

SHIRE OF YORK

**MINUTES OF THE ORDINARY
MEETING OF THE COUNCIL
HELD ON 23 JULY, 2014
COMMENCING AT 4.06pm
IN THE YORK RECREATION &
CONVENTION CENTRE**

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SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL HELD ON WEDNESDAY, 23 JULY 2014, COMMENCING AT 4.06PM AT THE YORK RECREATION AND CONVENTION CENTRE, 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 Matthew Reid, Shire President, declared the meeting open at 4.06pm.

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 Suspension of Standing Orders

Clause 3.2 – Order of Business

Moved: Cr Boyle

Seconded: Cr Hooper

Carried: 6/0

1.4 Announcement of Visitors

Cr Matthew Reid, Shire President welcomed Rocky and Vanessa Wood from Australis Marketing to the meeting and invited them to commence their presentation.

1.5 Declarations of Interest that Might Cause a Conflict

Financial Interest

Cr Matthew Reid – Item 9.1.2 – Financial – Property Owner

Mr Michael Keeble – Item 9.5.2 – Financial & Impartial – CEO Contract of Employment

Disclose of Interest that May Affect Impartiality

Cr Tony Boyle – Item 9.1.2 - Impartial – Proximity

Cr David Wallace – Item 9.2.2 - Impartial – Life Member

Cr Denese Smythe – Item 9.4.4 - Impartial – Committee Member

2. ATTENDANCE

2.1 Members

Cr Matthew Reid, Shire President; Cr Mark Duperouzel, Deputy Shire President; Cr Tony Boyle, Cr David Wallace, Cr Pat Hooper, Cr Denese Smythe

2.2 Staff

Michael Keeble; Chief Executive Officer, Jackie Jurmann, Manager Planning Services; Gordon Tester, Manager Environmental Health & Building; Helen Darcy Walker, Executive Support Officer; Esmeralda Harmer, Secretariat

2.3 Apologies

Graham Lantzke, Manager Works

2.4 Leave of Absence Previously Approved

Nil

2.5 Number of People in Gallery at Commencement of Meeting

There were 11 people in the Gallery at the commencement of the meeting.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Ms P Walters

Public Question Time - 16 June 2014

Question 1 (a):

What is the Shire of York providing to the early childhood facility?

Response:

A building. Modifications to protect windows and internal painting and a small amount of drainage work was undertaken.

Question 1 (b):

Was a business plan submitted by the Toy Library, if not why not?

Response:

No business plan was submitted as the Toy library is a community organisation not a business.

Question 1 (c):

The Shire of York have already expended \$58,085.00 on updating and renovations so far, how much more is the shire proposing to spend?

Response:

The Shire of York has allocated \$22,794.00 in its budget for maintenance of this building.

Question: 1 (d)

Will the annual lease fee be changed to reflect monies already expended.

Response:

There is no formal lease for this building at present, however it is envisaged that a formal lease agreement will be formulated for occupiers of all shire owned buildings in the future.

Question 2:

Asset Management/Whole of Life Costs

Question 2 (a):

How much money is set aside to maintain Council assets?

Response:

\$1,846,494

Question 2 (b):

Is it sufficient to cover maintenance/replacement costs?

Response:

Subject to audit adjustments - Total assets at 30 June 2014 were \$92,439,123. Depreciation provision for the purpose of major maintenance and replacement of assets was \$668,502. Actual cash set aside in reserves for depreciation was \$241,132.

Question:

Will Council be reviewing all Shire of York assets and the money required to be set aside each year to maintain these assets?

Response:

This is a challenge which all wheat belt councils face. That of trying to raise sufficient funds to cover major maintenance and replacement of assets. Your Council is working on a long-term strategy to address this concern.

Mr S Saint

Public Question Time - June Ordinary Council Meeting

Question 1:

Why was the previous CEO receiving \$7,800 rent subsidy per year when he was only entitled to receive \$1,560 per year?

Response:

The CEO contract entitled him to receive \$1,560 per year which was a subsidy on the total rent of \$5,200 per year.

Question 2:

How and when was this subsidy authorised?

Response:

The subsidy was authorised at the conclusion of negotiations of the salary package required to employ the new CEO. The total salary package was subsequently authorised by full council

Question 3:

Based on figures provided today, there is a \$127,400 rental loss over a ten-year period for the Shire property, can Council explain?

Response:

During the period of the previous Chief Executive Officers' employment rental on his house was not reviewed consequently the rents remained the same during the 10 year period.

Question 5:

Is the document (the CEOs contract) available for public viewing?

Response:

The CEOs document is available for public viewing

Mrs T Richardson

Public Question Time - 16 June 2014 Ordinary Council Meeting

Question:

Based on the financial reports provided an expected adjustment of \$5,904,668 is to be made, is this likely to impact on the 2014/2015 budget?

Response:

These are sums of money which appeared in the 2014/ 15 budget to be collected from grant funding. The grants were not received and as a result the expenditure was not permitted. Consequently the impact on the budget was negligible

4. PUBLIC QUESTION TIME

Public Question time commenced at 4.30pm

The Presiding Member to 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. If there is time available in Public Question Time people may be given the opportunity to ask a further two (2) questions at a time.

Procedures

- Questions submitted in writing prior to the meeting will be dealt with initially.
- Questions from the floor will be taken in the order recorded in a register.
- Statements, opinions and attachments will not be recorded in the minutes.
- 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 may be deemed inappropriate because they contain defamatory remarks or offensive language, they question the competency of elected members or staff, they relate to the personal affairs of elected members or staff, they relate to legal processes and confidential matters or they have been responded to previously and these will not be accepted or recorded in the Minutes.
- The minutes may only record a summary of the question asked and the response given.
- Where possible 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.
- Shire of York guidelines for Public Question Time are included on the meeting agenda."

PRESIDING OFFICER

21 October 2013

4.1 Written Questions – Current Agenda

Mr Simon Saint

Question 1:

Can Council instruct the CEO to write a critical letter to WALGA on behalf of concerned members of the community over the complete failure by Macri Partners to do their job and ask that they be removed from the list of preferred Local Government auditors and that the letter would be placed in the public domain?

Response:

Council will consider all appropriate information and if needed form the required recommendations for consideration at the next ordinary Council meeting.

Question 2:

Clearly there are significant discrepancies between the approved rent subsidy of \$30.00 per week and the \$150.00 per week subsidy which the previous CEO was illicitly drawing from municipal funds. Will this matter now be referred to the CCC for investigation? If not why?

Response:

Council will refer this matter in the first instance to the Finance, Risk & Audit Committee for investigation and escalate to our current auditors if required for a comprehensive analysis.

To Council's knowledge there is no motion to agree to the proposed subsidy or that the ex CEO had delegated authority.

4.2 Public Question Time

Mr Bill Roy

Question 1:

Given that the budget papers project little if any valuation change what is the explanation for these differences?

Response:

Taken on Notice

Question 2:

Do you agree that the overall increase projected in table 7.2 of the budget papers indicates a projected increase in general rates of 16% rather than 12%?

Response:

Taken on Notice

Question 3:

Given that the CPI announced today is 3% would it not be more prudent for the Shire to set a rate increase at or around the CPI of the time and cut the budget accordingly?

Response:

Council are underfunded on a variety of facets and are currently looking at a multitude of strategies to ensure the longevity of both Shire and Council, which is Council's immediate concern.

Ideally raising rates little and often ensures we are funding depreciation costs continually, which in the past has not occurred. Moving forward Council have implemented a number of strategies to ensure an accurate depiction of budget requirements will be addressed.

Mrs Roma Paton

Question 1:

Following on from Mr Saints question relating to the rental value paid by Mr Ray Hooper (ex CEO) – can the two ex Shire Presidents Cr Tony Boyle and Cr Pat Hooper be asked to provide an explanation to the Finance Risk and Audit Committee why neither of them reviewed the value of the rental being paid?

Response

Council will be asking the CEO to present My Ray Hooper’s file and the processes that took place to the FRAC Committee.

Mrs Tanya Richardson

Question 1:

In regard to the Australis proposal why are Council recommending a company who have little experience in marketing?

Response:

Council was approached by Australis who requested to be involved in today’s meeting to put forward their vision to both community and Council.

Question 2:

Could we not ask a company that has branding and destination experience instead?

Response

Anyone with expertise in business marketing and branding is welcome to forward an expression of interest. All appropriate proposals will be considered by Council.

Question 3:

I would like to see Council take into consideration the experience this company has in marketing before committing to a proposal.

Response:

Council will consider all options and ensure adequate research is undertaken before any recommendations are put forward.

There being no further questions Public Question Time closed at 4.56pm.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Tony Boyle requested Leave of Absence for the month of August.

**RESOLUTION
070714**

Moved: Cr Hooper

Seconded: Cr Smythe

“That Leave of Absence be granted to Cr Boyle for the month of August.”

CARRIED: 6/0

6. PETITIONS / PRESENTATIONS / DEPUTATIONS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Nil

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

REPORTS

9. MATTERS FOR RESOLUTION

10. COMMITTEES OF COUNCIL

11. EXECUTIVE MANAGEMENT REPORTS

12. REPORTS FOR CONSIDERATION

13. NEXT MEETING

14. CLOSURE

9. MATTERS FOR RESOLUTION
9.1 DEVELOPMENT SERVICES
9.1.1 Proposed Road Closure – Pownall Street

FILE NO: PO2
COUNCIL DATE: 23 July 2014
REPORT DATE: 11 July 2014
LOCATION/ADDRESS: Pownall Street, York
APPLICANT: J & L Bullock
SENIOR OFFICER: M Keeble, CEO
AUTHOR: J Jurmann, MPS
DISCLOSURE OF INTEREST: Nil
APPENDICES: 1 – Location Plan
2 – Sewer Map
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: Michael Keeble

**RESOLUTION
080714**

Moved: Cr Hooper

Seconded: Cr Duperouzel

“That Council:

Initiate the road closure process in accordance with Section 58 of the Land Administration Act 1997 for the closure of Pownall Street.”

CARRIED: 6/0

Summary:

Correspondence has been received from Mr and Mrs Bullock of 1 Newcastle Street requesting Pownall Street be formally closed and made available for purchase by the adjoining landowners.

Pownall Street is an unmade road reserve situated between the Anglican Church and 1 Newcastle Street. The road reserve has been used and maintained by both landowners for an extended period of time.

It is recommended that the appropriate processes be instigated to formally close Pownall Street.

Background:

1. Correspondence received from Mr and Mrs Bullock of 1 Newcastle Street on 29 April 2014 requesting closure of Pownall Street.
2. Correspondence sent to Anglican Church on 16 May 2104 advising of Mr and Mrs Bullock’s request inviting comments.
3. Correspondence sent to Mr and Mrs Bullock on 16 May 2014 advising of correspondence to Anglican Church.
4. Site meeting held with representatives from the Church and the applicants on 5 June 2014.
5. Correspondence received from Anglican Church advising that the Church was supportive of the road closure. Although further discussions were required regarding the ability or necessity of the Church to purchase a portion of the road reserve.
6. Correspondence received from applicants to the Shire and Councillors in support of their application.

Consultation:

Refer to the Background Section of this Report. If Council resolves in support of the Officer's Recommendation, then further consultation is required in accordance with the provisions of the *Land Administration Act (LAA)*. A minimum 35 day advertising process is required pursuant to section 58(3) of the LAA.

Statutory Environment:

Where a road dedicated for public use is proposed to be closed, it may be closed at the request of Local Government under section 58 of the LAA.

Regulation 9 of the *Land Administration Regulations 1998* specifies the procedural requirements of Local Government prior to submitting a request to the Minister for Lands as follows:

- “For the purposes of preparing and delivering under section 58(2) of the Act a request to the Minister to close a road permanently, a local government must include with the request —*
- (a) written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require; and*
 - (b) sketch plans showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed; and*
 - (c) copies of any submissions relating to the request that, after complying with the requirement to publish the relevant notice of motion under section 58(3) of the Act, the local government has received, and the local government's comments on those submissions; and*
 - (d) a copy of the relevant notice of motion referred to in paragraph (c); and*
 - (e) any other information the local government considers relevant to the Minister's consideration of the request; and*
 - (f) written confirmation that the local government has complied with section 58(2) and (3) of the Act.”*

Policy Implications:

There are no policy implications associated with this proposal.

Financial Implications:

Costs associated with this proposal include staff time and sketch/survey requirements, which could be considered minimal when compared to the maintenance liability of the unmade road.

Strategic Implications:

The Shire of York's 2012 Strategic Community Plan goals are:

Social

- Manage population growth, through planned provision of services and infrastructure.
- Strengthen community interactions and a sense of a united, cohesive and safe community.
- Build and strengthen community, culture, vibrancy and energy.

Environmental

- Maintain and preserve the natural environment during growth, enhancing the 'rural' nature of York, and ensuring a sustainable environment for the future.
- Support sustainable energy and renewable resource choices.

Economic

- Build population base through economic prosperity.
- Value, protect and preserve our heritage and past.
- Grow the economic base and actively support local businesses and service provision.

This proposal is consistent with the goals of the SCP and will result in the better management of infrastructure.

Voting Requirements:
Simple Majority Required: Yes

Site Inspection:
Site Inspection Undertaken: Yes

Triple bottom Line Assessment:
Economic Implications:

The closure of unmade roads will reduce Council's and the community's maintenance liability.

Social Implications:

There are no social implications associated with this proposal.

Environmental Implications:

A portion of Pownall Street should be incorporated into the Avon River foreshore reserve for the purposes of providing public access to the River foreshore and to enable environmental improvement works.

Comment:

The proposed road closure will enable the applicant to formally establish a driveway to their property providing access to the rear of their property. The Church would then have the opportunity to purchase the remainder of the road reserve.

It is acknowledged that an easement will need to be created in favour of the Water Corporation to protect the sewerage assets under section 167 of the *Planning and Development Act*. Refer to the Water Corporation's Sewer Map at Appendix 2 for location of infrastructure.

9. MATTERS FOR RESOLUTION
9.1 DEVELOPMENT REPORTS
9.1.2 Proposed Scheme Amendment No. 53

When acting as a planning authority in accordance with the powers conferred by the Planning and Development Act 2005 and any relevant scheme, the Council of the Shire is entitled to make decisions based only on proper planning considerations.

FILE NO: PS.TPS.53
COUNCIL DATE: 23 July 2014
REPORT DATE: 9 June 2014
LOCATION/ADDRESS: Various
APPLICANT: Various
SENIOR OFFICER: M Keeble, CEO
AUTHOR: J Jurmann, MPS
DISCLOSURE OF INTEREST: Cr M Reid – Financial – Property Owner
Cr T Boyle – Impartial - Proximity
APPENDICES: 1 – Scheme Amendment document
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: *Michael Keeble*

Commentary

At the Council meeting held on 16 June this item was put and carry by Council. It has been brought to the attention of the executive that there may have been no procedural error in the voting.

Consequently this item is placed before Council again for resolution.

*Cr Matthew Reid declared a Financial Interest to this item and left the meeting at 5.02pm
Cr Tony Boyle declared an Interest Affecting Impartiality to this item and left the meeting at 5.02pm.*

Cr Mark Duperouzel took the Chair

RESOLUTION
090714

Moved: Cr Hooper

Seconded: Cr Wallace

“That Council resolve pursuant to Section 75 of the Planning and Development Act 2005 to:

1. Initiate Scheme Amendment No. 53 to the York Local Planning Scheme No. 2 by:
 - (a) Rezoning Lots 18 and 207 Broome Street, York from Residential (R40) to Town Centre to enable appropriate development of the site for a mix of commercial, tourism and residential uses;
 - (b) Rezoning Lot 619 Howick Street, York from Mixed Business (R9) to Town Centre and deleting the Restricted Use (R9) to enable appropriate development of a site within the town centre;
 - (c) Rezoning Lots 100 (58) Avon Terrace and Lot 15 (44) Balladong Road, York from Residential R40 to Town Centre to enable appropriate development of a site within the town centre; and

(d) Inserting 'Special Use Zones 6', as follows, to Schedule 3 to enable appropriate development of the site:

	No	Particulars of Land	Special Use	Conditions
SU6	6	Lots 1 & 2 (18) Panmure Road (Laurelville)	Function Centre, Exhibition Centre, Restaurant, Art Gallery, Education Establishment, Residential, Short Term Accommodation	All development (including change of use) shall be subject to application for approval by the Heritage Council of Western Australia and in accordance with an approved conservation plan. All development (including change of use) shall be subject to application for the local government's planning consent and in accordance with the Shire of York Local Planning Policy Heritage Places and Precincts (as amended).

(e) Amending the Scheme Map accordingly.

2. Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation;
3. Forward the Scheme Amendment to the Environmental Protection Authority and request permission to advertise;
4. Request the Western Australian Planning Commission under the provisions of Section 25(2)(j)(v) of the Town Planning Regulations 1967 to reduce advertising period to 21 days.
5. Upon receipt of consent to advertise from the Environmental Protection Authority, advertise the Scheme amendment for public comment for a period of 42 days in accordance with the Town Planning Regulations 1967."

CARRIED: 4/0

Cr Reid and Cr Boyle returned to the meeting at 5.06pm

Cr Reid resumed the Chair.

Summary:

Scheme Amendment No. 53 contains four (4) rezoning proposals formerly contained in Amendment No. 50 (known as the Omnibus amendment) that now need to be progressed independently due to delays associated with the former amendment as a result of the SITA landfill proposal to ensure timely approval for the affected landowners.

These proposals are located in the York townsite and relate to 2 Broome Street, 6 Howick Street, 55 Avon Terrace and 44 Balladong Road, and 18-20 Panmure Road. All proposals will enable commercial use of the subject properties.

Background:

Scheme Amendment No. 50 was initiated by the Shire of York on 19 November 2012 for the purpose of modifying both the Scheme Text and Map to correct a series of minor Map anomalies and updating Text provisions.

This amendment was part of a continuing program of amendments to the Shire of York Town Planning Scheme No. 2 aiming to ensure that the Scheme catered to the needs of the community, facilitate sustainable economic development and to protect the cultural and built heritage of York.

The Omnibus amendment was also being utilised to progress proposals of a minor nature within the Shire of York, rather than progressing them as individual amendments. Four (4) of these amendments, as follows, proposing to rezone private properties are now being pursued independently due to delays associated with the approval of Amendment 50:

1. Rezone Lots 18 and 207 Broome Street, York from Residential (R40) to Town Centre to enable appropriate development of the site for a mix of commercial, tourism and residential uses;
2. Rezone Lot 619 Howick Street, York from Mixed Business (R9) to Town Centre and deleting the Restricted Use (R9) to enable appropriate development of a site within the town centre;
3. Rezone Lots 100 (58) Avon Terrace and Lot 15 (44) Balladong Road, York from Residential R40 to Town Centre to enable appropriate development of a site within the town centre; and
4. Inserting 'Special Use Zone 6', as follows, to Schedule 3 to enable appropriate development of the site:

	No	Particulars of Land	Special Use	Conditions
SU6	6	Lots 1 & 2 (18) Panmure Road (Laurelville)	Function Centre, Exhibition Centre, Restaurant, Art Gallery, Education Establishment, Residential, Short Term Accommodation	All development (including change of use) shall be subject to application for approval by the Heritage Council of Western Australia and in accordance with an approved conservation plan. All development (including change of use) shall be subject to application for the local government's planning consent and in accordance with the Shire of York Local Planning Policy Heritage Places and Precincts (as amended).

Consultation:

The Scheme Amendment must be publicly advertising in accordance with the Town Planning Regulations 1967 for a minimum period of 42 days.

However, the Western Australian Planning Commission may reduce the advertising period at the request of the responsible authority to a period being not less than 21 days, if appropriate to the Amendment. Taking into consideration that the proposed amendments have previously been advertised for a period of 42 days as part of Scheme Amendment No. 50, initial consultation with the WAPC has indicated that it is appropriate to reduce the advertising period to 21 days, upon request in accordance with Section 25(2)(j)(v) of the *Town Planning Regulations 1967*.

During the advertising period notification in writing will be given to adjoining landowners, a notice will be placed in a locally circulating newspaper and on Council's website. The documentation will be available at the Council Administration Office for viewing and on Council's website. Appropriate government agencies will also be invited to comment.

Comments received during the exhibition period will be considered prior to finalising the scheme amendment.

Statutory Environment:

Planning and Development Act 2005

Under Section 75 of the *Planning and Development Act 2005*, a local government may amend a local planning scheme with reference to any land within its district, or with reference to land within its district and other land within any adjacent district, by an amendment:

- a) Prepared by the local government, approved by the Minister and published in the Gazette; or
- b) Proposed by all or any of the owners of any land in the scheme area, adopted, with or without modifications, by the local government, approved by the Minister and published in the Gazette.

Town Planning Regulations 1967

A Scheme Amendment must be prepared, advertised and adopted in accordance with the provisions of the Regulations.

York Local Planning Strategy

The Scheme Amendment Report provides an assessment of the proposals when considering the aims and objectives of the LPS.

York Town Planning Scheme No. 2

The Scheme Amendment Report provides an assessment of the proposals when considering the aims and objectives of the TPS.

Policy Implications:

There are no policy implications associated with the amendment as all proposals are considered consistent with relevant policies.

Financial Implications:

There are no financial implications associated with this proposal.

Strategic Implications:

As indicated in the Scheme Amendment report, the proposals are consistent with the goals and objectives of the York Strategic Community Plan.

Voting Requirements:

Simple Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Yes

Triple bottom Line Assessment:**Economic Implications:**

The subject rezoning proposals will provide additional opportunities for retail, mixed use and tourist development in the designated town centre. The locations of the properties provide for a logical expansion of the town centre within the designated boundary, and will not result in fragmentation or dilution of the commercial centre of York. It is anticipated that new business and employment opportunities will arise in the future as a result of the rezoning.

Social Implications:

The creation of business and employment opportunities will have a positive social impact.

Environmental Implications:

One property is classified contaminated, which is registered with the Department of Environment and Regulation. The contamination is restricted to the groundwater, which does not affect the rezoning of the property to a less sensitive use i.e. commercial (in fact it could be considered a positive step). The level of contamination and restrictions of use is detailed in the Scheme Amendment report.

Generally, there are no environmental implications associated with the rezoning proposals.

Comment:

The rezoning of the subject properties has been previously considered by the community and Council, and has been given final approval for gazettal by the Minister for Planning.

Unfortunately, requests to the Western Australian Planning Commission and the Minister for Planning to separate these proposals from Scheme Amendment No. 50 have not been successful and as a result a new amendment must be initiated to ensure that the landowners are not unduly subjected to further delays.

9. MATTERS FOR RESOLUTION

9.2 ADMINISTRATION

9.2.1 Free Mulch Day

FILE NO: HS.WDL
COUNCIL DATE: 23 JULY 2014
REPORT DATE: 9 July 2014
LOCATION/ADDRESS: York Waste Transfer Station
APPLICANT: Not Applicable
SENIOR OFFICER: M Keeble, CEO
AUTHOR: G Tester, MHB
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: Michael Keeble

RESOLUTION

100714

Moved: Cr Hooper

Seconded: Cr Boyle

“That Council:

Direct staff to organise, advertise and conduct a free mulch day at the York Transfer Station that will involve the provision of a loader and operator to fill residents utes and trailers with processed green waste.”

CARRIED: 6/0

Summary:

Council should have a free mulch day to provide residents with an opportunity to obtain garden mulch with the assistance of a loader and operator to load trailers and utilities and the like with processed green waste at the York Transfer Station.

Background:

Councils waste transfer station contractors recently advised that a large amount of unprocessed green waste has been deposited at the waste transfer station.

This waste will require processing at some time towards the end of the year.

In order to free up space, it is requested that Council process the green waste and remove the processed green waste from the site.

In past years large amounts of green waste have been illegally ignited and created smoke hazards to surrounding residents.

It is also a licencing requirement that the green waste be arranged in rows to minimise fire risks.

Consultation:

A free mulch day should be widely advertised for maximum take up of the offer.

Statutory Environment:

Environmental Protection Act 1986

Policy Implications:

Nil

Financial Implications:

It is estimated that it will cost approximately \$1000.00 to have a loader and operator onsite at the transfer station for 5 hours on a Saturday afternoon.

Strategic Implications:

It is part of Council's environmental strategy to support sustainable and renewable resource management with a priority to explore options and improvements in the town's energy and water use.

Voting Requirements:

Simple Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Yes

Triple bottom Line Assessment:

Economic Implications:

Not applicable.

Social Implications:

It is suggested that a free mulch day will promote gardening activities in the town site enhancing the tidiness of the town and be an activity that should be well received by the community.

Environmental Implications:

The recycling of green waste by the community will result in positive environmental outcomes of water conservation and weed prevention.

Comment:

It is consistent with Councils Water Wise Strategy to promote mulching of gardens in the town site.

Not only will the transfer station site space be freed up, it will also result in a positive perception of Council by residents utilising the service.

9. MATTERS FOR RESOLUTION
9.2 ADMINISTRATION REPORTS
9.2.2 Hockey Club – Liquor Licence Extension

FILE NO: CCP.4
COUNCIL DATE: 23 July 2014
REPORT DATE: 16 July 2014
LOCATION/ADDRESS: Recreation Grounds – Hockey Clubhouse
APPLICANT: York Hockey Club
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Helen D’Arcy-Walker, ESO
DISCLOSURE OF INTEREST: Cr Wallace – Impartial – Life Member
APPENDICES: Letter of Application
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE CEO: *Michael Keeble*

Cr David Wallace declared an Interest Affecting Impartiality and left the meeting at 5.08pm.

**RESOLUTION
110714**

Moved: Cr Boyle

Seconded: Cr Duperouzel

“That Council:

Supports an extension of the occasional liquor licence on Saturday, 13th September, 2014 from 1.00pm to 10.00pm as the York Hockey Club Inc. is hosting the grand finals of the Avon Hockey Association on this day.”

CARRIED: 5/0

Cr David Wallace returned to the meeting at 5.09pm.

Summary:

That Council grants its support to the Hockey Club for the hockey season to hold an occasional liquor licence subject to conditions for a total of 14 occasions.

Consultation:

Councillors and Hockey Club.

Statutory Environment:

Council needs to consider supporting the application as the landowner.

Liquor Control Act 1988 Sections 59 and 75 relate to the Occasional Licence.

“59. Occasional licence, effect, conditions and pre-requisites for grant of

- (1) An occasional licence authorises the licensee to sell, or the supply or consumption of, liquor —
 - (a) at such times, and on such occasion or during such period not exceeding 3 weeks, as may be specified; and
 - (b) at such places, and within such designated area, as may be specified; and
 - (c) subject to such terms or conditions as may be specified.

(2) An occasional licence shall not be granted —

(a) if, in the opinion of the Director —

- (i) the place in which the sale, supply or consumption of liquor would be authorised by the licence may not lawfully be used for that purpose; or
- (ii) where the applicant holds another licence, the issue of an extended trading permit issued relating to, or the variation or cancellation of a term or condition of, that licence would be a more appropriate means of achieving the purpose for which the occasional licence is sought; or
- (iii) sufficient facilities and expertise to enable the licence to be operated in a proper manner may not be provided; or
- (iv) adequate measures to ensure that trading is not conducted in a manner detrimental to the public interest may not be taken; or
- (v) the grant of a further occasional licence would tend to establish an undesirable pattern, where the application is made in respect of a function organised by a particular person or body of persons, or on behalf of a particular cause, to whom or which or on behalf of which previous occasional licences have been granted;

or

(b) unless the applicant, if so required, satisfies the Director —

- (i) where the licence is sought in respect of a function organised by a person other than the applicant, that the consent of the organiser to the proposed sale of liquor has been obtained; and
- (ii) that the consent of the occupier, or of the person or authority having control, of the premises where the sale, supply or consumption of liquor will take place has been obtained.

(3) Where an application is made under this section, a licensee who desires to participate in any arrangement whereby the benefit arising from the holding of the licence accrues to any other person shall inform the Director who may then authorise an arrangement under which the licensee is to pay to that person —

- (a) a proportion of the gross receipts obtained by the licensee from the sale of liquor under the occasional licence; or
- (b) a proportion of an inclusive charge paid to the licensee or some other person in respect of the sale of liquor with some other service; or
- (c) a calculable amount, upon a specified basis,

in such manner and upon such conditions as the Director may approve notwithstanding that such an arrangement might otherwise contravene a condition of the licence or of the kind referred to in section 60(3)(a) or section 104.

- (4) Where the Director so requires the liquor sold or supplied under an occasional licence shall be purchased for the purpose from a supplier, or a supplier selected from a list of suppliers, specified in the licence.
- (5) An occasional licence may be granted in relation to a festival or other event authorising the organiser and specified persons participating in or associated with that festival or event to sell liquor, or liquor of a specified description, during such period or on such occasions as may be specified.
- (6A) Without limiting section 64, the Director may impose a condition on an occasional licence requiring that any manager of premises that are the subject of the licence (other than a person appointed under section 100(3)) be an approved unrestricted manager.

- (6) In this section, **specified** means specified in the licence.
- (7) The Director may cancel an occasional licence at any time if satisfied that the licence is no longer appropriate.”

“75. Occasional licence, applications for

- (1) An application for the grant of an occasional licence may be made by lodging with the Director an application in the manner and form approved by the Director not later than 14 days before the licence is to take effect unless —
 - (a) the Director otherwise approves; or
 - (b) in relation to an application for the grant of an occasional licence of a kind prescribed, some other requirement for lodgement of the application is prescribed.
- (2) An application for the grant of an occasional licence —
 - [(a) deleted]*
 - (b) is not subject to objection, but may be made the subject of a submission or an intervention under section 69; and
 - (c) is not required to be heard, but may be determined by the Director at discretion; and
 - (d) is not subject to review by the Commission, or to appeal.”

Policy Implications:

Not applicable.

Financial Implications:

No financial implications arise from this report for Council.

Strategic Implications:

Not applicable.

Voting Requirements:

Simple Majority Required: Yes

9. MATTERS FOR RESOLUTION
9.3 WORKS REPORTS
9.3.1 York Annual Show – Request for Shire Support

FILE NO:
COUNCIL DATE: Wednesday
REPORT DATE: 15 July 2014
LOCATION/ADDRESS: Forrest Oval
APPLICANT: York Agricultural Society
SENIOR OFFICER: Graham Lantzke, Works Manager
AUTHOR: Graham Lantzke, Works Manager
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: Michael Keeble

**RESOLUTION
120714**

Moved: Cr Hooper

Seconded: Cr Boyle

“That Council:

Resolves to amend the Works Committee recommendation to be:

- 1. Provide the York Agricultural Society Show the following financial (cash) contributions to the value of \$3,900;*
- 2. Provide the York Agricultural Society Show the following works in kind (non cash) support to the value of \$7,775;*
- 3. Note that items 1 and 2 are provided for in the 2014/15 budget Event support account;*
- 4. Not invest \$7,200 in providing a blue metal dust surface to the car park area; and*
- 5. Note this does not include regular and mandated compliance work required by various Acts.*

Amendment:

- 6. All financial contributions from Council are conditional upon the York Agricultural Society first complying with the statutory requirements as required in the Councils Event Policy with the application being received by Council at least two weeks prior to the event.”*

CARRIED: 6/0

WORKS COMMITTEE RECOMMENDATION

Moved: Cr Boyle

Seconded: Cr Duperouzel1

“The Works Committee recommend that Council:

- 1. Provide the York Agricultural Society Show the following financial (cash) contributions to the value of \$3,900;*
- 2. Provide the York Agricultural Society Show the following works in kind (non cash) support to the value of \$7,775;*
- 3. Note that items 1 and 2 are provided for in the 2014/15 budget Event support account;*
- 4. Not invest \$7,200 in providing a blue metal dust surface to the car park area; and*
- 5. Note this does not include regular and mandated compliance work required by various Acts.*

Carried: 8-0

Summary:

Shire representatives have met with representatives of the Agriculture Society to discuss the 2014 York Show. The Agriculture Society has requested assistance from the Shire to the value of \$11,675 in line with previous years. Council approval is requested.

Background:

The York Show has been running for many years and the history of the event is well known. The Shire has supported the event for many years.

In recent years there has been concern about the transparency of the use of Shire ratepayer funds to support various events.

The Agricultural Society has previously expressed concern about the facilities available at Forrest Oval and in particular that there is no sealed car park, access to the oval has been restricted to light traffic, there is no dedicated 3 phase power supply for show rides and similar.

Comment:

The Agricultural Society has advised that a plan of proposed use of the reserve is not available and they will be unable to provide a plan before the date of the event. This makes preparation of reserve preparation and Shire planning difficult.

The Agricultural Society has not provided a written request identifying support required but has approached the Shire in an ad hoc manner. Through meetings this list of support has been consolidated by the Shire.

The Agricultural Society has advised that in return for the offered sponsorship the Shire will be recognised as a sponsor, there will be an opportunity for public address during any formal ceremonies and Shire banners may be displayed. It is not possible to recognise the Shire sponsorship in Show advertising brochures as these have already been published.

The Agricultural Society has advised they intend to shift the Show to the race course next year.

In 2013 Forrest Oval turf was too fragile for heavy use but the turf is now sufficiently robust to allow light traffic and stalls, but not including heavy livestock.

In 2013 the Forrest Oval Car Park became very muddy due to heavy rain. The car park is not sealed and will not be sealed in time for the 2014 event. An option to spread crushed blue metal (aka "cracker dust") on the car park is listed however this is unlikely to significantly improve the situation if there is heavy rain. A council direction by absolute majority on whether to invest in this is required as it is not currently provided for in the budget for events.

The Shire has provided a heavy duty power generator for several years which is required to run the show rides and other stalls. The generator has historically been hired by the Shire from professional hire companies (Coates or similar) in Perth and connected and operated by electricians working for the show. Unfortunately in the last three years there have been problems with the generator working and it has taken some effort to make it work despite successful pre and post delivery testing. The reason the various hired generators historically break down is not known. This year it is proposed to offer the Agricultural Society the funds to hire their own generator which will allow the Show electricians choice and opportunity to conduct their own pre delivery tests.

Fireworks were funded by the Shire and arranged by the Event Organisers last year. There is no quantified report on the success of the fireworks at keeping show goers at the event until later. Anecdotal comments suggest the fire works had some benefit. The show is requesting the Shire again fund fireworks in 2014.

The Shire will need to undertake various grounds preparation and likely repair of various damage post event.

If the Shire were a private business the return on investment for supporting the Show would not be present. However the Shire has a strategic vision to support and promote the community, town and region. It is suggested Councillors should consider the overall investment in the context of benefit to the community and town and equity with other events.

Consultation:

York Agricultural Society

Statutory Environment:

NA

Policy Implications:

Shire Events Requirements include but are not limited to:

A written request for funding must be submitted

A Project Plan must be submitted

A written event budget must be submitted including proposed use of Shire funding and identifying any other income sources.

A Risk Management Plan to Australian and New Zealand standards

A Traffic Management Plan demonstrating training and insurances, times of arrival, peak traffic, road closures, signage etc

Electrical Schematics plan and safety plan and checklist including personal responsibility, this can be built into the Risk Management Plan

Fireworks-Explosive Goods/Dangerous Goods Training and Approvals and Insurance Documentation

Volunteer/staff and contractor training register

Environmental and Sustainability Plan i.e. Rubbish, Heritage, Cultural etc

Liquor licensing and Crowd Control approvals

Safety & First Aid plan.

Final report including quantified attendance figures and methods of determination, social and economic impact to York, the region and the state.

Funding acquittal

Shire of York recognition

Stallholder (trading in a public place) applications

Stallholder (trading in a public place) and Food Sellers (Health) applications

Financial Implications:

York Agricultural Society are requesting the following support from the Shire

Requested item	Estimated Value (ex GST)	Cash/In kind
Sponsorship of fireworks	\$2,000	cash
Sponsorship of generator hire	\$1,900	cash
Provision of traffic and parking controls (2 man crew full day)	\$1,600	In kind
Provision of supplementary gates, barricades	\$500	In kind
Labour and support relating to setting up, deliveries and similar, (3 man crew full day)	\$2,100	In kind
Preparation of Pony Club grounds	\$1,600	In kind
Toilet cleaning, supplies	\$975	In kind
Post event rubbish and damage clean up	\$1,000	In kind
General grounds preparation, marking reticulation, fencing repairs, etc		
Compliance and reporting work	Not included	na
Insurances	Not included	na
YRCC Hospitality area operating expenses including additional security	Not included	na
Opportunity Costs loss of venue and facilities approx. 6 days	Not included	na
Total	\$11,675	

Optional Extra	Plus possible	
Blue metal dust car park	\$7,200	In kind

Note "In kind" costs are real dollar expenses the Shire will incur directly.

Volunteers might deliver these components more cheaply or assist in delivery of them to reduce costs.

In addition the Shire will continue to have a standard compliance role regarding several Acts and Legislation. For example compliance with health regulations

Strategic Implications:

Support for events is not identified in Council's strategic plan. Events are funded annually on a yearly basis through the annual budget deliberations and a general instruction for staff to support community events.

It is estimated the Shire provides support in some form (and not including compliance matters) to approximately 26 events annually. Summarised costs are not currently available as the support is provided across a range of budget areas.

Pending a review of policy and delegations for 2014/15 financial year support for each event is to be

- Endorsed by Council prior to the event
- Fully costed
- Accounted to dedicated specific accounts

Council may wish to review the events policy, delegations register and adopt a more strategic focus to event support in due course.

Voting Requirements:

Simple Majority Required: Yes -

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

The York Show brings significant business to the Shire. Exact value has not been assessed. The Show is operated by the Agricultural Society who collect associated revenue and cover associated expenses, with support and sponsorship from the Shire and other suppliers. The Shire collects revenue from meals and drinks at the recreation centre.

Social Implications:

The York show is a significant social event attracting an estimated 2,000 to 3,000 participants (figures provided by the Show organisers), excluding provision of grounds and matters listed here.

Environmental Implications:

Nil

9. MATTERS FOR RESOLUTION
9.3 WORKS REPORTS
9.3.2 Request To Improve School Car Park

FILE NO: WK GEN 1
COUNCIL DATE: 23 July 2014
REPORT DATE: 25 June 2014
LOCATION/ADDRESS: Trews Road, York
APPLICANT: Various Parents
SENIOR OFFICER: Works Manager, Graham Lantzke
AUTHOR: Works Manager, Graham Lantzke
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Site Plan

REPORT APPROVED BY THE CEO: *Michael Keeble*

**RESOLUTION
130714**

Moved: Cr Duperouzel

Seconded: Cr Smythe

"That Council:

Resolves to accept the Works Committee Recommendation."

CARRIED: 6/0

WORKS COMMITTEE RECOMMENDATION

Moved: Cr Duperouzel

Seconded: Cr Wallace

"That the Works Committee recommend to Council that it:

- 1. Continue to maintain the eastern car park at the school for the community for a further 12 months until 30 June 2015."*

Carried 8-0

Summary:

School parents are requesting that the Shire provide maintenance and improvements to the school car park. The school car park is located on land which once formed part of Trews Road and is currently being transferred to the Education Department. The Council needs to determine if it will continue to maintain this car park for the school on a continuing basis, upgrade this car park to a full bitumen standard and whether it will charge the education Department for this service.

Background:

Resolution to close Trews Road

Notwithstanding the transfer of land the expectation of the parents of the school children remains that the Shire will maintain this car park as demonstrated by the various requests received on a regular basis.

Consultation:

None at this time. This report to initiate negotiation.

Statutory Environment:

Not applicable

Policy Implications:

This decision has potential precedent implications for various land around the town.

Financial Implications:

See discussion for details.

There is currently no budget allocated to maintain or upgrade the car park.

Upgrading and sealing the car park has a guesstimated cost of around \$20,000 which will need to be firmed up for negotiation and budget purposes if the Shire Council is supportive of the proposed approach.

Maintenance of the car park is estimated to cost around \$3,000-\$5,000 per annum. The car park is largely unsealed and the pavement surface is in a deteriorated condition.

Strategic Implications:

Nil

Voting Requirements:

Simple Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Yes

Triple bottom Line Assessment:

Economic Implications:

Nil

Social Implications:

The school is an important community centre and institution utilised by many residents

Environmental Implications:

Nil

Comment:

The fundamental issue for consideration here is to what extent should the local ratepayers, through the Shire, be subsidising the operations of a State Government Department.

An important consideration in this is that it is highly unlikely that the Education Department will prioritise or undertake works to this car park in the short term. They might agree to pay the Shire to do this for them, but experience would suggest this would require protracted negotiation and local school and P&C pressure.

In practical terms if the Shire does not do it, it won't get done. Further to this the community expectation is that the Shire will do it for them, so rather than demand the Education Department provide a suitable facility the community is likely to continue to expect the Shire to do it unless something changes. The community reasonably has this expectation because in the past the Shire has provided this service.

If the Shire is to extricate itself from managing the school car park for the Education Department it is suggested as a minimum a grace period of 12 months be allowed for the school, school community and Education Department to set up alternative provisions. Public liability responsibility lies with the agency with vested responsibility for the land which is currently the Shire but is being transferred to the Education Department.

If the Shire is to continue to manage the car park the school for more than about 4 years it is self evident the Shire would be financially better off by upgrading and sealing the car park rather than a continuous drain of funding maintenance, plus deal with the continuous customer dissatisfaction with an unsealed car park. If the car park is sealed maintenance costs thereafter will be significantly lower and management by the Education Department is practicable.

A 50% contribution from the Shire to the Education Department for the upgrading of an Education Department car park may be sufficiently enticing.

Council decision is being sought because this decision has budget and precedent setting implications.

9. MATTERS FOR RESOLUTION
9.3 WORKS REPORTS
9.3.3 Shire of York Road Hierarchy

FILE NO:
COUNCIL DATE: 23 July 2014
REPORT DATE: 15 July 2014
LOCATION/ADDRESS: Whole of Shire
APPLICANT: Not applicable
SENIOR OFFICER: Chief Executive Officer, Michael Keeble
AUTHOR: Cr Mark Duperouzel
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: *Michael Keeble*

**RESOLUTION
140714**

Moved: Cr Boyle

Seconded: Cr Hooper

"That Council:

Resolves to accept the Works Committee Recommendation."

CARRIED: 6/0

WORKS COMMITTEE RECOMMENDATION

Moved: Mr Gill

Seconded: Mr Mackay

"That the Works Committee Recommend to Council that it:

1. *Endorse the following roads for RAV 4 network access and request Main Roads WA assess them and include them on the RAV network*
 - *Knotts Road*
 - *Talbot Road (from Qualen Rd)to Location No.839 Talbot Rd*
 - *Quellington Road from Northam – Cranbrook Road to Mannavale Road*
 - *Cameron Road*
 - *Warding Road to the Cunderdin Shire*
 - *Mannavale Road from Fleapool Rd to the Cunderdin Shire*
 - *Doodenanning Rd*
 - *Penny Drive*
 - *Gwambygine East Road, west of Top Beverley Rd to the Northam – Cranbrook Rd to travel east only*
 - *Greenhills South Road*
 - *Fleapool Road*
 - *Sees Road*
 - *Cameron Road*
 - *Piccadilly Road*
 - *Buckingham Road – Bitumen Only*
 - *Northbourne Road*
 - *West Talbot Road to Great Southern Highway*

- *Wambyn Road*
- *Ashworth Road*
- *Wilberforce Road*
- *Karrabine Road*
- *Taylor Road*
- *Badgin Road*
- *Berry Brow Road*
- *Burges Road*
- *Corner Wells Road*
- *Cubbine Road*
- *Goldfields Road*
- *Greenhills Road*
- *Hardey Road*
- *Keebles Road*
- *Leeming Road*
- *Lennard Road*
- *Mackie Road*
- *Marwick Road*
- *Mokine Road*
- *Moore Road*
- *Ovens Road*
- *Qualen West Road*
- *Quonamining Road*
- *Spencers Brook Road (Shire of York)*
- *Talbot West Road*
- *Top Beverley Road*
- *Ulster Road*
- *Wallaby Road*
- *Talbot Road*
- *Cut Hill Road*
- *Talbot Hall Road*
- *McDougal Road*
- *Boyercutty Road*
- *Williams Road*
- *Hamersley Siding Road*
- *Chester Road*
- *Allens Road*
- *Boyle Road*
- *Mt Hardey Road*
- *Wrights Road*
- *Station Rd*
- *Wyborn Street*
- *Forrest Street*
- *Maxwell Street*
- *Wheeler Street*
- *Fisher Street*
- *Maincamp Road to Fisher St."*

2. Request Main Roads WA review the school bus curfew condition on all routes to find a more flexible arrangement.

Carried 8-0

Summary:

The heavy vehicle transport industry throughout the Shire of York and surrounding districts is growing at a very fast rate. The Shire of York is now faced with vehicles entering town and being operated throughout our Shire on un-permitted roads. The RAV4 Network already has access on the State roads throughout our Shire and none of the Shire owned roads. As a result of a meeting with the local transport companies it was apparent the demand for the RAV4 Networking has become URGENT.

Background:

Heavy vehicle transport has become very strong in the Shire of York mostly in the last 5 years. Years ago it was just transport companies that had the bigger machines now farmers themselves are buying these machines for their own use. With tier 3 rail closing, this will unfortunately triple the amount of truck movements on our roads into and out of our Shire.

Council has discussed several times reviewing a road hierarchy and adopting road standards, 10 year plans and other matters. Council currently has several related policy and strategy documents which have been adopted by previous Council's.

Consultation:

On the 19th of June we had a meeting with some very concerned local transport operators and Main Roads Heavy Vehicle Compliance Officers. The local Transport operators were asking about the process of approval, for a list of roads to be assessed for the RAV4 Network. An officer from the D.E.R was also at the meeting informing all, how road side verge vegetation can play a part in approvals.

Statutory Environment:

NA

Policy Implications:

Nil

Financial Implications:

There will be minor adjustments to road maintenance only due to the natural expansion of transport industry.

Strategic Implications:

NA

Voting Requirements:

Simple Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:**Economic Implications:**

Roads are the backbone of the economy.

Social Implications:

Roads are essential to the community and society.

Environmental Implications:

Roadside vegetation is important for biodiversity and the environment. Construction, use and maintenance of roads have adverse environmental impacts

Comment:

Throughout the Shire of York there are only a certain amount of roads that have been assessed by Main Roads for the RAV3 Network.

RAV3 Network category consists of a 27.5m pocket road train with a maximum permitted mass of 84 tonnes and a height 4.6m with approval ,in which 95% of the transport companies are using currently.

RAV4 Network category consists of a 27.m pocket road train with a maximum permitted mass of 87.5 tonnes and a maximum height of 4.6 m with approval, in which 95% of transport companies and farmers are moving to.

As these payloads can currently cart 16.5t on a set of bogey axles (RAV3) the pay load can only increase in a (RAV4 TRI AXLE CONFIGURATION)to 20t off farm . Payloads can be up to 21.5t (RAV4)from a certified weighbridge hence reducing the amount of vehicles on the road and the number of trips

As roads are assessed by MRWA conditions may apply for the use of certain roads

Roads to be assessed by Main Roads for the RAV4 Network are as follows:

RURAL ROADS

- Knotts Road
- Talbot Road (from Qualen Rd)to Location No.839 Talbot Rd
- Quellington Road from Northam – Cranbrook Road to Mannavale Road
- Cameron Road
- Warding Road to the Cunderdin Shire
- Mannavale Road from Fleapool Rd to the Cunderdin Shire
- Doodenanning Rd
- Penny Drive
- Gwambygine East Road, west of Top Beverley Rd to the Northam – Cranbrook Rd to travel east only
- Greenhills South Road
- Fleapool Road
- Warding Road
- Sees Road
- Cameron Road
- Piccadilly Road
- Buckingham Road – Bitumen Only
- Northbourne Road
- West Talbot Road to Great Southern Highway
- Wambyn Road
- Ashworth Road
- Wilberforce Road
- Karrabine Road
- Taylor Road
- Badgin Road
- Berrybrow Road
- Burges Road
- Corner Wells Road
- Cubbine Road
- Goldfields Road
- Greenhills Road
- Hardey Road
- Keebles Road

- Leeming Road
- Lennard Road
- Mackie Road
- Marwick Road
- Mokine Road
- Moore Road
- Ovens Road
- Qualen West Road
- Quonamining Road
- Spencers Brook Road (Shire of York)
- Talbot West Road
- Top Beverley Road
- Ulster Road
- Wallaby Road
- Talbot Road
- Cut Hill Road
- Talbot Hall Road
- McDougal Road
- Boyercutty Road
- Williams Road
- Hamersley Siding Road
- Chester Road
- Allens Road
- Boyle Road
- Mt Hardey Road
- Wrights Road
- Station Rd

TOWN ROADS

- Wyborn Street
- Forrest Street
- Maxwell Street
- Wheeler Street
- Fisher Street
- Maincamp Road to Fisher Street

9. MATTERS FOR RESOLUTION
9.3 WORKS REPORTS
9.3.4 Verge Spraying

FILE NO: EV.PVN.1.1
COUNCIL DATE: 23 July 2014
REPORT DATE: 16 July 2014
LOCATION/ADDRESS: Various
APPLICANT: Nil
SENIOR OFFICER: Graham Lantzke, Works Manager
AUTHOR: Graham Lantzke, Works Manager
DISCLOSURE OF INTEREST: No
APPENDICES: Nil
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: Michael Keeble

**RESOLUTION
150714**

Moved: Cr Boyle

Seconded: Cr Smythe

"That Council:

Resolve to accept the Works Committee Recommendation."

CARRIED: 6/0

WORKS COMMITTEE RECOMMENDATION

Moved: Cr Boyle

Seconded: Cr Duperouzel

"The Works Committee recommend to Council:

- 1. Let this matter of volunteers spraying verges lie on the table;*
- 2. Table for consideration at the next meeting allowing volunteers to prune trees on roads;*
- 3. Table for consideration at the next meeting allowing volunteers to grade roads."*

Carried 8-0

Summary:

A proposal for discussion purposes for the Shire to provide local community members and farmers with herbicide to be used controlling vegetation on rural road verges.

Background:

Rural road verges are an asset of the Shire of York which require ongoing management.

The local farming and transport industry are concerned at the extent of vegetation growth on road verges and intrusion into roadside drains, traffic envelopes and similar.

A suggestion has been put that the Shire provide to local farmers a supply of herbicide and authorisation to use it on road verges.

Consultation:

Nil

Statutory Environment:

Land Administration Act assigns to the Shire of York responsibility for the care and control of road reserves, including roadside Verges.

Section 51 of the Environmental Protection Act, 1986 makes it an offence to clear native vegetation without an exemption and a permit. "Clearing" by definition includes spraying with herbicide. The Environmental Protection (Clearing of Native Vegetation) Regulations 2004 provide additional regulation.

The Conservation and Land Management Act 1984 provides further regulation on the protection of rare flora, fauna and ecological communities.

Part 5 of the Occupational Safety and Health Regulations, 1996, cover the handling and management of hazardous substances including pesticides.

The Occupational Safety and Health Act and Regulations also cover responsibility for safe work practices and environments which would include working on a roadside. Australian Standards and Main Roads WA has published specific guidelines on appropriate levels of training, worksite management and similar for working on roadsides under traffic conditions.

Policy Implications:

Council has an old 2005 'York Roadscape Plan' and 'Road Development Standards' which do not specify a Shire practice on spraying.

There are various precedent setting decisions and work practices in place such as all sealed road verges are sprayed to the width of the drain annually; residents may register their verge to not be sprayed provided they undertake to maintain it and similar

A comprehensive policy by Council setting clear guidelines and community expectations would be helpful.

Financial Implications:

The proposed policy to allow farmers to spray verges would have a positive financial benefit yet to be calculated. The cost of chemicals is relatively low compared to the cost of labour.

There are significant financial risks and liabilities

Strategic Implications:

Currently the spraying, excluding gravel roads, is completed by Shire crew. Shifting the delivery of that service to volunteers will save costs but not alter the strategic outcomes.

Setting a policy of spraying gravel verges may have benefits but a yet to be formally considered policy shift fore shadowed in budget discussions is that the maintenance grader will continuously operate all year round and part of that activity would be clearing of vegetation to the toe of the drain.

Clearing of all verges by spraying would be a significant strategic issue that would embroil the Shire in controversy with the Department of Environmental Conservation and other stakeholders.

Voting Requirements:

Simple Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Nil

Social Implications:

Volunteer involvement may have follow on social benefits for community values.

Spraying of verges potentially reduces accident risks

Environmental Implications:

Improper spraying of verges could damage native vegetation, including rare and endangered flora.

Comment:

There are financial merits to allowing volunteers to spray road verges.

The cost of doing so and providing the chemicals is minimal. There would be some administration and support costs, costs of the chemicals and deliveries and some extended care costs to recover and dispose of used drums.

The Shire can authorise works on a road verge but can't authorise the clearing of native vegetation. That power is reserved to the Director General of the Department of Environment and Conservation.

In context this means that the Shire can authorise volunteers to spray road verges provided they do not damage any native vegetation outside the approved limit of maintenance. The approved limit of maintenance is generally the outside of the road formation except where there is an environmentally sensitive area, and except where the regrowth is more than 10 years old.

If any damage occurred to vegetation outside that envelope the Shire as the land owner and authorising agent would be deemed to have breached the Environmental Protection Act (with a presumption of guilt) and liable for fines up to \$1 million. The person doing the damage and officers of the Shire might be held similarly liable.

Spray drift is almost inevitable in some circumstances.

The Shire would have limited power to make volunteers liable for their actions in roadside spraying as there would be no contract of engagement. It would be also near impossible to account for the use of spray chemicals for their intended purpose.

As an employer and road manager the Shire would have a duty of care to ensure that any volunteers working on a road and any passing traffic remains safe. There are specific guidelines for doing this and an essential component is training and appropriate signage.

The Occupational Health and Safety Act also provides specific guidelines on handling of chemicals and the Shire would need to ensure an appropriate level of training and equipment is maintained in order to protect its liability under that Act. It is understood any commercial spraying requires a professional ticket and it is not immediately clear if volunteers supported by the Shire would fall under this requirement.

The Shire has already completed the annual 2014 spraying program including all sealed road verges. Repeat and follow up spraying is proceeding.

In summary if the Shire proceeds with the proposal.

In summary if the Shire is to proceed with this policy a thorough investigation of responsibility and risks under various Acts should be undertaken. A more detailed cost benefit assessment would also be useful.

At this point in time this proposal is put forward for discussion purposes to determine if further investigation is merited.

9. MATTERS FOR RESOLUTION
 9.4 FINANCE REPORTS
 9.4.1 Monthly Financial Reports – June 2014

FILE NO: FI.FRP
 COUNCIL DATE: 23 July 2014
 REPORT DATE: 17 July 2014
 AUTHOR: Tabitha Bateman, Financial Controller
 APPENDICES: Yes – Appendix A as detailed in Summary
 REPORT APPROVED BY THE CEO: *Michael Keeble*

**RESOLUTION
 160714**

Moved: Cr Smythe

Seconded: Cr Hooper

“That Council:

Receive the Monthly Financial Report for April and ratify payments drawn from the Municipal and Trust accounts for the period ending 30 June 2014:

	<u>VOUCHER</u>	<u>AMOUNT</u>
<i>MUNICIPAL FUND</i>		
<i>Cheque Payments</i>	<i>31233 - 31248</i>	<i>\$ 43,628.39</i>
<i>Electronic Funds Payments</i>	<i>12459 - 12648</i>	<i>\$ 1,406,874.46</i>
<i>Direct Debits Payroll</i>		<i>\$ 188,926.83</i>
<i>Bank Fees</i>		<i>\$ 491.75</i>
<i>Corporate Cards</i>		<i>\$ 2,148.08</i>
<i>Fire Messaging Service</i>		<i>\$ 82.50</i>
<i>TOTAL</i>		<i><u>\$ 1,635,152.01</u></i>
 <i>TRUST FUND</i>		
<i>Cheque Payments</i>		<i>\$ 0.00</i>
<i>Electronic Funds Payments</i>		<i>\$ 2,867.42</i>
<i>Direct Debits Licensing</i>		<i>\$ 160,848.65</i>
<i>TOTAL</i>		<i><u>\$ 163,716.07</u></i>
 <i>TOTAL DISBURSEMENTS</i>		 <i><u>\$1,798,868.08”</u></i>

CARRIED: 6/0

Statement by The Chief Executive Officer:

1. Subject to audit adjustments this financial report is properly drawn up to present fairly the financial position of the Shire of York at 30 June 2014, and comply with:
 - * The Local Government Act 1995
 - * The Financial Management Regulations under that Act
 - * The Australian Accounting Standards
2. The Business Activity and PAYG statement has been lodged and paid on time.
3. Staff superannuation has been paid as and when it has fallen due.
4. The Shire of York is able to pay its accounts as and when they fall due.
5. Grants received are and have been discharged in accordance with their terms and conditions. Where applicable, non-compliant grants are the subject of negotiation with the funding body.

Summary:

Subject to audit adjustments the Financial Report for the period ending 30 June 2014 is presented for consideration.

Appendix A includes the following:

- Monthly Statements for the period ended 30 June 2014
- Bank Account Reconciliations
- List of Creditors Payments
- Payroll Direct Debits
- Corporate Credit Card Transaction Listing
- Business Activity Statement
- Outstanding Rates Report

Commentary:

All reports are currently being reviewed and may be modified for following meetings of Council to give greater clarity. It should also be noted that the figures reflected in the following reports are an estimate of the end of year position only and are subject to audit adjustments to the 2013/14 Annual Financial Report.

Pg1. Statement of Financial Position

- Total Equity in the Shire has increased from \$91,965,652 to \$92,439,123 which is an increase of \$473,470.

Pg2. Profit and Loss (Income and Expenditure Statement)

- Governance – Structural Reform Amalgamation funding of \$1,549,000 was removed from revenues and \$1,549,000 removed from expenditure as the SEARTG amalgamation proposal was rejected by the Local Government Advisory Board and will not proceed.
- Law, Order and Public Safety – Proposed crime prevention federal grant of \$96,000 was not received.
- Education and Welfare – Proposed grant income of \$600,000 for childcare facilities was not received by 30 June 2014 and consequently the \$600,000 capital expenditure was removed.
- Recreation and Culture – \$1,800,000 was removed from revenue as the proposed grants for the Town Hall refurbishment was not received and the corresponding expenditure of \$1,800,000 was removed from the capital projects. \$229,668 of proposed grants for YRCC playground and car parking areas were withdrawn and capital expenditure reduced accordingly. Club contributions totalling \$18,000 being held in the Trust account has now been transferred to the Municipal account following the completion of the new playground at the YRCC.
- Transport - \$1,200,000 was removed from the revenue line and \$1,100,000 from the expenditure line. This is because the York-Merredin Road Safety Project was not completed by 30 June 2014 so Main Roads did not fund the project. Proposed grants of \$380,000 was removed from revenue and \$380,000 removed from capital expenditure as drainage studies were not completed by 30 June 2014. These items have not been included in the 2014/15 budget.

- Economic Services - \$81,550 was removed from the expenditure line due to the Community Development Officer position remaining vacant to 30 June 2014. This position is included in the 2014/15 budget. \$50,000 proposed grant income for the purchase of a new Community Bus was not received by 30 June 2014 and has not been included in the 2014/15 budget.

<u>Revenue</u>	
Total adjustment	\$5,904,668
less	
<u>Operating Expenditure</u>	
Total adjustment	(\$2,730,550)
and	
<u>Capital Expenditure</u>	
Total adjustment	(\$3,155,668)
 Net Effect	 (\$ 18,450)

Pg3. Working Capital (Current Assets & Liabilities)

- For the period ending 30 June 2014 there was an estimated surplus of current assets over current liabilities of \$1,328,420, compared to \$2,232,626 for the same period last year. This figure is subject to change following any audit adjustments.
- Consequently the Shire is able to pay its debts as and when they fall due.

Pg4. Financial Activity Statement

- Capital Programme – Expenditure for a number of capital projects was carried forward in the 2014/15 budget and are a contributing factor to the carried forward surplus.
- Transfers to/from Reserves – Transfers were undertaken prior to 30 June 2014. Adequate provision for the Staff Leave Reserve was made at 30 June 2014.

Statutory Environment:

Local Government Act 1995 (As Amended).

Local Government (Financial Management) Regulations 1996 (As Amended).

Australian Accounting Standards.

Financial Implications:

The following information provides balances for key financial areas for the Shire of York's financial position as at 30 June 2014;

Sundry Creditors as per General Ledger	\$288,348.20
Sundry Debtors as per General Ledger	\$434,625.16
Unpaid rates and services current year (inc. ESL)	\$272,971.39
Unpaid rates and services previous years (inc. ESL)	\$605,445.53

Voting Requirements:

Simple Majority Required: Yes

Note:

Cr Matthew Reid, proprietor of York Pharmacy supplies goods to the Shire of York.

Cr Mark Duperouzel, proprietor of MALS Auto supplies goods and services to the Shire of York.

9. MATTERS FOR RESOLUTION

9.4 FINANCE REPORTS

9.4.2 Investments – June 2014

FILE NO: FI.FRP
COUNCIL DATE: 23 July 2014
REPORT DATE: 17 July 2014
AUTHOR: Tabitha Bateman, Financial Controller
APPENDICES: Shire of York Investment Portfolio

REPORT APPROVED BY THE CEO: *Michael Keeble*

RESOLUTION

170714

Moved: Cr Smythe

Seconded: Cr Boyle

“That Council receive the Shire of York Investment Portfolio as attached to this report.”

CARRIED: 6/0

Summary:

That Council consider the investment portfolio as attached.

Background:

The investment policy requires Council to review the performance of its investments on a monthly basis.

Consultation:

Auditors

Statutory Environment:

Local Government Act 1995 (As Amended) 6.10(a), 6.14(1)

6.10. Financial management regulations

Regulations may provide for —

(a) *the security and banking of money received by a local government*

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.*

Local Government (Financial Management) Regulations 1996 (As Amended) 8.1(a)-(c)

8. Separate bank etc. accounts required for some moneys

(1) *A local government is to maintain a separate account with a bank or other financial institution for each of the following purposes —*

(a) *money required to be held in the municipal fund (other than money for which an account is to be established under paragraph (c)); and;*

(b) *money required to be held in the trust fund; and*

(c) *money required to be held in reserve accounts.*

Trustees Act 1962

18. Investment power of trustees, exercise of

- (1) *Subject to the instrument creating the trust, a trustee shall, in exercising a power of investment —*
- (a) *if the trustee's profession, business or employment is or includes acting as a trustee or investing money on behalf of other persons, exercise the care, diligence and skill that a prudent person engaged in that profession, business or employment would exercise in managing the affairs of other persons; or*
- (b) *if the trustee is not engaged in such a profession, business or employment, exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.*

Australian Accounting Standards

AASB 132 – prescribes the financial reporting requirements for financial instruments and the requirements for disclosure concerning financial instruments.

Policy Implications:

In accordance with the Financial Management Investment Policy.

Financial Implications:

Credit Ratings

Voting Requirements:

Simple Majority Required: Yes

Comment:

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 as at 30 June 2014.

The Shire of York Investment Portfolio identifies Council's investment type, term to maturity and investment value.

The reporting will be reviewed on an ongoing basis.

9. MATTERS FOR RESOLUTION

9.4 FINANCE REPORTS

9.4.3 Investigate Credit Card Usage

FILE NO: FI.BNK
COUNCIL DATE: 23 July 2014
REPORT DATE: 18 July 2014
LOCATION/ADDRESS: N/A
APPLICANT: Shire of York
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Michael Keeble, CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Appendix A – Previous Report – 9.4.1 - 12/5/14
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE CEO: *Michael Keeble*

RESOLUTION

180714

Moved: Cr Smythe

Seconded: Cr Wallace

“That Council:

Amend Resolution 020514 by removing “its Auditors” and replace with “a registered Auditor”.

CARRIED: 6/0

Summary:

That Council consider amending the original motion relating to the investigation of the Corporate Credit Cards, to allow investigation by another Auditing firm.

Background:

The investigation has been drawn out and requires urgent attention to finalise the matter.

At a Special Meeting of Council held on the 12th May the following was resolved:

Authorise the Chief Executive Officer to obtain a quotation and engage its Auditors to undertake an investigation into the use of the Corporate Credit Cards using the following criteria:

1. ***Compare the date of entry on the Credit Card Statement with the actual purchase dates shown on the receipts.***
2. ***Compare those dates with:***
 - a) *Day of the week;*
 - b) *Whether or not it was a public holiday;*
 - c) *Whether or not Mr R Hooper was on leave.*
3. ***Check the purpose of the purchase and categorise as:***
 - a) *Office purchases;*
 - b) *YRCC purchases;*
 - c) *Library purchases;*
 - d) *Fuel purchases;*
 - e) *Christmas party purchases;*

- f) *Airfares;*
- g) *Garden and Home Maintenance;*
- h) *Training, Conferences and related Accommodation purchases;*
- i) *Liquor purchases;*
- j) *Dining and Entertainment, and*
- k) *Gifts*

4. *The Auditors shall submit a report from 1 July 2011 to 30 June 2012, 1 July 2012 to 30 June 2013 and 1 July 2013 to 30 April 2014.*

5. *The Auditor may be required to continue to investigate for the prior six (6) years.”*

Consultation:

Councillors and Council's Auditors.

Statutory Environment:

Local Government Act 1995 section 2.7 (2)(a) and (b)

“2.7. Role of council

(2) Without limiting subsection (1), the council is to —

(a) oversee the allocation of the local government's finances and resources;”

Local Government (Financial Management) Regulations 11 (1)(a)

“11. Payments, procedures for making etc.

(1) A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of —

(a) cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained;”

Policy Implications:

Financial Management – Corporate Credit Cards – introduced 15th February 2010 currently under review.

Financial Implications:

Await quotation from Auditor this may result in an unbudgeted item.

Voting Requirements:

Simple Majority Required: Yes

9. MATTERS FOR RESOLUTION

9.4 FINANCIAL REPORTS

9.4.4 Avon Valley Residents Association Inc – Application To Be Recognised As A Community Group

FILE NO: CS.CEV.1
COUNCIL DATE: 23 July 2014
REPORT DATE: 18 July 2014
LOCATION/ADDRESS: York Town Hall
APPLICANT: Keith Schekkerman, Avon Valley Residents Association Inc (AVRA)
SENIOR OFFICER: Gordon Tester
REPORTING OFFICER: John Coles
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE CEO: *Michael Keeble*

Cr Denese Smythe declared an Interest of Impartiality and left the meeting at 5.30pm

**RESOLUTION
190714**

Moved: Cr Boyle

Seconded: Cr Wallace

“That Council:

Recognise AVRA as a Community Group for the purpose of waiving fees and charges related to trading in public places and thoroughfares for fundraising, and to access discounted rates for hiring the Town Hall, York.

CARRIED: 5/0

Cr Smythe returned to the meeting at 5.31pm

Summary:

It is a requirement that Avon Valley Residents Association Inc makes application to Council to be recognised as a Community Group in order to qualify to have fees and charges waived when conducting not for profit fund raising activities in public places and thoroughfares, and discounted rates for hiring the Town Hall.

Background:

On 13 June 2014 an application was made in writing to the Shire asking for Avon Valley Residents Association Inc to be granted ‘Approved Organisation’ status to enable a discounted rate for hiring the Town Hall

Consultation:

Nil

Statutory Environment:

Shire of York, Local Law – Trading in Thoroughfares and Public Places

Policy Implications:

Nil

Financial Implications:

Shire's fees waived/discounted.

Strategic Implications:

In accordance with the Shire of York Strategic Community Plan Our Vision, the following applies:

The Rural Gateway Our Shire will be:

A place of community, where lifestyle choices are important and where community matters.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Other community-based groups may make similar applications if a precedent is set resulting in Budget consideration.

Social Implications:

It is of benefit to enhance relationships between Council and Community Groups by waiving fees and charges for fundraising purposes of community benefit.

Environmental Implications:

Nil

Comment:

That Council considers the request favourably by Avon Valley Residents Association Inc to waive the bond required as part of hiring the Town Hall.

9. MATTERS FOR RESOLUTION

9.5 LATE REPORTS

9.5.1 Councillor IT Solutions

FILE NO: AS.ITY
COUNCIL DATE: 23 JULY 2014
REPORT DATE: 21 July 2014
SENIOR OFFICER: M Keeble, CEO
AUTHOR: M Davies, IT & COMMUNICATIONS
REPORT APPROVED BY THE CEO: Michael Keeble

**RESOLUTION
200714**

Moved: Cr Wallace

Seconded: Cr Duperouzel

“That Council:

Will supply individual Councillors and the CEO with an Apple iPad air mobile tablet device.”

AMENDMENT

Moved: Cr Reid

Seconded: Cr Hooper

The Council Amend the Officer Recommendation to read:

“That Council:

Authorise the CEO to source the most appropriate IT solution.”

**RESOLUTION
210714**

Moved: Cr Hooper

Seconded: Cr Boyle

The amendment became the motion.

CARRIED: 6/0

The Officer Recommendation was amended to allow authorisation to the CEO to source the most suitable IT systems for use by Councillors and CEO.

Summary:

Councillors currently have a mailbox setup under the Shire of York Domain councillorname@york.wa.gov.au as per resolution dated 19 May 2014. The email needs to setup on a device that can solely be utilised by Councillors when conducting Council business.

To connect the councillor mail through the Shire of York exchange server can put the system at risk from external devices and entities accessing the Shire of York exchange server and it is recommended that as these mailboxes that have already been setup are accessed via a Shire of York owned device that will purely be utilised for Council operations

Background:

To move forward with Council's IT & Communications it is recommended that Councillors are issued with an Apple iPad air device to use in their role as an elected member of Council. Information (including agenda's, minutes, reports etc can be emailed direct to their email or alternatively sent via a drop box or similar Application which can be administered through the Shire of York IT system.

The devices will have greater functionality and portability than a laptop or desktop that could be utilised within Councillors everyday roles.

The use of these will also save considerable time and expense in producing hard copies of agenda and minutes.

Financial Implications:

Apple Ipad air \$25.00 per month on 24 Month contract total = \$600.00 - \$240.00 saving on recommended retail prices

Data Pack per month \$40.00 on 24 month shared data contract total = \$960.00.

It is proposed to use the Councillor IT & Communications allowance to fund the data pack costs.

Policy Implications:

Councillors will be bound by the Shire's IT policy which has yet to be confirmed

Voting Requirements:

Simple Majority Required: 4 votes

9. MATTERS FOR RESOLUTION
9.5 LATE REPORTS
9.5.2 CEO Contract of Employment

FILE NO: P236
COUNCIL DATE: 23 July 2014
REPORT DATE: 23 July 2014
LOCATION/ADDRESS: N/A
APPLICANT: Shire President - Matthew Reid
DISCLOSURE OF INTEREST: Mr Michael Keeble, CEO – Financial & Impartial
APPENDICES: CEO Contract of Employment

Mr Michael Keeble, Chief Executive Officer, declared a Financial Interest to this item and left the meeting at 5.37pm

RESOLUTION
220714

Moved: Cr Hooper

Seconded: Cr Boyle

“That Council:

1. *Approve the Contract of Employment with Michael Alan Keeble as Chief Executive Officer of the Shire of York for a period of one year commencing on 16 October 2014 and terminating on 15 October 2015.*
2. *The Shire President and the Chief Executive Officer may affix the Common Seal of the Shire of York to the Contract.”*

CARRIED: 6/0

Mr Michael Keeble returned to the meeting at 5.39pm.

Summary:

Council has approved the appointment of Michael Alan Keeble as Chief Executive Officer of the Shire of York.

Following resolution (030714) (extract) was put and carried:

That Council resolve to:

endorse the actions of the Shire President in:

2. *Negotiating a contract with the current CEO within the parameters set out in the information package, with a period ending 31 August 2015, and subsequently placed be agreed contract before Council for endorsement, at the first opportunity.*

It is drawn to the attention of Council, that the current contract termination date is 15 October 2014, and therefore Council may consider that the new contract should commence on 16 October 2014 and terminating on 15 October 2015 (being one year)

The contract of employment is tabled for consideration, with the commencement date and the expiry date in clause 4 (term of employment) being left blank, pending resolution by Council.

Background:

The contract tabled is a model contract of employment recommended by the Department of Local Government and Regional Development, and endorsed by the Western Australian Local Government Association and the Local Government Managers Association.

Consultation:

Fitzgerald Strategies (HR Consultants) have been consulted about the financial consideration detailed in this contract.

Commentary

Attached is:

1. The Contract of Employment - Shire of York Chief Executive Officer.

Statutory Environment:**Local Government Act Part 5 Division 4 Section 5.39 (extract) states:****Contracts for CEO and senior employees**

- (1) *Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.*
- (1a) *Despite subsection (1) —*
 - (a) *an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting;*
- (2) *A contract under this section —*
 - (a) *in the case of an acting or temporary position, cannot be for a term exceeding one year;*
- (3) *A contract under this section is of no effect unless —*
 - (a) *the expiry date is specified in the contract; and*
 - (b) *there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and*
 - (c) *any other matter that has been prescribed as a matter to be included in the contract has been included.*
- (4) *A contract under this section is to be renewable and subject to subsection (5), may be varied.*
- (5) *A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.*
- (6) *Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.*
- (7) *A report made by the Salaries and Allowances Tribunal, under section 7A of the Salaries and Allowances Act 1975, containing recommendations as to the remuneration to be paid or provided to a CEO is to be taken into account by the local government before entering into, or renewing, a contract of employment with a CEO.*
- (7) *A CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7A.*
- (8) *A local government is to ensure that subsection (7) is complied with in entering into, or renewing, a contract of employment with a CEO.*

Shire of York Local Laws Standing Orders**Part 19 - Common Seal****19.1 The Council's Common Seal (extract)**

- (2) The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the President and the CEO or a senior employee authorised by him or her.

Financial Implications:

The position is financed in the 2014 to 2015 budget.

The remuneration is set out in clause 12 in terms of section 5.39 (7) and (8) of the Local Government Act 1995. The remuneration package is categorised as follows to reflect the provisions of the Salaries and Allowances Tribunal determination dated 24 June 2014.

The total cash component is \$199,465

The total non-cash component is \$ 40,523

The total cost to the Shire is \$239,988

Voting Requirements:

Simple Majority Required: Yes

10. COMMITTEES OF COUNCIL
10.1 FINANCE, RISK & AUDIT COMMITTEE

FILE NO:
COUNCIL DATE: 23 July 2014
REPORT DATE: 18 July 2014
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Helen D’Arcy-Walker, ESO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Minutes of the Finance, Risk & Audit Committee
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: Michael Keeble

RESOLUTION
230714

Moved: Cr Hooper

Seconded: Cr Boyle

“That Council:

Considers the Minutes of the Finance, Risk & Audit Committee held on 23 June, 2014, 30 June, 2014 and 7 July, 2014.”

CARRIED: 6/0

Summary:

The minutes of the Finance, Risk & Audit Committee meetings are provided for Council and Community information.

Voting Requirements:

Simple Majority Required: Yes

10. COMMITTEES OF COUNCIL
10.2 WORKS COMMITTEE

FILE NO:
COUNCIL DATE: 23 July 2014
REPORT DATE: 21 July 2014
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Helen D’Arcy-Walker, ESO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Minutes of the Works Committee
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: Michael Keeble

RESOLUTION
240714

Moved: Cr Wallace

Seconded: Cr Smythe

“That Council:

Considers the Minutes of the Works Committee held on 17 July, 2014.”

CARRIED: 6/0

Summary:

The minutes of the Works Committee meetings are provided for Council and Community information.

Voting Requirements:

Simple Majority Required: Yes

11. EXECUTIVE MANAGEMENT REPORTS
11.1 CEO REPORT

FILE NO: OR.MTG.5
COUNCIL DATE: 23 July 2014
REPORT DATE: 17 July 2014
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Michael Keeble, CEO
REPORT APPROVED BY THE CEO: *Michael Keeble*

RESOLUTION
250714

Moved: Cr Smythe

Seconded: Cr Boyle

That Council:

Receive the report.”

CARRIED: 6/0

This report is a summary of the key activities of both the CEO and the organisation

1. Vehicles

The Works Manager is in the process of reviewing and drafting a Vehicle Use Policy (and Procedure)

2. Budget

The 2014/2015 budget has been considered by special meeting of Council . The managers are drawing up project plans to demonstrate that all budget items will be completed by 30 June 2015.

3. Web Page

The webpage is still not up and running due to technical difficulties and we are informed that it will not be available until the end of August.

4. Shire Credit Card

The auditor has still not completed their work on this task and there is an agenda item for this meeting to consider changing auditors for this work

5. Enterprise Bargaining Agreement

The negotiation process is still proceeding and is expected to be concluded by 30 July.

6. Complaints

Two letters of complaint have been received and appropriate investigations are being undertaken.

7. Finance

The reorganisation of the accounting section continues
A new financial reporting system is being installed
New budget forecasting software is being installed
Negotiations have commenced to outsource payroll
A new debt collection company has been appointed to recover outstanding rates and general debtors

8. Human Resources

Development of human resource policies has commenced
A staff bullying issue has been resolved
Attendance at the equal opportunity commission was required to resolve a vilification claim
Ian Crombie has been appointed to advise on the Shire Parks and Gardens
Formal training for all staff on bullying and vilification has commenced

9. Email and IT

Councillor email addresses continue to be in the process of being changed to “christian.name.surname@york.wa.gov.au”
A review and risk analysis of the Shire IT systems has commenced

10. Library

Work has commenced on a marketing plan to improve attendance at the library

11. Other Matters

A lease between the Shire and the W.A. Department of Health is in the process of being finalized
MoUs have been commenced between the Shire and various sporting clubs
A business plan for the YRCC has been commenced

Matters Requiring Action from Previous Meetings of Council

Name

SP	Mathew Reid
CEO	Michael Keeble
DCEO	Tyhscha Cochrane
MPS	Jackie Jurmann
MHB	Gordon Tester
WM	Graham Lantzke
HR	Gail Maziuk
FC	Tabitha Bateman

Meeting Date	Item	Topic	Next Review	
Meeting				
Date				
12-May-14	9.4.1	Investigate Credit Card Usage	18/08/2014	CEO
19-May-14	9.1.1	SITA Appeal	18/08/2014	MPS
19-May-14	9.1.2	Establish Heritage Advisory Committee	Completed	CEO
		Proposed Excision of Road Reserve		
19-May-14	9.1.3	Ashworth Road	18/08/2014	MPS
19-May-14	9.2.1	Hockey Club - Occasional Liquor Licence	Completed	DCEO
19-May-14	9.2.5	Notice to Owner of 18 Georgian St	Not Resolved	MHB
19-May-14	9.2.8	CEO Contract	Completed	SP
19-May-14	9.2.10	Establish Finance, Audit and Risk Committee	Completed	CEO
19-May-14	9.2.12	Councillor Email Addresses	18/08/2014	CEO
19-May-14	9.3.1	Formation of Works Committee	Completed	WM
19-May-14	9.3.2	Policy on Roadside Vegetation Clearing	18/08/2014	WM
		Policy on Townsite Verge Vegetation		
19-May-14	9.3.3	Management	18/08/2014	WM
19-May-14	9.3.4	Town Secondary Water Supply Dam	18/08/2014	WM
19-May-14	9.4.2	Grant ANZAC	18/08/2014	DCEO
19-May-14	9.4.3	Non Rates Write Offs	Completed	DCEO
19-May-14	9.5.1	Town Hall Shelter	Completed	MHB
16 June 14	9.4.1.1	Planning Documents	Completed	MPS
16 June 14	9.4.1.2	Proposed Scheme Amendment No. 53	18/08/14	MPS
16 June 14	9.4.2.1	Designated Senior Employees	Completed	HR
16 June 14	9.4.2.2	Residential Property Lease	18/08/14	CEO
16 June 14	9.4.2.3	Lease – Old Tennis Court Land	18/08/14	DCEO
16 June 14	9.4.4.1	Legal Action – Unpaid Rates	18/08/14	DCEO
16 June 14	9.4.4.2	Monthly Financial Reports – May 2014	Completed	FC
16 June 14	9.4.4.3	Investments – May 2014	Completed	FC
16 June 14	9.4.4.4	Rates Write Off	Completed	FC
16 June 14	FRAC	Budget Discussions	Completed	CEO

Matters Requiring Action from Previous Meetings of Finance Risk and Audit Committee

Name

SP Mathew Reid
 CEO Michael Keeble
 DCEO Tyhscha Cochrane
 MPS Jackie Jurmann
 MHB Gordon Tester
 WM Graham Lantzke
 HR Gail Maziuk
 FC Tabitha Bateman

Meeting Date	Item	Topic	Next Review
7 July 2014	060614	Draft YRCC business plan	30/07/14
7 July 2014	070614	Outstanding Rates to be KPI for CEO	30/07/14
7 July 2014	080614	Project plans for 2014/2015	30/07/14
7 July 2014	090614	Use of consultants	30/07/14
7 July 2014	11/06/14	Consolidate reserve accounts	30/07/14
7 July 2014	16/06/14	Status & future of swimming pool	30/07/14

Meetings held from 16 June, 2014 to 15 July, 2014
--

16 June, 2014	Pam Law Matthew Reid Brookfield Rail Ordinary Council Meeting
17 June, 2014	Graham Lantzke Senior Staff Meeting Matthew Reid, Jacky Jurmann, Graham Lantzke Matthew Reid Pam Law York District High School – On Site Cindy Keeble Graham Lantzke, Matthew Reid
18 June, 2014	Tabitha Bateman Andrew Kirkland Murray Smith Health Department – Northam
19 June, 2014	Heavy Vehicle RAV 3 / 4 Network with Rural Road Group Tourism Meeting – YRCC
20 June, 2014	Avon-Midland Zone Meeting – Shire of Wongan-Balalidu
23 June, 2014	Matthew Reid Yorkies Coffee Carriage Future CBH Meeting Finance, Risk & Audit Committee Meeting
24 June, 2014	EBA with the ASU
25 June, 2014	Cindy Keeble
26 June, 2014	Graham Lantzke Dirk Feinauer
27 June, 2014	Tyhscha Cochrane Graham Lantzke The York Society – Sheryl Russo Heather Saint & Tabitha Bateman

30 June, 2014	Lou Thomas Gordon Tester Dee Robinson Ian Crombie Paul Brown Simon Saint Matthew Reid Special Council Meeting Finance, Risk & Audit Committee Meeting
1 July, 2014	Graham Lantzke Senior Staff Meeting Works Committee Discussion Kathryn Jane & Merv Taylor
2 July, 2014	Court – Dee Robinson
3 July, 2014	York Agriculture Society Peter Halliday Simon & Heather Saint Tricia Walters Anthony Wirth Simon & Heather Saint Ian Crombie Work Committee Meeting
4 July, 2014	Rural Water Council – Mukinbudin
7 July, 2014	Tabitha Bateman Matthew Reid Finance, Risk & Audit Committee Meeting
8 July, 2014	SEARTG & SEAVROC – Tammin
9 July, 2014	Avon Sub-Group Meeting – Goomalling
10 July, 2014	Rosie Fleay Night Sky Bob Lengkeek The York Society – Sheryl Russo & Bill Roy AVRA – Keith Schermann
11 July, 2014	SEAVROC Kingsley Dixon & Chris Pullin Peter Murray, Graham Lantzke
14 July, 2014	Court – Richie Smith
15 July, 2014	Graham Lantzke Senior Staff Meeting Mike Fitz Gerald Matthew Reid Guy Lehmann & Tyhscha Cochrane Mike Fitz Gerald Matthew Reid & Mike Fitz Gerald

Proposed Meetings

16 July, 2014	Justin Corrigan
17 July, 2014	John Langton & Jacky Jurmann Special Council Meeting Works Committee Meeting
18 July, 2014	Yvonne Town York FM
21 July, 2014	Melbourne Cup
22 July, 2014	Senior Staff Meeting
23 July, 2014	Ordinary Council Meeting

11. EXECUTIVE MANAGEMENT REPORTS
11.2 DEPUTY CEO REPORT

FILE NO: OR.MTG.5
COUNCIL DATE: 23 July 2014
REPORT DATE: 18 July 2014
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Tyhscha Cochrane, DCEO
APPENDICES: Library Statistics
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: Michael Keeble

**RESOLUTION
260714**

Moved: Cr Smythe

Seconded: Cr Wallace

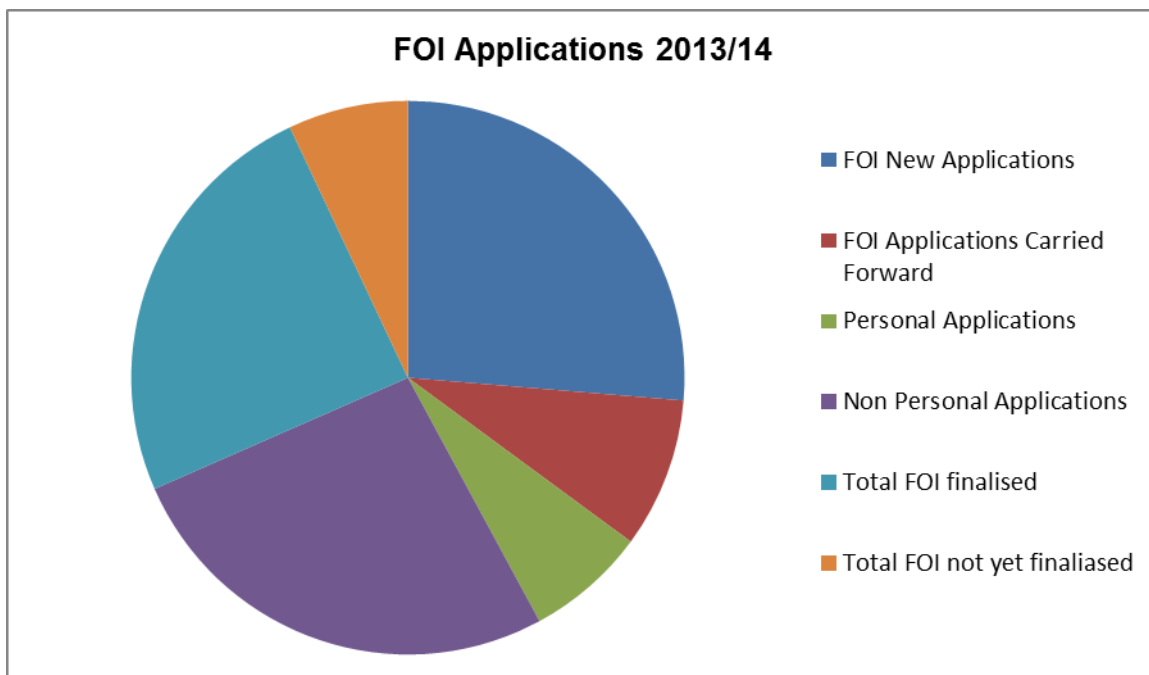
“That Council:

Accept the report.”

CARRIED: 6/0

This report is a summary of key activities of the administration of the Shire of York. Due to end of year financial activities all summaries of the previous year will be provided in the next report.

1. Freedom of Information (1 July 2013 to 30 June 2014)	
New Applications Received	16
Applications Carried Forward from previous year	5
Total Applications	21
FOI Applications Received – Personal Information	4
FOI Applications Received – Non-Personal Information	17
Total Applications finalised in this period	19
Total Applications on hand – not yet finalised	2



Statistics for the Month of June 2014

Total Applications received	1
Total Applications finalised	4
(2 finalised in June, 2 closed previously but left off June Council Report)	

Note: Incorrectly Reported in June Council Report. Should read:
FOI Applications received from the previous financial year 2012/13 – Total 24
(19 new applications and 5 carried forward)

2. Library

Statistics provided Appendix A.

3. Payments to the Shire

Direct Credits June 2013 -	\$700,109.56
June 2014 -	\$264,332.92

The reasons for the massive difference between the years is that there was a lot of grant funding received in June 2013. The advance payment of the financial assistance grants are not being provided for in the previous years, as has occurred.

- Cat Act Grant - \$147,000
- Financial Assistance Grants - \$199,827.10
- Financial Assistance Grants - \$199,827.10
- WA Police Grant Camera – \$27,500.00

Taking into account the above grants the direct credits amounts to \$125,955.36 for June 2014.

4. Facilities Hire

Department Information	JUNE	
	2013	2014
Facilities Hire		
Indoor Stadium	68	66
Oval	30	32
Pavilion	1	2
Town Hall	18	15
Old Gym	11	0
Avon Park	1	0
Peace Park	0	1
Gymnasium		
Memberships	12	21
Revenue (no GST)	\$2585.45	\$3105.45

5. Environmental Protection Officer

The State NRM Conference was held in Busselton from the 7th-9th May 2014, the Environment Officer presented in a concurrent session on the collaboration of the SEAVROC, NEWROC and WEROC NRM Projects.

2014 marks the Biodiversity Fund Project's first year of planting with 45 farmers implementing revegetation, fencing and baiting activities over the 15 participating Shires including two from York. A further two farmers have applied for works to be undertaken in 2015. York Farmers will also have access to funding through the State NRM Grants for reimbursement for fox, cat and rabbit baiting.

The SEAVROC Enviro E-news has had a facelift and will be sent out monthly commencing June. It is sent out to SEAVROC landholders, which identifies NRM grant opportunities, events and news.

The NRM Professional Network has received a grant through Wheatbelt NRM for another 12 months of quarterly meetings and professional development sessions.

The Environment Officer presented on 'On-Farm Native Vegetation Clearing' at the Heavy Vehicle RAV 3 and 4 meeting on the 19th June. The Shire President met with the Environment Officer regarding roadside vegetation clearing, future management plans for the Mt Bakewell Area and future trail projects within the Shire.

Annual reporting of Native Vegetation Clearing for the Shires has commenced.

A one day training course for farmers and consultants on how to apply PA and mobile technology for simple and practical crop agronomy is being held on Tuesday, 29th July @ 9-4pm Cost \$20pp @ the Quairading Community Building Contact Jill McRae - 0447450002 to secure your place or for further information. Limited to 20 people. Course content will be directed at participant's individual levels, generally it will cover:

Course content will be directed at participant's individual levels, generally it will cover:

- Downloading and cleaning of yield data
- General file formats and their display.
- Marking out areas and using them live in the paddock with an iPad
- Dropping points for soil sampling or areas of interest.
- Sharing files and information via Dropbox and email
- Advanced levels may include: Synchronisation of run lines for controlled traffic, loading monitors, loading and analysis of 3rd party data (NDVI, EM, Gamma, DEM...etc)

Council will be working with the Environment Officer when the Bush Craft Grants become available.

6. Department of Transport Licencing 2013/2014

All statistical information will be provided in the next report.

7. Vale of York Herbarium

Council will be organising with The River Conservation Society a formal handover, including media and photo opportunities this month.

8. Dust of Uruzgan York Town Hall Monday 25 August – 7.00pm \$20 Adults

Reminder that the Shire of York put in a successful bid to Country Arts WA to secure one of their new shows, The Dust of Uruzgan. The show is performed by Fred Smith, and has received acclaim all around Australia.

This performance is very fitting to kick start the ANZAC Centenary celebrations for York.

9. Events

The York Friendship Club Inc. have proudly informed Council that they have acquired the rights to the York Medieval Fayre from Mr W Butun. The event is planned for 2 November 2014 at Peace Park. This coincides with an event being held at the York Town Hall for the Magical Psychic and Healing Expo.

10. Sponsorships

The Finance, Risk and Audit Committee will be looking at the process for considering sponsorship applications at their next meeting and advice will be provided as soon as possible after this, as the budget was adopted at the Special Council meeting held on the 17 July 2014.

11. EXECUTIVE MANAGEMENT REPORTS
11.3 MANAGER PLANNING SERVICES REPORT

FILE NO: OR.MTG.5
COUNCIL DATE: 23 July 2014
REPORT DATE: 9 July 2014
SENIOR OFFICER: M Keeble, CEO
AUTHOR: J Jurmann, MPS
APPENDICES: Nil
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: *Michael Keeble*

RESOLUTION 270714	
Moved: Cr Smythe	Seconded: Cr Hooper
<i>“That Council:</i>	
<i>Accept the report.”</i>	
CARRIED: 6/0	

This report is a summary of the current projects and activities of the Planning Services Division, which comprises:

- Town planning services;
- Residency Museum; and
- Visitor Information Services.

Table 1 provides an overview of the monthly statistics for June 2014 for the Division.

Table 1 – Statistics

Planning Services – June Monthly Statistics			
	1/7/2012 – 30/6/2013	1/7/2013 – 30/6/2014	Trend
Planning			
Applications Received	65	44	↓
Applications Determined	64	48	↓
Time (average)¹	65 days	47 days	↓
DAP Applications	0	1 ²	↑
Subdivision Referrals	13	11	↓

¹ Planning application times are an average. Clause 8.12 of York TPS provides 60 days for applications with no advertising and 90 days for applications with advertising for deemed refusal.

² SITA application for landfill at Allawuna Farm currently subject to SAT proceedings.

Scheme Amendments	4	6	↑
Income derived from applications, scheme amendments and subdivision clearances³	\$25,084.88	\$46,288.80 ⁴	↑
Income derived from outsourced planning services	\$1,532.21	\$63,636.36	↑
Income derived from grants	\$4,500	\$240,500 ⁵	↑
Residency Museum			
Museum attendance	1995	2633	↑
Highest demographic	Adults	Adults	-
Local attendance	270	118	↓
Income derived	\$5,814.28	\$7,815.81	↑
Visitor Information Services			
VIS Numbers	1054	980	↓
VIS Product Sales	\$1,345.45	\$2,095.45	↑

Town Planning Services:

Local Planning Strategy Review

Hames Sharley have been appointed to conduct a review of the York Local Planning Strategy that will provide a future direction for the sustainable development of York.

The review has commenced and will see the establishment of a Community Reference Group to provide valuable local knowledge and input into the process. It is anticipated that the review will be completed early in 2015 and will enable the preparation of a new local planning scheme.

SITA Appeal Update

The SITA appeal is ongoing in the State Administrative Tribunal. Denis McLeod of McLeod's Barristers and Solicitors has been engaged to assist Council in the appeal process and to represent the community. A preliminary hearing date has been set for 2 December 2014 and is expected to be held for four days.

³ Planning fees are statutory fees.

⁴ Includes SITA application fee.

⁵ Includes NRM grant obtained by Planning Section.

Daliak Structure Plan

An amended Daliak Structure Plan has been submitted by the applicants and is currently under assessment. Importantly the amended document provides an implementation plan for the area that details infrastructure requirements and costs. The Plan will, in the near future, undergo further landowner consultation prior to being presented to Council for adoption.

Avon Terrace Trails App

The smartphone application for the revamped Avon Terrace walk trail has been completed and was launched by the Hon. Mia Davies, MP on 9 July 2014. The app is free to download and will provide walkers an audio commentary of the history of Avon Terrace.

Trails Masterplan and Bike Plan

The review of the Trails Masterplan and new Bike Plan is nearing completion with a draft of the document currently being reviewed. The Plans will provide strategic direction for trails development in York. It is proposed to commence work on implementing the Plan in the near future with upgrades proposed to the Avon River Walk Trail.

Cultural Heritage Interpretation Plan

Following a successful grant application, Creative Spaces and Savagely Creative have been appointed to develop a Cultural Heritage Interpretation Plan for York. The Plan will provide Council and the community guidance on the interpretation of York's history.

Residency Museum:

Visitor Numbers

The numbers of visitors to the Museum have increased significantly when compared to the previous year by all groups, with the exception of local visitors that have decreased. Events and initiatives including exhibition launches, celebratory activities supporting the Melbourne Cup tour and new marketing initiatives are aimed at increasing visitor numbers and the profile of the Museum.

Group Bookings

The bookings for groups are steadily increasing, particularly for the school and children groups following the development and accreditation of curriculum-based education material available for teachers and child educators.

Banners

Three (3) new banners advertising the Residency Museum and the new Trails and Tours App have been installed in Avon Terrace, with two (2) additional banners installed on Panmure Road specifically for the Museum. The banners form part of a new marketing campaign to raise the profile of the Museum and to make it easier for visitors to locate.

Photograph Restoration

Preservation Services in Perth have restored a number of portraits of late nineteenth and twentieth – century civic identities of York who had close associations with York Town Hall. These images feature many prominent York individuals and some of these have no other known pictorial record available to the public. The project was funded through a Lotterywest Conservation of Cultural Heritage grant and the photographs have now been displayed in the Town Hall.

Red Tardis Project

Two red old-style timber telephone boxes are currently being restored by the Men's Shed that will become tourist information points in town and is part of the ongoing marketing of York and the Museum.

Visitor Information Services:

The management of the VIS has recently been transferred to the Planning Services division, which will link and complement the activities of the Museum and other economic development and tourism initiatives.

The role of the VIS is to provide information to visitors on York and over the coming months, the operations of the VIS will be reviewed to optimise this role.

Visitor Numbers

The number of visitors coming through the doors and obtaining maps in May 2014 was 976 as compared to 1019 in May 2013. These statistics are currently collected manually by the staff and this system will be reviewed to increase accuracy and usefulness of these statistics.

WiFi

A WiFi hotspot has been established at the VIS Office in anticipation of the new Trails App is proving popular with visitors. The range of the WiFi has been purposely limited to within a couple metres of the front of the Town Hall centred at the VIS office.

11. EXECUTIVE MANAGEMENT REPORTS

11.4 Engineer – Works Managers Report

FILE NO: OR.MTG.5
COUNCIL DATE: 23 July 2014
REPORT DATE: 11 July 2014
SENIOR OFFICER: Works Manager, Graham Lantzke
AUTHOR: - Works Administrator, Leonie Kempin
(Apendices 1-7)
- Works Manager, Graham Lantzke
(Appendix 8)

APPENDICES:

- 1 - Vehicle Report June 2014
- 2 - Grading, Construction & Rural Rd Works
- 3 - Town Works
- 4 - Potholes, Guide Posts & Signs
- 5 - Private Works
- 6 - Plant Maint / Servicing - June 2014
- 7 - Plant Maint / Servicing - July 2012 to current
- 8 - Project Status Report

DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE CEO: *Michael Keeble*

RESOLUTION

280714

Moved: Cr Duperouzel

Seconded: Cr Wallace

“That Council:

Accept the report.”

CARRIED: 6/0

Summary:

This report is a summary of activities of the Works Department for the month of June 2014. Included is an updated project status report.

Background:

The Works Department has responsibility for the management, operation, maintenance and improvement of Council’s infrastructure assets like roads, footpaths, parks, bridges and so forth (but excluding buildings).

The Works Department operates in accordance with Council policy directives and the adopted budget of the Council of the Shire of York. The Works Department is accountable to the CEO who reports to the Shire Council.

This report is provided in order that the Council of the Shire of York is kept informed on the operations of the Shire Works Department and progress in implementing their policy and budget objectives. It is intended through this report that Council will be able to review activities and identify policy objectives and emerging operational issues.

Consultation:

Nil

Statutory Environment:

Nil

Policy Implications:

Nil

Financial Implications:

Nil. Financial information is provided in the monthly Shire Financial statements and report and is not duplicated here, except to the extent of identifying emerging budget issues.

Strategic Implications:

Nil

Voting Requirements:

Simple Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple Bottom Line Assessment:

Economic Implications:

Nil

Social Implications:

Nil

Comment:

Appendix 1 is a summary of Works vehicle and plant usage detailing kilometres/hours for each vehicle/plant item for the month of June 2014.

Appendix 2 is a summary of monthly grading, construction and rural road works carried out by Works Depot staff for the month of June 2014.

Appendix 3 is a summary of monthly town works carried out by Works Depot staff for the month of June 2014.

Appendix 4 is a summary of pothole, guide post & sign maintenance carried out by Works Depot staff for the month of June 2014.

Appendix 5 is a summary of private works carried out by Works Depot staff for the month of June 2014.

Appendix 6 is a summary of Works Depot vehicle and plant maintenance/servicing for the month of June 2014.

Appendix 7 is a cumulative summary of Works Depot vehicle and plant maintenance/servicing for the period July 2012 to June 2014.

Appendix 8 is a summary of new and ongoing projects being managed by the Works Manager and Works Supervisor.

11. EXECUTIVE MANAGEMENT REPORTS

11.5 Environmental Health & Building Services Managers Report

FILE NO: OR.MTG.5
COUNCIL DATE: 23 June 2014
REPORT DATE: 9 June 2014
SENIOR OFFICER: M Keeble (CEO)
AUTHOR: G Tester (MHB)
APPENDICES: Reports – Building, Health, Ranger
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: *Michael Keeble*

**RESOLUTION
290714**

Moved: Cr Wallace

Seconded: Cr Duperouzel

“That Council:

Accept the report.”

CARRIED: 6/0

This report is a summary of various reports from the Health and Building Department provided for general information purposes.

Building

See attached Building Approvals for June 2014.

Health

See attached Health activities for June 2014.

Ranger

See attached Ranger activities for June 2014.

11. EXECUTIVE MANAGEMENT REPORTS
11.6 York Recreation & Convention Centre (YRCC)

FILE NO: CCP.7
COUNCIL DATE: 23rd July 2014
REPORT DATE: 11th July 2014
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Kathryn Brown, YRCC Manager
DISCLOSURE OF INTEREST: Nil
APPENDICES: Appendix A – Financials
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: Michael Keeble

RESOLUTION
300714

Moved: Cr Boyle

Seconded: Cr Hooper

“That Council:

Accept the report.”

CARRIED: 5/1

Cr Smythe was recorded as voting against this motion as the financials were not attached.

The following is a summary of items for York Recreation and Convention Centre for the month of **June 2014**.

• **Catering numbers on weekends:**

Monthly averages were calculated from the number of meals served each Friday night. June figures remained steady all areas, except number of adult main course meals sold, which increased by over 30%.

Sunday night meals tallies remained consistent with May's figures with only a minute increase in averages across all areas.

• **Sporting events/catering and diversity of private functions:**

June was a busy sporting month with the YRCC trading 6 or 7 days each week. By the end of June YRCC had hosted four days of lawn bowls and five Football home games. Lawn bowls, as well as both junior and senior football clubs, currently seem content with the variety and delivery of catering services offered to their clubs.

During June, YRCC hosted the first of its Council meetings and by the end of June we had been the venue for eight meetings affiliated with the Shire and Council. We also hosted three private seminars, a lunch, two evening functions and a sports clubs meeting, in addition to the regular football and lawn bowls fixtures.

- **Financials:**

June showed a reduction in gross turn over figure from the May report and again YRCC ran in deficit, even though we traded 26 out of 30 days for the month. Total income figures have improved again since May but unfortunately June was an expensive month for the complex, with several maintenance issues being attended to and many outgoing invoices being paid this month. Positive growth in income over bar, kitchen and canteen areas accurately reflects the busy trading month.

Looking at the financial year as a whole, YRCC has improved on 2012/13 figures and still ran under budget in overall expenditure. Unfortunately budgeted income targets were not met which has led to YRCC running at a loss again for 2013/14.

- **Feedback:**

Ongoing complaints regarding damage to gym flooring due to weights use on the carpeted areas and also the trip hazard of weights being left out or not stored properly

- Fantastic response from sporting clubs assisting with the Friday night atmosphere by running raffles and supporting one another's' clubs and the YRCC
- Ongoing request for car park resurfacing to be considered, as the dust and dirt blowing on to all synthetic surfaces is perceived to be affecting play and/or their longevity.
- Hot soup and espresso coffees have been very popular now winter is here.
- Many enquiries about the subsoil issues with Bowling Green A.

12. REPORTS FOR CONSIDERATION

12.1 Forrest Oval Advisory Group Meeting Minutes

FILE NO: CCP.7
COUNCIL DATE: 23 July 2014
REPORT DATE: 14 July 2014
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Helen D'Arcy-Walker, ESO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Minutes of the July Meeting of FOAG
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: *Michael Keeble*

RESOLUTION

310714

Moved: Cr Hooper

Seconded: Cr Boyle

"That Council:

*Move to consider Items 12.1; 12.2; 12.3; 12.4; 12.5; 12.6; 12.7; 12.8; 12.9; 12.10; 12.11
"en bloc."*

Considers the Minutes of the Forrest Oval Advisory Group Meeting held on 2nd July, 2014."

CARRIED: 5/1

Cr Smythe was recorded as voting against this motion.

Summary:

The minutes of the Forrest Oval Advisory Group Meeting held on Wednesday, 2nd July, 2014 are provided for Council and Community information.

Voting Requirements:

Simple Majority Required: Yes

12. REPORTS FOR CONSIDERATION
12.2 South East Avon Regional Transition Group

FILE NO: OR.RDT.5
COUNCIL DATE: 23 July 2014
REPORT DATE: 14 July 2014
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Helen D'Arcy-Walker, ESO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Meeting of Board Members Minutes held 3 February 2014
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: Michael Keeble

OFFICER RECOMMENDATION

Moved: Cr Hooper

Seconded: Cr Boyle

"That Council:

Move to consider Items 12.1; 12.2; 12.3; 12.4; 12.5; 12.6; 12.7; 12.8; 12.9; 12.10; 12.11 "en bloc."

Considers the Minutes of the South East Avon Regional Transition Group Meeting of Board Member held on 3rd February, 2014."

CARRIED: 5/1

Summary:

The minutes of the South East Avon Regional Transition Group Meeting of Board Members held on 3rd February, 2014 are provided for Council and Community information.

Voting Requirements:

Simple Majority Required: Yes

12. REPORTS FOR CONSIDERATION

12.3 South East Avon Voluntary Regional Organisation of Councils

FILE NO: OR.RDT.5
COUNCIL DATE: 23 July 2014
REPORT DATE: 14 July 2014
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Helen D'Arcy-Walker, ESO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Meeting of Executive Committee Minutes held 11 December 2013
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: Michael Keeble

OFFICER RECOMMENDATION

"That Council:

Considers the Minutes of the South East Avon Voluntary Regional Organisation of Councils Executive Committee Meeting held on 11th December, 2013."

RESOLUTION

310714

Moved: Cr Smythe

Seconded: Cr Boyle

"That Council:

Defer this item until the next Ordinary Council Meeting."

CARRIED: 6/0

Item was deferred due to incorrect Minutes being tabled.

Summary:

The minutes of the South East Avon Voluntary Regional Organisation of Councils (SEAVROC) Executive Committee Meeting held on 11th December, 2013 are provided for Council and Community information.

Voting Requirements:

Simple Majority Required: Yes

12. REPORTS FOR CONSIDERATION
12.4 WALGA – State Council Summary Minutes

FILE NO: OR.IGR.5
COUNCIL DATE: 23 July 2014
REPORT DATE: 14 July 2014
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Helen D’Arcy-Walker, ESO
DISCLOSURE OF INTEREST: Nil
APPENDICES: WALGA – State Council Summary Minutes of 2 July 2014
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: Michael Keeble

OFFICER RECOMMENDATION

Moved: Cr Hooper

Seconded: Cr Boyle

“That Council:

*Move to consider Items 12.1; 12.2; 12.3; 12.4; 12.5; 12.6; 12.7; 12.8; 12.9; 12.10; 12.11
“en bloc.”*

*Considers the Minutes of the WALGA - State Council Summary Minutes of meeting held on
2 July 2014.”*

CARRIED: 5/1

Summary:

The WALGA – State Council Summary Minutes of the meeting held on 2 July, 2014 are provided for Council and Community information.

Voting Requirements:

Simple Majority Required: Yes

12. REPORTS FOR CONSIDERATION

12.5 WALGA – Agenda for the Annual General Meeting

FILE NO: OR.IGR.5
COUNCIL DATE: 23 July 2014
REPORT DATE: 14 July 2014
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Helen D’Arcy-Walker, ESO
DISCLOSURE OF INTEREST: Nil
APPENDICES: WALGA – Agenda – Annual General Meeting to be held 6 August 2014
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: Michael Keeble

OFFICER RECOMMENDATION

Moved: Cr Hooper

Seconded: Cr Boyle

“That Council:

*Move to consider Items 12.1; 12.2; 12.3; 12.4; 12.5; 12.6; 12.7; 12.8; 12.9; 12.10; 12.11
“en bloc.”*

Considers the Agenda for the WALGA Annual General Meeting to be held on 6 August 2014.”

CARRIED: 5/1

Summary:

The WALGA - Agenda for the Annual General Meeting to be held on 6 August, 2014 during Local Government Week is provided for Council and Community information.

Voting Requirements:

Simple Majority Required: Yes

12. REPORTS FOR CONSIDERATION

12.6 Brookfield Rail

FILE NO: OR.IGR.5
COUNCIL DATE: 23 July 2014
REPORT DATE: 14 July 2014
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Helen D’Arcy-Walker, ESO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Letter from Brookfield Rail
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: Michael Keeble

OFFICER RECOMMENDATION

Moved: Cr Hooper

Seconded: Cr Boyle

“That Council:

*Move to consider Items 12.1; 12.2; 12.3; 12.4; 12.5; 12.6; 12.7; 12.8; 12.9; 12.10; 12.11
“en bloc.”*

Considers the letter received from Brookfield Rail received on 25 June, 2014.”

CARRIED: 5/1

Summary:

A letter received from Brookfield Rail outlining their focus on the grain freight rail task is provided for Council and Community information.

Voting Requirements:

Simple Majority Required: Yes

12. REPORTS FOR CONSIDERATION
12.7 CBH – ERA Determination Update

FILE NO: OR.IGR.5
COUNCIL DATE: 23 July 2014
REPORT DATE: 14 July 2014
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Helen D’Arcy-Walker, ESO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Email and Submission to the Economic Regulation Authority
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: Michael Keeble

OFFICER RECOMMENDATION

Moved: Cr Hooper

Seconded: Cr Boyle

“That Council:

Move to consider Items 12.1; 12.2; 12.3; 12.4; 12.5; 12.6; 12.7; 12.8; 12.9; 12.10; 12.11 “en bloc.”

Considers the email received from CBH regarding the ERA Determination Update and the Submission to the Economic Regulation Authority (ERA) by CBH.”

CARRIED: 5/1

Summary:

An Economic Regulation Authority (ERA) Determination Update received from CBH is provided for Council and Community information.

Voting Requirements:

Simple Majority Required: Yes

12. REPORTS FOR CONSIDERATION
12.8 Rural Water Council (Inc)

FILE NO:
COUNCIL DATE: 23 July 2014
REPORT DATE: 15 July 2014
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Helen D'Arcy-Walker, ESO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Rural Water Council Minutes of
4 July 2014
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: Michael Keeble

OFFICER RECOMMENDATION

Moved: Cr Hooper

Seconded: Cr Boyle

"That Council:

*Move to consider Items 12.1; 12.2; 12.3; 12.4; 12.5; 12.6; 12.7; 12.8; 12.9; 12.10; 12.11
"en bloc."*

Considers the Minutes of the Rural Water Council meeting held on 4 July 2014."

CARRIED: 5/1

Summary:

The Minutes of the Rural Water Council (Inc) meeting held on the 4 July 2014 in Mukinbudin is provided for Council and Community information.

Voting Requirements:

Simple Majority Required: Yes

12. REPORTS FOR CONSIDERATION
12.9 Regional Road Group – Avon Sub Group

FILE NO: FI.FAG.2
COUNCIL DATE: 23 July 2014
REPORT DATE: 16 July 2014
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Helen D’Arcy-Walker, ESO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Regional Road Group – Avon Sub Group Minutes
9 July 2014
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: Michael Keeble

OFFICER RECOMMENDATION

Moved: Cr Hooper

Seconded: Cr Boyle

“That Council:

*Move to consider Items 12.1; 12.2; 12.3; 12.4; 12.5; 12.6; 12.7; 12.8; 12.9; 12.10; 12.11
“en bloc.”*

Considers the Minutes of the Regional Road Group, Avon Sub Group held on 9th July, 2014.”

CARRIED: 5/1

Summary:

The Minutes of the Regional Road Group, Avon Sub Group meeting held in Goomalling on 9th July, 2014 is provided for Council and Community information.

Voting Requirements:

Simple Majority Required: Yes

12. REPORTS FOR CONSIDERATION

12.10 Tourism York Report

FILE NO:
COUNCIL DATE: 23 July 2014
REPORT DATE: 16 July 2014
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Helen D'Arcy-Walker, ESO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Tourism York Meeting Report
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: Michael Keeble

OFFICER RECOMMENDATION

Moved: Cr Hooper

Seconded: Cr Boyle

"That Council:

*Move to consider Items 12.1; 12.2; 12.3; 12.4; 12.5; 12.6; 12.7; 12.8; 12.9; 12.10; 12.11
"en bloc."*

Considers the Tourism York Meeting Report from the meeting held on 19th June, 2014."

CARRIED: 5/1

Summary:

The Tourism York Meeting Report from the meeting held on 19th June, 2014 is provided for Council and Community information.

Voting Requirements:

Simple Majority Required: Yes

12. REPORTS FOR CONSIDERATION
12.11 SEAVROC NRM Regional Service

FILE NO: OR.RDT.4.9
COUNCIL DATE: 23 July 2014
REPORT DATE: 16 July 2014
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Helen D'Arcy-Walker, ESO
DISCLOSURE OF INTEREST: Nil
APPENDICES: SEAVROC NRM Regional Service Report
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: *Michael Keeble*

OFFICER RECOMMENDATION

Moved: Cr Hooper

Seconded: Cr Boyle

"That Council:

*Move to consider Items 12.1; 12.2; 12.3; 12.4; 12.5; 12.6; 12.7; 12.8; 12.9; 12.10; 12.11
"en bloc."*

Considers the SEAVROC NRM Regional Service Report."

CARRIED: 5/1

Summary:

The SEAVROC NRM Regional Service Report is provided for Council and Community information.

Voting Requirements:

Simple Majority Required: Yes

NEXT MEETING

**RESOLUTION
320714**

Moved: Cr Wallace

Seconded: Cr Duperouzel

“That Council:

hold the next Ordinary Meeting of the Council on August 18, 2014 at 4.00pm at the York Recreation and Convention Centre, York.

CARRIED: 6/0

CLOSURE

Cr Reid thanked everyone for their attendance and declared the meeting closed at 6.03pm