

SHIRE OF YORK

**MINUTES OF THE ORDINARY
MEETING OF THE COUNCIL
HELD ON 16 JUNE, 2014
COMMENCING AT 4.07pm
IN THE YORK RECREATION &
CONVENTION CENTRE**

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SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL
HELD ON MONDAY, 16 JUNE 2014, COMMENCING AT
4.07PM IN THE YORK RECREATION & CONVENTION CENTRE

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 4.07pm.

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** (undergoing the repeal process) – Clause 3.2 – Order of Business

Moved: Cr Mark Duperouzel Seconded: Cr Tony Boyle Carried: :6/0

1.4 Announcement of Visitors

Mr Gordon Marwick - Freeman of York

1.5 Declarations of Interest that Might Cause a Conflict

Financial Interests

Michael Keeble, CEO – 9.4.2.3 – Financial – Tenant of Property

Disclosure of Interest that May Affect Impartiality
Cr Denese Smythe – 9.3.3.1 – Impartial – Committee Member
Cr Matthew Reid – 9.4.1.2 – Impartial - Proximity
Cr Tony Boyle – 9.4.1.2 – Impartial – Proximity (Neighbour)
Cr Denese Smythe – 9.4.2.3 – Impartial – Committee Member

2. ATTENDANCE

- 2.1 Members
Cr Matthew Reid, Shire President;
Cr Mark Duperouzel, Deputy Shire President – left the meeting at 5.18pm
Cr Denese Smythe, Cr Pat Hooper, Cr Tony Boyle, Cr David Wallace
- 2.2 Staff
Michael Keeble, Chief Executive Officer; Tyhscha Cochrane, Deputy Chief Executive Officer; Jacky Jurmann, Manager of Planning Services; Graham Lantzke, Manager Works & Projects; Gordon Tester, Manager – Environmental Health & Building Services; Helen D’Arcy-Walker, Executive Support Officer; Esmeralda Harmer, Secretariat
- 2.3 Apologies
Nil
- 2.4 Leave of Absence Previously Approved
Cr Pat Hooper – Retrospective for Special Council Meeting held 29th May, 2014

RESOLUTION 010614

Moved: Cr Duperouzel

Seconded: Cr Smythe

“That retrospective approval be given to Cr Pat Hooper for the Special Council Meeting held on 29th May, 2014.”

CARRIED: 6/0

- 2.5 Number of People in Gallery at Commencement of Meeting
There were 20 people in the Gallery at the commencement of the meeting.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

- 3.1 Previous Public Questions Taken on Notice

Mrs Heather Saint

Question Taken On Notice - Special Council Meeting - 12 May 2014

Question 4:

When was the new Policy in 2010 adopted?

Response:

The policy was adopted on February 15 2010 (Please note this relates to Credit Cards)

Question 10

Was it acquitted?

Response

The money used on the RTG Study tour in South Australia was from the surplus funds that were retained by the Shire of York on behalf of the other participating Shires to be used for a regional benefit in the RTG eg: back up funds for RTG plans, part cost of study tour, a regional waste project etc, as per the minutes of the RTG 2 February 2012.

Mr Simon Saint**Question Taken on Notice – Council Meeting – 19 May 2014****Question 3**

What development approval compliance audits took place between 30 June 2012 to 1 July 2013 and did they relate to Councils Resolutions 101012, 15 October 2012?

Response

There were no development approval compliance audits to my knowledge that took place between 30 June 2012 and 1 July 2013.

In relation to Council's Resolution 101012 of the 15 October 2012, as this was the previous Chief Executive Officer's report, records have indicated that nothing has ever been acted on.

Mrs Tanya Richardson**Question Taken on Notice – Council Meeting – 19 May 2014****Question 8**

When did the Events Policy Change?

Response

There are two types of event policies, one dealing with regulatory matters and the second dealing with financial support.

The Application for Public Events Policy 13.1 was reviewed and adopted by Council on 16 May 2011.

Please note the Events Support Policy was adopted February 18 2013.

It was noted that there was conflict of the two policies and therefore a review was recommended. This review is yet to be undertaken and therefore compliance is in accordance with the Department of Health, as attached. Resulting in the plans that you have previously referred, being at the Council's discretion.

4. PUBLIC QUESTION TIME

Cr Reid read the following statement 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 Public Question Time – Written Questions – Current Agenda

Public Question Time commenced at 4.18pm

Ms Patricia Walters

Question 1:

Early Childhood facilities at the Old Bowling Club building at the Recreation Centre approved at the Ordinary Council Meeting, March 2014

- a) *What is the Shire of York providing to the Early Childhood facility?*
- b) *Was a Business plan submitted by the toy library? If not, why?*
- c) *The Shire of York have already expended \$58,086.00 on updating / renovations so far. How much more money is the Shire of York proposing to spend?*
- d) *Will the annual lease fee be changed to reflect monies already expended?*

Response:

Taken on Notice

Question 2:

Asset Management / Whole of life Costs

- a) *How much money is currently set aside to maintain councils assets?*
- b) *Is it sufficient to cover maintenance / replacement costs?*
- c) *Will council be reviewing all Shire of York assets and the money required to be set aside each year to maintain these assets?*

Response:

Taken on Notice

Mrs Renee Rees

Question 1:

I have written my concerns to the Council regarding the proposed changes to Laurelville on Panmure Road, which will enable the property owners to dramatically increase the occurrence and type of functions if approved.

Firstly when and where was this proposal advertised?

Response:

The Manager of Planning Services advised the proposed amendments have not been advertised but will be in the near future. 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.

Question 2:

Secondly given the complaints and disquiet received by the Shire, why were the relevant properties nearby not given the opportunity to comment on this latest development?

Response:

As responded in question one the proposed amendments have not been advertised but will be in the near future. All relevant properties will be given notification as part of the due process.

Mr Simon Saint

Question 1:

Agenda Item 9.4.2 – Why was the previous CEO receiving \$7,800.00 rent subsidy p/a, when he was only entitled to receive \$1,560.00 p/a?

Response:

Taken on Notice

Question 2

How and when was this subsidy authorised?

Response

Taken on Notice

Question 3

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

Response

Taken on Notice

4.2 Public Question Time – Current Agenda

Ms Darlene Barratt

Question 1:

The Wheatbelt Women's Health Hub Inc ask the Shire of York if it is unable to offer us the 10 year lease we have applied for, to consider their position on the tennis courts lease by offering the hub, at least a year by year, or longer lease to enable us to access these networks and services for the community?

Response:

The Shire President stated that Council acknowledges the Women's health hub's contribution to the community and the points outlined will be debated when the appropriate items come up in today's meeting. Council invite the Women's Health Hub to engage in upcoming stakeholder meetings and actively participate in the community strategies that will be discussed.

Question 2:

Will Council members attend our committee meetings?

Response:

As mentioned Stakeholder meetings will take place and the Shire President suggested that a representative from the Women's Health Hub attend to ensure a collaborative community approach to future developments.

Question 3:

Will the Shire of York consider us on the same basis as the York Men's Shed?

Response:

Your organisation will be considered on equal terms to all community organisations. Planning structures and processes need to be address correctly before we can progress with identifying most suited places for organisations to be located.

Mr Simon Saint

Question 4:

Did the Councillors who voted to renew the contract of employment for the previous CEO, read the contract before making their decision?

Response

Cr Hooper, Boyle and Duperouzel have read the contract. Cr Smythe did not read the contract and voted against the renewal of the contract.

Question 5

Is the document available for public viewing?

Response:

Taken on Notice

Question 6:

The Western Australian Disability Services Act 1993 and the Commonwealth Disability Discrimination Act 1992 each require that services and facilities provided for the general public also provide an equivalent access for people with disabilities.

Does the York Recreation Centre comply with these acts regarding disability access? Yes or No?

Response:

To the extent of council staff's knowledge it does.

Mr Gordon Marwick

Question 1:

Given that the Local Government Advisory Board has unanimously rejected the Council's push to amalgamate with Cunderdin, Tammin and Quairading?

Will the Shire of York now formally withdraw from this process by moving and agreeing to a motion to end their association with the "South East Avon Regional Transition Group?"

Response:

To Council's knowledge the group mentioned has been disbanded and members from SEAVROC have met to re-establish this group.

Council will consider including a formal motion in July's ordinary council meeting.

Mrs Tanya Richardson

Question 1:

Based on the financial reports provided an expected adjustment of \$5,904,668 is to be made, is this likely to impact on the 2014/15 budget?

Response:

Taken on Notice

Question 2:

Is it fair to expect a deficit in this year's budget?

Response:

No

Public Question time was declared closed at 4.48pm

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS / PRESENTATIONS / DEPUTATIONS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Minutes of the Special Council Meeting held May 12, 2014

Corrections

Confirmation

RESOLUTION

020614

Moved: Cr Smythe

Seconded: Cr Wallace

"That the minutes of the Special Council Meeting held May 12, 2014 be confirmed as a correct record of proceedings."

CARRIED: 6/0

7.2 Minutes of the Ordinary Council Meeting held May 19, 2014

Corrections

Confirmation

RESOLUTION

030614

Moved: Cr Hooper

Seconded: Cr Boyle

"That the minutes of the Ordinary Council Meeting held May 19, 2014 be confirmed as a correct record of proceedings."

CARRIED: 6/0

7.3 Minutes of the Special Council Meeting held May 29, 2014

Corrections

Confirmation

**RESOLUTION
040614**

Moved: Cr Smythe

Seconded: Cr Boyle

“That the minutes of the Special Council Meeting held May 29, 2014 be confirmed as a correct record of proceedings.”

CARRIED: 5/0

Cr Hooper was not in attendance at the Special Council Meeting held on May 29, 2014

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Today we invite members of our community to become part of the team charged with the responsibility to build our community. A team determined to make progress. Council needs community members to add to our skills, talents and resources, so that we as a community can seize opportunities, and overcome the challenges we face.

Nobody can accomplish great things alone. To fulfil a big vision, you need a good team.

I welcome those who have nominated to join our team as the Shire of York begins a new chapter of our history. An era of consultation, transparency and collaborative thinking.

“Coming together is a beginning; keeping together is progress; working together is success” Henry Ford

9. REPORTS

9.1 Executive Management Reports

**RESOLUTION
050614**

Moved: Cr Hooper

Seconded: Cr Boyle

“That Council:

Adopted en bloc Items 9.1.1; 9.1.2; 9.1.3; 9.1.4 and 9.1.5.”

CARRIED 5/0

9.1 EXECUTIVE MANAGEMENT REPORTS

9.1.1 CEO Report

FILE NO:

COUNCIL DATE: 16 June, 2014

REPORT DATE: 11 June 2014

SENIOR OFFICER: Michael Keeble - CEO

AUTHOR: Michael Keeble - CEO

REPORT APPROVED BY THE CEO: *Michael Keeble*

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

1. Exit Review

Example of an exit interview for a employee

Reason for leaving the organisation was to pursue a new career path and challenges, employee had been seeking new opportunities for some time. The position at the Shire of York was what was expected, however there had been some steep learning curves. Job satisfaction was mostly 'Above Average' and the training opportunities offered were 'Excellent'. Variety was the most 'Liked' part of the position, politics the most 'Disliked' The expected workload was considered 'Fair' , but feedback and assessment of performance was irregular. When asked to comment on morale within the organisation the employee felt that currently morale could be considered 'Low'.

Overall the employee enjoyed working for the Shire of York, and would do so again but would not necessarily recommend the organisation to anyone at the present time. Other feedback provided was that accommodation, parking, location and security were 'Excellent'. Equipment provided was 'Fair' but computer systems were considered 'Poor'.

2. Vehicles

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

3. Budget

The 2014/2015 budget will be ready for Council to consider at a special meeting before 30th June 2014.

4. Council and Committee Meeting Venues

Council will be considering refurbishing the Chambers in the Town Hall, and whilst that is under review all meetings will be held in the York Recreation Centre.

5. Web Page

Due to technical difficulties the new web page will not be available until the end of July.

6. Enterprise Bargaining Agreement

The negotiation process will be undertaken commencing on 24 June 2014 and is expected to be concluded shortly thereafter.

7. Complaints

One letter complaint has been received and appropriate action has been taken.

8. Finance

During the review of Finance procedures, it was ascertained that there was insufficient separation of duties between the staff preparing payments and those authorizing the bank withdrawals. This has been rectified.

9. Confidential Mail

Only mail marked “Confidential”, “Private” or “Private and Confidential” shall be passed unopened to the addressee. All other mail shall be opened by administration.

10. Human Resources

Gail Maziuk has accepted responsibility for all staff human resource management.

11. Works Crew

Peter Murray has been appointed as Acting Works Supervisor. Peter was formerly the Works Manager at the Shire of Wyalkatchem.

12. Email Addresses

Councillor email addresses are in the process of being changed to “christian name.surname@york.wa.gov.au”

13. 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

Meeting Date	Item	Topic	Next Review	
Meeting Date				
12-May-14	9.4.1	Investigate Credit Card Usage	16/06/2014	CEO
19-May-14	9.1.1	SITA Appeal	16/06/2014	MPS
19-May-14	9.1.2	Establish Heritage Advisory Committee	16/06/2014	CEO
		Proposed Excision of Road Reserve Ashworth Road		
19-May-14	9.1.3	Road	16/06/2014	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	16/06/2014	CEO
19-May-14	9.2.12	Councillor Email Addresses	16/06/2014	CEO
19-May-14	9.3.1	Formation of Works Committee	16/06/2014	WM
19-May-14	9.3.2	Policy on Roadside Vegetation Clearing	16/06/2014	WM
19-May-14	9.3.3	Policy on Townsite Verge Vegetation Management	16/06/2014	WM
19-May-14	9.3.4	Town Secondary Water Supply Dam	16/06/2014	WM
19-May-14	9.4.2	Grant ANZAC	16/06/2014	DCEO
19-May-14	9.4.3	Non Rates Write Offs	Completed	DCEO
19-May-14	9.5.1	Town Hall Shelter	Completed	MHB

14. CEO Meeting List 9 May to 11 June 2014

9 May, 2014

- Sandra Paskett – Laurelville
- Trails Master Plan & Bike Plan Presentation
- Phillip Langley – Night Sky
- York FM Site Visit
- Simon Saint & Tony Boyle

12 May, 2014

- Simon Saint
- Special Council Meeting

13 May, 2014

- Mike Fitz Gerald

14 May, 2014

- Mike Fitz Gerald

15 May, 2014

- Mike Fitz Gerald
- Simon Saint
- Phillip Langley – Night Sky
- John Fenn

19 May, 2014

- Mike Fitz Gerald
- Shaun & Mandy Geary
- Ordinary Council Meeting

20 May, 2014

- Post Budget Breakfast Meeting – National Party
- Community Strategic Plan
- Heartlands Vets – On Site

21 May, 2014

- Wheatbelt NRM
- SEVROC CEO's Meeting in Brookton

22 May, 2014

- CRC Co-Ordinator – Karina Leonhardt
- Jacky Jurmann & Carol Littlefair – Residency Museum

23 May, 2014

- Heather & Simon Saint
- Wheatbelt Blueprint Road Show – Northam

26 May, 2014

- Tricia Walters
- Tanya Richardson
- Richard Boulton
- Mrs Knight
- Sandra Paskett

27 May, 2014

- Road Bodica – Water Corporation
- Phillip Langley

28 May, 2014

- Bendigo Bank

29 May, 2014

- Kerry Elliott
- ADP Introduction
- Matt Giraud
- Special Council Meeting

3 June, 2014

- Simon Saint

4 June, 2014

- Ann & Rob Chester
- Rob Fraser – FESA Area Manager

5 June, 2014

- Roma Paton

9 June, 2014

- Simon Saint
- Tricia Walters

10 June, 2014

- LEMC Meeting
- Payforce MC Demonstration
- Heather & Simon Saint

11 June, 2014

- Sandra Paskett
- FOAG Meeting

Proposed Meetings

12 June, 2014

- Chris Davie – Acting Regional Manager – Water Corporation
- Julie Ashworth & John Fenn – York FM

13 June, 2013

- Darlene Barratt

16 June, 2014

- Brookfield Rail Presentation
- Ordinary Council Meeting

9.1 EXECUTIVE MANAGEMENT REPORTS

9.1.2 Deputy CEO Report

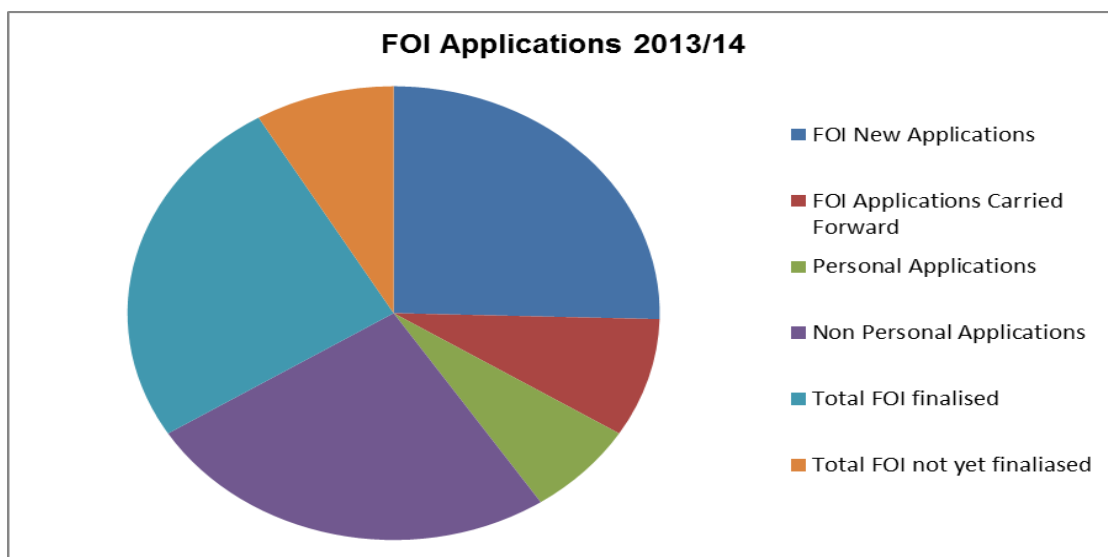
FILE NO:
COUNCIL DATE: 16 June 2014
REPORT DATE: 11 June
LOCATION/ADDRESS: N/A
APPLICANT: N/A
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Tyhscha Cochrane, DCEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Appendix A – Library Statistics
Appendix B – YRCC Statistics/Financials
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: *Michael Keeble*

This report is a summary of key activities of the administration of the Shire of York. It should be noted that the report is being built on each month:

1. Freedom of Information

1 July 2013 to 31 May 2014

New Applications Received	15
Applications Carried Forward from previous year	5
Total Applications	20
FOI Applications Received – Personal Information	4
FOI Applications Received – Non-Personal Information	16
Total Applications finalised in this period	15
Total Applications on hand – not yet finalised	5



Note: FOI Applications received from the previous financial year 2012/13 – Total 24 (22 new applications and 2 carried forward)

2. Library

Statistics provided Appendix A.

3. Payments to the Shire

Direct Credits – May 2013/2014

\$309,705/\$349,469

4. Facilities Hire

Department Information	MAY	
	2013	2014
Facilities Hire		
Indoor Stadium	72	75
Oval	32	22
Pavilion	1	1
Town Hall	18	19
Old Gym	14	0
Avon Park	0	0
Peace Park	1	0
Gymnasium		
Memberships	9	9
Revenue (no GST)	\$640.00	\$1130.90
Revenue (incl GST)	\$704.00	\$1244.00

5. Environmental Protection Officer

To be provided next month.

6. Department of Transport Licencing May 2013/2014

To be provided next month.

7. State Library – Regional Support

The State Library recently advised that the Shire of Northam is no longer able to provide support services located in the Central Region. Support will now be provided by the State Library in the following categories:

- General Support via a Help Desk
- Communications to within the region will be maintained by newsletters
- Training opportunities can be accessed using e-learning software
- In-Region visits by the Public Library Development and Strategy Team, these visits will only occur if/when the team are working within the region
- A Regional Meeting is planned for the second half of 2014

8. Vale of York Herbarium

The River Conservation Society want to provide the Shire of York a Notebook Computer and associated materials to enable the community to view the records of the Vale of York Herbarium. Funding for the project was provided by the Department of Parks and Wildlife, and a formal handover, including media and photo opportunities is requested for late June or early July.

9. Emirates Melbourne Cup Tour

A tender was submitted for York to host the WA leg of the 2014 Emirates Melbourne Cup Tour. Successful tenderers will be publicly announced by the HON Dr Denis Napthine on 18 June 2014.

Should York be successful in the attempt to host the tour in 2014 the Cup will be here for one day only and a working team should be appointed to arrange the activities.

York hosted a leg of the tour in 2011 and it was a very successful community event.

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

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.

The Dust of Uruzgan combines songs, humour and sensitive narrative with a stunning set of projected photographs from Afghanistan taken by military and civilian photographers. The effect of this combination is powerful and heart warming.

Fred worked as a diplomat and political adviser alongside Australian forces in Uruzgan, Afghanistan. He wrote songs and played concerts on the Multinational Base where his music is legendary.

With his Australian larrikin spirit, wry humour, alternately funny and touching songs and masterful story telling he eases the audience through some complex and fascinating terrain.

As the mission in Uruzgan Province draws to a close, this show is an important offering for an Australian public eager to understand what this war was all about.

Item 9.1.2 Appendices

9.1 EXECUTIVE MANAGEMENT REPORTS

9.1.3 Manager Planning Services Report

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.GEN
COUNCIL DATE: 16 June 2014
REPORT DATE: 11 June 2014
LOCATION/ADDRESS: N/a
APPLICANT: N/a
SENIOR OFFICER: M Keeble, CEO
AUTHOR: J Jurmann, MPS
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE CEO: *Michael Keeble*

Summary:

This report is to provide Council an overview of the current projects and activities of the Planning Services division.

The Division:

The Planning Services Division incorporates:

- Town planning services;
- Residency Museum; and
- Visitor Information Services (as at 1 June 2014).

Table 1 provides an overview of the monthly statistics for the division.

Table 1 – Statistics

Planning Services – May Monthly Statistics			
	1/7/2012 – 31/5/2013	1/7/2013 – 31/5/2014	Trend
Planning			
Applications Received	59	42	↓
Applications Determined	61	50	↓
Time (average)¹	68 days	47 days	↓
DAP Applications	0	1 ²	↑
Subdivision	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.

Referrals				
Scheme Amendments	4		5	↑
Income derived from applications, scheme amendments and subdivision clearances³	\$23,441		\$45,079 ⁴	↑
Income derived from outsourced planning services	\$1,532		\$63,636	↑
Income derived from grants	\$4,500		\$240,500 ⁵	↑
Residency Museum				
Museum attendance	1328		2037 ⁶	↑
Highest demographic	Adults		Seniors	-
Local attendance	230		168	↓
Income derived	\$6,466		\$6,821	↑
Visitor Information Services				
VIS Numbers	1019		976	↓
VIS Product Sales	\$748.90		\$1,157.10	↑

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 will commence in mid-June and is anticipated to be completed early in 2015. The Council and community, together with other identified stakeholders, will be consulted through the process.

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. The first SAT mediation session will be held on 27 June 2014.

³ Planning fees are statutory fees.

⁴ Includes SITA application fee.

⁵ Includes NRM grant obtained by Planning Section.

⁶ Includes 47 from school group. High attendances June long weekend 34 per day.

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. It is envisaged that the Plan will be presented to Council at the July meeting.

Avon Terrace Trails App

The smartphone application for the revamped Avon Terrace walk trail is nearing completion and will be launched in the upcoming months. The app 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.

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

This month the visitor numbers have increased, particularly on Saturday and Sunday of the June long weekend with many coming to view the Dempster Quilt. Unfortunately during this period local visitors decreased.

Staff Tours

Shire staff, including visitor and front counter staff, were recently given the opportunity to view the current Hatches, Matches and Dispatches exhibition at the Museum. For many of the staff this was their first visit and provided them an appreciation of this valuable community asset.

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.

9.1 EXECUTIVE MANAGEMENT REPORTS

9.1.4 Engineer - Works Manager Report

FILE NO:
COUNCIL DATE: 16 June 2014
REPORT DATE: 11 June 2014
LOCATION/ADDRESS: NA
APPLICANT: NA
SENIOR OFFICER: Works Manager, Graham Lantzke
AUTHOR: Works manager, Graham Lantzke
DISCLOSURE OF INTEREST: No
APPENDICES: 1: Council Report Works
2: Project Status report
3: Map of Maintenance Grading and Culvert Clearing
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: *Michael Keeble*

Summary:

This is a summary report of activities of the Works Department for the month of May. Also 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 the 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

Environmental Implications:

Nil

Comment:

Appendix 1 includes a summary of construction and maintenance activities carried out by the Shire works crew.

Appendix 2 is a summary project status report showing the status of the various projects assigned to the Works Department at this time.

Appendix 3 is a map of Maintenance Grading and Culvert Clearing.

Item 9.1.4 Appendices

9.1 EXECUTIVE MANAGEMENT REPORTS
9.1.5 Environmental Health & Building Services Manager Report

FILE NO: BS GEN
COUNCIL DATE: 16 June 2014
REPORT DATE: 11 June 2014
LOCATION/ADDRESS: Not Applicable
APPLICANT: Not Applicable
SENIOR OFFICER: M Keeble, CEO
AUTHOR: G Tester, MHB
DISCLOSURE OF INTEREST: Nil
APPENDICES: Reports –
 Building, Health, Ranger, Public Pool
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: *Michael Keeble*

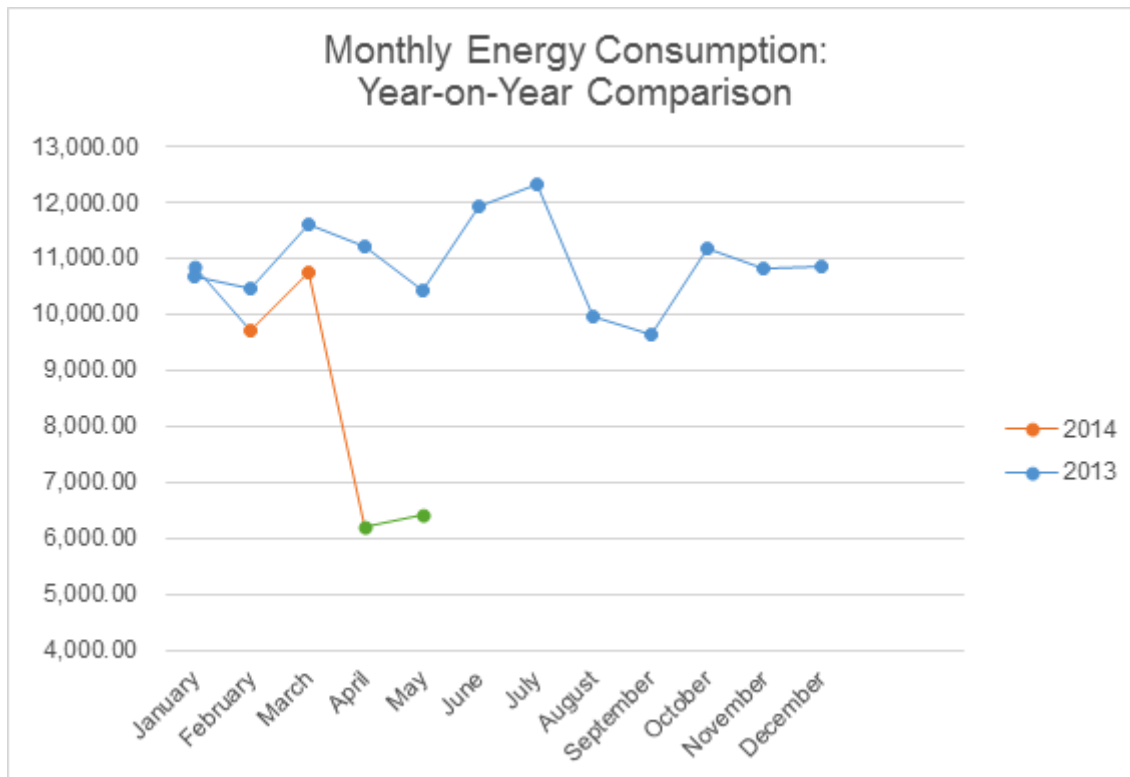
Summary:

Various reports from the Health and Building Department provided for general information purposes.

Projects

Town Hall verandah and lift awning project completed.

Office lighting and air conditioning energy efficiency project completed.



Swimming pool shade shelters and brick paving project completed

Building

See attached Building approvals for May 2014.

Health

See attached Health activities for May 2014.

Ranger

See attached Ranger activities for May 2014.

Swimming Pool Manager

At the completion of the swimming season 22,600 patrons had attended the swimming pool during the 2013 / 2014 season.

A number of improvements to the facility by Council contributed to the success of the Country Swimming Pennants event that attracted swimming competitors from all over the State.

Building Maintenance

It is proposed to install a access gate at the front counter to control public access to staff only areas of the administration office.

Councillors will still have access to their information files through the library.

Waste Transfer Station

It is suggested that a free mulch day be provided at the transfer station for residents to attend the transfer station with a utility or trailer that will be filled with mulch from a loader provided on site for this purpose.

Item 9.1.5 Appendices

9.2 Reports for Consideration

**RESOLUTION
060614**

Moved: Cr Hooper

Seconded: Cr Wallace

“That Council:

Adopted en bloc Items 9.2.1; 9.2.2; 9.2.3; 9.2.4; 9.2.5; 9.2.6; 9.2.7; 9.2.8; 9.2.9; 9.2.10, and 9.2.11.”

CARRIED: 5/0

9.2 Reports for consideration

9.2.1 York Recreation & Convention Centre (YRCC)

FILE NO: CCP.7
COUNCIL DATE: 16th June 2014
REPORT DATE: 7th June 2014
LOCATION/ADDRESS: N/A
APPLICANT: Shire of York
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Kathryn Brown, YRCC Manager
DISCLOSURE OF INTEREST: Nil
APPENDICES: Appendix A
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE CEO: *Michael Keeble*

Summary:

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

- **Catering Numbers on Fridays-** Monthly averages were calculated from the number of meals served each Friday night. May figures showed a slight decline after April's good average number of Friday meals sold. This was across all areas.
Sunday night meals again showed marginal improvement in number of covers since the April report, with numbers increasing over every variety of meal. Senior football attendance has been continuing to bolster Sunday night meal participation.
- **Sporting Events and Catering**
May was a reasonably busy sporting month with all winter sports now having commenced and the YRCC trading 5 days per week, every week. At the end of May YRCC hosted the first Junior Football home game for the season and also saw the start of hockey season. 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.
- **Diversity of Private Functions**
During May, YRCC hosted the York Junior Netball AGM, York Bowling Club AGM, two wakes, a social bowls night booking and a sports clubs meeting, in addition to the regular football and lawn bowls fixtures.
- **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
 - Received positive feedback from a number of sporting visitors regarding the facilities, range of bar products and catering available
 - 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 well received now the weather is cooler.

Background:

York Recreation and Convention Centre is a hospitality venue, within a sporting complex, and is aimed at bringing together local sporting clubs and the wider York community. Through quality of customer service and excellent facilities and catering, we also wish to attract corporate clients with potential knock-on effects for other local businesses.

Consultation:

Shire of York
Affiliated sporting clubs
Corporate and local clients for functions

Statutory Environment:

Nil

Policy Implications:

Not Applicable

Financial Implications:

May showed a reduction in gross turn over figure from the April report, with the YRCC trading 23 out of 31 days for the month. As expected we have seen a marked improvement in income figures from April, particularly in the conference/room hire areas, with a large invoice from April's event trading being paid this month.

Expenditure for May remained reasonably low due to some stock left on hand after April. General food and beverage turnover was reduced in May, with a decline in sport participation specific to the YRCC and less people socialising for meals with the colder weather and wet conditions. Some maintenance work carried out in May is yet to be invoiced to us by contractors and may adversely affect June expenditure figures.

Strategic Implications:**Social: Building a Sense of Community****Vision**

- Our community will be inclusive and interactive, where people feel safe and are welcomed.
- Our community will value each other, building relationships and networks to interact, socialise and recreate.
- Our community will have access to service requirements.

Objectives

Outcomes – Connected community

Objectives – Strengthen community cohesiveness and participation

Priorities - Develop and participate in a regional social plan to capture and strengthen community development opportunities, such as recreation, social groups, communication and activities

Voting Requirements:

Simple Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not Applicable

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

The YRCC has the capacity to enhance the local economy through the attraction of conferences, seminars and events.

Social Implications:

Recreation and community hub facilities are integral to community wellbeing and social interaction.

Environmental Implications:

Nil

Officers Comment:

The report serves to keep the community informed of the activities at the YRCC.

OFFICER RECOMMENDATION

“That Council:

Receive the May 2014 report prepared by York Recreation and Convention Centre.”

Item 9.2.1 Appendices

9.2 Reports for Consideration

9.2.2 SEAVROC – CEO Meeting Minutes – 21 May 2014

FILE NO: OR.RDT.4
COUNCIL DATE: 16 June 2014
REPORT DATE: 10 June 2014
LOCATION/ADDRESS: N/A
APPLICANT: N/A
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Helen D’Arcy-Walker, ESO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Minutes of the SEAVROC CEO Meeting Minutes 21 May 2014
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: *Michael Keeble*

Summary:

The minutes of the South East Avon Regional Group Chief Executive Officers Meeting held on Wednesday, 21st May, 2014 are provided for Council and Community information.

Background:

Not Applicable

Consultation:

Not Applicable

Statutory Environment:

Not Applicable

Policy Implications:

Not Applicable

Financial Implications:

Nil

Strategic Implications:

Not Applicable

Voting Requirements:

Simple Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not Applicable

OFFICER RECOMMENDATION

“That Council:

Considers the Minutes of the South East Avon Regional Group Chief Executive Officers Meeting held on Wednesday, 21st May, 2014.”

Item 9.2.2 Appendices

9.2 Reports for consideration

9.2.3 Avon Tourism Incorporated Minutes 29 April 2014

FILE NO: CS.CEV.6
COUNCIL DATE: 16 June 2014
REPORT DATE: 10 June 2014
LOCATION/ADDRESS: N/A
APPLICANT: N/A
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Helen D’Arcy-Walker, ESO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Avon Tourism Inc. Minutes 29 April 2014
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE CEO: *Michael Keeble*

Summary:

The minutes of the Avon Tourism Incorporated meeting are provided for Council and Community information.

Background:

Not Applicable

Consultation:

Not Applicable

Statutory Environment:

Policy No. 13.1 - Events For York

Objective: *To ensure that York retains its status as an events centre in the Avon Valley*

Policy Implications:

Not Applicable

Financial Implications:

Nil at this stage.

Strategic Implications:

Not Applicable

Voting Requirements:

Simple Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not Applicable

OFFICER RECOMMENDATION

“That Council:

Considers the Minutes of the Avon Tourism Incorporated meeting held on 29 April 2014.”

Item 9.2.3 Appendices

9.2 Reports for consideration
9.2.4 Department of Fire & Emergency Services

FILE NO:
COUNCIL DATE: 16 June 2014
REPORT DATE: 10 June 2014
LOCATION/ADDRESS: N/A
APPLICANT: N/A
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Helen D'Arcy-Walker, ESO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Local Government Report Package
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE CEO: *Michael Keeble*

Summary:

The Local Government Report Package consisting of the following individual reports is provided for Council and Community information.

- Primary Incidents reported to DFES Attended by Local Government and Bush Fire Brigades
- Support Incidents reported to DFES Attended by Local Government and Bush Fire Brigades
- Current Brigade Appliance List
- Current Brigade SMS List (if applicable)
- 000 Service Agreement
- Brigade/Unit Personnel List

Background:

Not Applicable

Consultation:

Not Applicable

Statutory Environment:

Not Applicable

Policy Implications:

Not Applicable

Financial Implications:

Nil

Strategic Implications:

Not Applicable

Voting Requirements:

Simple Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not Applicable

OFFICER RECOMMENDATION

***“That Council:
Considers the Local Government Report Package.”***

Item 9.2.4 Appendices

9.2 Reports for consideration

9.2.5 York Racecourse

FILE NO: CCP.10 & SP1.14270
COUNCIL DATE: 16 June 2014
REPORT DATE: 10 June 2014
LOCATION/ADDRESS: N/A
APPLICANT: N/A
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Helen D'Arcy-Walker, ESO
DISCLOSURE OF INTEREST: Nil
APPENDICES: File Note
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE CEO: *Michael Keeble*

Summary:

The York Racecourse File Note is provided for Council and Community information.

Background:

Not Applicable

Consultation:

Not Applicable

Statutory Environment:

Not Applicable

Policy Implications:

Not Applicable

Financial Implications:

Nil

Strategic Implications:

Not Applicable

Voting Requirements:

Simple Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not Applicable

OFFICER RECOMMENDATION

“That Council:

Considers the York Racecourse File Note.”

Item 9.2.5 Appendices

9.2 Reports for Consideration

9.2.6 Permit to Burn the Bush – Office of Bushfire Risk Management Review

FILE NO: RS.FES
COUNCIL DATE: 16 June 2014
REPORT DATE: 10 June 2014
LOCATION/ADDRESS: N/A
APPLICANT: N/A
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Helen D’Arcy-Walker, ESO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Letter from the Department of Fire & Emergency Services
Local Government Permit Trial Report
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: *Michael Keeble*

Summary:

The information received from the Department of Fire & Emergency Services – Office of Bushfire Risk Management is provided for Council and Community information.

Background:

Not Applicable

Consultation:

Not Applicable

Statutory Environment:

Not Applicable

Policy Implications:

Not Applicable

Financial Implications:

Nil

Strategic Implications:

Not Applicable

Voting Requirements:

Simple Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not Applicable

OFFICER RECOMMENDATION

“That Council:

Considers the information received from the Department of Fire & Emergency Services – Office of Bushfire Risk Management.”

Item 9.2.6 Appendices

9.2 Reports for Consideration
9.2.7 Wheatbelt Railway Retention Alliance

FILE NO: TR.RAI
COUNCIL DATE: 16 June 2014
REPORT DATE: 10 June 2014
LOCATION/ADDRESS: N/A
APPLICANT: N/A
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Helen D’Arcy-Walker, ESO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Letter to the Minister for Transport & Finance
Email re Rail Grain Freight
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: *Michael Keeble*

Summary:

The information received from the Wheatbelt Railway Retention Alliance regard Tier 3 rail is provided for Council and Community information.

Background:

Not Applicable

Consultation:

Not Applicable

Statutory Environment:

Not Applicable

Policy Implications:

Not Applicable

Financial Implications:

Nil

Strategic Implications:

Not Applicable

Voting Requirements:

Simple Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not Applicable

OFFICER RECOMMENDATION

“That Council:

Considers the information received from the Wheatbelt Railway Retention Alliance regarding Tier 3 rail.”

Item 9.2.7 Appendices

9.2 Reports for Consideration

9.2.8 Information from the Minister for Infrastructure & Regional Development

FILE NO: OR.RDT.5.3
COUNCIL DATE: 16 June 2014
REPORT DATE: 10 June 2014
LOCATION/ADDRESS: N/A
APPLICANT: N/A
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Helen D’Arcy-Walker, ESO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Letter from the Minister for Infrastructure & Regional Development
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: *Michael Keeble*

Summary:

The letter from the Hon Warren Truss MP the Minister for Infrastructure & Regional Development regarding the 2014 Federal Budget which will affect Local Government is provided for Council and Community information.

Background:

Not Applicable

Consultation:

Not Applicable

Statutory Environment:

Not Applicable

Policy Implications:

Not Applicable

Financial Implications:

Nil

Strategic Implications:

Not Applicable

Voting Requirements:

Simple Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not Applicable

OFFICER RECOMMENDATION

“That Council:

Considers the letter received from the Minister for Infrastructure & Regional Development regarding the 2014 Federal Budget which will affect Local Government.”

Item 9.2.8 Appendices

9.2 Reports for Consideration

9.2.9 Rural Roads

FILE NO:
COUNCIL DATE: 16 June 2014
REPORT DATE: 11 June 2014
LOCATION/ADDRESS: N/A
APPLICANT: N/A
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Helen D'Arcy-Walker, ESO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Email from Shire President
Road Maintenance Zone
Map – York (West) Declared & Priority Flora
Map – York (East) Declared & Priority Flora
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: *Michael Keeble*

Summary:

A briefing meeting was held on the 6th June, 2014 with the Shire of York Environmental Officer on the approval process for verge pruning and clearing.

Background:

Information for the Road Maintenance Zone which is provided outlines the roadside pruning that is permitted. The maps provided in this report identify the areas within the Shire of York that are of significance and pruning or clearing in these areas will require permits.

Consultation:

Shire of York Environmental Officer

Statutory Environment:

Not Applicable

Policy Implications:

Not Applicable

Financial Implications:

Nil at this stage

Strategic Implications:

Not Applicable

Voting Requirements:

Simple Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not Applicable

OFFICER RECOMMENDATION

“That Council:

Considers the information provided for the approval process for verge pruning and clearing.”

Item 9.2.9 Appendices

9.2 Reports for Consideration
9.2.10 Forrest Oval Advisory Group Meeting Minutes

FILE NO:
COUNCIL DATE: 16 June 2014
REPORT DATE: 12 June 2014
LOCATION/ADDRESS: N/A
APPLICANT: N/A
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Helen D’Arcy-Walker, ESO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Minutes Forrest Oval Advisory Group Meeting
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE CEO: *Michael Keeble*

Summary:

The minutes of the Forrest Oval Advisory Group Meeting held on 11 June, 2014 are provided for Council and Community information.

Background:

Not Applicable

Consultation:

Not Applicable

Statutory Environment:

Not Applicable

Policy Implications:

Not Applicable

Financial Implications:

Nil

Strategic Implications:

Not Applicable

Voting Requirements:

Simple Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not Applicable

OFFICER RECOMMENDATION

“That Council:

Considers the Minutes of the Forrest Oval Advisory Group Meeting held on 11th June, 2014.””

Item 9.2.10 Appendices

9.2 Reports for Consideration

9.2.11 Minutes for the Biodiversity Fund Project Meeting

FILE NO:
COUNCIL DATE: 16 June 2014
REPORT DATE: 12 June 2014
LOCATION/ADDRESS: N/A
APPLICANT: N/A
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Helen D’Arcy-Walker, ESO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Minutes of the Biodiversity Fund Project Meeting
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE CEO: *Michael Keeble*

Summary:

The minutes of the Biodiversity Fund Project Meeting held on Wednesday, 4th June, 2014 are provided for Council and Community information.

Background:

Not Applicable

Consultation:

Not Applicable

Statutory Environment:

Not Applicable

Policy Implications:

Not Applicable

Financial Implications:

Nil

Strategic Implications:

Not Applicable

Voting Requirements:

Simple Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not Applicable

OFFICER RECOMMENDATION

“That Council:

Considers the Minutes of the Biodiversity Fund Project Meeting held on Wednesday, 4th June, 2014.”

Item 9.2.11 – Appendices

9.3 Committees of Council

9.3 COMMITTEES OF COUNCIL
9.3.1 FINANCE, AUDIT AND RISK COMMITTEE
9.3.1.1 Appointment of Community Members

FILE NO: OR.MTG.3.1
COUNCIL DATE: 16 June 2014
REPORT DATE: 11 June 2014
LOCATION/ADDRESS: Not Applicable
APPLICANT: Not Applicable
SENIOR OFFICER: CEO, Michael Keeble
AUTHOR: DCEO, Tyhscha Cochrane
DISCLOSURE OF INTEREST: Nil
APPENDICES: Appendix – Nomination - Schedule
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE CEO: *Michael Keeble*

Summary:

Council resolved to establish a Finance, Audit and Risk Committee at the Council meeting held on the 19 May 2014 the purpose of this report is to select two community members by selecting up to two numbers from Appendix 1 to fulfil the roles as determined by the Terms and Reference.

Background:

Report 9.2.10 – 19 May 2014

RESOLUTION
220514

Moved: Cr Smythe

Seconded: Cr Boyle

That Council Further Amend the Officer Recommendation to read:

- 1. Establish a Finance, Audit and Risk Committee as a Committee of Council***
- 2. Adopt the Terms of Reference attached as an appendix***
- 3. All six (6) Councillors be nominated to the Committee***
- 4. Instruct the Chief Executive Officer to place expressions of interest from the public before the next meeting of Council for consideration.***
- 5. The inclusion of two (2) persons, suitable, either by experience or qualification could be sought from the community of York to fill these positions. “***

CARRIED: 6/0

The Officer Recommendation was amended at Item 3 and an additional Item 5 was included for clarification.

Consultation:

Councillors

Statutory Environment:

Sections 5.8 – 5.10 of the Local Government Act, 1995 allows for a Council to establish Committees and sets out rules and guidelines for their operation.

Policy Implications:

It is expected that the Finance, Audit and Risk Committee will provide policy advice to the Shire Council.

Financial Implications:

There will be a cost and resource burden to provide administrative support to this committee. The extent of this will depend on how active the Committee is and to what extent the Committee defines its role. Costs for meeting support would be in the order of \$300-\$600 per meeting mostly staff time. A complex policy or strategy may require uninterrupted weeks of officer time to research, or may be quickly written.

It is envisaged that the services of the Community Resource Centre in providing secretarial support for the preparation of the agenda and minutes will continue. Cost approximately \$500.00 per meeting.

Strategic Implications:

It is expected the Finance, Audit and Risk Committee will provide strategic advice to the Shire Council.

Voting Requirements:

Simple Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Nil

Social Implications:

Members of the Local Community have effectively expressed a strong interest in participating in Council decision making. This is a means to allow greater community participation in decision making.

Environmental Implications:

Nil

Comment:

Council need to nominate two (2) community members illustrated on the Attachment by a number.

Due to the volume of nominations associated with this Committee it is thought that the best way to assess the applications would be based on the skills set.

**RESOLUTION
070614**

Moved: Cr Boyle

Seconded: Cr Wallace

“That Council:

- 1. Nominate two community members by selecting two numbers on the attached schedule;***
- 2. Authorise the meetings to be held monthly on the second Monday of each month;***
- 3. Authorise the first meeting to be held on the 14 July 2014 at the YRCC at 5.00pm; and***
- 4. Authorise the change of name to Finance, Risk and Audit Committee.”***

AMENDMENT

Moved: Cr Hooper

Seconded: Cr Wallace

That Council amend the Officer recommendation to read:

“That Council:

- 1 Nominate two community members by selecting two numbers on the attached schedule;***
- 2. Authorise the meetings to be held monthly on the second Monday of each month;***
- 3. Authorise the first meeting to be held on Monday, 23 June, 2014 at the YRCC at 5:00pm;***
- 4. Authorise the change of name to Finance, Risk and Audit Committee, and***
- 5. Authorise the regular meetings to commence on Monday, 14 July, 2014.”***

CARRIED: 5/0

The Officer Recommendation was amended to clarify the Finance, Risk & Audit Committee to review the Budget.

ADDITIONAL AMENDMENT

Moved: Cr Boyle

Seconded: Cr Hooper

That Council amend the Officer recommendation to read:

“That Council:

Accept the nominations of Guy Lehman and Yva Kane to the Finance Risk and Audit Committee by way of Councillor vote.”

CARRIED: 5/0

The Officer Recommendation was amended to specify the Community Members of the Committee.

**RESOLUTION
080614**

Moved Cr Boyle

Seconded Cr Hooper

“That Council:

- 1 Nominate two community members by selecting two numbers on the attached schedule; those members being Guy Lehman and Yva Kane to the Finance Risk and Audit Committee by way of Councillor vote.***
- 2. Authorise the meetings to be held monthly on the second Monday of each month;***
- 3. Authorise the first meeting to be held on Monday, 23 June, 2014 at the YRCC at 5:00pm;***
- 4. Authorise the change of name to Finance, Risk and Audit Committee, and***
- 5. Authorise the regular meetings to commence on Monday, 14 July, 2014.”***

CARRIED: 5/0

Item 9.3.1.1 – Appendices

9.3 COMMITTEES OF COUNCIL

9.3.2 WORKS COMMITTEE

9.3.2.1 Appointment of Community Members

FILE NO: OR.MTG.3.1
COUNCIL DATE: 16 June 2014
REPORT DATE: 11 June 2014
LOCATION/ADDRESS: Not Applicable
APPLICANT: Not Applicable
SENIOR OFFICER: CEO, Michael Keeble
AUTHOR: DCEO, Tyhscha Cochrane
DISCLOSURE OF INTEREST: Nil
APPENDICES: Appendix – Works Committee - Schedule
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE CEO: *Michael Keeble*

Summary:

Council resolved to establish a Works Committee at the Council meeting held on the 19 May 2014 the purpose of this report is to select four community members by selecting up to four from Appendix 1 to fulfil the roles as determined by the Terms and Reference.

Background:

Report 9.3.1 – 19 May 2014

AMENDMENT

Moved: Cr Wallace

Seconded: Cr Smythe

“That Council:

- 1. Establish a Works Committee of Council;**
- 2. Adopt the Terms of Reference attached;**
- 3. Nominate a minimum of three Councillors to this Committee;**
- 4. Instruct the Chief Executive Officer to place expressions of interest from the public before the next meeting of Council for consideration.**
- 5. The inclusion of four (4) persons, suitable, either by experience or qualification to be sought to fill these positions from the local community of York.”**

CARRIED: 5/0

The Officer Recommendation was amended to include Item 5.

Consultation:

Councillors

Statutory Environment:

Sections 5.8 – 5.10 of the Local Government Act, 1995 allows for a Council to establish Committees and sets out rules and guidelines for their operation.

Policy Implications:

It is expected that the Works Committee will provide policy advice to the Shire Council.

Financial Implications:

There will be a cost and resource burden to provide administrative support to this committee. The extent of this will depend on how active the Committee is and to what extent the Committee defines its role. Costs for meeting support would be in the order of \$300-\$600 per meeting mostly staff time. A complex policy or strategy may require uninterrupted weeks of officer time to research, or may be quickly written.

It is envisaged that the services of the Community Resource Centre in providing secretarial support for the preparation of the agenda and minutes will continue. Cost approximately \$500.00 per meeting.

Strategic Implications:

It is expected the Works Committee will provide strategic advice to the Shire Council.

Voting Requirements:

Simple Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not applicable

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

Nil

Social Implications:

Members of the Local Community have effectively expressed a strong interest in participating in Council decision making. This is a means to allow greater community participation in decision making.

Environmental Implications:

Nil

Comment:

Council need to nominate three (3) Councillors to this Committee and up to four (4) community members illustrated on the Attachment by a number.

Due to the volume of nominations associated with this Committee it is thought that the best way to assess the applications would be based on the skills set.

**RESOLUTION
090614**

Moved: Cr Wallace

Seconded: Cr Hooper

“That Council:

- 1. Nominate a minimum of three Councillors to this Committee;***
- 2. Nominate four community members by selecting a number;***
- 3. Authorise the first meeting to be held the first Thursday of each month; and***
- 4. Authorise the first meeting is to be held on the 3rd July, 2014 at 5.00pm in the meeting room at the York Recreation & Convention Centre.”***

AMENDMENT

Moved: Cr Smythe

Seconded: Cr Hooper

“That Council Amend the Officer Recommendation to read:

- 1. Nominate a minimum of three Councillors to this Committee;***
- 2. Nominate four community members by selecting a number;***
- 3. Authorise the first meeting to be held the first Thursday of each month;***
- 4. Authorise the first meeting is to be held on the 3rd July, 2014 at 5.00pm in the meeting room at the York Recreation & Convention Centre;***
- 5. Accept the nominations of Cr Duperouzel; Cr Boyle and Cr Wallace, and***
- 6. Accept the nominations of community members Mr Michael Gill, Mr Ron Mackay, Mr Ian Crombie and Mr Donald Randall.”***

CARRIED: 5/0

**RESOLUTION
100614**

Moved: Cr Smythe

Seconded: Cr Hooper

“That Council Amend the Officer Recommendation to read:

- 1. Nominate a minimum of three Councillors to this Committee;***
- 2. Nominate four community members by selecting a number;***
- 3. Accept the nominations of community members Mr Michael Gill, Mr Ron Mackay, Mr Ian Crombie and Mr Donald Randall.***
- 4. Authorise the first meeting to be held the first Thursday of each month;***
- 5. Authorise the first meeting is to be held on the 3rd July, 2014 at 5.00pm in the meeting room at the York Recreation & Convention Centre;***
- 6. Accept the nominations of Cr Duperouzel; Cr Boyle and Cr Wallace.”***

CARRIED: 5/0

The Officer Recommendation was amended to specify the nominated Committee Members.

It is noted that the Shire President has automatically a place on the Committee.

Item 9.3.2.1 - Appendices

9.3 COMMITTEES OF COUNCIL
9.3.3 HERITAGE ADVISORY COMMITTEE
9.3.3.1 Appointment of Community Members

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: CS.CCS.4
COUNCIL DATE: 16 June 2014
REPORT DATE: 11 June 2014
LOCATION/ADDRESS: N/a
APPLICANT: N/a
SENIOR OFFICER: M Keeble, CEO
AUTHOR: J Jurmann, MPS
DISCLOSURE OF INTEREST: Cr Smythe – Impartial – Committee Member
APPENDICES: Nil
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE CEO: *Michael Keeble*

Summary:

Council at its Ordinary Meeting held on 19 May 2014 resolved to establish a Heritage Committee and to advertise to the community for expressions of interest for members of the Committee.

This Report is to appoint the community members of the Committee.

Background:

The Council Report of 19 May 2014 outlined the role of the Committee and provided draft Terms of Reference for the Committee.

Consultation:

Advertisements for community members were placed in the Community News and on Council's website. Personal invitations were also sent to the Heritage Advisor, Museum Curator, Museum Committee, and York Society.

Three community nominations were received in response to the advertisement.

Statutory Environment:

The Committee will be established and operate in accordance with Sections 5.8 and 5.9(2)(c) of the *Local Government Act 1995*.

Policy Implications:

The establishment of a Committee will provide valuable input into strategic and policy development relating to heritage issues.

Financial Implications:

The Committee will require secretarial support that can be managed by existing staff in the Planning Services division.

Strategic Implications:

The establishment of the Committee is consistent with the goals of the Strategic Community Plan.

Voting Requirements:

Simple Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

As outlined in the Council Report of 19 May 2014.

Social Implications:

As outlined in the Council Report of 19 May 2014.

Environmental Implications:

Not applicable.

Comment:

1. The Council resolution of 19 May 2014 established the membership of the Committee as follows:
 - Councillors Reid and Smythe
 - Council's Planning Manager, Museum Curator and Heritage Advisor
 - One representative from the Museum Committee
 - One representative from the York Society
 - One representative from the Aboriginal community
 - Three representatives from the broader community
2. The York Society has nominated Mrs Robyn Betjeman as their representative.
3. Three nominations have been received from the community as follows. All nominees have experience and/or interest in heritage issues.
 - Mr Simon Nevill
 - Professor Duncan Steed
 - Ms Liz Christmas

RESOLUTION

110614

Moved: Cr Hoooper

Seconded: Cr Boyle

"That Council:

1. ***Accept the nominations from the York Society and community members – Mr Nevill, Prof Steed and Ms Christmas for appointment to the Heritage Committee;***
2. ***Authorise meetings to be held quarterly;***
3. ***Meetings to be held on the last Thursday of each quarter; and***
4. ***The first meeting to be held on Thursday, 31st July, 2014 at 5.00pm in the meeting room at the York Recreation & Convention Centre."***

Advise Note:

Committees still to submit representation are:

- ***Museum Committee***
- ***Aboriginal Community***

However as these will have Committee backing no further resolution is required."

CARRIED: 5/0

9.4 Matters for Resolution

9.4 MATTERS FOR RESOLUTION
9.4.1 DEVELOPMENT SERVICES
9.4.1.1 Planning Documents

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.GEN
COUNCIL DATE: 9 June 2014
REPORT DATE: 16 June 2014
LOCATION/ADDRESS: Various
APPLICANT: Various
SENIOR OFFICER: M Keeble, CEO
AUTHOR: J Jurmann, MPS
DISCLOSURE OF INTEREST: Nil
APPENDICES: Sample Landgate Form
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE CEO: *Michael Keeble*

Summary:

The purpose of this Report is to authorise the Shire President and the Chief Executive Officer to affix the seal of the Shire of York on designated planning documents.

Background:

Many applicants are required as a condition of subdivision approval to place a notification on the new land titles notifying prospective purchasers of an encumbrance. Encumbrances may include potential noise impacts from a nearby airport or road; potential odour impacts from a nearby piggery; or that there is no reticulated water supply or sewerage to the property.

Conditions on subdivision approval can be recommended by Council Planning Officers during the referral process, or by other authorities during their assessment, or imposed by the Western Australian Planning Commission.

The Landgate forms to lodge these notifications require signatures from both parties and the affixation of the Council seal.

Consultation:

Not required.

Statutory Environment:

Local Government Act – Part 9 - Division 3

9.49A. Execution of documents

- (2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (4) *A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.*

Shire of York – Standing Orders - Part 19 - Common Seal

19.1 The Council's Common Seal

- (1) *The CEO is to have charge of the common seal of the Local Government, and is responsible for the safe custody and proper use of it.*
- (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.*
- (3) *The common seal of the local government is to be affixed to any local law which is made by the local government.*
- (4) *The CEO is to record in a register each date on which the common seal of the Local Government was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.*
- (5) *Any person who uses the common seal of the Local Government or a replica thereof without authority commits an offence which will be referred to the courts to be dealt with as a breach of these local laws.*

Policy Implications:

There are no policy implications.

Financial Implications:

There are no financial implications.

Strategic Implications:

There are no strategic implications.

Voting Requirements:

Simple Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Nil

Social Implications:

Nil

Environmental Implications:

Nil

Comment:

The requested authorisation will ensure that applicants are not unduly delayed when applying to the Shire of York for clearance of their subdivision conditions.

RESOLUTION

120614

Moved: Cr Hooper

Seconded: Cr Duperouzel

“That Council:

Authorise the Shire President and Chief Executive Officer to affix the seal of the Shire of York on planning documents required as a condition of approval of subdivision.”

CARRIED: 6/0

Item 9.4.1.1 – Appendices

9.4 MATTERS FOR RESOLUTION
9.4.1 DEVELOPMENT SERVICES
9.4.1.2 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: 16 June 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 – Impartial - Proximity
Cr T Boyle – Impartial – Proximity - Neighbour
APPENDICES: 1 – Scheme Amendment document
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE CEO: *Michael Keeble*

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.

Cr Matthew Reid, Shire President and Cr Tony Boyle declared an Impartial Interest to this item and left the room at 4.53pm.

Cr Mark Duperouzel, Deputy Shire President took the Chair

**RESOLUTION
130614**

Moved: Cr Smythe

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 21 days in accordance with the Town Planning Regulations 1967.”**

CARRIED 4/0

Cr Reid and Cr Boyle returned to the room at 5:03pm

Cr Reid resumed the Chair

Item 9.4.1.2 – Appendices

9.4 MATTERS FOR RESOLUTION
9.4.1 DEVELOPMENT SERVICES
9.4.1.3 Heritage Subsidy Agreement

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: CS.CCS.4
COUNCIL DATE: 16 June 2014
REPORT DATE: 12 June 2014
LOCATION/ADDRESS: Various
APPLICANT: State Heritage Office
SENIOR OFFICER: M Keeble, CEO
AUTHOR: J Jurmann, MPS
DISCLOSURE OF INTEREST: Nil
APPENDICES: Agreement
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: *Michael Keeble*

Summary:

The purpose of this Report is to obtain Council's endorsement to sign the 2014-2015 Heritage Advisory Services Subsidy Agreement with the State Heritage Office.

Background:

In 2013-2014, the State Heritage Office introduced a Heritage Subsidy Scheme to encourage local government to employ Heritage Advisors.

The Shire of York, together with the Shires of Cunderdin, Quairading and Tammin, were successful in obtaining a subsidy with the York as the coordinating agency. The subsidy covers 75% of the costs of employing a Heritage Advisor.

Laura Gray was employed as the Regional Heritage Advisor and has produced Heritage Strategies for each Shire. The York Strategy will be presented to the inaugural meeting of the Heritage Committee.

Consultation:

Consultation has occurred with each of the Shires who have agreed to continue the Heritage Advisory Service and the Agreement with the State Heritage Office.

Statutory Environment:

Local Government Act

Policy Implications:

There are no policy implications.

Financial Implications:

It is advantageous financially for Council to participate in the subsidy program.

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.

The value, protection and preservation of heritage is an important goal for the community. The Subsidy Program assists in achieving this goal.

Voting Requirements:

Simple Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

There are positive economic implications associated with this proposal.

Social Implications:

There are positive social impacts from participating in the subsidy program.

Environmental Implications:

Not applicable.

Comment:

The employment of a subsidised Heritage Advisor provides Council with access to expertise on heritage matters. The Heritage Advisor will also become a member of the Heritage Committee and provide guidance to the community and developers on heritage matters.

RESOLUTION

140614

Moved: Cr Hooper

Seconded: Cr Duperouzel

“That Council:

Endorse the Chief Executive Officer signing the 2014-2015 Heritage Advisory Subsidy Agreement on behalf of the Shire of York.”

CARRIED: 6/0

Item 9.4.1.3 – Appendices

9.4 MATTERS FOR RESOLUTION
9.4.2 ADMINISTRATION
9.4.2.1 Designated Senior Employees

FILE NO: LE.ACT.1 – PE.EMP
COUNCIL DATE: 16 June 2014
REPORT DATE: 30 May 2014
LOCATION/ADDRESS: N/A
APPLICANT: N/A
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Gail Maziuk, HR & Compliance
DISCLOSURE OF INTEREST: N/A
APPENDICES: 5.37 Local Government Act 1995
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE CEO: *Michael Keeble*

Summary:

The purpose of this report is to recommend Council consider the following positions/employees be designated as 'Senior Employees' under conditions that are supported by the Local Government Act 1995 – Section 5.37 Senior Employees:

- Deputy Chief Executive Officer
- Manager Planning and Development
- Manager Health and Building
- Manager Works and Services

Background:

A local government may designate employees or persons belonging to a class of employee to be Senior Employees.

This means the CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council has the power to veto the appointment or dismissal. However, this can only be applied when justifiable reasons to enact the power to veto have been made clear to the CEO.

Refer to Local Government Act 1995 – Section 5.37 Senior Employees for additional information
Appendix to this report

Consultation:

Not Required

Statutory Environment:

Compliance with Local Government Act 1995 – Sect 5.37 – Senior Employees

Objective: To comply with the provisions of the Local Government Act to designate Senior Employees

Policy Implications:

Policy to be developed

Financial Implications:

Nil

Strategic Implications:

Governance – Strengthen Shire Leadership

Voting Requirements:
Simple Majority Required: Yes

Site Inspection:
Site Inspection Undertaken: N/A

Triple bottom Line Assessment:
Economic Implications:
Nil

Social Implications:
Nil

Environmental Implications:
Nil

Officers Comment:

The conditions of employment for Designated Senior Employees must be clearly set out in their employment contracts or letters of appointment.

**RESOLUTION
150614**

Moved: Cr Hooper

Seconded: Cr Boyle

“That Council:

Agree to designate the following positions and staff employed in those positions as Senior Employees in accordance with the conditions of the Local Government Act 1995 – Section 5.37 Senior Employees:

- Deputy Chief Executive Officer***
- Manager Planning Services***
- Manager Health and Building***
- Manager Works and Services***

Note: Council would only have power to veto either employment or dismissal of persons belonging to this class of employee but no power to employ or dismiss Designated Senior Employees.”

CARRIED: 6/0

Item 9.4.2.1 Appendices

9.4 MATTERS FOR RESOLUTION

9.4.2 ADMINISTRATION

9.4.2.2 Residential Property Lease

FILE NO:
COUNCIL DATE: 16 June, 2014
REPORT DATE: 11 June, 2014
LOCATION/ADDRESS: 17 Forbes Street York WA 6302
APPLICANT: Shire President
SENIOR OFFICER: CEO – Michael Keeble
AUTHOR: Michael Keeble
DISCLOSURE OF INTEREST: Michael Keeble – Financial – Tenant of Property
APPENDICES: Standard Residential Property Lease Schedule

REPORT APPROVED BY THE CEO: *Michael Keeble*

Summary:

Council should consider entering into a residential property lease with Michael Keeble (the current Chief Executive Officer) to reside at 17 Forbes Street York.

Background:

Council is not obliged to supply a residence as part of the Contract of Employment (recently approved) for Michael Keeble.

However item 12.1.5 of the Contract of Employment does state a Rental Subsidy of \$1,560 per year (\$130 per month) shall be paid.

At present the CEO is occupying the Council owned house in 17 Forbes Street and has requested a Residential Lease.

Consultation:

- Rental estimates were gathered from 2 local Real Estate Agents and a fair market value is \$750.00 per fortnight (\$375.00 per week)
- The previous Tenant was paying \$250 per week of which \$150 per week was being subsidised by the Council resulting in a net rental of \$5,200.

Statutory Environment:

This lease is governed by the terms and conditions set out in the:
Residential Tenancies Act 1987
Residential Tenancies Regulations 1989
Privacy Act 1988

Financial Implications:

Annual revenue from this property will be:

Annual rental	\$19,500
Less subsidy	\$ 1,560
Rental due from the Tenant	\$17,940 (\$345 per week)

Revenues from this property are included in the 2014/2015 budget

Voting Requirements:

Simple Majority Required: Yes

**RESOLUTION
160614**

Moved: Cr Boyle

Seconded: Cr Wallace

“That Council:

- 1. Enter into a Residential Lease Agreement with Michael Keeble to occupy 17 Forbes Street York WA 6302***
- 2. Charge an annual rental of \$19,500 with a Council subsidy of \$1,560 making a net rental of \$17,940 to be paid as a fortnightly deduction of \$690.00 from Michael Keeble’s salary.***
- 3. Lodge a security and Pet Bond of \$1,600 with the Bond Administrator at the Department of Commerce Perth WA 6000.”***

CARRIED: 6/0

Item 9.4.2.2 Appendices

9.4 MATTERS FOR RESOLUTION
9.4.2 ADMINISTRATION
9.4.2.3 Lease – Old Tennis Court Land

FILE NO: CCP.39
COUNCIL DATE: 16 June 2014
REPORT DATE: 11 June 2014
LOCATION/ADDRESS: Cnr Glebe & Clifford Streets, York
APPLICANT: Wheatbelt Womens Health Hub
AUTHOR: T Cochrane, DCEO
DISCLOSURE OF INTEREST: Cr D Smythe – Impartial – Committee Member
APPENDICES: Nil
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE CEO: *Michael Keeble*

Summary:

That Council arrange a short-term lease arrangement for the land known as the Old Tennis Court Land, until the review of the Local Planning Strategy and Town Planning Scheme has been completed to ensure the planning for the area is appropriate.

Background:

The land was subject to a rezoning and a Landcorp arrangement (Regional Development Assistance Program), resolutions are provided for some background information, as follows:

“That Council:

APPROVE to continue to progress the development of Lots 31, 150 and 151 Clifford Street, York, known as the old Lawn Tennis Centre, for residential purposes by Landcorp as part of the 2012 Regional Development Assistance Program and agree to cede the land at no cost to Landcorp prior to the commencement of works.”

AMENDMENT

Moved: Cr Scott

Seconded: Cr Hooper

“That Council Amend the Officer Recommendation to read:

APPROVE to continue to progress the development of Lots 31, 150 and 151 Clifford Street, York, known as the old Lawn Tennis Centre, for residential purposes by Landcorp as part of the 2012 Regional Development Assistance Program and agree to cede the land at no cost to Landcorp prior to the commencement of works.

Addendum:

Subject to any created lots not being sold within three (3) years from the date of clearance of subdivision being deeded to the ownership of the Shire of York at no cost.”

CARRIED: 4/2

Further consideration was given and the following resolved:

**RESOLUTION
020413**

Moved: Cr Hooper

Seconded: Cr Duperouzel

The amendment became the motion.

CARRIED: 4/2

OFFICER RECOMMENDATION

“That Council:

1, *Rescind the following part of Resolution 020413 being:*

Addendum:

Subject to any created lots not being sold within three (3) years from the date of clearance of subdivision being deeded to the ownership of the Shire of York at no cost.

2. *Advise LandCorp as follows:*

Approval is given to progress the development of lots 31, 150 & 151 Clifford Street, York, known as the old Lawn Tennis Centre, for residential purposes by LandCorp as part of the 2012 Regional Development Asset Program and that Council agree to cede the land at no cost to LandCorp prior to commencement of works.”

As Council did not Put the Motion Cr Duperouzel offered an alternative motion.

**RESOLUTION
121213**

Moved: Cr Duperouzel

Seconded: Cr Smythe

“That Council:

Rescind all of Resolution 020413 and advise LandCorp of no further interest in dealing with LandCorp for the residential development of this site.

CARRIED: 6/0

The Officer Recommendation was amended as there is no urgency to dispose of land and Council will hold the land for future use or sale.

**RESOLUTION
270912**

Moved: Cr Lawrance

Seconded: Cr Duperouzel

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

- 1. *Initiate Scheme Amendment No. 48 to the York Local Planning Scheme No. 2 by:*
 - (a) *Rezoning a portion of Lot 31 Glebe Street and Lots 150 and 151 Clifford Street, York from Reserve (Open Space and Recreation) to Residential R40; and***
 - (b) *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. *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: 6/0

Consultation:

Wheatbelt Womens Health Hub
Councillors
Staff

Statutory Environment:

Local Government Act

Policy Implications:

Not applicable.

Financial Implications:

Not applicable at this stage.

Strategic Implications:

Building a Sense of Community

Voting Requirements:

Simple Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: No

Officers Comment:

Upon the request of the Author of the Report general advice was requested from the Council's Planning Department and the response is as follows:

“The property was rezoned from Reserve – Open Space & Recreation to Residential R40 in conjunction with the Landcorp RDAP partnership project. The current use by the Women's group is not specifically defined in the Scheme and would be considered as a 'use not listed' requiring a planning application that would need to be advertised if more than a temporary use

is proposed. The review of the Local Planning Strategy will commence in the near future and will examine the currency of the Strategy to direct the sustainable growth and development of York.

From a planning and economic development point of view, the current use could be considered under-utilisation of an important development site and a long term lease could jeopardise future opportunities. Other venues that could be considered by Council for the group are the Scout Hall, Youth Centre, old Bowling Club, Pavilion Tea Rooms, etc.”

Previous approvals in place are as follows:

“The Shire of York is pleased to offer the above facility to your group under the following conditions:

- Rent – Nil
- Insurance -
 - The building is insured by the Shire of York
 - Contents insurance will be your responsibility
- Cleaning - Responsibility of the occupier
- Services - Power, water, telephone – responsibility of the occupant
- Consumables - Responsibility of the occupier
- Furniture & Equipment – Responsibility of the hirer
- Term of Occupation – No fixed term, month by month occupancy which can be terminated by one month’s written notice by either party
- Building Maintenance – The Shire of York has no budget allocation for maintenance works in the 2012/13 budget

The tennis club land is subject of a development feasibility study by LandCorp to provide group and residential housing and consequently a long term lease cannot be considered at this stage.

York Shire Council is extremely supportive of the proposals and services to be offered and provided by York Women’s Emotional Health & Support Centre Inc and trusts that these arrangements are satisfactory.”

**RESOLUTION
170614**

Moved: Cr Boyle

Seconded: Cr Wallace

“That Council

Allow Cr Smythe to vote on this item as she is a Committee Member”

CARRIED: 5/0

**RESOLUTION
180614**

Moved: Cr Duperouzel

Seconded: Cr Boyle

“That Council:

Continue a short term lease arrangement for the Old Tennis Court Land and surrounds on a month by month basis until appropriate planning reviews have been undertaken and completed.”

AMENDMENT

Moved: Cr Duperouzel

Seconded: Cr Hooper

“That Council Amend the Officer Recommendation to read:

Continue a short term lease arrangement for the Old Tennis Court Land and surrounds on a year by year basis until appropriate planning reviews have been undertaken and completed.”

**RESOLUTION
190614**

Moved: Cr Duperouzel

Seconded: Cr Hooper

“That Council

Continue a short term lease arrangement for the Old Tennis Court Land and surrounds on a year by year basis until appropriate planning reviews have been undertaken and completed.”

CARRIED 6/0

The Officer Recommendation was amended to provide a higher level of certainty of tenure for the Wheatbelt Women’s Health Hub Inc.

Cr Duperouzel left the meeting at 5.18pm

9.4 MATTERS FOR RESOLUTION
9.4.3 WORKS REPORTS

Nil Reports

9.4 MATTERS FOR RESOLUTION

9.4.4 FINANCE REPORTS

9.4.4.1 Legal Action - Unpaid Rates

FILE NO: RE1.60661
COUNCIL DATE: 16 June 2014
REPORT DATE: 6 June 2014
LOCATION/ADDRESS: Lot 45 (20) Redmile Road, York
APPLICANT: Pam Law
SENIOR OFFICER: Tyhscha Cochrane
AUTHOR: Pam Law
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE CEO: *Michael Keeble*

Summary:

Council's approval is sought to commence legal proceedings for rates and interest from 12 April 2011, approximate outstanding amount \$113,000, for A60661, Lot 45 (20) Redmile Road, York.

Background:

The service charges for rubbish bins, WARR Act and ESL are being paid for as billed.

Letter dated 15 August 2012, Jackson McDonald Lawyers made a formal objection on behalf of Global Care to the Shire's rate records for the land in question for the 2011/12 and 2012/13 rate years. The objection was made on the grounds that the land in question is used exclusively for charitable purposes.

Jackson McDonald Lawyers were responded to on 14 September 2012 requesting further information from Global Care Group Inc to enable the application to be fully considered at the Ordinary Council Meeting on 15th October 2012. This information was:

1. Certification that all funds raised from the Balladong Estate through accommodation leases, fees, levies, charges, government subsidies, etc are used exclusively within the development for the benefit of the occupants with no cross subsidisation or use in other developments or operations of the owner (Global Care Group Inc).
2. Provide a copy of the current constitution of Global Care Group, standard lease for life agreements for Balladong Estate, any residential agreements for the owners/occupiers of Balladong Estate, the latest financial statements for the Global Care Group.
3. Payment in full of all Emergency Service Levies applicable to the properties as no exemption applies to this payment.
4. Payment in full of all Rubbish Removal charges applicable to the properties as no exemption applies to these payments as they were not levied under Section 66 of the WARR Act.

The Shire made it extremely clear that rating exemption was not considered appropriate for the development and would not be supported by Council.

Then again on 15 November 2012 Jackson Macdonald Lawyers were asked for information as to when Council would receive the requested information so that the matter could be programmed into a Council Meeting Agenda.

On 6 February 2013 the Shire of York received:

1. Global Care Group Constitution
2. Global Care Group Financial Statements (audited) for year ended 30th June 2012
3. Balladong Loan and Value Statement as at 31st January 2013

There have been no further developments with decision on rating exemption or on obtaining payment for outstanding rates.

Consultation:

CEO Michael Keeble
State Administrative Tribunal
McLeods Barristers & Solicitors

Statutory Environment:

Local Government Act 6.56

Rates or Service charges recoverable in court

- (1) *If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings if any, for that recovery, in a court of competent jurisdiction.*
- (2) *Rates or service charges due by the same person to the local government may be included in one writ, summons, or other process.*

Section 1.4 (a) of the Local Government Act

1.4. Terms used

In this Act, unless the contrary intention appears —

absolute majority —

- (a) *in relation to a council, means a majority comprising enough of the members for the time being of the council for their number to be more than 50% of the number of offices (whether vacant or not) of member of the council;*

Policy Implications:

Nil

Financial Implications:

There is currently over \$113,000 due in outstanding rates, with the 2014/15 rates due to be raised shortly. This outstanding debt is accruing interest daily.

Legal action is required to enable a determination of whether this ratepayer is entitled to become classed as rate exempt or that the outstanding debt is to be paid in full to the Shire of York.

Prosecutions can be a costly exercise, which is costly to ratepayers especially if the legal action is unsuccessful.

Legal fees will be incurred, however these may be offset by costs and fines if the legal action is successful.

Strategic Implications:

Nil

Voting Requirements:
Absolute Majority Required: Yes - Absolute Majority – 4 Votes

Site Inspection:
Site Inspection Undertaken: Not Applicable

Triple bottom Line Assessment:
Economic Implications:
As in Financial Implications -

Legal costs need to be budgeted for to allow action to be taken to recover outstanding rates or have rating exemption finally decided upon in a Court of Law.

The final decision will result in either rates to be paid or a rating exemption being granted.

Social Implications:
Council needs to be proactive in the recovery of outstanding rates. These debts are a burden on the ratepayers.

Environmental Implications:
Nil

Comment:
With both legal sides of the argument at a stalemate, and no progress or decision being made over the past two years, legal proceedings should be commenced against Global Care Group Ltd for outstanding rates, services and accrued interest. This should be allowed to be followed through to the full extent of the law, allowing for a full determination on rating exemption eligibility or repayment of the outstanding debt.

**RESOLUTION
200614**

Moved: Cr Hooper

Seconded: Cr Boyle

“That Council:

Approve by an absolute majority the initiation and determination of legal proceedings against Global Care Group Ltd, for the recovery of outstanding rates, services and accrued interest.”

CARRIED: 6/0

9.4 MATTERS FOR RESOLUTION
9.4.4 FINANCE REPORTS
9.4.4.2 Monthly Financial Reports – May 2014

FILE NO: FI.FRP
COUNCIL DATE: 16 June 2014
REPORT DATE: 10 June 2014
AUTHOR: Tabitha Bateman, Financial Controller
APPENDICES: Yes – Appendix A as detailed in Summary

REPORT APPROVED BY THE CEO: *Michael Keeble*

Statement by The Chief Executive Officer:

1. This financial report is properly drawn up to present fairly the financial position of the Shire of York at 31 May 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:

The Financial Report for the period ending 31 May 2014 is presented for consideration. Appendix A includes the following:

- Monthly Statements for the period ended 31 May 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.

Pg1. Statement of Financial Position

- Total Equity in the Shire has increased from \$91,965,652 to \$92,877,045 which is an increase of \$911,393.

Pg2. Profit and Loss (Income and Expenditure Statement)

- Governance – Structural Reform Amalgamation funding of \$1,549,000 is to be 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 will not be received so the capital expenditure is under review.
- Education and Welfare – Proposed grant income of \$600,000 for childcare facilities will not be received by 30 June 2014 and consequently the \$600,000 capital expenditure has been removed.

- Recreation and Culture – \$1,800,000 will be removed from revenue as the proposed grants for the Town Hall refurbishment will not be received. \$1,800,000 to be removed from capital expenditure. \$229,668 of proposed grants for YRCC playground and car parking areas have been withdrawn and capital expenditure will be reduced accordingly. However, there is \$18,000 in the Trust account to be transferred to the Municipal account for the development of the new playground at the YRCC. This transfer will occur before the 30 June 2014.
- Transport - \$1,200,000 will be removed from the revenue line and \$1,100,000 from the expenditure line. This is because the York-Merredin Road Safety Project will not be completed by 30 June 2014 so Main Roads will not be funding the project. Proposed grants of \$380,000 will be removed from revenue and \$380,000 will be removed from capital expenditure as drainage studies will not be completed by 30 June 2014. This item is not included in the 2014/15 budget.
- Economic Services - \$81,550 will be removed from the expenditure line due to the Community Development Officer position remaining vacant to 30 June 2014. This position will be included in the 2014/15 budget. \$50,000 proposed grant income for the purchase of a new Community Bus will not be 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	<u>(\$ 18,450)</u>

Pg3. Working Capital (Current Assets & Liabilities)

- For the period ending 31 May 2014 there was a surplus of current assets over current liabilities of \$1,948,699, compared to \$2,386,792 for the same period last year.
- Consequently the Shire is able to pay its debts as and when they fall due.

Pg4. Financial Activity Statement

- Capital Programme – Expenditure for capital projects will be reviewed in the 2014/15 budget.
- Transfers to/from Reserves – Transfers to be undertaken 30 June 2014. Adequate provision for the Staff Leave Reserve will be 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 31 May 2014;

Sundry Creditors as per General Ledger	\$ 63,817.65
Sundry Debtors as per General Ledger	\$457,860.14
Unpaid rates and services current year (inc. ESL)	\$325,977.09
Unpaid rates and services previous years (inc. ESL)	\$655,989.44

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.

**RESOLUTION
210614**

Moved: Cr Smythe

Seconded: Cr Boyle

“That Council:

Receive the Monthly Financial Report for April and ratify payments drawn from the Municipal and Trust accounts for the period ending 31 May 2014:

	<u>VOUCHER</u>	<u>AMOUNT</u>
MUNICIPAL FUND		
Cheque Payments	31232	\$ 450.00
Electronic Funds Payments	12201 - 12311	\$ 814,374.89
Direct Debits Payroll		\$ 166,060.79
Bank Fees		\$ 632.82
Corporate Cards		\$ 1,490.20
Fire Messaging Service		\$ 150.26
TOTAL		<u>\$ 983,158.96</u>
TRUST FUND		
Cheque Payments		\$ 812.27
Electronic Funds Payments		\$ 1,530.00
Direct Debits Licensing		\$ 123,528.75
TOTAL		<u>\$ 125,871.02</u>
TOTAL DISBURSEMENTS		<u>\$1,109,029.98”</u>

CARRIED: 6/0

Item 9.4.4.2 – Appendices

9.4 MATTERS FOR RESOLUTION

9.4.4 FINANCE REPORTS

9.4.4.3 Investments – May 2014

FILE NO: FI.FRP
COUNCIL DATE: 16 June 2014
REPORT DATE: 8 June 2014
AUTHOR: Tabitha Bateman, Financial Controller
APPENDICES: Shire of York Investment Portfolio

REPORT APPROVED BY THE CEO: *Michael Keeble*

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 31 May 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 by the Auditors and staff.

RESOLUTION

220614

Moved: Cr Hooper

Seconded: Cr Boyle

“That Council:

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

CARRIED:5/0

Item 9.4.4.3 – Appendices

9.4 MATTERS FOR RESOLUTION

9.4.4 FINANCE REPORTS

9.4.4.4 Rates Write Off

FILE NO: FI.DRS.3
COUNCIL DATE: 16 June 2014
REPORT DATE: 10 June 2014
LOCATION/ADDRESS: A55 - Lot 3 (396) North Road
APPLICANT: Pam Law
SENIOR OFFICER: Tabitha Bateman
AUTHOR: Pam Law
DISCLOSURE OF INTEREST: None
APPENDICES: Nil
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE CEO: *Michael Keeble*

Summary:

Council approval is requested to write off a debt for assessment A55, which through settlement the debt was not cleared and in effect through the subdivision approval the assessment is inactive.

Background:

The original A55 was Lot 3 North Road, which was subdivided into Lot 9501 North Road and Lot 507 North Road, WAPC approved 25/10/2010.

On 24/11/2010 Gibson Raison Settlements, the purchaser's settlement agent, lodged an Account Enquiry and Advice of Sale for new Lot 507. A full listing of all outstanding rates/charges were forwarded to the settlement agent, showing current year costs and arrears charges. This showed an outstanding balance due of \$5773.54, with interest accruing at the rate of 166.1298 cents per day.

Upon settlement of the property the sum of \$2592.45 was forwarded to the Shire of York to be paid towards the outstanding rates. On 2 February 2011, Ronson Mackinlay Conveyancers, the sellers settlement agent, was forwarded correspondence showing the remaining balance due. It was noted that if payment was not received in full by 18 February 2011, the outstanding debt would be passed on to Council's Solicitor for collection.

On 03/02/2011 Ronson Mackinlay Conveyancers replied by saying they "had only made provision to retain funds from our client for the anticipated rates however no allowance was made for the arrears of which we were unaware of."

It then became evident that the seller of the property was in the process of winding up the Company which owned the property and accordingly could not clear the arrears. One of the Directors of the Company then offered to clear the arrears from his personal resources by way of instalment payments of \$175 per month over a period of approximately 12 months. Council accepted this offer on 07/02/2011 and informed Ronson Mackinlay Conveyancers accordingly. The personal details of the Company Director were then obtained from Ronson Mackinlay.

The payment plan was not adhered to and the debt was subsequently sent to Council's debt collection agency, Austral Mercantile Collections (AMC). AMC carried out a search on the Company Director and found that he owned property in Yarloop, however could not find out anything else about this person. AMC advised that the Company had been deregistered and that the Directors could not be held personally liable for any debts. AMC mentioned that they could not legally pursue the Company Director for this debt.

Consultation:

Austral Mercantile Collections

Statutory Environment:

Section 6.12 (c) of the Local Government Act.

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
- (c) write off any amount of money,
- which is owed to the local government.

Section 1.4 (a) of the Local Government Act

1.4. Terms used

In this Act, unless the contrary intention appears —

absolute majority —

- (a) *in relation to a council, means a majority comprising enough of the members for the time being of the council for their number to be more than 50% of the number of offices (whether vacant or not) of member of the council;*

Policy Implications:

Nil

Financial Implications:

Currently Rates and Charges relating to this assessment total \$1946.75 (06/06/14) and accrues interest daily. Write off this debt from 2013/14 budget allowance for Rate Write off.

Strategic Implications:

Nil

Voting Requirements:

Absolute Majority Required: Yes - Absolute Majority – 4 Votes

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Council must be seen to be proactive in debt recovery action as the ultimate burden rests with the ratepayers. Unrecoverable debts need to be cleared as early as possible to lessen the financial implication on ratepayers.

Social Implications:

Nil

Environmental Implications:

Nil

Comment:

A55 is a property assessment with no associated property, only an outstanding debt. The original A55 was Lot 3 North Road, which was subdivided into Lot 9501 North Road and Lot 507 North Road, WAPC approved 25/10/2010.

Upon settlement of the property the sum of \$2593.45 was forwarded to the Shire of York to be paid towards the rates. This left a balance outstanding at that time of \$1977.34. One of the Company directors made an agreement to pay off the outstanding balance, by monthly instalments. Six payments were received.

Debt collection action was taken against the owner of the original parcel of land. The Company had become deregistered and AMC advised that they were unable to take action against the Company directors.

This assessment is now only accruing interest with no apparent way of collecting the debt due. The balance owing at 3 June 2014 is \$1945.17, accruing interest at the rate of 52 cents per day.

Write off is therefore recommended.

**RESOLUTION
230614**

Moved: Cr Boyle

Seconded: Cr Smythe

“That Council:

by an absolute majority write off costs associated with assessment A55, being an amount of \$1946.75 due at 06/06/14, plus accrued interest.”

CARRIED: 5/0

9.4 MATTERS FOR RESOLUTION

9.4.5 LATE ITEMS

Nil Reports

9.4 MATTERS FOR RESOLUTION
9.4.6 CONFIDENTIAL ITEMS

Nil Reports

10. NEXT MEETING

**RESOLUTION
240614**

Moved: Cr Hooper

Seconded: Cr Wallace

“That Council:

***hold the next Ordinary Meeting of the Council on July 21 2014 at 4.00pm at the York
Recreation and Convention Centre, York.***

CARRIED 5/0

11. CLOSURE

Cr Reid thanked everyone for their attendance and declared the meeting closed at 6.00pm