



**SHIRE OF YORK**

## **NOTICE OF MEETING**

Dear Councillors

I have to advise that the **ORDINARY COUNCIL MEETING** will be held in the **LESSER HALL, YORK** on **MONDAY 19 MARCH 2007**, commencing at **3.00pm**

**MEETING AGENDA ATTACHED**

R HOOPER  
CHIEF EXECUTIVE OFFICER

Date: 12 March 2007

**MISSION STATEMENT**

***"To build on our history to create our future"***

## Local Government Act 1995 (as amended)

### Part 1 Introductory Matters

#### 1.3. Content and intent

- (1) This Act provides for a system of local government by —
  - (a) providing for the constitution of elected local governments in the State;
  - (b) describing the functions of local governments;
  - (c) providing for the conduct of elections and other polls; and
  - (d) providing a framework for the administration and financial management of local governments and for the scrutiny of their affairs.
  
- (2) This Act is intended to result in —
  - (a) better decision-making by local governments;
  - (b) greater community participation in the decisions and affairs of local governments;
  - (c) greater accountability of local governments to their communities; and
  - (d) more efficient and effective local government.
  
- (3) In carrying out its functions a local government is to use its best endeavours to meet the needs of the current and future generations through an integration of environmental protection, social advancement and economic prosperity.

### Part 2 Constitution of Local Government

#### Division 2 Local Governments and Councils of Local Governments

#### Section 2.7 The Role of Council

- (1) The Council –
  - (a) directs and controls the Local Government's affairs; and
  - (b) is responsible for the performance of the Local Government's functions.
  
- (2) Without limiting subsection (1), the Council is to –
  - (a) oversee the allocation of the Local Government's finances and resources; and
  - (b) determine the Local Government's policies.

## **PUBLIC QUESTION TIME**

### **YORK SHIRE COUNCIL**

To ensure that questions submitted to Council and Committee meetings are recorded correctly and responded to appropriately, residents, electors and attendees are requested to utilise this form as follows:

NAME:

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ADDRESS:

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SUBJECT:

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Question:

It is preferable for questions to be submitted two (2) working days prior to a meeting to enable the issue to be properly researched and a formal response prepared. Matters which require research and which are presented at a Council or Committee meeting may be taken on notice.

Public Question Time should be related to the governance function of Council, being policy and direction setting and not operational matters which should be forwarded directly to the Chief Executive Officer as these do not need to wait for a Council meeting.

**SHIRE OF YORK**  
**PUBLIC QUESTION TIME**

**OBJECTIVE:**

To provide for and support open and accountable local government through provision of a public question period at all Council and Committee meetings.

**PROCEDURE:**

To ensure correct recording of questions electors are requested to submit questions in writing at or prior to the meeting.

Note: Operational and administration matters should be referred directly to the Chief Executive Officer as and when issues arise for immediate response and action rather than refer them to the governance format of Council Meetings.

The Local Government Act prescribes the following:

***“Procedures for question time for the public – s. 5.24(2)***

7. (1) ***Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) are to be determined –***
- (a) ***by the person presiding at the meeting; or***
  - (b) ***in the case where the majority of members of the Council or Committee present at the meeting disagree with the person presiding, by the majority of those members,***
- having regard to the requirements of subregulations (2) and (3).***
- (2) ***The time allocated to the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the Council or the Committee, as the case may be.***
- (3) ***Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.***
- (4) ***Nothing in subregulation (3) requires –***
- (a) ***a Council to answer a question that does not relate to a matter affecting the local government;***
  - (b) ***a Council at a special meeting to answer a question that does not relate to the purpose of the meeting; or***
  - (c) ***a Committee to answer a question that does not relate to a function of the Committee.”***

Question time during Council Meetings will be for a minimum time of 15 minutes.

Where questions are not submitted in writing the Presiding Officer or the Chief Executive Officer shall phrase the question to be recorded in the minutes.

COMMENT:

Public Question Time is provided to compliment the role for the Council, which is to:

- Direct and control the local government's affairs;
- Be responsible for the performance of the local government's functions;
- Oversee the allocations of the local government's finances and resources;
- Determine the local government's policies.

The Shire President will be responsible for the conduct of public question time. Questions should relate to the business of the Council and should not be in the form of a statement or a personal opinion. Members of the public are not permitted to interrupt or enter into any conversation or debate during the meeting.

The Shire President may limit verbal questions from individual members of the public at the Council meeting within the time allocated for public question time.

The person asking the question shall state their name and address.

The Shire President will endeavor to have every question answered, however if the answer is not known or requires further research or detail, then the question will be taken on notice and a response will be supplied in writing to the individual. This response will be published in the minutes of the next Council Meeting.

It is the intention that all members of the public at the meeting shall be given equal and fair opportunity to ask questions and receive a response, rather than the opportunity for debate. The Chairman or majority of Councillors may determine when an individual has had an equal and fair opportunity.

Please note:

For Public Question Time at Special Council Meetings, questions are restricted to items that are on the agenda.

Ray Hooper  
Chief Executive Officer

## **SHIRE OF YORK**

### **DISCLAIMER**

No responsibility whatsoever is implied or accepted by the Shire of York for any act, omission or statement or intimation occurring during Council meetings.

The Shire of York disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a license, any statement or intimation of approval made by any member or Officer of the Shire of York during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of York.

The Shire of York notifies that anyone who has any application lodged with the Shire of York must obtain and should only rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Shire of York in respect of the application.

**RAY HOOPER**  
**CHIEF EXECUTIVE OFFICER**

**SHIRE OF YORK**

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## **SHIRE OF YORK**

THE ORDINARY MEETING OF THE COUNCIL WILL BE  
HELD ON MONDAY, 19 MARCH 2007, COMMENCING AT  
3.00PM IN THE LESSER HALL, YORK.

### 1. **OPENING**

#### 1.1 **DECLARATION OF OPENING**

#### 1.2 **ANNOUNCEMENT OF VISITORS**

#### 1.3 **ANNOUNCEMENT OF ANY DECLARED FINANCIAL INTERESTS**

COUNCILLOR/OFFICER	ITEM	NATURE OF INTEREST

### 2. **ATTENDANCE**

#### 2.1 **MEMBERS**

#### 2.2 **STAFF**

#### 2.3 **APOLOGIES**

#### 2.4 **LEAVE OF ABSENCE PREVIOUSLY APPROVED**

#### 2.5 **NUMBER OF PEOPLE IN GALLERY PRESENT AT COMMENCEMENT OF MEETING**

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

Nil.

4. **PUBLIC QUESTION TIME**

5. **APPLICATIONS FOR LEAVE OF ABSENCE**

6. **PETITIONS/PRESENTATIONS/DEPUTATIONS**

Farmers and resident of Mokine Road – concerned with the state of Mokine Road. Signatures received - 25

7. **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

7.1 Ordinary Council Meeting held 19 February 2007

Corrections

Confirmation

*That the minutes of the Ordinary Council Meeting held 19th February 2007 be confirmed as a correct record of proceedings.*

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

**9. REPORTS**

**9.1 Development Services**

9. OFFICER'S REPORTS  
9.1 DEVELOPMENT REPORTS  
9.1.1 AMENDMENT 20 – ADDITIONAL USE -  
MEDICAL CENTRE

FILE NO: PS.PPD.4  
COUNCIL DATE: 19 FEBRUARY 2007  
REPORT DATE: 8 FEBRUARY 2007  
LOCATION/ADDRESS: HOWICK STREET CARPARK  
APPLICANT SHIRE OF YORK  
SENIOR OFFICER RAY HOOPER - CEO  
REPORTING OFFICER DAVID LAWN – PLANNING CONSULTANT  
DISCLOSURE OF INTEREST: NIL  
APPENDICES: APPENDIX A - SCHEME AMENDMENT NO.  
20  
APPENDIX 1 – VESTING ORDER  
DOCUMENTS TABLED: NIL

*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.*

**Summary:**

The intent of the Council is to initiate a scheme amendment to enable an additional use for the construction of a medical centre on the Howick Street Carpark, which is currently zoned Public Purposes Reserve and vested in the Council for the purpose of Park, Vehicle Parking and Tourist Purposes.

**Background:**

Council has expressed a desire to convert part of the carpark into a medical centre in the main part of the townsite.

The land is under-utilised for parking and an approach from a private company (Gemini Medical Services) to construct and operate a medical centre to the community of York.

This proposal was presented to the Minister for Planning and Infrastructure on 7<sup>th</sup> February 2007 and it was arranged that the Council would initiate a scheme amendment and advertise it for a period of 42 days and prepare a plan of subdivision for submission to the Western Australian Planning Commission.

The current vesting orders are required to be surrendered to the Crown for conversion to freehold title/s and made available for sale.

**Consultation:**

Councillors and senior staff meeting with the Hon, Minister for Planning and Infrastructure.  
Council consultation with Gemini Medical Services.

**Statutory Environment:**

The land is currently zoned Public Purposes Reserve in Town Planning Scheme No 2.

The land is used for car parking with a small public park and War Memorial on the southern corner at the junction with Howick and South Streets. An open drain traverses the land at the southern end adjacent to the park.

All of the land is included in a Vesting Order for the purposes of Park, Vehicle Parking and Tourist Purposes.

The details of the Vesting Order are York Lot 595 (formerly portions of York Town Lots 18,19,20,20,21, 23 and being Lots 4,5,6,26 and 27 on Diagrams 2764, 2765 48526 and Plan 773) being set apart as Reserve No 39603.

The compilation of the former titles is described as Lot 595 on Diagram of Survey No 85114 and contains 9720m<sup>2</sup>.

**Financial Implications:**

Council will bear the costs of the preparation of the Scheme Amendment, and sub sequential advertising, and the costs of the plan of subdivision.

Council may impose a proportional charge of these expenditures to recover all or part of these costs upon an application for development.

**Voting Requirements:**

**Absolute Majority Required:** Yes.

**Site Inspection:**

Site inspection undertaken in February 2006 and 2007

**Triple Bottom Line Assessment:**

**Economic Implications:** Nil.

**Social Implications:** A medical centre will benefit the community of York in providing medical services.

**Environmental Implications:** Some impact on the drainage system may occur but shall be taken into consideration as a Development Application is implemented.

**Comment:**

The proposals are in accordance with undertakings by the Council and the Hon. Minister for Planning and Infrastructure to facilitate the development of a Medical Centre in York.

**OFFICER RECOMMENDATION:**

***“That Council:***

- a) Initiate a Scheme Amendment (Amendment No 20) to rezone Reserve No 39603 from Public Purpose Reserve to Town Centre Zone and add Medical Centre to the Use Class Table the Scheme as a “Permitted Use” in the Town Centre and Mixed Business Zones.***
- b) To request of the Hon. Minister for Planning and Infrastructure to accept the surrender of the Vesting Order for Lot 595 (Reserve No 39603) and convert the land to freehold title/s for the purpose of a Medical Centre”.***

9. OFFICER'S REPORTS  
9.1 DEVELOPMENT REPORTS  
9.1.2 RESITED HOUSE

**FILE NO:** Ma 6.11940  
**COUNCIL DATE:** 19 March 2007  
**REPORT DATE:** 13 March 2007  
**LOCATION/ADDRESS:** Lot 96 Mansfield Street, York  
**APPLICANT:** Mr M Giblett  
**SENIOR OFFICER:** Ray Hooper, CEO  
**REPORTING OFFICER:** Tyhscha Woolcock, SAO  
**DISCLOSURE OF INTEREST:** No  
**APPENDICES:** Appendix A – Proposed Site Layout  
Appendix B – Elevations  
Appendix C – Best Home Renewals Report  
Appendix D – Structerre Report  
Appendix E – Policy – Resited Houses  
**DOCUMENTS TABLED:** Nil

*When acting as a planning authority in accordance with the powers conferred by the Town Planning and Development Act 1928 and any relevant scheme, the Council of the Shire is entitled to make decisions based only on proper planning considerations.*

**Summary:**

The applicant is requesting approval from Council to place a resited dwelling on the property at Lot 96 Mansfield Street, York

**Background:**

The land is zoned R10/30 under the Shire of York Town Planning Scheme No. 2 and the total area is approximately 1,012m<sup>2</sup>.

This dwelling is being relocated from 50 Grey Street, York.

**Consultation:**

Adjoining neighbours were notified of the proposal and no submissions were received through the advertising period.

**Statutory Environment:**

Shire of York Town Planning Scheme No.2.

**Policy Implications:**

Resited Houses Policy.

**Financial Implications:**

Nil to Council.

**Strategic Implications:**

Nil.

**Voting Requirements:**

**Absolute Majority Required:** No

**Site Inspection:**

**Site Inspection Undertaken:** No

**Triple bottom Line Assessment:**

**Economic Implications:**

Nil.

**Social Implications:**

Provide further housing and infill development for York, which may prove beneficial for its growth.

**Environmental Implications:**

Stormwater needs to be retained on the property to ensure there are no adverse impacts on the drainage in the area.

**Comment:**

A bond payment will be required and released when an acceptable standard has been reached this will ensure that an acceptable standard will be reached.

**OFFICER RECOMMENDATION**

***“That Council:***

- 1. *advise the applicant that the proposed resited dwelling to be located at the property at Lot 96 Mansfield Street, York is approved subject to the following:***
  - a. A building licence and septic system licence being issued prior to relocation;***
  - b. Payment of a \$5,000.00 bond is required at the time of lodging a building licence, which will be released as the development reaches different stages;***
  - c. An engineer’s report to certify that the dwelling is suitable for transportation and relocation at the above address;***
  - d. All damaged sections of external cladding to be replaced by new full sheets to match existing;***
  - e. If more than 10% of roofing sheets, gutters, ridge caps or flashings are affected by rust then all must be replaced with new roofing materials;***
  - f. Any damaged or rusted gutters or downpipes are to be replaced with new materials;***



- g. All windows and openings are to comply with the Building Code of Australia. All broken glass in the dwelling is to be replaced, all windows and doors to open and close freely, and all locks and catches are to be easily operable;***
- h. If asbestos is detected it is a requirement to comply with the Health (Asbestos) Regulations 1992 and Council's Information Note – Removal and Disposal of Asbestos Cement Building Products;***
- i. Entering into a contract prepared by Council's Solicitor at the expense of the applicant in accordance with Council' Planning Policy relating to Resited Houses Section 10;***
- j. The dwelling is to be complete within a 12 month period;***
- k. Compliance with Council's Planning Policy relating to Resited Houses; and***
- l. All stormwater is to be retained onsite.***

**Advice Note:**

- i. The dwelling is not to be relocated until such time as settlement has taken place."***

9. OFFICER'S REPORTS  
9.1 DEVELOPMENT REPORTS  
9.1.3 CONSERVATION PLAN

FILE NO: PS.PPD.1  
COUNCIL DATE: 19 MARCH 2007  
REPORT DATE: 8 MARCH 2007  
LOCATION/ADDRESS: BLANDSTOWN  
APPLICANT: FRIENDS OF BLANDSTOWN  
SENIOR OFFICER: RAY HOOPER, CEO  
REPORTING OFFICER: TYHSCHA COCHRANE, SAO  
DISCLOSURE OF INTEREST: NIL  
APPENDICES: APPENDIX A – CONSERVATION PLAN FOR  
BLANDSTOWN VILLAGE HERITAGE  
PRECINCT (PLAN)  
DOCUMENTS TABLED: APPENDIX IN COLOUR

*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.*

**Summary:**

To receive the completed Blandstown Village Heritage Precinct Conservation Plan. The process will be starting afresh, as the plan is now complete.

**Background:**

Council's recommendation at the Ordinary Council meeting held on the 20<sup>th</sup> February 2006 stated:

*"That Council:*

1. *Proceed with advertising of the Draft Conservation Plan for a period of 21 days.*
2. *Provide the Draft Conservation Plan to the appropriate government agencies for comment.*
3. *Proceed to prepare a Local Planning Policy for the Blandstown Heritage Precinct based on the proposed policies and the recommendations of the draft Conservation Plan for Blandstown Village Heritage Precinct."*

Council's recommendation at the Ordinary Council meeting held on the 24<sup>th</sup> April 2006 stated:

***“That Council:***

- 1. receive the document ‘Conservation Plan For Blandstown Village Heritage Precinct – Stage 1’ and advise the Friends of Blandstown that the plan will be used as a guiding document for development applications in the Blandstown Heritage Precinct; and***
- 2. Review the recommendations contained within the report with a view of accepting only those recommendations relevant to sustainable planning.”***

Council’s recommendation at the Ordinary Council meeting held on the 18<sup>th</sup> December 2006 stated:

***“That Council:***

- 1. refer the draft policies to the Heritage Council of WA, the National Trust, Department of Water, Department for Environment and Conservation and the Department for Planning and Infrastructure for preliminary comment prior to a formal advertising period;***
- 2. approve advertising of the Conservation Policies and Actions included in the Draft Conservation Plan for Blandstown Village Heritage Precinct for public comment for a period of 28 days after the above responses have been received.***

***Advice Note:***

***It should be noted that not all policies recommended in the Conservation Plan are seen to support sustainable planning in the context of York as a whole and even within the Blandstown Precinct.***

*The recommendations in Stage 1 of the Blandstown Conservation Plan may be used by Council in the consideration of any development proposal or land use in the precinct.”*

**Consultation:**

Friends of Blandstown.

**Statutory Environment:**

Planning and Development Act 2005 and the Shire of York Town Planning Scheme No. 2.

**Policy Implications:**

Nil

**Financial Implications:**

Council made a contribution to the preparation of the Stage 1 and the Final Plan and will provide in house assistance and photocopying up to a value of \$1,000.00.

Advertising and administration costs are applicable.

**Strategic Implications:**

History & Heritage – Key Result Area 5:

1. To safeguard York's history and heritage.
2. To promote an increased rate of preservation of heritage buildings, including Council's own heritage buildings.
3. To raise awareness of the economic and cultural value of York's history & heritage.
4. To encourage development which is appropriate to York's history and heritage.

**Voting Requirements:**

**Absolute Majority Required:** No

**Site Inspection:**

**Site Inspection Undertaken:** N/A

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

Council is aware that the document is extremely important to the current and future landowners in both Blandstown and the Shire and therefore full consideration must be given to all aspects of the report.

This report may have large scale planning and financial impacts on York.

**Social Implications:**

Many social benefits are likely to arise as a result of the policies set out in the Plan.

The policies endorsed by Council will assist in the conservation of Blandstown for the benefit of the York community and future generations.

**Environmental Implications:**

Some of the policies, should they be adopted, may impact on both the built and natural environment in this locality.

**Comment:**

As the Plan is complete it is consider appropriate to put the Plan out in the public arena and forward to all relevant statutory agencies to enable assessment of the policies.

## **OFFICER RECOMMENDATION**

***“That Council:***

- 1. Receive the Blandstown Village Heritage Precinct Conservation Plan (Plan).***
- 2. Advertise the Plan for a period of 28 days.***

***Advice Note:***

- a. At the completion of the advertising period, submissions will be assessed and a report prepared for the Ordinary Council meeting to be held on the 21 May 2007 to deal with the recommendations in the report.***
- b. The Plan will be forwarded to all relevant government departments for comment.***

9. OFFICER'S REPORTS  
9.1 DEVELOPMENT REPORTS  
9.1.4 DRAFT OUTLINE DEVELOPMENT PLAN  
EQUINE PRECINCT

FILE NO: PS.PPD.3  
COUNCIL DATE: 19 MARCH 2007  
REPORT DATE: 13 MARCH 2007  
LOCATION/ADDRESS: WHOLE OF EQUINE PRECINCT  
APPLICANT: SHIRE OF YORK  
SENIOR OFFICER: RAY HOOPER - CEO  
REPORTING OFFICER: DAVID LAWN – PLANNING CONSULTANT  
DISCLOSURE OF INTEREST: NIL  
APPENDICES: APPENDIX A – EQUINE PRECINCT ODP  
APPENDIX B – GUIDELINES FOR KEEPING HORSES  
APPENDIX C – SCHEDULE OF SUBMISSIONS  
DOCUMENTS TABLED: NO

*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.*

**Summary:**

To formally advertise the Equine Precinct Outline Development Plan.

**Background:**

The Local Planning Strategy (LPS) for York recommended the northern portion of the town be designated for an equine precinct to achieve:

- a) a centre for all equine activities based in and around the current racecourse, and
- b) to encourage the location of horse keeping in one area but considering the potential for subdivision and development in association with the environmental concerns and the general rural living amenity of the area.

The Precinct Boundaries were modified to include small areas omitted from the LPS, which and logically should be included to ensure all factors affecting the precinct are included.

The Outline Development Plan in draft form has been presented to Council and made available for preliminary public comment.

Summary of the written submissions is attached.

**Consultation:**

Public comment has been sought in accordance with the provisions of the Town Planning Scheme and principles of good governance.

**Statutory Environment:**

The ODP is part of the planning process as enabled under the provisions of the Town Planning Scheme No 2.

Once the process of further advertising of the modified ODP has been completed, Council will be required to formally adopt the ODP and seek final approval from the WAPC.

The Town Planning Scheme will then be required to be amended in accordance the Planning and Development Act 2005.

The current zonings for the Equine Precinct are:

Rural Residential and General Agriculture covering all private lands;  
Recreation and Public Open Space covering the racecourse land;  
Public Purposes Reserve covering the caravan park, Shire bushland and the foreshore reserves; and Railway reserve covering the railway line.

A new zone – Rural Small Holding, as prescribed in clause 4.14 of Town Planing Scheme No 2, is proposed including all existing Rural Residential Zones and that part of the General Agriculture Zone, north of North Road.

The objectives of the Scheme are:-

- “a) to provide for closer settlement for residential use in association with a rural pursuit and/or home business, and such uses as hobby farms, equestrian activities, and permaculture as well as for conservation lots.
- b) To make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.”

The General Provisions follow clause 4.14.2 under which the condition to create this zone and the conditions of development are determined.

Land between the Avon River and the Railway Reserve currently zoned General Agriculture, to be reserved as Public Purposes.

**Financial Implications:**

Council will incur the costs for advertising of the ODP and preparing a Scheme Amendment once the ODP is finalised.

Acquisition of land for open space/drainage will be necessary where watercourses need to be protected and enhanced. This may be funded by a per lot contribution or another funding mechanism.

**Voting Requirements:**

**Absolute Majority Required: No**

**Site Inspection Undertaken: Yes**

Several site inspections have been carried out during the course of the preparation of the ODP.

**Triple Bottom Line Assessment:**

**Economic Implications:**

Once the ODP and the Scheme Amendment have been finalised it is expected that there will be significant benefits for the landowners by providing subdivision and development opportunities to meet land demand and for population growth.

The establishment of the Equine Centre will require significant investment to bring the current facilities at the racecourse site to meet proper standards of a regionally important facility.

**Social Implications:**

The concentration of the equine activities in one centre will encourage interaction between the different forms of horse associated recreation.

The use of private land around the racecourse for horse agistment and stabling with specific development conditions should create a healthy living environment.

Additional road access will provide for improved traffic circulation and efficient access for local landowners.

**Environmental Implications:**

The principle natural environmental concerns are;

- a) Management of stormwater runoff and nutrient export;
- b) Definition of watercourses and their protection and enhancement;
- c) Protection and enhancement of the natural environment by protection of remnant vegetation and replanting programs.

**Comment:**

The submissions vary from support to strong objection to any changes at all.

The establishment of a central and multi-purpose equine centre will have a strong impact on the overall living environment both for local activities and regional equine events.

The changes in land uses and development are likely to be slow and incremental rather than a massive change.

Special conditions of development and development guidelines will create a high standard of physical development and land management.



## **OFFICER RECOMMENDATION**

***“That Council:***

- 1. Formally advertise the Draft Outline Development Plan (as amended);***
- 2. Initiate a Scheme Amendment for land not appropriately zoned once the Outline Development Plan is finalised, subject to the following information being provided:***
  - a. Land Capability Assessment;***
  - b. Flora and Fauna Study;***
  - c. Fire Management Plan;***
  - d. Building Envelopes of not less than 2,000m<sup>2</sup> for each lot to be created;***
  - e. Remnant Vegetation Protection and Enhancement;***
  - f. Reticulation Water Scheme availability;***
  - g. Soil Capability Assessment for effluent disposal management and conditions;***
  - h. Surface water management including streamline protection; and***
  - i. Payment of all fees as determined by the Council.***

***Advice Note:***

***Performance criteria will be established for fencing, crossovers, firebreaks etc through the preparation of a scheme amendment.***

***Relevant submissions have been acknowledged in the amended document.”***

9. OFFICER'S REPORTS  
9.1 DEVELOPMENT REPORTS  
9.1.5 SHIRE OF YORK RESIDENTIAL PRECINCT  
OUTLINE DEVELOPMENT PLAN – NORTH  
WESTERN PRECINCT

FILE NO: PS.PPD.4.2  
COUNCIL DATE: 12 MARCH 2007  
REPORT DATE: 28 FEBRUARY 2007  
LOCATION/ADDRESS: NORTH WESTERN PRECINCT  
APPLICANT SHIRE OF YORK  
SENIOR OFFICER R HOOPER - CEO  
REPORTING OFFICER T WOOLCOCK – SAO/D LAWN – PLANNING  
CONSULTANT  
DISCLOSURE OF INTEREST: NIL  
APPENDICES: APPENDIX A – ODP  
APPENDIX B - SCHEDULE OF  
SUBMISSIONS  
DOCUMENTS TABLED: NORTH WESTERN PRECINCT OUTLINE  
DEVELOPMENT PLAN

***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.***

**Summary:**

The final North Western Residential Precinct Outline Development Plan has been prepared after two (2) processes of public consultation and appropriate modifications have been made. Council needs to adopt the Outline Development Plan and request the Western Australian Planning Commission to approve and endorse the Plan prior to a Scheme Amendment.

**Background:**

The Council at its Ordinary Council meeting held on 16 October 2006 resolved as follows:

*“That Council:*

1. *Modifies the Shire of York Residential Precinct Outline Development Plan – North Western Precinct in accordance with the recommendations tabled;*
2. *Requests the Western Australian Planning Commission to consent to the Shire of York Residential Precinct Outline Development Plan – North Western Precinct being formally advertised and designate a minimum advertising period;*
3. *Express general appreciation to all those who made submissions or comment during the advertising period of the preliminary report.”*

**The Council at its Ordinary Council meeting held on 20 November 2006 resolved as follows:**

*“That Council:*

1. *rescinds the following part of resolution numbered 021006 of the Ordinary Council Meeting held on 16 October 2006, which states as follows:*

*“Requests the Western Australian Planning Commission to consent to the Shire of York Residential Precinct Outline Development Plan – North Western Precinct being formally advertised and designate a minimum advertising period.”*

*That Council:*

1. *proceeds to a formal advertising period of 28 days.*

*Advice Note:*

- a. *The Shire of York Residential Precinct Outline Development Plan – North Western Precinct will be in conjunction with the Local Planning Strategy, which is currently waiting on endorsement from the Western Australian Planning Commission.*
- b. *In relation to Condition 2 the following procedure will be followed:*

*8.8.2 A Policy shall become operative only after the following procedures have been completed:*

- (a) *the local government having prepared and adopted a draft Policy shall publish a notice once a week for 2 consecutive weeks in a local newspaper circulating within the Scheme area giving details of where the draft Policy may be inspected, and in what form and during what period (being not less than 21 days) submissions may be made.*
- (b) *a policy which the local government considers may be inconsistent with other provisions of the Scheme or with State and regional planning policies are to be submitted to the Commission for consideration and advice.*
- (c) *the local government shall review the draft Policy in the light of any submissions made and advice received and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.*
- (d) *following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme area.”*

The draft Local Planning Strategy is currently with the Western Australian Planning Commission waiting for endorsement and is intended to provide guidance for development within York for a 10-15 year period.

**Consultation:**

Council has completed a preliminary advertising period and a formal advertising period.

**Statutory Environment:**

Planning and Development Act 2005.  
Shire of York Town Planning Scheme No. 2.

**Financial Implications:**

Council will incur advertising costs as a result of the recommendation being accepted.

Acquisition of land for open space/drainage will be necessary where water courses need to be protected and enhanced. This may be funded by a per lot contribution or other funding mechanisms.

**Strategic Implications:**

The ODP will work in conjunction with the LPS and will be an integral part of future strategic planning for York.

**Voting Requirements:**

**Absolute Majority Required:** No

**Site Inspection:**

**Site Inspection Undertaken:** Yes

**Triple bottom Line Assessment:**

**Economic Implications:**

The ODP will provide an opportunity for managed land development and release to meet market demand for residential land in York.

**Social Implications:**

Population increases as a result of land development will need to be managed.

**Environmental Implications:**

Environmental management, particularly drainage control is a focus of the ODP.

**Comment:**

This will be the first of many Outline Development Plans for York, which will provide for good land use planning for the future.

**OFFICER RECOMMENDATION**

***“That Council:***

- 1. Adopt the North Western Precinct Outline Development Plan (as modified);***
- 2. Forward the North Western Precinct Outline Development Plan to the Western Australian Planning Commission (WAPC) for endorsement; and***
- 3. Prepare a Scheme Amendment for submission to the WAPC in accordance with the approved North Western Precinct Outline Development Plan once endorsement is received by the WAPC.”***

9. OFFICERS REPORTS  
9.1 DEVELOPMENT REPORTS  
9.1.6 CATTERY

FILE NO: Su1.8660  
COUNCIL DATE: 19 MARCH 2007  
REPORT DATE: 13 MARCH 2007  
LOCATION/ADDRESS: Lot 20 (50) Suburban Road, York  
APPLICANT: Mr and Mrs Kehane  
SENIOR OFFICER: Ray Hooper, CEO  
REPORTING OFFICER: Tyhscha Woolcock, SAO  
DISCLOSURE OF INTEREST: Nil  
APPENDICES: APPENDIX A – LOCATION MAP  
APPENDIX B – AVIARY DIAGRAM  
DOCUMENTS TABLED: No

*When acting as a planning authority in accordance with the powers conferred by the Town Planning and Development Act 1928 and any relevant scheme, the Council of the Shire is entitled to make decisions based only on proper planning considerations.*

**Summary:**

To assist a cattery with a total number of six cats at the premises.

**Background:**

As a result of the Health Local Law amnesty the applicants made application to have six cats at their residence. An aviary type building exists at the back of the residence and has been in use for some four (4) years. The following information was received from the applicants:

Letter received from Applicant.

*“Please find attached Application for Planning Consent which has been completed and a cheque to the value of \$199.00 which is the prescribed fee.*

*When we first purchased this property in 2002 it had an existing aviary built on it. This aviary was built in 1998. In 2002 not long after moving in we sought permission from the shire to use the aviary so as to enclose our 4 breeding cats. A Health Inspector from Perth called Elizabeth inspected the premises and recommended some changes such as drainage etc. which we carried out. Tom Riley also inspected the premises and could see no problems. Tom suggested we draw up a plan of the aviary and submit it to the shire to include it with our house plans. This we did.*

*I would like to make it known that we have been breeding and showing Abyssinian cats for over 20 years and are responsible animal owners. We are not a cat factory our 3 females have one litter each per year these kittens are sold at 12 weeks and are fully wormed, vaccinated and vet*

*checked. None of our cats roam free. We are not a business, this is purely a hobby."*

**Consultation:**

The proposal was advertised and a sign placed on the property.

At the close of the submission period the following submission was received:

**Submission 1**

*"In answer to proposal of a cattery in a heritage precinct being 50 Suburban Road, York I feel it is not suitable in a residential place."*

**Statutory Environment:**

Shire of York Town Planning Scheme No. 2.  
Health Local Law.

**Policy Implications:**

Nil.

**Financial Implications:**

The applicants paid the relevant planning fees associated with planning consent.

**Strategic Implications:**

Nil.

**Voting Requirements:**

**Absolute Majority Required:** No

**Site Inspection:**

**Site Inspection Undertaken:** No current inspections were undertaken.

**Triple bottom Line Assessment:**

**Economic Implications:**

N/A

**Social Implications:**

No real risk due to the control measures in place. There are no foreseen social implications.

**Environmental Implications:**

There may be some environmental implications associated with odour and noise, however these can be controlled through the conditions of approval.

A drainage system is in place to control effluent through a grate system, which drops into a plastic drain and goes into the ground, similar to a leach drain.

Odour is controlled through using non-porous product, namely perspex, which is washed with water and bleach daily.

**Comment:**

The applicants have used the premises for the last four (4) years with no complaints on file to date. It is recommended for approval with a limitation on numbers and conditions to ensure that the cats cause no nuisance to nearby residents.

**OFFICER RECOMMENDATION**

*“That Council advise the applicants, Mr and Mrs Kehane, that it approves the application to have a cattery at Lot 20 Suburban Road, York subject to the following:*

- 1. No more than 6 cats over the age of 3 months allowed at the property at any one time being the following:  
  
3 Female – Abyssinian Cats – Breeding  
1 Male – Abyssinian Cat – Breeding  
2 Desexed Male – Abyssinian Cats*
- 2. The female cats (three (3)) are permitted to have one (1) litter each per year and not to be housed at the premises after twelve (12) weeks of age;*
- 3. The drainage system in place is to be continually maintained;*
- 4. General housekeeping to be maintained to ensure no odours and the facilities are free from vectors of disease at all times and clean, disinfect or otherwise deal with them as directed by the Environmental Health Officer; and*
- 5. Noise regulations are to be adhered to.”*

9. OFFICER'S REPORTS  
9.1 DEVELOPMENT REPORTS  
9.1.7 OUTLINE DEVELOPMENT PLAN  
LOTS 299 AND 301 AVON TERRACE, YORK

FILE NO: Av1.31390/31440  
COUNCIL DATE: 19 MARCH 2007  
REPORT DATE: 10 MARCH 2007  
LOCATION/ADDRESS: LOTS 299 AND 307 AVON TERRACE, YORK  
APPLICANT SHIRE OF YORK  
SENIOR OFFICER RAY HOOPER - CEO  
REPORTING OFFICER TYHSCHA COCHRANE - SAO  
DAVID LAWN – PLANNING CONSULTANT  
DISCLOSURE OF INTEREST: NIL  
APPENDICES: APPENDIX A - AMENDMENT 19  
APPENDIX B – APPROVED ODP  
DOCUMENTS TABLED: NO

*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.*

**Summary:**

Council initiated the preparation of Scheme Amendment 19 at its Ordinary Council meeting held on 19 February 2007 where it resolved as follows:

*“That Council:*

- 1) *Approve the Outline Development Plan (attached labelled Appendix A);*
- 2) *Request the WAPC to process the Application for Subdivision /Amalgamation as soon as possible; and*
- 3) *Prepare the Scheme Amendment to the WAPC to run concurrent with the amalgamation application amending the R Coding from R5 to R30.”*

The documentation is ready and it is presented to progress onto the next stages involved with Scheme Amendments.

**Background:**

The prospective purchasers presented a preliminary development layout showing 12 Strata Title lots using Radnor Street as the only public access road.

After consultation with the Council staff it was recommended that the preliminary plan could be improved to create a higher yield suitable for strata housing lots.

A second plan was presented with a possible 20 Strata Title lots with three lots fronting Railway Road. This plan is more acceptable in terms of lot size appropriate to the Avon Terrace frontage.



An application for Subdivision/Amalgamation has been prepared to satisfy Condition No 1.

This plan shall constitute the Outline Development Plan/ Development Plan to meet Condition 2.

Once these conditions have been settled, the proponents may be in a position to satisfy Condition 3. In the meantime the Shire Council shall prepare the Scheme Amendment and submit it to the WAPC for approval.

The offer of sale was duly advertised on 2<sup>nd</sup> October 2005.

The conditions of sale were:

- 1) *The purchaser to lodge an application to amalgamate Lots 200 and 301 with adjoining land within 8 weeks of the sale transaction:*
- 2) *The purchaser to lodge with Council a development application with 3 months of the date of purchase;*
- 3) *The purchaser to provide written guarantee to Council that development will commence within 12 months of the date of purchase.*

**Consultation:**

Discussions with proponents on the development planning, amalgamation of the lots and zoning.

Discussions with the Department for Planning and Infrastructure, who will assist with the mapping requirements for the Shire of York.

**Statutory Environment:**

The land is currently zoned Residential R5. This limits development to 2000m<sup>2</sup> lots.

To permit the strata title proposals as in the plan a scheme amendment is required to modify the R Coding to R30.

As this location is not served by deep sewerage, the proponents intend to provide effluent treatment by a high performance septic disposal system. Excess treated wastewater can be used on the lot gardens and the open space on the south side of Radnor Street.

**Policy Implications:**

N/A

**Financial Implications:**

Sale of land proceeds will be used for further community infrastructure. Additional rate income will be received from the Lots created. Planning and building Licence fees will be generated from the development.

**Strategic Implications:**

History & Heritage – Key Result Area 5:

*“To encourage development which is appropriate to York’s history and heritage.”*

**Voting Requirements:**

Absolute Majority Required: Yes

**Site Inspection:** Yes

**Site Inspection Undertaken:** David Lawn – Town Planner and Ray Hooper - CEO

The land is in a localised depression and will require fill to meet the flood risk safety levels as prescribed by the Department of Water. The minimum habitable floor level has been set at 173.77m AHD.

**Triple Bottom Line Assessment:**

**Economic Implications:**

Land values in the vicinity will be increased and 20 lots in this locality will assist with land and building demands.

Infill development may assist the long term viability of York businesses.

**Social Implications:**

The streetscape of Avon Terrace will be enhanced by the elimination of an unattractive street scene and land cleared up. Additional housing will be provided for permanent residential and possible rental accommodation where lessees will have a limited area to maintain.

**Environmental Implications:**

The cleaning up of poorly maintained land will reduce a potential fire hazard.

The improvement by the Council and the proponents of the public open space on the south side of Radnor Road will further enhance the streetscape and improve the drainage of the area.

**Comment:**

Nil.

**OFFICER RECOMMENDATION**

***That Council:***

- 1. initiate an amendment to the Shire of York Town Planning Scheme No. 2 in accordance with Scheme Amendment 19, as attached and labelled "Appendix A";***
- 2. amend the Scheme map to indicate an R30 density code being applicable to those lots identified in Scheme Amendment 19; and***
- 3. proceed to a 42 day advertising period.***

***Advice Note:***

***Forward Scheme Amendment 19 to all relevant departments.***

**9.2 Administration Reports**

9. OFFICER'S REPORTS  
9.2 ADMINISTRATION REPORTS  
9.2.1 APPLICATION TO KEEP SIX DOGS  
(RS.ANC.1)

**COUNCIL DATE:** 19 MARCH 2007  
**REPORT DATE:** 9 MARCH 2007  
**LOCATION/ADDRESS:** 12 NORTHAM ROAD  
**APPLICANT:** MS J WALSH & MR P PORTMAN  
**SENIOR OFFICER:** RAY HOOPER  
**REPORTING OFFICER:** ANGELA PLICHOTA  
**DISCLOSURE OF INTEREST:** NIL  
**APPENDICES:** NIL  
**DOCUMENTS TABLED:** NIL

**Summary:**

An application has been received from Ms Jane Walsh and Mr Phillip Portman requesting permission to keep six (6) dogs on her property at 12 Northam Road, York.

**Background:**

It is a requirement of the York Shire Council's Dogs Local Law (2000) that the maximum number of dogs that can be kept on a premise within a townsite is two unless an exemption is granted by Council under the provisions of section 26(3) of the Dog Act 1976 (as Amended).

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

**Consultation:**

The applicant has advised all neighbours of the request to Council who have provided correspondence that they have no objections to the proposal.

**Statutory Environment:**

Dog Act 1976 (As Amended)  
York Shire Council Dogs Local Law (2000)

**Policy Implications:**

Not Applicable

**Financial Implications:**

Not Applicable

**Strategic Implications:**

Not Applicable

**Voting Requirements:**

**Absolute Majority Required:** No

**Site Inspection:**

The Shire Ranger has inspected the properties and had advised that there has been complaints received of the said dogs with regards to numbers being kept the welfare of the dogs and the dogs wandering from the property therefore recommends against the application. The property is at 12 Northam Road and is on 1412m<sup>2</sup>.

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

Nil

**Social Implications:**

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

**Environmental Implications:**

Nil

**Comment:**

The applicant will be moving to Lot 207 Bayly Road in the near future and would like to keep four (4) dogs at this property and two (2) dogs at 12 Northam Road.

**OFFICER RECOMMENDATION**

***“That Council disallows an exemption for the keeping of six dogs at 12 Northam Road subject to the following conditions:***

- (1) That Council refuse the application to keep six (6) dogs at 12 Northam Road, York***
- (2) Direct the landowner to reduce the number of dogs kept or ordinarily kept at the property to two (2) within 28 days of the notice***

9. OFFICER'S REPORTS  
9.2 ADMINISTRATION REPORTS  
9.2.2 APPLICATION TO KEEP FOUR DOGS  
(RS.ANC.1)

**COUNCIL DATE:** 19 MARCH 2007  
**REPORT DATE:** 9 MARCH 2007  
**LOCATION/ADDRESS:** 24 HERBERT ROAD  
**APPLICANT:** MS S DODDS  
**SENIOR OFFICER:** RAY HOOPER  
**REPORTING OFFICER:** ANGELA PLICHOTA  
**DISCLOSURE OF INTEREST:** NIL  
**APPENDICES:** NIL  
**DOCUMENTS TABLED:** NIL

**Summary:**

An application has been received from Ms Sarah Dodds requesting permission to keep four (4) dogs on her property at 24 Herbert Road, York.

**Background:**

It is a requirement of the York Shire Council's Dogs Local Law (2000) that the maximum number of dogs that can be kept on a premise within a townsite is two unless an exemption is granted by Council under the provisions of section 26(3) of the Dog Act 1976 (as Amended).

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

**Consultation:**

The applicant has advised all adjoining neighbours of the request to Council who have provided correspondence that they have no objections to the proposal.

**Statutory Environment:**

Dog Act 1976 (As Amended)  
York Shire Council Dogs Local Law (2000)

**Policy Implications:**

Not Applicable

**Financial Implications:**

Not Applicable

**Strategic Implications:**

Not Applicable

**Voting Requirements:**

**Absolute Majority Required:** No

**Site Inspection:**

The Shire Ranger has inspected the property and had advised that there has been one written and three verbal complaints received of the said dogs with regards to numbers being kept therefore recommends against the application. The property is at 24 Herbert Road and is on 1012m<sup>2</sup>.

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

Nil

**Social Implications:**

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

**Environmental Implications:**

Nil

**Comment:****OFFICER RECOMMENDATION**

***“That Council disallows an exemption for the keeping of four dogs at 24 Herbert Road subject to the following conditions:***

- (1) That Council refuse the application to keep four (4) dogs at 24 Herbert Road, York***
- (2) Direct the landowner to reduce the number of dogs kept or ordinarily kept at the property to two (2) within 28 days of the notice***

9. OFFICER'S REPORTS  
9.2 ADMINISTRATION REPORTS  
9.2.3 LEASE OF RESERVE 9202, 9203 & 11515  
DINSDALE ST, YORK

FILE CCP.29  
COUNCIL DATE: 19 MARCH 2007  
REPORT DATE: 12 MARCH 2007  
LOCATION/ADDRESS: RESERVE 9202, 9203 & 11515 DINSDALE ST,  
YORK  
APPLICANT: YORK PONY CLUB  
REPORTING OFFICER: ALISON EMIN, ESO  
SENIOR OFFICER: RAY HOOPER, CEO  
DISCLOSURE OF INTEREST: NIL  
APPENDICES: LEASE DOCUMENT  
DOCUMENTS TABLED: NIL

**Summary:**

Council notified York Pony Club that the lease for the land at Reserve 9202, 9203 & 11515 Dinsdale St, York expired on 31 March 2006. York Pony Club was requested to put in any modifications in regards to the Lease.

**Consultation:**

Correspondence was received from The York Pony Club on the 19<sup>th</sup> February 2007 to state they are satisfied with the terms of the existing lease.

**Statutory Environment:**

The Local Government Act 1995 (as amended)  
Local Government (Administration) Regulations 1996 (as amended)

**Policy Implications:**

Nil.

**Financial Implications:**

The rent applicable to the lease between Council and the York Pony Club has been fixed at \$100.00 (plus GST) per annum. Further all maintenance obligations for the land and premises in question are the responsibility of the York Pony club, saving Council a considerable sum if such obligations were to be the responsibility of Council.

It is recommended that these same arrangements apply to the new lease, assuming Council chooses to approve the York Pony Club request.

**Strategic Implications:**

Nil.

**Voting Requirements:**

Absolute Majority Required: No



**Site Inspection:**

Site Inspection Undertaken: Not applicable

**Triple bottom Line Assessment:**

**Economic Implications:**

The terms of the lease are favorable to Council as it is the York Pony Club's responsibility for maintenance of the property

**Social Implications:**

The York Pony Club provides a valuable social and recreational outlet for both local residents and visitors to York.

**Environmental Implications:**

Nil.

**Comment:**

Previously the lease was renewed on an annual basis and this has resulted in an unnecessary administrative burden on both Council and the York Pony Club. It is not envisaged that the Council will have need of the land within the next 5 years, therefore it is suggested that the lease be renewed for a term of 5 years.

**OFFICER RECOMMENDATION**

***"That Council***

- 1. agrees to renew the lease with the York Pony Club for the land and premises at Reserve 9202, 9203 & 11515 Dinsdale St, York for a five (5) year period and***
- 2. the Shire President and Chief Executive Officer be authorised to sign the lease documentation confirming this arrangement as per the terms and conditions of the previous lease."***

9. OFFICER'S REPORTS  
9.2 ADMINISTRATION REPORTS  
9.2.3 LEASE OF 26 BARKER STREET- YORK FM  
FILE Ba3.31700

**COUNCIL DATE:** 19 MARCH 2007  
**REPORT DATE:** 12 MARCH 2007  
**LOCATION/ADDRESS:** 26 BARKER STREET, YORK  
**APPLICANT:** YORK FM  
**OFFICER:** ALISON EMIN, ESO  
**SENIOR OFFICER:** RAY HOOPER, CEO  
**DISCLOSURE OF INTEREST:** NIL  
**APPENDICES:** LEASE DOCUMENT  
**DOCUMENTS TABLED:** NIL

**Summary:**

Council notified York FM that the lease of 26 Barker Street expired on 28 February 2006. York FM was requested to put in any modifications in regards to the Lease.

**Consultation:**

Correspondence was not received from York FM by the requested date therefore it is recommended that the lease be renewed with similar terms to the previous lease for a term of five (5) years.

**Statutory Environment:**

The Local Government Act 1995 (as amended)  
Local Government (Administration) Regulations 1996 (as amended)

**Policy Implications:**

Nil.

**Financial Implications:**

The rent applicable to the lease between Council and York FM has been fixed at \$1.00 (plus GST) per annum. Further all maintenance obligations for the land and premises in question are the responsibility of York FM, saving Council a considerable sum if such obligations were to be the responsibility of Council.

**Strategic Implications:**

Nil.

**Voting Requirements:**

Absolute Majority Required: No

**Site Inspection:**

Site Inspection Undertaken: Not applicable

**Triple bottom Line Assessment:**

**Economic Implications:**

York FM will be responsible for the maintenance of the property, relieving Council of the financial burden.

**Social Implications:**

York FM provides a valuable social and recreational outlet for both local residents and visitors to York.

**Environmental Implications:**

Nil.

**Comment:**

The previous lease was for a term of 3 years however to reduce the administrative burden on both the Council and York FM it is suggested that the lease be extended for a term of five (5) years.

**OFFICER RECOMMENDATION**

*“That Council*

- 1. agrees to renew the lease with York FM for the land and premises at 26 Barker St, York for a five (5) year period and*
- 2. the Shire President and Chief Executive Officer be authorised to sign the lease documentation confirming this arrangement as per the terms and conditions of the previous lease.”*

**9.3 Finance Reports**

9. OFFICER'S REPORTS  
9.3 FINANCE REPORTS  
9.3.1 FINANCIAL REPORT MARCH 2007

**FILE:** FI.FRP  
**COUNCIL DATE:** 19 MARCH 2007  
**REPORT DATE:** 13 MARCH 2007  
**LOCATION/ADDRESS:** N/A  
**ACTION OFFICER:** ANNETTE HUNT, FO  
**SENIOR OFFICER:** GRAHAM STANLEY DEPUTY CEO  
**DISCLOSURE OF INTEREST:** NO  
**APPENDICES:** YES  
**DOCUMENTS TABLED:** NIL

**Summary:**

The Financial Report for the period ending 28 February 2007 is hereby presented for the consideration of the Council.

The Financial Statement is based on a similar format to that used in the Municipal Budget to aid interpretation and allow consistent comparison and analysis.

The Financial Income and Expenditure Report is attached in Appendix A. Variation reporting is predicated on Council adopting a materiality variance of 10% and / or \$10,000 as adopted in the October 2006 ordinary meeting of Council.

Also included in Appendix A are the following:

- Bank Account Reconciliations
- Income and Expenditure Variation Report
- Cheque drawings on the Municipal Account
- EFT drawings on the Municipal Account
- Cheque drawings on the Trust Account
- Reserve Accounts Balances Summary
- Payroll Direct Bank Debits
- Shell Card Statement
- Corporate Credit Card Statements
- Capital Works / Major Projects Report

The Capital Works and Major Projects Report is presented to monitor the ongoing progress towards Councils budgeted Capital Works and non-recurrent type projects. It provides a summary of costs incurred to date and a brief summary of the current status of the project.

**Consultation:**

Department of Local Government and Regional Development

**Statutory Environment:**

Local Government Act 1996 (As Amended)

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

**Policy Implications:**

Nil.

**Financial Implications:**

The following information provides balances for key financial areas for the Shire of York's financial position as at 28 February, 2007

Sundry Creditors as per General Ledger	\$ 12,243.48
Sundry Debtors as per General Ledger	\$ 106,518.07
Unpaid rates and services current year (incl ESL)	\$ 397,874.38
Unpaid rates and services previous years (incl ESL)	\$ 154,132.29

**Strategic Implications:**

Not Applicable.

**Voting Requirements:**

Simple Majority

**Site Inspection:**

Site Inspection Undertaken: Not applicable

**Triple bottom Line Assessment:**

Nil

**Economic Implications:**

A zero balance or surplus end of year financial position will increase community confidence and cohesion and provide an opportunity for improved community benefits in 2006/07 and future years.

**Environmental Implications:**

Not applicable.

**Comment:**

1. Attached as an Appendix to this item is a variance report on the Shire's financial activity. The comments provided are based on a comparison of year to date budgets and actuals by line item. This is in accordance Financial Management Regulation 34.
2. The Mid Year Budget Review will be presented to a Special Meeting of Council prior to 31<sup>st</sup> March, 2007.

**OFFICER RECOMMENDATION**

*“That Council:*

*Receive the Monthly Financial Report and payments drawn from the Municipal and Trust accounts for the period ending 28 February, 2007*

	<u>VOUCHER</u>	<u>AMOUNT</u>
<b>MUNICIPAL FUND</b>		
<i>Cheque Payments</i>	<i>27044-27086</i>	<i>\$ 132,863.85</i>
<i>Electronic Funds Payments</i>	<i>3013-3111</i>	<i>\$ 155,791.32</i>
<i>Direct Debits Payroll</i>		<i>\$ 128,958.62</i>
<i>Bank Fees</i>		<i>\$ 609.73</i>
<i>Corporate Cards</i>		<i>\$ 294.00</i>
<i>Photocopier Lease</i>		<i>\$ 1,037.22</i>
<i>Shell Cards</i>		<i>\$ 468.77</i>
<b>TOTAL</b>		<b><u>\$ 420,023.51</u></b>
<b>TRUST FUND</b>		
<i>Cheque Payments 3363-3371</i>		<i>\$ 3,701.98</i>
<i>Direct Debits Licensing</i>		<i>\$ 124,172.45</i>
<b>TOTAL</b>		<b><u>\$ 127,874.43</u></b>
 <b>TOTAL DISBURSEMENTS</b>		 <b><u>\$ 547,897.94</u></b>

**Note to this item**

The Chief Executive Officer has delegated authority under Delegation DE1 (Council Meeting 10 August 2006) to make payments from the Municipal and Trust accounts.

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**OFFICERS REPORT  
FINANCE REPORT  
PURCHASING POLICY**

**FILE NO:** FI.ACC  
**COUNCIL DATE:** 19 MARCH 2007  
**REPORT DATE:** 10 MARCH 2007  
**LOCATION/ADDRESS:** N/A  
**APPLICANT:** N/A  
**SENIOR OFFICER:** RAY HOOPER, CEO  
**REPORTING OFFICER:** GRAHAM STANLEY, DEPUTY CEO  
**DISCLOSURE OF INTEREST:** NIL  
**APPENDICES:** POLICY  
**DOCUMENTS TABLED:** NIL

**Summary:**

In response to new requirements under the Local Government (Functions and General) Regulations 1996 this report recommends that Council adopts a new "Purchasing" policy that reflects changes to tender regulations and incorporates the requirements of the new Functions and General regulation 11A.

**Background:**

Recent amendments to the Local Government (Functions and General) Regulations 1996 saw the limit for the requirement for a Local Government to call tenders, when purchasing goods or services, increase from \$50,000 to \$100,000, in line with the requirements imposed on the public service. A new regulation, "11A Purchasing policies" requires councils to prepare or adopt a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contact is, or is expected to be \$100,000 or less or worth \$100,000 or less.

**Consultation:**

Members of the Avon Branch of Local Government Managers Australia.

**Statutory Environment:**

The Local Government Act 1995, Local Government (Functions and General) Regulations 1996 Regulation 11A. Purchasing policies states:

- (1) a local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contact is, or is expected to be \$100,000 or less or worth \$100,000 or less.*
- (2) a purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in subregulation (1).*
- (3) a purchasing policy must make provision in respect of –*
  - (a) the form of the quotation acceptable; and*



*(b) the recording and retention of written information, or documents, in respect of-*

- (i) all quotations received; and*
- (ii) all purchases made.*

*(4) Different requirements may be imposed under a purchasing policy in respect of different classes, or types, of any of the following –*

- (a) goods and services;*
- (b) suppliers;*
- (c) contracts;*
- (d) any other thing that the local government considers appropriate.*

**Policy Implications:**

This report recommends the adoption of a new Council policy.

**Financial Implications:**

Directly nil, however indirectly the policy should result in savings as purchasing procedures will be tightened and the removal of the requirement to call tenders for goods and services valued below \$100,000 should make purchasing more efficient and save on advertising costs.

**Strategic Implications:**

The adoption of this policy is consistent with objectives of Key Result Area 8 “Resource Management”

1. To provide services in the most cost effective way;
2. To ensure the financial viability of council;
3. To develop an innovative workplace with devolved responsibility.

**Voting Requirements:**

**Absolute Majority Required:** No

**Site Inspection:**

**Site Inspection Undertaken:** Not applicable

**Triple bottom Line Assessment:**

**Economic Implications:**

Improve purchasing procedures should lead to more efficient operations.

**Social Implications:**

Nil

**Environmental Implications:**

Nil

**Comment:**

In anticipation of the amendment to the regulations coming into effect the WA Local Government Association produced the following “Model Purchasing Policy” to enable councils to meet the requirements of the new regulation:

# **Model Purchasing Policy**

## **1.1 OBJECTIVES**

- *To provide compliance with the Local Government Act, 1995 and the Local Government Act (Functions and General) Regulations, 1996 (as amended in March 2007).*
- *To deliver a best practice approach and procedures to internal purchasing for the Local Government.*
- *To ensure consistency for all purchasing activities that integrates within all the Local Government operational areas.*

## **1.2 WHY DO WE NEED A PURCHASING POLICY?**

*The Local Government is committed to setting up efficient, effective, economical and sustainable procedures in all purchasing activities. This policy:*

- *Provides the Local Government with a more effective way of purchasing goods and services.*
- *Ensures that purchasing transactions are carried out in a fair and equitable manner.*
- *Strengthens integrity and confidence in the purchasing system.*
- *Ensures that the Local Government receives value for money in its purchasing.*
- *Ensures that the Local Government considers the environmental impact of the procurement process across the life cycle of goods and services.*
- *Ensures the Local Government is compliant with all regulatory obligations.*
- *Promotes effective governance and definition of roles and responsibilities.*
- *Uphold respect from the public and industry for the Local Government's purchasing practices that withstands probity.*

### **1.3 ETHICS & INTEGRITY**

*All officers and employees of the Local Government shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Local Government.*

*The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:*

- *full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;*
- *all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Local Government policies and code of conduct;*
- *purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;*
- *all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;*
- *any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and*
  - *any information provided to the Local Government by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.*

### **1.4 VALUE FOR MONEY**

*Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the Local Government. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing, and service benchmarks.*

*An assessment of the best value for money outcome for any purchasing should consider:*

- *all relevant whole-of-life costs and benefits whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal.*

- *the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;*
- *financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);*
- *a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.*

*Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.*

### **1.5 SUSTAINABLE PROCUREMENT**

*Sustainable Procurement is defined as the procurement of goods and services that have less environmental and social impacts than competing products and services.*

*Local Government is committed to sustainable procurement and where appropriate shall endeavour to design quotations and tenders to provide an advantage to goods, services and/or processes that minimise environmental and negative social impacts. Sustainable considerations must be balanced against value for money outcomes in accordance with the Local Government's sustainability objectives.*

*Practically, sustainable procurement means the Local Government shall endeavour at all times to identify and procure products and services that:*

- *Have been determined as necessary;*
- *Demonstrate environmental best practice in energy efficiency / and or consumption which can be demonstrated through suitable rating systems and eco-labelling.*
- *Demonstrate environmental best practice in water efficiency.*
- *Are environmentally sound in manufacture, use, and disposal with a specific preference for products made using the minimum amount of raw materials from a sustainable resource, that are free of toxic or polluting materials and that consume minimal energy during the production stage;*
- *Products that can be refurbished, reused, recycled or reclaimed shall be given priority, and those that are designed for ease of recycling, re-manufacture or otherwise to minimise waste.*
- *For motor vehicles – select vehicles featuring the highest fuel efficiency available, based on vehicle type and within the designated price range;*
- *For new buildings and refurbishments – where available use renewable energy and technologies.*

## **1.6 PURCHASING THRESHOLDS**

Where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or is expected to be:-

<b><u>Amount of Purchase</u></b>	<b><u>Model Policy</u></b>
Up to \$1,000	Direct purchase from suppliers requiring only two verbal quotations.
\$1,001 - \$19,999	Obtain at least three verbal or written quotations.
\$20,000 - \$39,999	Obtain at least three written quotations
\$40,000 - \$99,999	Obtain at least three written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations).
\$100,000 and above	Conduct a public tender process.

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$100,000 threshold (excluding GST). If a decision is made to seek public tenders for Contracts of less than \$100,000, a Request for Tender process that entails all the procedures for tendering outlined in this policy must be followed in full.

Note: When setting the Purchasing Policy, alternative thresholds can be used. For example, the State Supply Commission's policy (last amended on 31 October 2006) contains quote thresholds for State Governments to obtain "a sufficient number of quotations" for purchases in the category of \$20,000 to \$99,999.

The above model confines thresholds are determined purely on dollar values, however the regulations also allow quotation criteria to be set for different types of goods or services, suppliers, contracts or any other thing that the Local Government considers appropriate.

### **1.6.1 Up to \$1,000**

Where the value of procurement of goods or services does not exceed \$1,000, purchase on the basis of at least two verbal quotations is permitted. However it is recommended to use professional discretion and occasionally undertake market testing with a greater number or more formal forms of quotation to ensure best value is maintained.

This purchasing method is suitable where the purchase is relatively small and low risk.

*Record keeping requirements must be maintained in accordance with record keeping policies. The Local Government Purchasing and Tender Guide contains a sample form for recording verbal quotations.*

### **1.6.2 \$1,001 to \$19,999**

*This category is for the procurement of goods or services where the value of such procurement ranges between \$1,001 and \$19,999.*

*At least three verbal or written quotations (or a combination of both) are required. Where this is not practical, e.g. due to limited suppliers, it must be noted through records relating to the process.*

*The general principles for obtaining verbal quotations are:*

- Ensure that the requirement / specification is clearly understood by the Local Government employee seeking the verbal quotations.*
- Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.*
- Read back the details to the Supplier contact person to confirm their accuracy.*
- Written notes detailing each verbal quotation must be recorded.*

*Record keeping requirements must be maintained in accordance with record keeping policies. The Local Government Purchasing and Tender Guide contains sample forms for recording verbal and written quotations.*

### **1.6.3 \$20,000 to \$39,999**

*For the procurement of goods or services where the value exceeds \$20,000 but is less than \$39,999, it is required to obtain at least three written quotes (commonly a sufficient number of quotes would be sought according to the type and nature of purchase).*

*The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements. Record keeping requirements must be maintained in accordance with record keeping policies.*

**NOTES:** *The general principles relating to written quotations are;*

- An appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion.*

- *The request for written quotation should include as a minimum:*
  - *Written Specification*
  - *Selection Criteria to be applied*
  - *Price Schedule*
  - *Conditions of responding*
  - *Validity period of offer*
- *Invitations to quote should be issued simultaneously to ensure that all parties receive an equal opportunity to respond.*
- *Offer to all prospective suppliers at the same time any new information that is likely to change the requirements.*
- *Responses should be assessed for compliance, then against the selection criteria, and then value for money and all evaluations documented.*
- *Respondents should be advised in writing as soon as possible after the final determination is made and approved.*

*The Local Government Purchasing and Tender Guide produced by the Western Australian Local Government Association (WALGA) should be consulted for further details and guidance.*

#### **1.6.4 \$40,000 to \$99,999**

*For the procurement of goods or services where the value exceeds \$40,000 but is less than \$99,999, it is required to obtain at least three written quotations containing price and a sufficient amount of information relating to the specification of goods and services being purchased.*

*The Local Government Purchasing and Tender Guide has a series of forms including a Request for Quotation Template which can assist with recording details. Record keeping requirements must be maintained in accordance with record keeping policies.*

For this procurement range, the selection should not be based on price alone, and it is strongly recommended to consider some of the qualitative factors such as quality, stock availability, accreditation, time for completion or delivery, warranty conditions, technology, maintenance requirements, organisation's capability, previous relevant experience and any other relevant factors as part of the assessment of the quote.

## **1.7 REGULATORY COMPLIANCE**

### **1.7.1 Tender Exemption**

*In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):*

- *An emergency situation as defined by the Local Government Act 1995;*

- *The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;*
- *The purchase is under auction which has been authorised by Council;*
- *The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;*
- *Any of the other exclusions under Regulation 11 of the Functions and General Regulations apply.*

### **1.7.2 Sole Source of Supply (Monopoly Suppliers)**

*The procurement of goods and/or services available from only one private sector source of supply, (i.e. manufacturer, supplier or agency) is permitted without the need to call competitive quotations provided that there must genuinely be only one source of supply. Every endeavour to find alternative sources must be made. Written confirmation of this must be kept on file for later audit.*

**Note:** *The application of provision "sole source of supply" should only occur in limited cases and procurement experience indicates that generally more than one supplier is able to provide the requirements.*

### **1.7.3 Anti-Avoidance**

*The Local Government shall not enter two or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the value of consideration below the level of \$100,000, thereby avoiding the need to publicly tender.*

### **1.7.4 Tender Criteria**

*The Local Government shall, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.*

*The evaluation panel shall be established prior to the advertising of a tender and include a mix of skills and experience relevant to the nature of the purchase.*

*For Requests with a total estimated (Ex GST) price of:*

- *Between \$40,000 and \$99,999, the panel must contain a minimum of 2 members; and*
- *\$100,000 and above, the panel must contain a minimum of 3 members.*



### **1.7.5 Advertising Tenders**

*Tenders are to be advertised in a state wide publication e.g. "The West Australian" newspaper, Local Government Tenders section, preferably on a Wednesday or Saturday.*

*The tender must remain open for at least 14 days after the date the tender is advertised. Care must be taken to ensure that 14 **full** days are provided as a minimum.*

*The notice must include;*

- *a brief description of the goods or services required;*
- *information as to where and how tenders may be submitted;*
- *the date and time after which tenders cannot be submitted;*
- *particulars identifying a person from who more detailed information as to tendering may be obtained;*
- *detailed information shall include;*
  - *such information as the local government decides should be disclosed to those interested in submitting a tender;*
  - *detailed specifications of the goods or services required;*
  - *the criteria for deciding which tender should be accepted;*
  - *whether or not the local government has decided to submit a tender; and*
  - *whether or not tenders can be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.*

### **1.7.6 Issuing Tender Documentation**

*Tenders will not be made available (counter, mail, internet, referral, or other means) without a robust process to ensure the recording of details of all parties who acquire the documentation.*

*This is essential as if clarifications, addendums or further communication is required prior to the close of tenders, all potential tenderers must have equal access to this information in order for the Local Government not to compromise its Duty to be Fair.*

### **1.7.7 Tender Deadline**

*A tender that is not received in full in the required format by the advertised Tender Deadline shall be rejected.*

### **1.7.8 Opening of Tenders**

*No tenders are to be removed from the tender box, or opened (read or evaluated) prior to the Tender Deadline.*

*Tenders are to be opened in the presence of the Chief Executive Officer's delegated nominee and preferably at least one other Council Officer. The details of all tenders received and opened shall be recorded in the Tenders Register.*

*Tenders are to be opened in accordance with the advertised time and place. There is no obligation to disclose or record tendered prices at the tender opening, and price information should be regarded as commercial-in-confidence to the Local Government. Members of the public are entitled to be present.*

*The Tenderer's Offer form, Price Schedule and other appropriate pages from each tender shall be date stamped and initialled by at least two Local Government Officers present at the opening of tenders.*

#### **1.7.9 No Tenders Received**

*Where the Local Government has invited tenders, however no compliant submissions have been received, direct purchases can be arranged on the basis of the following:*

- *a sufficient number of quotations are obtained;*
- *the process follows the guidelines for seeking quotations between \$40,000 & \$99,999 (listed above);*
- *the specification for goods and/or services remains unchanged;*
- *purchasing is arranged within 6 months of the closing date of the lapsed tender.*

#### **1.7.10 Tender Evaluation**

*Tenders that have not been rejected shall be assessed by the Local Government by means of a written evaluation against the pre-determined criteria. The tender evaluation panel shall assess each tender that has not been rejected to determine which tender is most advantageous.*

#### **1.7.11 Addendum to Tender**

*If, after the tender has been publicly advertised, any changes, variations or adjustments to the tender document and/or the conditions of tender are required, the Local Government may vary the initial information by taking reasonable steps to give each person who has sought copies of the tender documents notice of the variation.*

#### **1.7.12 Minor Variation**

*If after the tender has been publicly advertised and a successful tenderer has been chosen but before the Local Government and tenderer have entered into a Contract, a minor variation may be made by the Local Government.*

*A minor variation will not alter the nature of the goods and/or services procured, nor will it materially alter the specification or structure provided for by the initial tender.*

#### **1.7.13 Notification of Outcome**

*Each tenderer shall be notified of the outcome of the tender following Council resolution. Notification shall include:*

- *The name of the successful tenderer*
- *The total value of consideration of the winning offer*

*The details and total value of consideration for the winning offer must also be entered into the Tenders Register at the conclusion of the tender process.*

#### **1.7.14 Records Management**

*All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:*

- *Tender documentation;*
- *Internal documentation;*
- *Evaluation documentation;*
- *Enquiry and response documentation;*
- *Notification and award documentation.*

*For a direct purchasing process this includes:*

- *Quotation documentation;*
- *Internal documentation;*
- *Order forms and requisitions.*

*Record retention shall be in accordance with the minimum requirements of the State Records Act, and the Local Government's internal records management policy.*

Common sense dictates that in York's case changes should be made to the model with regards to the requirements at the various pricing levels. For example requiring two verbal quotes for goods up to \$1,000 in value would necessitate staff obtaining quotes for tea, coffee and milk. In other cases, it would require obtaining a second quote for goods from a supplier outside York, as there may only be one supplier in

York. Councillors would also be aware of the difficulties in obtaining quotations from tradespeople and the purchasing requirements in the model don't account for this.

**OFFICER RECOMMENDATION**

***“That Council:***

***adopts the following attached policy (appendix A) with regards to purchasing, based on the WALGA Model Purchasing Policy but amended to take account of Local Requirements”.***

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**OFFICER'S REPORTS  
FINANCE REPORT  
REQUEST TO HOLD SPECIAL MEETING OF  
COUNCIL ON FRIDAY 23<sup>RD</sup> MARCH 2007**

<b>FILE NO:</b>	<b>OR.MTG</b>
<b>COUNCIL DATE:</b>	<b>19<sup>TH</sup> MARCH 2007</b>
<b>REPORT DATE:</b>	<b>13<sup>TH</sup> MARCH 2007</b>
<b>LOCATION/ADDRESS:</b>	<b>N/A</b>
<b>APPLICANT:</b>	<b>N/A</b>
<b>SENIOR OFFICER:</b>	<b>RAY HOOPER, CEO</b>
<b>REPORTING OFFICER:</b>	<b>GRAHAM STANLEY, DCEO</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>NIL</b>
<b>APPENDICES:</b>	<b>NIL</b>
<b>DOCUMENTS TABLED:</b>	<b>NIL</b>

**Summary:**

This report recommends that a Special Meeting of Council be held on Friday 23<sup>rd</sup> March 2007 to consider the mid-year budget review, annual compliance return and other urgent items of business.

**Background:**

Under requirements of the Local Government Act 1995 and associated regulations the Shire is required to conduct a review of its annual budget between 1<sup>st</sup> January and 31<sup>st</sup> March each year and Council is to consider the report. The Shire is also to conduct an Annual Compliance Audit and the associated return is to be adopted by Council and forwarded to the Minister for Local Government by 31<sup>st</sup> March 2007.

Due to staff changeovers, absences due to leave and the extremely heavy workload lately, the two reports have not been completed in time for circulation with this agenda. As these are important documents that will take time to read and digest and due to the statutory timeframe requirements it is recommended that a special meeting of Council be held on Friday 23<sup>rd</sup> March 2007 commencing at 4.30pm to deal with these items and any other items of urgent business that arise between now and the special meeting. It is also proposed to conduct a workshop with councillors commencing at 2.30pm prior to the special meeting to allow in-depth analysis of the budget review.

**Consultation:**

Deputy President, Cr Lawrence.

**Statutory Environment:**

Local Government Act 1995 Section 5.4 (b)

*"An ordinary or a special meeting is to be held if so decided by the Council."*

**Policy Implications:**

Nil

**Financial Implications:**

Additional travel expenses if claimed by councillors (funds budgeted).

**Strategic Implications:**

Nil

**Voting Requirements:**

**Absolute Majority Required:** No

**Site Inspection:**

**Site Inspection Undertaken:** Not applicable

**Triple bottom Line Assessment:**

**Economic Implications:** Not applicable

**Social Implications:** Not applicable

**Environmental Implications:** Not applicable

**Comment:**

**OFFICER RECOMMENDATION**

***“That Council:***

***Holds a Special Meeting of Council on Friday 23<sup>d</sup> March 2007 in the York Lesser Hall commencing at 4.30pm for the purpose of dealing with the mid year budget review, the Annual Compliance Audit for 2006 and any items of urgent business that may arise.***

**9.4 Confidential Reports**

Nil.

**9.5 Late Reports**

Nil.



10. **NEXT MEETING**

*“That Council*

*hold the next Ordinary Meeting of the Council on 16 April 2007,  
commencing at 3.00pm in the TALBOT HALL, York.”*

11. **CLOSURE**