodged with the Shire and put up on to the website.

**Response:**

The proposal was received on 8 July 2015 and placed on the website on 10 July 2015.

**Question 12:**

Who is the author of this document?

**Response:**

The document was submitted by Avon Waste. It is not known who the author was.

**Question 13:**

When and where was the proposal advertised?

**Response:**

It was advertised in the Avon Gazette on 10 July 2015.

**Question 14:**

Have the neighbours been notified of Avon Waste's intention to turn the property known as Fairways into a transport depot? How and when were they notified?

**Response:**

Yes, by letter dated 8 July 2015

**Ms Darlene Barratt**

**Question:**

At the Ordinary Council meeting on the 22 June 2015 is there a document to ban her from asking questions regarding her property at 4 Penny Street? Do you have documented proof that she cannot ask questions?

**Response:**

The document referred to was on the agenda of the meeting of 22 June 2015 at Item 8.1.3. It was a Notice Of Motion from the Commissioner. It referred to Local Government Guideline 3 – Managing Public Question Time which does refer to circumstances in which the Presiding Member may reject a question if he or she is completely satisfied that the question is substantially the same as a previous question for which the Council has provided a full response.

It is noted that there is no record that the Commissioner's Notice of Motion was ever submitted to the Council for adoption.



## **Ms Liz Christmas**

### **Question 1(a):**

How can a letter written on Shire letterhead be only a private matter between two individuals and not be a letter the Shire, in this case its Senior Officer, is responsible for?

### **Response:**

It is understood that this question relates to a specific letter which is now connected to a matter being handled by the Shire's insurers. As such it is not possible to provide a comment.

### **Question 1(b):**

How can the Shire and its representative imagine that a letter full of deep insults to a ratepayer would not shock the recipient and his family to the core, potentially causing deep harm to them and/or tending to dissuade others who know about it from dealing, free of fear and intimidation, with a Chief Executive Officer who might write such things to them?

### **Response:**

It is understood that this question relates to a specific letter which is now connected to a matter being handled by the Shire's insurers. As such it is not possible to provide a comment. Ms Christmas' attention is drawn to the Council's new policies adopted on 28 January 2016 which set out clearly how the Shire's interactions with members of the community are to be conducted in the future.

2. The following questions were asked at the OCM held on 27 July 2015 and responses have not been recorded. The answers to these questions will be recorded in the Minutes of this meeting.

## **Mrs Heather Saint**

### **Question 5:**

Was this opinion based on legal advice from Dirk Feinauer or is it personal opinion?

### **Response:**

It is not possible to answer this question from the information available to me.

### **Question 6:**

Mr Simpson, you refer to the WA Interpretation Act having provision for making changes to rectify imperfections in process but do not mention to which section of the Act you refer. However, has Council discussed or considered the abrogation of powers under Section 59(1)(1) of this Act enabling Council to delegate the duty of communication to you alone in respect of insurance matters?

### **Response:**

Where the matter relates to the Shire's insurance contract in certain circumstances the Insurance Company will take complete control of the issues related to a matter. This is a contractual matter and is not inconsistent with the legislation.

**Question 7:**

If so, would this be in conflict with Sections 5.42 And 5.43 of the Local Government Act and section 9.29 for any further potential Court representation?

**Response:**

Complying with instructions given under the Council's insurance contract is not inconsistent with the quoted provisions of the Local Government Act.

3. The following question was asked at the Special Electors Meeting held on 27 July 2015. The response will be recorded in the Minutes of this meeting and the Minutes of the next Annual Electors Meeting.

**Mr Mike Gill****Question 2:**

Why did McDowell Affleck not recognise that York is in a seismic zone, this renders the building unsafe for public use?

**Response:**

The answer provided to this question when it was submitted was that comment would be sought from McDowell Affleck on this issue. Comment was sought on 10 September 2015 and the representative of McDowall Affleck indicated orally that he had recognised that York is in a seismic zone. He provided further advice by email that McDowall Affleck "do not believe that the building should be used by the public before the repairs noted in the drawings are undertaken."

***Public Questions Taken on Notice – 21 December, 2015*****Ms Darlene Barratt****Question 4:**

With regards to 1 Horley Street, as mentioned at the last Ordinary Council Meeting – can documentation be put with the report to show that it actually a road and not Lot 1?

**Response:**

Yes, that is being arranged.

**4. PUBLIC QUESTION TIME**

*The Presiding Member read the following statement in full at the commencement of Public Question Time:*

**Statement by the Presiding Member at the Opening of Public Question Time at Ordinary and Special Council Meetings**

"Public Question Time is provided for under the provisions of Section 5.24 of the Local Government Act and the Local Government (Administration) Regulations 1996.

To provide equal opportunity for people to ask questions a limit of two (2) questions per person per time will be applied.

## Procedures

- Public Question Time is limited to 15 minutes but may be extended by resolution of the Council
- Questions submitted in writing prior to the meeting about matters on the agenda for the meeting will be dealt with initially.
- Questions from the floor will be taken in the order recorded in a register.
- Statements or long preambles are not permitted.
- Questions requiring research will be taken on notice and a response will be prepared in a reasonable timeframe. The original questions and the response will be included in the Agenda and Minutes of the next Ordinary Council meeting.
- Questions containing offensive remarks, reference to the personal affairs or actions of Elected Members or staff, or which relate to confidential matters or legal action will not be accepted. Questions that the Presiding Member considers have been answered by earlier questions at the meeting or earlier meetings may not be accepted.
- The minutes may only record a summary of the question asked and the response given.
  
- Where possible oral questions asked should be submitted in writing at the completion of question time or at the end of the meeting.
- At Special Council Meetings questions must relate to the items on the Agenda.

## PRESIDING OFFICER

21 December 2015

*Public Question Time commenced at 5.08pm*

### 4.1 Written Questions – Current Agenda

#### **Mr Mike Gill**

#### **Question 1:**

Recently I signed a set of plans for a new building on Newcastle St York for the third time. The drawings had been modified to satisfy the requirements of the Shire's building inspector and ensure that it is built in accordance with the Australian Standards.

Can you confirm that the same level of diligence is applied to ensure that roads constructed in the Shire meet the Australian Standards for design and construction, and are signed off by a formally qualified Chartered Professional Engineer?

#### **Response:**

Road design and construction are not currently signed off by a formally qualified Chartered Professional Engineer.

The Shire road asset management practices are under review as part of the Integrated Planning and Reporting – Major Strategic Review being initiated at the present time. (See separate report on this Agenda). This review will include examination of the Roads and Bridges Asset Management Plans and the range of other documents that refer to construction and design standards. The process will also address current construction practices and standards.

**Question 2:**

I draw your attention to the York Shire document titled "York Roadscape Plan" adopted by the Council in March 2005. In particular I direct Council to section 5.2 Engineering Standards and note the commitment given in clause 5.2.1, "To design and construct roads and intersections in accordance with current Australian engineering standards as designated by Austroads."

Does this current Council stand by this policy and do they expect the current administration to ensure that roads are constructed in accordance with Austroads Standards?

**Response:**

The 'York Roadscape Plan 2005-2015' adopted in March 2005 should be read in conjunction with the 'Shire of York Road Development Standards 23005-2015' adopted in July 2005 and the Road and Bridges Asset Management Plan prepared in 2012 and updated in March 2014. Austroads Standards are referred to specifically in the 'York Roadscape Plan' and the Roads and Bridges Asset Management Plan refer to standards ARRB for renewals and the Institute of Public Works Engineers Australasia (IPWEA) standards for maintenance.

As noted in question one's response, the Council will address the question of road asset management and road construction practices and standards, levels of service impacts and funding, through the process outlined in question one. An update report will be provided to Council in March 2016

**Question 3:**

Is there a Shire document that supersedes the 'York Roadscape Plan' adopted by Council in March 2005?

**Response:**

Please refer to questions two's response.

#### 4.2 Public Question Time

**Ms Darlene Barratt****Question 1:**

Will the Fitzgerald Report be put before Council?

**Response:**

The Shire President replied that he could not say yes or no to the question.

**Question 2:**

Has anything come back from the Major Fraud Squad?

**Response:**

The Shire President replied that the A/CEO has been in contact with the Major Fraud Squad and been informed that as yet the investigation has not been completed.

*Public Question Time concluded at 5.15pm*

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

*Nil*

**6. PETITIONS / PRESENTATIONS / DEPUTATIONS**

*Ms Darlene Barratt gave a presentation to the Council thanking the Council for the use of the Town Hall foyer for the viewing of Elisha Kastell's statue of a WWII soldier and the return of a WWII female relatives badge found on Mr Peter Baileys property to the family of the original recipient Mrs Pearl Ivy Skinn on the 5<sup>th</sup> December, 2015. Elisha's statue was inspired by finding the badge.*

*The Shire President thanked Ms Barratt for the presentation and her efforts for finding the family of the original recipient.*

**7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**7.1 Minutes of the Ordinary Council Meeting held December 21, 2015**

Correction – Annual Electors Meeting now to be held on Thursday, 4<sup>th</sup> February, 2016 at 6.00pm in the Lesser Hall, York Town Hall, York.

Confirmation

**RESOLUTION  
050116**

**Moved: Cr Ferro**

**Seconded: Cr Heaton**

***"That the minutes of the Ordinary Council Meeting held December 21, 2015 be confirmed as a correct record of proceedings with the above amendment."***

***CARRIED: 7/0***

**7.2 Minutes of the Special Council Meeting held January 20, 2016**

Corrections

Confirmation

**RESOLUTION  
060116**

**Moved: Cr Randell**

**Seconded: Cr Saint**

***"That the minutes of the Special Council Meeting held January 20, 2016 be confirmed as a correct record of proceedings."***

***CARRIED: 7/0***

**8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

*Nil*

**9. OFFICERS' REPORTS**



## ***SY002-01/16 – Review of Parking Bay Time Limit***

**FILE REFERENCE:** RS.VEC  
**APPLICANT OR PROPONENT(S):** Business Proprietor  
**AUTHORS NAME & POSITION:** Gordon Tester (MDS)  
**PREVIOUSLY BEFORE COUNCIL:** No  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** 1. Consultation  
2. Map

### **Nature of Council's Role in the Matter:**

To review to extend the parking bays situated in Avon Terrace subject to a 1 hour time limit.

### **Purpose of the Report:**

For Council to consider a request from a local business proprietor to apply a 1 hour time limit to the parking bays situated at the east end of Avon Terrace between Macartney Street and Christie Retreat.

This is to provide convenient customer parking close to the retail businesses in this area and to be in conformity with parking restrictions in the central business district in Avon Terrace to the west of this area.

### **Background:**

An article was placed in the York Community Matters in October 2015 indicating that Council's Ranger Service will be enforcing the current 1 hour parking restrictions in Avon Terrace between South Street and Macartney Street.

Council was subsequently contacted by a local business proprietor who outlined a number of concerns regarding the practice of parking for unrestricted periods of time in this area by staff from other businesses in this area.

The local business proprietor has requested Council consider extending the 1 hour parking restriction from Macartney Street to Christie Retreat as a simple way of eliminating this problem without impacting on the amenity of the area as more than adequate long term parking is available within a short distance for local businesses staff.

### **Comments and details:**

Consultation was undertaken with all premises owners likely to be affected by this proposal being contacted in writing seeking their comments on this proposal.

Several comments were received and are appended to this report.

Council's vision for economic development consists of the objectives to facilitate commercial growth with a priority to support local business development.

It is suggested that the implementation of a 1 hour restricted parking time limit will be in keeping with Council's economic priority to support local business development by providing greater accessibility of businesses in this area to their customers.

Financial implications to Council are the initial installation of appropriate signage and the implementation of regular parking patrols in this area.

A small amount of revenue may be generated with the issue of infringement notices from time to time.

Part 2 – Parking Stalls and Parking Stations, Section 2.1 Determination of Parking Stalls and Parking Stations, Sub Section 1, Part b and Sub Section 2 of Council's Parking Local Laws have statutory implications for this proposal as indicated below.

1. The local government may by resolution constitute, determine and vary –
  - (a) parking stalls;
  - (b) permitted time and conditions of parking in parking stalls which may vary with the locality;
  - (c) permitted classes of vehicles which may park in parking stalls;
  - (d) permitted classes of persons who may park in specified parking stalls; and
  - (e) the manner of parking in parking stalls.

(2) Where the local government makes a determination under subsection (1), it shall erect signs to give effect to the determination.

Generally with adequate enforcement an efficient time limit results in some parking bays being vacant at any given time. In business districts parking limits of increasing duration are usually applied at increasing distances from the heart of the district. This ensures the highest turnover for the highest demand areas while allowing longer term parking at greater walking distances. (Guide to Traffic Management Part 11: Parking Austroads 2008).

It is recommended that Council extend the time restricted parking – hours to the parking stalls as indicated in Appendix 2 as attached to this report.

Permitted times to be a maximum of 1 hour duration.

8am – 5pm Monday to Friday

8am – 12 noon Saturday.

**Voting Requirements:**

**Absolute Majority Required:           No**

**OFFICER RECOMMENDATION**

*“That Council:*

1. *Make a determination to extend the time restricted parking hours to the eastern end of Avon Terrace between Macartney Street and Harvey Street as indicated in designated parking stalls in Appendix 2.*
2. *Restrict parking hours to 8am – 5pm Monday to Friday and 8am – 12 noon Saturday.*
3. *Erect parking signs to give effect to Council’s determination.”*

**RESOLUTION**

**070116**

**Moved: Cr Saint**

**Seconded: Cr Walters**

*“That Council:*

***Refer this Agenda item back to the Acting Chief Executive Officer for further information.”***

**CARRIED: 7/0**



## ***SY003-01/16 – Temporary Occupation of Caravan***

<b>FILE REFERENCE:</b>	<b>NE4.9755</b>
<b>APPLICANT OR PROPONENT(S):</b>	<b>Cedric and Maxine Suradi Lot 84 (130) Newcastle Street, York G Tester, MDS</b>
<b>AUTHORS NAME &amp; POSITION:</b>	<b>G Tester, MDS</b>
<b>PREVIOUSLY BEFORE COUNCIL:</b>	<b>Yes</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>APPENDICES:</b>	<b>1. Copy of Applicants Request 2. Red Ink Homes Approval</b>

### **Nature of Council's Role in the Matter:**

Council's role in this matter is administering the provisions of the Caravan Parks and Camping Grounds Regulations relating to where a person may camp.

This matter is referred to Council as the application conflicts with item 2 of Council Resolution 081014.

### **Purpose of the Report:**

To enable Council to consider the request from Mr and Mrs Suradi to occupy a caravan on their property while their house is being constructed by a Registered Builder, and to further consider rescinding Item 2 of Resolution 081014 to allow the temporary use of ablution facilities within the shed and the return of the \$2000.00 bond originally imposed as a disincentive to live in the shed.

### **Background:**

At Council's Ordinary meeting held on 20 October 2014 Council resolved as follows;

#### **Resolution 081014**

That Council;

1. Permit Mr and Mrs Suradi to construct a shed prior to the construction of a house.
2. A bond to be put in place of \$2000, if Mr and Mrs Suradi live in the shed the bond is to be forfeited.
3. Also they must submit a suitable planning application for the shed before it is built.

On 18 December 2015 correspondence was received from Red Ink Homes advising that they approved of Mr and Mrs Suradi residing on site subject to various conditions while constructing a house on this site.

On 4 January 2016 correspondence was received from Cedric and Maxine Suradi as appended to this report requesting a refund of the \$2000 bond and permission to reside on the property in a caravan while their house was being built.

### **Comments and details:**

Written approval may be given for Mr and Mrs Suradi to camp in a caravan on land that they own if such approval will not result in the land being camped on for longer than 12 consecutive months. This is conditional on the fact that a building permit currently has effect in relation to the land that Mr and Mrs Suradi intend camping on.

Before giving approval, the Shire of York is to be satisfied that the land is a suitable place for camping especially with respect to —

- (a) safety and health; and
- (b) access to services.

In accordance with the above, Council's Environmental Health officer has inspected this site and determined that there is no safety and health concerns and all necessary services are accessible. It is recommended that the request from Cedric and Maxine Suradi for approval to reside in a caravan on Lot 84 (130) Newcastle Road be approved for a maximum period of 12 months while their residence is being constructed.

**Voting Requirements:**

**Absolute Majority Required:        No**

**RESOLUTION**

**080116**

**Moved: Cr Randell**

**Seconded: Cr Ferro**

***"That Council:***

- 1.        *Approve of Mr and Mrs Suradi camping in a caravan on Lot 84, (130) Newcastle Street, York for a maximum of 12 months conditional on a building permit being in effect for this land.***
- 2.        *Rescind item 2 of Resolution 081014 – A bond to be put in place of \$2000 if Mr and Mrs Suradi live in the shed the bond is to be forfeited."***

***CARRIED: 7/0***

## ***SY004-01/16 – Financial Report for December 2015***

<b>FILE REFERENCE:</b>	<b>FI.FRP</b>
<b>APPLICANT OR PROPONENT(S):</b>	<b>Not Applicable</b>
<b>AUTHORS NAME &amp; POSITION:</b>	<b>Tabitha Bateman, Financial Controller</b>
<b>PREVIOUSLY BEFORE COUNCIL:</b>	<b>No</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>APPENDICES:</b>	<b>Monthly Statements</b>
	<b>List of Creditors Payments</b>
	<b>Corporate Credit Card Transaction Listing</b>

### **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.

### **Comments and details:**

The Financial Report for the period ending 31 December 2015 is presented for consideration and includes the following;

- Monthly Statements for the period ended 31 December 2015
- List of Creditors Payments
- Corporate Credit Card Transaction Listing

The following information provides balances for key financial areas for the Shire of York's financial position as at 31 December 2015;

#### Outstanding Rates and Services

Total outstanding rates as at 31 December 2015 are \$1,587,678 compared to \$1,979,532 as at 30 November 2015.

3 Years & over	\$ 156,234	9.83% of rates outstanding
2 Years & over	\$ 64,590	4.06% of rates outstanding
1 Years & over	<u>\$ 176,512</u>	11.10% of rates outstanding
<i>Total Prior Years</i>	<i>\$ 397,335</i>	<i>24.99% of rates outstanding</i>

Current rates \$ 1,589,678 75.01% of rates outstanding

#### Outstanding Sundry Debtors

Total outstanding sundry debtors as at 31 December 2015 are \$318,873 compared to \$305,463 as at 30 November 2015.

90 days & over	\$ 294,774	92.44% of sundry debtors outstanding
60 days & over	\$ 7,274	2.28% of sundry debtors outstanding
30 days & over	\$ 3,074	0.96% of sundry debtors outstanding
Current	\$ 13,752	4.33% of sundry debtors outstanding

Voting Requirements:  
 Absolute Majority Required: No

**RESOLUTION  
 090116**

Moved: Cr Ferro

Seconded: Cr Heaton

*“That Council:*

*Receive the Monthly Financial Report for December and the list of payments drawn from the Municipal and Trust accounts for the period ending 31 December 2015 as summarised below:*

<b>MUNICIPAL FUND</b>	<b>AMOUNT</b>
Cheque Payments	\$ 50,745.14
Electronic Funds Payments	\$ 656,070.47
Payroll Debits	\$ 212,923.24
Bank Fees	\$ 527.95
Corporate Cards	\$ 246.75
Viva Energy - Fuel Cards	\$ 12.50
Fire Messaging Service	\$ 180.40
<b>TOTAL</b>	<b>\$ 920,706.45</b>
<b>TRUST FUND</b>	
Electronic Funds Payments	\$ 2,145.75
Cheque Payments	\$ 80.00
Direct Debits Licensing	\$ 132,251.35
<b>TOTAL</b>	<b>\$ 134,477.10</b>
<b>TOTAL DISBURSEMENTS</b>	<b>\$ 1,055,183.55</b>

**CARRIED: 7/0**

*Note: Correction – page 19 – Outstanding Rates & Services – Total outstanding rates as at 31 December 2015 should read \$1,589,678*

## ***SY005-01/16 – Investments - December 2015***

**FILE REFERENCE:** FI.FRP  
**APPLICANT OR PROPONENT(S):** Not Applicable  
**AUTHORS NAME & POSITION:** Tabitha Bateman, Financial Controller  
**PREVIOUSLY BEFORE COUNCIL:** No  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:**

### **Nature of Council’s Role in the Matter:**

- Executive
- Review

### **Purpose of the Report:**

To report the balance of investments held by the Shire of York as at 31 December 2015.

### **Background:**

The investment policy requires Council to review the performance of its investments on a monthly basis. In accordance with the policy, a report of investments is presented to Council to provide a summary of investments held by the Shire of York.

### **Comments and details:**

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

- a) Council’s Investments as at 31 December 2015
- b) Application of Investment Funds
- c) Investment Performance

### **Implications to Consider:**

- Strategic
- Policy related
- Financial
- Risk related

### **Voting Requirements:**

**Absolute Majority Required:** No

**RESOLUTION  
100116**

**Moved: Cr Smythe**

**Seconded: Cr Walters**

***“That Council:***

***Receive the Shire of York Investment Portfolio attached to this report.”***

***CARRIED: 7/0***



## ***SY006-01/16 – Waiver of Hire Fees for the Use of the Town Hall***

***Declaration of Interest*** – Cr Saint – *Impartial Interest* – One of the organisers of the ‘Kind Hearts for Brave Souls’ Event

**FILE REFERENCE:**

**APPLICANT OR PROPONENT(S):** “Kind Hearts For Brave Souls”

**AUTHORS NAME & POSITION:** Mark Dacombe, Acting Chief Executive Officer

**PREVIOUSLY BEFORE COUNCIL:** No

**DISCLOSURE OF INTEREST:** Councillor Saint has made the application on behalf of the group of concerned citizens

**APPENDICES:** Letter of Application  
Publicity Flyer

**Nature of Council’s Role in the Matter:**

Owner of the York Town Hall.

**Purpose of the Report:**

To request consideration of the waiver of hire fees and associated costs for the use of the Town Hall for a fund raiser for those affected by the Yarloop Fire.

**Background:**

A group of community members calling themselves “Kind hearts for brave souls” are raising money on behalf of the community of York to assist those affected by the fire in Yarloop. They have asked that, given the nature of the event, the Council waive the hall hire and associated charges.

**Comments and details:**

It is proposed that the money raised be presented via the Shire of York to the Shire of Harvey CEO for allocation as necessary. The group considers that as many tradespersons have offered their services freely the funds could be used to provide suitable useful materials from the local supplier.

The Community Resource Centre have agreed to sell tickets for the event and will waive commission fees subject to their Committee approval.

**Implications to Consider:**

Consultative

There has been informal consultation with Councillors

Financial

Given the nature of the event the associated costs would be in the range of \$550 to \$800.

**Voting Requirements:**

**Absolute Majority Required:** No

**RESOLUTION  
110116**

**Moved: Cr Smythe**

**Seconded: Cr Randell**

***“That Council:***

***Waive the hire charges and associated costs up to \$800 for the group of community members known as “Kind hearts for brave souls” to enable them to hold a Quiz Night in the Town Hall to raise funds for those affected by the Yarloop fires.”***

***CARRIED: 7/0***



## ***SY007-01/16 – 2016 Review of Council Policies***

### **FILE REFERENCE:**

**APPLICANT OR PROPONENT(S):**

**AUTHORS NAME & POSITION:** Dr Gael Ferguson - Advisor

**PREVIOUSLY BEFORE COUNCIL:** No

**DISCLOSURE OF INTEREST:** Nil

**APPENDICES:** Draft Policies

### **Nature of Council's Role in the Matter:**

A key mechanism for the Council to direct the Shire organisation and provide guidance to the community is through the adoption of policies which set out courses or principles of action.

### **Purpose of the Report:**

This report presents a number of policies that are either new or have been reviewed, for consideration and adoption by Council.

### **Background:**

One of the key roles of the Council under the Local Government Act 1995 (S2.7) is to determine the policies of the Local Government.

Some policies are required by statute and some are discretionary, representing good governance practices in guiding decision-making and operational matters for any area that the Council wishes to address. The Department of Local Government and Communities has also identified a number of policies which it considers highly desirable for local government to adopt in order to satisfy general guidelines and standards in relation to governance and probity.

The Council is progressively reviewing its Policy Manual updating policies as it considers appropriate and developing new policies where needed.

### **Comments and details:**

The Council considers that it is important that it is clearly understood what a policy is and how it should be treated by those persons affected by it. There has been some debate on this issue and so the Council considers it desirable to adopt and include in the Policy Manual a definition (draft attached in Appendix 1)

The first tranche of policies presented in this report has focused on key issues of importance to Council in the areas of governance and financial management. In terms of governance, this has been divided into four areas:

- Councillors:
  - G 1.1 Councillors: Code of Conduct
  - G 1.2 Councillors: Professional Development
  - G 1.3 Councillors: Travel and Accommodation
  - G 1.4 Council Delegates: Roles and Responsibilities
  - G 1.7 Councillors Recognition of Service
  - G 1.8 Councillors: Record Keeping
  - G 1.9 Councillors: Payment of Legal Costs
  - G 1.10 Workforce and Human Resources

- Democratic Processes
  - G 2.1 Comprehensive Complaints Response
  - G 2.2 Community Access to Information
  - G 2.3 Disruptive Behaviour at Council Meetings
  - G 2.4 Petitions
  - G 2.7 Conduct of Council Forums
  - G 2.9 Community Engagement and Consultation
- Probity Management
  - G 3.1 Public Interest Disclosure
  - G 3.2 Fraud, Corruption and Misconduct Prevention
- Integrated Planning and Reporting
  - G 4.4 Asset Management
  - G 4.5 Risk Assessment and Management

In terms of Finance, the following are presented for consideration. There is one more policy which will come to Council in February. This will address the issue of borrowing. The policies for adoption here are:

- Finance
  - F 1.1 Revenue Collection
  - F 1.2 Procurement
  - F 1.3 Significant Accounting
  - F 1.4 Investment
  - F 1.5 Authority to Make Payments
  - F 1.6 Corporate Credit Card.

The employment of the staff is the responsibility of the Chief Executive Officer. The Council is however concerned to ensure that modern and innovative practices are adopted in the area of human resource management. Accordingly a new draft policy is presented for Council's consideration which provides for the Council to give clear direction around its desire for the Shire to be regarded as a good employer and in the development of the Shire's Workforce Plan.

It should be noted that the detailed requirements and standards for the management of staff will not be presented for Council consideration as these are the responsibility of the Chief Executive Officer.

This approach is consistent with the general principle of non-involvement of Council in operational matters.

### **Implications to Consider:**

#### Consultative

These draft policies have not been developed with an external consultation process other than reference to the Department of Local Government and Communities for a high level review. Many of them are required by statute and have been shaped by external standards and guidelines. A number of policies developed by other local government authorities were reviewed to ensure that these new policies are consistent with the wider sector.

## Strategic

These policies have been developed, where relevant, to take account of the Council's desire for:

- inclusive, open, accountable and transparent democratic processes.
- a responsive Council and organisation
- processes that, while discharging responsibilities, are empathetic to the circumstances of people affected by the policies
- structured probity management
- a structured approach to managing risk, including associated asset management

Overall, the new policies have a greater focus than previously on principles. These principles are intended to be the touchstones for decisions made under the policies and they are as important as the provisions themselves. The focus of the policies is very much shaped around the above considerations.

There are three central policies which are concerned with the democratic process.

The *Community Access to Information Policy* (G 2.2) is concerned with maximising access to information, including introducing a provision to upload to the Shire website a wide range of documents and information within a specified time. It also sets out requirements in relation to working with people using the Freedom of Information Act.

The *Engagement and Consultation Policy* (G 2.9) requires formal consultation for the following:

- setting priorities and allocation of high level budgets – this includes all Integrated Planning and Reporting processes and documents
- development of issue specific strategies and policies
- advancing major capital projects
- any significant new projects arising between formal review cycles
- property purchase and disposal.

The *Comprehensive Complaints Response Policy* (G 2.1) sets out a customer service framework and establishes a number of standards for response times. A lead in time for full implementation of this policy is required, in order to set up the required Complaints Register.

These policies, plus the *Fraud, Corruption and Misconduct Prevention Policy* (G 3.2), the *Risk Assessment and Management Policy* (G 4.5) and the *Asset Management Policy* (G 4.4) all have requirements to provide short quarterly, six monthly or annual reports on data, key performance indicators and performance to Council, and to publish this information on the Council's website.

A number of policies include the principle of having regard for the circumstances of individuals in making operational decisions. The most significant is the inclusion of this principle in the Revenue Collection policy. The intent is still to fully discharge Council's responsibilities for revenue collection but to do so in way that is sensitive to context and circumstance.

- Financial

There are no direct financial implications arising from the adoption of these policies.

- Legal and Statutory

Adoption of many of the new policies bring Council to closer compliance with statutory requirements and/or Department of Local Government and Communities indicated requirements.

The key policies contributing to closing this gap are:

- Public Interest Disclosure
- Fraud, Corruption and Misconduct Prevention
- Risk Assessment and Management
- Asset Management Planning

The *Comprehensive Complaints Response Policy* (G 2.1) includes a section dealing with Persistent Complainants. The approach taken is to set clear threshold tests and to place any decision made in the hands of the Council. As such, it replaces the *Dealing with Unreasonable Conduct Policy* passed in July 2015.

It is also recommended that the *Cash Advances Policy* in the current Policy Manual is rescinded and the matters involved be dealt with as under operational procedures and guidelines.

The *Comprehensive Complaints Response Policy* (G 2.1) and the *Community Access to Information Policy* (G 2.2) require adjustments to current operational practice. For example, the Complaints Register must be established and the Shire of York website reviewed, to ensure that information is more accessible. Existing information will need to be uploaded. It is estimated that this kind of preparation will take about two months and therefore it is recommended that these policies are approved, subject to them taking effect from the 28 March 2016. All other policies would take immediate effect.

**Voting Requirements:**

**Absolute Majority Required:            Yes**

**RESOLUTION  
120116**

**Moved: Cr Saint**

**Seconded: Cr Ferro**

***“That Council:***

***Adopts the following policies for inclusion in the Shire of York Policy Manual incorporating any changes directed by Council, with the policies to take effect from 28 January 2016:***

- G 1.1 Councillors: Code of Conduct**
- G 1.2 Councillors: Professional Development**
- G 1.3 Councillors: Travel and Accommodation**
- G 1.4 Council Delegates: Roles and Responsibilities**
- G 1.7 Councillors: Recognition of Service**
- G 1.8 Councillors: Record Keeping**
- G 1.9 Councillors: Payment of Legal Costs**
- G 1 10 Workforce and Human Resources**
- G 2.3 Disruptive Behaviour at Council Meetings**
- G 2.4 Petitions**
- G 2.7 Conduct of Council Forums**
- G 2.9 Community Engagement and Consultation**
- G 3.1 Public Interest Disclosure**
- G 3.2 Fraud, Corruption and Misconduct Prevention**
- G 4.4 Asset Management**
- G 4.5 Risk Assessment and Management**
- F 1.1 Revenue Collection**
- F 1.2 Procurement**
- F 1.3 Significant Accounting**
- F 1.4 Investment**
- F 1.5 Authority to Make Payments**
- F 1. 6 Corporate Credit Card.**

***Adopts the following policies for inclusion in the Shire of York Policy Manual incorporating any changes directed by Council, to take effect from 28 March 2016.***

- G 2.1 Comprehensive Complaints Response**
- G 2.2 Community Access to Information**

***Rescinds the Cash Advances Policy and notes that it will be replaced with an operational procedure as part of the Corporate Procedures Manual.***

***The Acting Chief Executive Officer is authorised to correct seven minor errors and advise all Councillors of what they were.”***

**CARRIED: 7/0**



## ***SY008-01/16 – Integrated Planning and Reporting - Major Strategic Review***

### **FILE REFERENCE:**

**APPLICANT OR PROPONENT(S):** N/A  
**AUTHORS NAME & POSITION:** Dr Gael Ferguson - Advisor  
**PREVIOUSLY BEFORE COUNCIL:** No  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:**  
**1. IPR Advisory Standard**  
**2. Timeline**  
**3. Engagement & Consultation Plan**

### **Nature of Council’s Role in the Matter:**

Section 5.56 of the Local Government Act 1995 (the Act) requires local governments to plan for the future of the district. Local governments are also to ensure that plans made under this section of the Act are in accordance with any regulations made about planning for the future of the district.

Part 5 Division 3 of the Local Government (Administration) Regulations 1996 (The Regulations) contain the relevant provisions.

The Regulations require local Governments to review their SCPs at least once every four years. Alongside the review of the SCP the CBP is required to be reviewed every year.

### **Purpose of the Report:**

This report presents for approval:

- a draft programme for the 2016 Integrated Planning and Reporting Review
- a high level engagement and consultation plan for involvement of the community in the review process.
- a working target for the standard to be used for the Strategic Community Plan (SCP) and Corporate Business Plan (CBP).

### **Background:**

This planning approach is referred to as the Integrated Planning and Reporting Framework (IPR).

The SCP, which has a ten year focus is intended to drive the shape and direction of the Corporate Business Plan, a document which sets out how a council will give effect to key aspects of the SCP over a four year period. In turn, Annual Budgets are derived from the relevant year of the Corporate Business Plan.

There is a strong emphasis on achieving a high level of community engagement around the development of the SCP, underpinned by a regulatory requirement to consult with electors and ratepayers. The Regulations require a local government to include in their SCP a description of the involvement of electors and ratepayers in the development of the SCP.

There are a series of documents and strategies which inform both the development of the SCP and the CBP. Once these documents have been developed they need to be updated so that they are fully integrated and reflect the direction taken. The key informing documents are: Asset Management Plans; the Long Term Financial Plan, the Shire Workforce Plan and any issue based strategies.

The Shire of York adopted its first Strategic Community Plan, Corporate Business Plan and associated informing documents as part of its responsibilities under the Local Government Act Integrated Planning and Reporting (IPR) requirements in May 2012. It is required to fully review these plans and documents every four years. Therefore it will need to complete a fully reviewed 'IPR suite' by the end of June 2016.

#### *IPR standards*

The Department of Local Government and Communities (The Department) has published an Integrated Planning and Reporting Advisory Standard which identifies a Basic, Intermediate and Advanced Standard for the various components of the IPR Framework. The Department recognises that the ability to meet these standards will be affected by the size of a local government but also indicates that they should also be seen as aspirational. A key consideration is the link between plans to achieve a high level of integration.

The main measures and standards are attached at Appendix 1.

#### **Implications to Consider:**

##### *Timeline*

The proposed timeline is attached at Appendix 2 and has the goal of completion (i.e. adoption by Council) by 30 June 2016. This is tight in light of the preparatory work needed but it is still able to provide for an extensive period of engagement around ideas and themes that will help shape the Strategic Community Plan, and to allow consultation on all draft documents. To a large extent, it is this engagement process which dictates the timelines for the Councillors' review process and the background work undertaken by the organisation to support both processes. Council could pull back on the engagement and consultation provisions but this is not recommended.

There is no opportunity to extend the engagement and consultation processes further if Council is to comply with legislative requirements.

##### *Engagement and Consultation*

Attached at Appendix 3 is a simple, high level, 'Engagement and Consultation Plan' which has been developed according to the draft Engagement and Consultation Policy being considered by the Council at this same meeting.

It is proposed that the following general approach is taken:

- the focus is on working with the community to devise practical strategies for the future, rather than undertaking a general open-ended visioning, process
- people will be invited to participate in four thematic areas that the Council would like to explore with the community. These are:
  - Infrastructure and York Linkages
  - Demographic Directions
  - Revitalisation: Driving the York Economy Forward
  - An Active Community

(More detail can be found in Appendix 3)

- irrespective of these themes, people will have the opportunity to explore other areas should they wish to do so
- as many people as possible who have participated in processes over the last two years are thanked for their previous input and invited to participate
- all information gathered in previous processes will be used as inputs into discussions



- every effort will be made to encourage people to participate, especially young people.
- Consultation will be undertaken in the full IPR suite. Formal consultation is only required on the SCP but there are real benefits in the community having input into how the Council will deliver over the next four years. Similarly, there is a community desire to see the Annual Budget and to have an insight into the nature and timing of major projects (over \$100,000).

#### *Standards*

It is suggested that the Council takes the approach of trying to meet where possible the Intermediate Standards for the various elements of the IPR process. The standards are intended to improve community involvement and financial planning and stability, in the course of which providing the community and Council with better information when making choices. Working to the Intermediate Standard will assist in doing that.

At this stage it is likely that the Council would be able to achieve the Intermediate Standard for the Strategic Community Plan. It would have greater difficulty in achieving the Intermediate standard for the Corporate Business Plan because of the knock-on effect of difficulties in reaching required standards for the Asset Management Plans. The key issue is the extent to which current levels of funding are sufficient to maintain the asset base and to maintain levels of service.

These Asset Management standards are likely to be achieved only if the Council and community address funding levels, and the asset sustainability and renewal funding ratios as a key consideration in the IPR process.

Work is underway to review the existing asset plans as a lead into discussions with both the community and Council. Nonetheless it is suggested that the Council adopt this Intermediate standard for the Strategic Community Plan and the Corporate Business Plan as a working target.

#### *Budget*

Officers are currently working to determine the budget requirement to complete the review. This will need to be considered in the context of the half-yearly budget review. If the timetable to complete the review on time is to be achieved the planning needs to be commenced at this time ahead of the consideration of the budget.

#### **Voting Requirements:**

**Absolute Majority Required:           No**

#### **RESOLUTION**

**130116**

**Moved: Cr Smythe**

**Seconded: Cr Randell**

***“That Council:***

***Adopts the following as the framework for the 2016 Integrated Planning and Reporting Review:***

***(a) The timeline as set out in Appendix 2 of the report.***

***(b) The Engagement and Consultation Plan as set out in Appendix 3 or the report.***

***(c) A working target of achieving the Intermediate Standard for the Strategic Community Plan and the Corporate Business Plan, as set out in the Department of Local Government and Communities Integrated Planning and Reporting Advisory Standard.”***

***CARRIED: 7/0***



## 10.NEXT MEETING

### RESOLUTION

140116

Moved: Cr Smythe

Seconded: Cr Ferro

*“That Council:*

*holds the next Ordinary Meeting of the Council on Monday, 22<sup>nd</sup> February, 2016 at 5.00pm in Council Chambers, York Town Hall, York.”*

**CARRIED: 7/0**

## 11.CLOSURE

*The Shire President gave a special thank you to Mentors, Ms Jenni Law, Department of Local Government & Communities and Cr Karen Chappel, Shire President, Shire of Morawa, for their assistance and support. Today is the last Ordinary Council Meeting that the Mentors will be attending.*

*The Shire President thanked everyone for their attendance and closed the meeting at 5.38pm.*