

# **SHIRE OF YORK**

**MINUTES OF THE ORDINARY  
MEETING OF THE COUNCIL  
HELD ON 19 MAY, 2014  
COMMENCING AT 4.00pm  
IN THE TALBOT HALL, TALBOT**



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## SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL  
HELD ON MONDAY, 19 MAY 2014, COMMENCING AT  
4.00PM IN THE TALBOT HALL, TALBOT

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 4.00pm and thanked the Talbot ladies for a wonderful afternoon tea. Also welcomed Mr Denis Wornick, President of Talbot Brook.*

*I would like to acknowledge the Balladong People, the Traditional Owners of the land on which we are gathered and pay my respects to their Elders both past and present.*

#### 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: \_\_\_\_\_ Seconded: \_\_\_\_\_ Carried: \_\_\_\_\_

#### 1.4 Announcement of Visitors

*Nil*

#### 1.5 Declarations of Interest that Might Cause a Conflict

Financial Interest

*Cr Mark Duperouzel – 9.4.1 – Financial*

Disclosure of Interest that May Affect Impartiality  
*Cr David Wallace – 9.2.1 – Impartial – Life Member*  
*Cr Matthew Reid – 9.2.1 – Impartial – Children are Members*

## 2. ATTENDANCE

### 2.1 Members

*Cr Matthew Reid, Shire President; Cr Mark Duperouzel, Deputy Shire President*  
*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*

### 2.3 Apologies

*Nil*

### 2.4 Leave of Absence Previously Approved

*Nil*

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

*There were 14 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

**Ms D Barratt**

**Question Taken On Notice - Special Council Meeting - 5 May 2014**

**Question:**

When are certain Councillors going to stop with going after people in the community that they don't agree with on a personal basis and start acting in a professional manner for the benefit of the community?

**Response:**

During my tenure as your elected representative and Shire President I have conducted myself professionally, compassionately and with understanding.

I have conveyed the expectation to my fellow Councillors and both CEO's that have served Council during this period to do the same.

Council's role is to serve the community by effectively applying Shire resources, both financial and personnel to produce the goals the Community Strategic Plan has identified.

The Community Strategic Plan Social vision 'Building a Sense of Community lists:

- 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.

The Community Strategic Plan identified the following Social goals:

- 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.

In conclusion I reiterate during my tenure as your Shire President I have and continue to ensure that all Councillors act in a professional manner for the benefit of the community.

#### **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 4.09pm*

##### **Mrs Heather Saint**

###### **Question 1:**

In the financials today, EFT 12268 payment dated 9.4 refers to Invoice 79104 dated 27 February, 2014 for \$4,927.24 from McLeod's Barristers & Solicitors for Legal Expenses. Could you please advise what or whom this related to?

###### **Response:**

Building, non habitable dwelling.

###### **Question 2:**

The January 2014 Credit Card statement for the previous CEO shows payments to Conference Design, Hobart for \$1,520 and flights with Qantas Airways, for \$1,114.00. Would this have been for a forthcoming LGMA Conference in Hobart, Tasmania in May/June of this year and, if so, could you please advise if there has been a cancellation and refund for these items?

###### **Response:**

Both cancelled.

Advise Note: The LGMA Conference in Hobart was cancelled (cancellation fee of approximately \$100 will apply) and the flights with Qantas Airways was transferred into the previous CEO's name and was paid for by him.

##### **Ms Liz Christmas**

###### **Question 1 & 2:**

Regarding 9.4.2 GRANT – ANZAC

1. Given that a man fell on Mount Brown recently, sufficiently dangerously that he might have sustained serious injuries, and given that the population of York and general population is aging, will the RSL-cum-Shire of York Working Party to be established regarding upgrading of facilities for Mount Brown consider providing rails for the total pedestrian climb of the steps and ramp?
2. There is one toilet down in the picnic area. Would the Working Party consider building a similar toilet near the paved parking circle that is at the base of the climb to the lookout?

###### **Response:**

The ANZAC Grant application was submitted following consultation between the Shire President and RSL committee, it had been agreed grant money would be focused in town and not on Mt Brown. Any development work on Mt Brown would need to be addressed as a separate project and funding needs to be sourced.

##### **Mrs Tanya Richardson**

The York Information Services report states that the York Motorcycle actual number of people attending the festival was in excess of 4,000 and the York Easter Fair previous attendance records were broken with approximately 3,000 on the first day alone.

**Question 1:**

Who wrote this report and what are these figures based on? i.e. ticket sales, data recording?

**Response:**

The Information Services Staff wrote the report from feedback from Event organisers and the local paper.

**Question 2:**

Why is Council giving a donation instead of a sponsorship to an ABN holder for this event (\$2000 donation to Mr Chris Baker)?

**Response:**

Council gave \$2,000 plus 3 day Hall use. Terminology – donation/sponsorship.

**Question 3:**

Where is the acquittal for this funding including ticket sales?

**Response:**

Not required to supply, Council gave a donation to attract people to York.

**Question 4:**

Why was this event funded in 2014 even though the request did not come before Council?

**Response:**

In Budget.

**Question 5:**

Why has neither of these events been requested to submit all the documentation required in the event policy?

**Question 6:**

If these events are not required to have the events policy applicable document in place prior to the event because it is expected they will have less than 5000 people how does the Shire of York determine this (expected numbers)?

**Response 5 & 6:**

Events policy has changed it is at Council discretion whether a risk management plan is required on this occasion. You may request a copy from organisers, as there was a plan for the Motor Cycle Festival.

**Question 7:**

Do I need to lodge a FOI to get all documents relating to the funding applications and acquittals for these events to prove that support for events in York is subject to whom the Councillors like and not on the standard and professionalism associated with event applications, accurate document submissions and quantifiable data, reconciliations and acquittals?

**Response:**

No

**Question 8:**

When did the Events Policy change.

**Response:**

Taken on Notice

**Question 9:**

Which York Tourist Bureau Meetings did Cr Pat Hooper get paid to attend from 2007-2011 as he was the Shire representative on that committee for part of that time?

**Response:**

Cr Pat Hooper was not paid to attend these meetings as it was part of his Councillor duties.

**4.2 Public Question Time**

**Mr Simon Saint**

**Question 1:**

On a number of occasions, the Shire of York has referred to a vexatious ratepayer, who is the vexatious ratepayer?

**Response:**

I believe there was some discussion on Mr Simon Saint being a vexatious ratepayer. Mr Saint was not declared a vexatious ratepayer, it was a discussion only.

**Question 2:**

During the early part of 2013, the Shire of York Planner took photographs of my vehicle parked in the private car park of an adjoining property, why?

**Response:**

It was taken in a public place as part of evidence in regards to parking at the Diner.

**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<sup>th</sup> October, 2012?

**Response:**

Taken on Notice

**Mr Kim Emin**

**Question 1:**

Has the Shire allowed in the budget for trimming trees in the Shire?

**Response:**

Yes. A lot of the charges will be placed in the Road Maintenance generic account. The ratio of new assets V existing assets is currently outside parameters with more on new assets rather on existing assets which needs to be reversed. It should take approximately 3 years for the roads to recover.

**Mr Bill Cebula**

**Question 1:**

Does the Council have a maintenance plan to clear out drains instead of waiting for heavy rain fall before clearing them?

**Response:**

No current maintenance plan at the moment. Gravel roads are the priority at this time.

**Question 2:**

Will Council consider using prisoners where appropriate?

**Response:**

The CEO to research this.

**Mr Mike Gill**

**Question 1:**

Is Council aware he cleared the Spencers Brook drain?

**Response:**

The Shire President was aware of this and thanked Mr Gill for doing this.

**Question 2:**

Has Council considered using a risk matrix to assess priorities on drains and culverts?

**Response:**

Council will consider this. May be appropriate to be raised at the Works Committee.

**Mrs Sandra Paskett**

**Question 1:**

For the ongoing development of York will Council considered Committee for the Economic Development, Heritage Development and Tourism? Could this be in place by 1 July, 2014?

**Response:**

Council are looking at Committees today. Economic Development is currently not included. The Economic Development Committee has been drafted and the CEO will put forward to the June meeting.

**Mrs Tanya Richardson**

**Question 1:**

Have the food vans that pop up been given approval?

**Response:**

Yes

**Question 2:**

If there is a Festival happening will the food vans be approved?

**Response:**

There will be restrictions place on the food vans on where they can locate. However the food vans must seek permission from the event organiser.

**Question 3:**

Do the food vans plug in to the Shire power?

**Response:**

Not aware of this. Vans can be self sufficient and they may also plug in if they choose not to be self sufficient.

*Public Question Time was declared closed by the Shire President at 4.36pm*

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

*Cr Tony Boyle may require Leave of Absence due to an operation scheduled for 11 June, 2014.*

**6. PETITIONS / PRESENTATIONS / DEPUTATIONS**

*Nil*

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

7.1 Minutes of the Ordinary Council Meeting held April 14, 2014

Corrections

Confirmation

**RESOLUTION**  
**030514**

**Moved:** Cr Smythe

**Seconded:** Cr Boyle

***“That the minutes of the Ordinary Council Meeting held April 14, 2014 be confirmed as a correct record of proceedings.”***

**CARRIED: 6/0**

7.2 Minutes of the Special Council Meeting held April 14, 2014

Corrections

Confirmation

**RESOLUTION  
040514**

**Moved: Cr Boyle**

**Seconded: Cr Wallace**

***“That the minutes of the Special Council Meeting held April 14, 2014 be confirmed as a correct record of proceedings.”***

**CARRIED: 6/0**

7.3 Minutes of the Special Council Meeting held April 16, 2014

Corrections

Confirmation

**RESOLUTION  
050514**

**Moved: Cr Hooper**

**Seconded: Cr Boyle**

***“That the minutes of the Special Council Meeting held April 16, 2014 be confirmed as a correct record of proceedings.”***

**CARRIED: 5/0**

*Cr Duperouzel was not in attendance at the Special Council Meeting held on April 16, 2014*

7.4 Minutes of the Special Council Meeting held May 5, 2014

Corrections

Confirmation

**RESOLUTION  
060514**

**Moved: Cr Boyle**

**Seconded: Cr Smythe**

***“That the minutes of the Special Council Meeting held May 5, 2014 be confirmed as a correct record of proceedings.”***

**CARRIED: 6/0**

## 8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Have you ever been part of a team that didn't seem to make any progress? Maybe the group had plenty of talent, resources, and opportunities, but the group just never went anywhere. There's a strong possibility that the situation was caused by lack of vision.

Great vision precedes great achievement. Every team needs a compelling vision to give it direction. If a team doesn't have a vision, then the group is liable to suffer the fate expressed by baseball Hall-of-Famer Yogi Berra: **"You've got to be very careful if you don't know where you're going, because you might not get there."**

A team without vision is at worst, purposeless. At best, it is subject to the personal and sometimes selfish agendas of various teammates. As those agendas work against each other, it saps the team's energy and drive.

**On the other hand, a team that embraces a vision becomes focused, energised, and confident. It knows where it's headed and why it's going there.**

Vision is indispensable. It leads the leaders within our community. It paints the targets, sparks and fuels the fire within each of us, and draws the team forward. It is also the fire-lighter for others who follow those leaders. Show me a leader without vision and I'll show you someone who isn't going anywhere.

Leaders do more than control the direction in which they and their people travel. They see the whole trip in their minds before they set forth. Leaders see farther than others see, more than others see, and before others see.

- Vision starts within; it draws on our calling, our natural gifts and desires.
- Vision draws on our history; it isn't some mystical quality that comes out of a vacuum. It grows out of our past and the history of our community.
- Vision meets other's needs. True vision goes beyond what one individual can accomplish. It also does more than just include others; it adds value to them. If our vision doesn't serve others, it's probably too small.
- Vision helps us gather resources. Vision acts like a magnet. It attracts, challenges, and unites people. It also rallies finances and other resources. The greater the vision, the more winners it has the potential to attract. The more challenging the vision, the harder the participants fight to achieve it.

**I believe Council is responsible for identifying a worthy and compelling vision and articulating it to our shire team and our community.**

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

We have been given an opportunity, an opportunity to lead and make a genuine difference to our community. The clock is running. Make the most of today. Time waits for no man. Yesterday is history. Tomorrow is a mystery. Today is a gift. That's why it is called the present". Let us embrace this present as an opportunity. The question I leave with you to ponder **'What will our legacy be and how will history judge us?** As a team that created lasting change and prosperity for our community or one that didn't make full use of the opportunity that availed it.'

## 9. OFFICER'S REPORTS

## **9.1 Development Services**



9. OFFICER'S REPORTS  
9.1 DEVELOPMENT REPORTS  
9.1.1 SITA Appeal

*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: GR2.290  
COUNCIL DATE: 19 May 2014  
REPORT DATE: 8 May 2014  
LOCATION/ADDRESS: 2948 Great Southern Highway, St Ronans  
APPLICANT: SITA Australia Pty Ltd  
SENIOR OFFICER: M Keeble, CEO  
AUTHOR: J Jurmann, MPS  
DISCLOSURE OF INTEREST: Nil  
APPENDICES: Nil  
DOCUMENTS TABLED: Nil  
REPORT APPROVED BY THE CEO: 

**Summary:**

To provide Council and the community an update of the current State Administrative Tribunal appeal proceedings against the refusal of the planning application by the Wheatbelt Joint Development Assessment Panel.

**Background:**

The Wheatbelt Joint Development Assessment Panel (JDAP) voted to refuse the planning application to use Allawuna Farm for the purposes of a landfill on 17 March 2014.

SITA Australia Pty Ltd lodged an appeal against the decision with the State Administrative Tribunal on 24 April 2014.

The Development Assessment Panel Secretariat advised the Shire of York by email on 30 April 2014 of the appeal lodgement and the date of the Directions Hearing, held on 2 May 2014.

McLeods Barristers and Solicitors were contacted by the Planning Manager and were requested to appear on behalf of the Shire of York.

Denis McLeod, Council's Planning Manager, Jacky Jurmann and Planning Officer, Kira Strange attended the Directions Hearing on 2 May 2014. The Wheatbelt JDAP was represented by the State Solicitors Office and the applicant was represented by Herbert Smith Freehills.

Orders were made by the Judge to the following effect:

1. By June 2014 the Respondent (the JDAP) is to file and to give the Applicant and to the Shire of York a draft Statement of Issues for the purpose of mediation;
2. The matter is referred to mediation on 27 June 2014;

1. The Presiding Member of the JDAP and other members are invited to attend the mediation (but that necessarily includes the President of the Shire as a member of the JDAP);
2. The relevant officers of the Shire of York and legal representatives of the Shire are invited to attend mediation; and
3. The matter is adjourned to a further directions hearing at 10.00 am, 4 July 2014 in order to list any application by the Shire for leave to make submissions, and to list the matter for a final hearing.

**Consultation:**

Consultation with the JDAP, State Solicitors Office and various government agencies will occur during the appeal process.

**Statutory Environment:**

The *Planning and Development Act 2005* provides appeal provisions for applicants who are dissatisfied with the decision of a responsible authority. In this case, the applicant, SITA Australia Pty Ltd, was dissatisfied with the decision of the Wheatbelt JDAP to refuse their planning application to obtain consent to establish a landfill at Allawuna Farm. The Wheatbelt JDAP is the respondent to the appeal.

**Policy Implications:**

This report is for information purposes only and therefore this section is not applicable.

**Financial Implications:**

Provisions for legal representation for this matter are contained in the 2013-2014 Shire of York Budget.

**Strategic Implications:**

This report is for information purposes only and therefore this section is not applicable.

**Voting Requirements:**

**Simple Majority Required:** Yes

**Site Inspection:**

**Site Inspection Undertaken:** Not applicable

**Triple bottom Line Assessment:**

**Economic Implications:**

Not applicable to this Report.

**Social Implications:**

The community have made strong representations against this proposal and there are expectations within the community for the JDAP to defend its determination. The Shire of York representing the community has positive social implications.

**Environmental Implications:**

Not applicable to this Report.

**Comment:**

This Report is for information purposes only.

**RESOLUTION  
070514**

**Moved:** Cr Boyle

**Seconded:** Cr Smythe

***“That Council:***

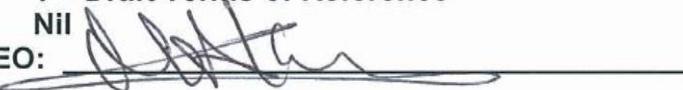
***Receive the Report for Information Purposes and that Council and the community continue to be continually updated on the progress of the appeal procedures.”***

**CARRIED: 6/0**



**9. OFFICER'S REPORTS**  
**9.1 DEVELOPMENT REPORTS**  
**9.1.2 Heritage Advisory Committee**

*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: 19 May 2014  
REPORT DATE: 8 May 2014  
LOCATION/ADDRESS: N/a  
APPLICANT: N/a  
SENIOR OFFICER: M Keeble, CEO  
AUTHOR: J Jurmann, MPS  
DISCLOSURE OF INTEREST: Nil  
APPENDICES: 1 – Draft Terms of Reference  
DOCUMENTS TABLED: Nil  
REPORT APPROVED BY THE CEO: 

**Summary:**

It is proposed to establish a Heritage Advisory Committee to will advise Council on the future development of cultural heritage matters in the Shire of York.

**Background:**

It is proposed that the Heritage Advisory Committee will advise Council on matters relating to components of the built and natural environment which have cultural heritage significance, including objects of material culture, buildings and structures, streetscapes and natural landscapes with the aim of conserving cultural heritage for the benefit of the present community and future generations.

**The role of the Committee is:**

- (a) To provide input into strategic heritage related projects as requested (for example capital works projects, tourism projects, heritage studies, planning scheme amendments), having regard always, to statutory obligations concerning disability access and inclusion and safety principles.
- (b) To make recommendations to Council about further work required to document and protect York's natural, built and cultural heritage.
- (c) To provide advice to Council on issues affecting heritage across the Shire (for example trends in development, sustainability, neglect of heritage places).
- (d) To provide advice to Council on recommendations for nominations of local, or state significance.
- (e) To provide an advocacy role for heritage in York including marketing, promotion and raising awareness of heritage matters and services.
- (f) To assist Council in sourcing external funding opportunities to further heritage conservation, promotion, management and education.

**The membership of the Committee should comprise of:**

- Two (2) Councillors
- Planning Manager
- Museum Curator
- Heritage Advisor
- Representative(s) from the Museum Committee
- Representative(s) from the York Society
- Minimum of two (2) Community Members

A draft Terms of Reference is attached to this Report at Appendix 1 for Council's consideration. It is worthwhile noting that it is not proposed that the Committee will have input into the planning approval process.

**Consultation:**

The community will be invited to apply for membership of the Committee.

**Statutory Environment:**

Section 5.8 of the *Local Government Act 1995* enable Council to establish Committees and section 5.9(2)(c) enables a Committee to be established comprising council members, employees and other persons.

It is proposed that the Committee does not have any delegated powers and will provide recommendations to Council.

**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 Section.

**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 establishment of a Heritage Committee is consistent with the goals of the Community Strategic Plan as it will strengthen community interactions and ensure that York's heritage and past is valued, protected and preserved.

**Voting Requirements:**

**Simple Majority Required:** **No**

**Site Inspection:**

**Site Inspection Undertaken:** **Not applicable**

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

The Avon Sub-Regional Economic Strategy (2012) identifies York's 'well documented heritage significance and local rural amenity' as key advantages to the further development of tourism activity, which is considered to play a significant role in the local economy. The Committee as an advocate and through their role in strategic heritage initiatives will contribute positively to the local economic, and therefore its establishment will have positive economic implications.

**Social Implications:**

A goal of the York Strategic Community Plan is to 'strengthen community interactions', which can be achieved through consultation, involvement in local issues, such as heritage, and establishment of Committees that comprise a representative cross-section of the community. It is considered that the Heritage Advisory Committee will have positive social implications for the community and the Shire's governance role in the community.

**Environmental Implications:**

Not applicable.

**Comment:**

Committees can contribute positively to the governance of the Shire of York if Terms of Reference are established and the members are representative of the community. The draft Terms of Reference attached to this Report will provide the Committee a focussed and productive approach to their role.

The Heritage Advisory Committee can be established as a formal Committee of Council in accordance with the provisions of the *Local Government Act 1995*, or can be established less formally as an advisory group. It is recommended that the Committee be established under the Act.

Council (and the Committee) may also consider establishing a Sub-Committee of the Heritage Advisory Committee to formalise the role of the existing Residency Museum Committee.

**RESOLUTION  
080514**

Moved: Cr Boyle

Seconded: Cr Smythe

**“That Council:**

1. *Establish a Heritage Advisory Committee in accordance with the provisions of Section 5.8 of the Local Government Act 1995.*
2. *Adopt the draft Terms of Reference for the Heritage Advisory Committee.*
3. *Nominate Councillors Reid and Smythe to the Committee.*
4. *Nominate Council’s Planning Manager, Museum Curator and Heritage Advisory to the Committee.*
5. *Advertise and forward invitations for members of the Committee.”*

**AMENDMENT**

Moved: Cr Smythe

Seconded: Cr Wallace

**That Council Amend the Officer Recommendation to read:**

**“That Council:**

1. *Establish a Heritage Advisory Committee in accordance with the provisions of Section 5.8 of the Local Government Act 1995.*
2. *Nominate Councillors Reid and Smythe to the Committee.*
3. *Nominate Council’s Planning Manager, Museum Curator and Heritage Advisor to the Committee.*
4. *Invite The Museum Committee to nominate a representative to The Heritage Advisory Committee.*
5. *Invite The York Society Committee to nominate a representative to The Heritage Advisory Committee.*
6. *Invite representation from the Aboriginal Community.*
7. *Advertise seeking expressions of interest to join the Committee.*
8. *Endorse the draft Terms of Reference.”*

**CARRIED: 6/0**

**ADDITIONAL AMENDMENT**

Moved: Cr Hooper

Seconded: Cr Boyle

**“That Council:**

***Endorse that the Committee select its own Chairperson.”***

**CARRIED: 6/0**

**RESOLUTION  
090514**

Moved: Cr Smythe

Seconded: Cr Hooper

***The amendments became the motion.***

**CARRIED: 6/0**

*The Officer Recommendation was amended to include further parties to The Heritage Advisory Committee.*

**Item 9.1.2 – Appendices**



## 9. OFFICER'S REPORTS

### 9.1 DEVELOPMENT REPORTS

#### 9.1.3 Proposed Excision of Road Reserve – Ashworth Rd

*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:                    | AS.1   |
| COUNCIL DATE:               | 19 May 2014  |
| REPORT DATE:                | 12 May 2014  |
| LOCATION/ADDRESS:           | Ashworth Rd, Daliak  |
| APPLICANT:                  | A Courtin  |
| SENIOR OFFICER:             | M Keeble, CEO  |
| AUTHOR:                     | J Jurmann, MPS   |
| DISCLOSURE OF INTEREST:     | Nil  |
| APPENDICES:                 | Draft Plan   |
| DOCUMENTS TABLED:           | Nil  |
| REPORT APPROVED BY THE CEO: |  |

#### Summary:

A request was received from Mr Arnaud Courtin to purchase a portion of unmade road reserve adjacent to his property at Lot 18 Ashworth Rd, Daliak. Refer to Appendix 1 for the draft plan depicting the area.

The purpose of this Report is to finally resolve to excise the subject portion of Ashworth Rd and to request the Minister for Lands to excise the land in accordance with the provisions of the *Land Administration Act 1997*.

#### Background:

Council at its Ordinary Meeting held on 17 February 2014 resolved to support Mr Courtin's request and to initiate the road closure processes, including advertising the proposal to the community, adjoining landowners and relevant government and service agencies.

The area depicted on the Plan attached at Appendix 1 is approximately 2,500m<sup>2</sup> in area and is currently fenced together with Lot 1533 Ashworth Road.

As resolved by Council, Mr Courtin will be responsible for all costs associated with surveying and fencing.

#### Consultation:

The proposal was advertised to the community, adjoining landowners and relevant government service agencies. Only one response was received in response to the advertising, from the Water Corporation who has advised that they have no assets in the area and have no objections.

A 'Dial Before You Dig' enquiry has also been carried out, which has confirmed that there are no services in the area.

Council's Works Manager and Environmental Officer has been consulted, who do not have any objections or concerns regarding the proposal.

### **Statutory Environment:**

#### Land Administration Act 1997

Part 5 of the *Land Administration Act 1997 (WA)* (LAA) provides the current primary legislative basis for the creation/dedication of roads as well as the closure of roads and private roads in Western Australia.

The Department of Lands Crown Land Manual advises that adjoining landowners or interested persons may apply to local government seeking a road or portion to be closed, which is the case with this proposal.

On receipt of that request, the local government must undertake the following steps:

- undertake community consultation,
- consult with the WAPC on the proposed amalgamation,
- liaise with adjoining landowners, and
- seek public utility service authority providers' agreement to the closure,

In addition to the above steps that must be taken for the closure of a road, the local government should also:

- liaise with Main Roads WA to ensure that they do not require the road for any other purpose,
- advertise the proposed road closure in a newspaper circulating in its district; and
- pass a resolution to close the road.

The required consultation processes have now been completed (refer to Consultation Section of this Report).

Where any adjoining landowners are interested in purchasing part of the closed road for amalgamation with their land, the local government should also arrange with adjoining landowners for a concept sketch plan showing the manner of allocation of the closed road with adjoining land. Both adjoining landowners have been contacted and only one has shown interest.

### **Policy Implications:**

There are no policy implications associated with this proposal.

### **Financial Implications:**

The applicant will be responsible for all costs associated with the excision and land purchase.

### **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 excision and sale of unmade road reserves that are excess to the communities and Shire's needs enables better management of infrastructure and related budgetary requirements.

**Voting Requirements:**

**Simple Majority Required:** Yes

**Site Inspection:**

**Site Inspection Undertaken:** Yes

**Triple bottom Line Assessment:**

**Economic Implications:**

The excision of the excess portion of road reserve will result in a slight reduction in verge maintenance costs.

**Social Implications:**

There are no social implications associated with this proposal.

**Environmental Implications:**

There are no environmental implications associated with the proposal.

**Comment:**

This Report is for the purpose of resolving finally to excise the subject portion of Ashworth Road and for the portion to be sold and incorporated into Mr Courtin's property at Lot 18 Ashworth Road, Daliak.

It is advised that Council should not support the creation of a new lot as it would be inconsistent with the objectives of the General Agriculture zone and the York Local Planning Strategy.

There are a number of sections of Ashworth Road where the constructed road varies from the alignment of the gazetted road and are subject of remedial action, including consultation with affected landowners and the Department of Lands.

**RESOLUTION**  
**100514**

**Moved: Cr Hooper**

**Seconded: Cr Duperouzel**

***"That Council:***

- 1. Resolve to excise the subject portion of Ashworth Road as depicted on the Plan attached at Appendix 1 of the Report for purchase and inclusion into Lot 18 Ashworth Road, Daliak.***
- 2. Request the Minister for Lands to excise the subject portion of Ashworth Road as depicted on the Plan attached at Appendix 1 of the Report.***
- 3. Indemnify the Minister for Lands against any claims for compensation and reasonable costs.***
- 4. Advise the Minister for Lands that the Shire of York is only supportive of the excision if the land is incorporated into Lot 18 Ashworth Road, Daliak and that the Shire of York is not supportive of the creation of a new lot.***
- 5. Advise the Minister for Lands that the applicant, Mr Courtin, is responsible for the costs associated with the excision.***
- 6. Require the applicant, Mr Courtin, to construct fencing following purchase of the land."***

**CARRIED: 6/0**

### **Item 9.1.3 – Appendices**



## **9.2 Administration Reports**



## 9. OFFICER'S REPORTS

### 9.2 ADMINISTRATION REPORTS

#### 9.2.1 Hockey Club – Occasional Liquor Licence

FILE NO: CCP.4  
COUNCIL DATE: 19 May 2014  
REPORT DATE: 8 May 2014  
LOCATION/ADDRESS: Recreation Grounds – Hockey Clubhouse  
APPLICANT: York Hockey Club  
SENIOR OFFICER: Michael Keeble, CEO  
AUTHOR: Tyhscha Cochrane, DCEO  
DISCLOSURE OF INTEREST: Cr Reid – Impartial – Children are Members  
Cr Wallace – Impartial – Life Member  
APPENDICES: Nil  
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE CEO: Michael Keeble

#### Summary:

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

#### Background:

It should be noted that the first game has already taken place.

#### Consultation:

Councillors and Hockey Club.

#### Statutory Environment:

Council needs to consider supporting the application as the landowner.

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

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

- (1) An occasional licence authorises the licensee to sell, or the supply or consumption of, liquor —
  - (a) at such times, and on such occasion or during such period not exceeding 3 weeks, as may be specified; and
  - (b) at such places, and within such designated area, as may be specified; and
  - (c) subject to such terms or conditions as may be specified.
- (2) An occasional licence shall not be granted —
  - (a) if, in the opinion of the Director —
    - (i) the place in which the sale, supply or consumption of liquor would be authorised by the licence may not lawfully be used for that purpose; or
    - (ii) where the applicant holds another licence, the issue of an extended trading permit issued relating to, or the variation or cancellation of a term or condition of, that licence would be a more appropriate means of achieving the purpose for which the occasional licence is sought; or

- (iii) sufficient facilities and expertise to enable the licence to be operated in a proper manner may not be provided; or
- (iv) adequate measures to ensure that trading is not conducted in a manner detrimental to the public interest may not be taken; or
- (v) the grant of a further occasional licence would tend to establish an undesirable pattern, where the application is made in respect of a function organised by a particular person or body of persons, or on behalf of a particular cause, to whom or which or on behalf of which previous occasional licences have been granted;

or

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

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

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

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

(4) Where the Director so requires the liquor sold or supplied under an occasional licence shall be purchased for the purpose from a supplier, or a supplier selected from a list of suppliers, specified in the licence.

(5) An occasional licence may be granted in relation to a festival or other event authorising the organiser and specified persons participating in or associated with that festival or event to sell liquor, or liquor of a specified description, during such period or on such occasions as may be specified.

(6A) Without limiting section 64, the Director may impose a condition on an occasional licence requiring that any manager of premises that are the subject of the licence (other than a person appointed under section 100(3)) be an approved unrestricted manager.

(6) In this section, **specified** means specified in the licence.

(7) The Director may cancel an occasional licence at any time if satisfied that the licence is no longer appropriate.”

**"75. Occasional licence, applications for**

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

**Policy Implications:**

Not applicable.

**Financial Implications:**

No financial implications arise from this report for Council.

**Strategic Implications:**

Not applicable.

**Voting Requirements:**

**Simple Majority Required: Yes**

**RESOLUTION**

**110514**

**Moved: Cr Hooper**

**Seconded: Cr Boyle**

**"That Council:**

***Supports an occasional liquor licence for the Hockey Club for the hockey season being a total of 14 occasions subject to the following:***

- 1. At the game being held on 10 May 2014 Council supports the Hockey Club using its Occasional Licence between the hours of 3pm and 7pm.***
- 2. The rest of the hockey club season being a total of 13 games game being held from 17 May 2014 to 13 September 2014 Council supports the use of the Occasional Licence provided the bar will close thirty (30) minutes after the last game finishes;***
- 3. The Hockey Club needs to apply for Council support for any extra functions being held throughout the season; and***
- 4. The name of the nominated person is to be provided to Council."***

**CARRIED: 6/0**



## 9. OFFICER'S REPORTS

### 9.2 ADMINISTRATION REPORTS

#### 9.2.2 Avon Midland Zone Minutes 2 May 2014

FILE NO: OR.IGR.5.1  
COUNCIL DATE: 19 May 2014  
REPORT DATE: 8 May 2014  
LOCATION/ADDRESS: N/A  
APPLICANT: N/A  
SENIOR OFFICER: Michael Keeble, CEO  
AUTHOR: Tyhscha Cochrane, DCEO  
DISCLOSURE OF INTEREST: Nil  
APPENDICES: Minutes of the Zone Meeting, 2 May 2014  
Development Commission  
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE CEO: Michael Keeble

#### Summary:

The minutes of the Avon-Midland Country Zone of the WA Local Government Association meeting are provided for Council and Community information.

#### Background:

Not Applicable

#### Consultation:

Not Applicable

#### 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

#### RESOLUTION

120514

Moved: Cr Hooper

Seconded: Cr Boyle

#### "That Council:

*Receive the Minutes of the Avon-Midland Country Zone of the WA Local Government Association meeting and the Report from the Wheatbelt Development Commission presented at the Zone meeting held on 2 May 2014."*

CARRIED: 6/0



## **Item 9.2.2 – Appendices**



## 9. OFFICER'S REPORTS

### 9.2 ADMINISTRATION REPORTS

#### 9.2.3 Avon Tourism Incorporated Minutes 18 March 2014

FILE NO: CS.CEV.6  
COUNCIL DATE: 19 May 2014  
REPORT DATE: 8 May 2014  
LOCATION/ADDRESS: N/A  
APPLICANT: N/A  
SENIOR OFFICER: Michael Keeble, CEO  
AUTHOR: Tyhscha Cochrane, DCEO  
DISCLOSURE OF INTEREST: Nil  
APPENDICES: Avon Tourism Inc. Minutes 18 March 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

#### **RESOLUTION**

**130514**

**Moved:** Cr Smythe

**Seconded:** Cr Hooper

**"That Council:**

**Receive the Minutes of the Avon Tourism Incorporated meeting held on 18 March 2014."**

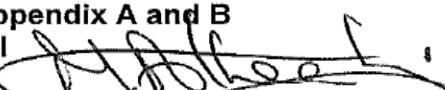
**CARRIED:** 6/0



### **Item 9.2.3 – Appendices**



**9. OFFICER'S REPORTS**  
**9.2 ADMINISTRATION REPORTS**  
**9.2.4 Information Services**

|                             |  |
|-----------------------------|--|
| FILE NO:                    | CS.LCS.8.1   |
| COUNCIL DATE:               | 19 May 2014  |
| REPORT DATE:                | 9 May 2014   |
| LOCATION/ADDRESS:           | N/A  |
| APPLICANT:                  | Shire of York  |
| SENIOR OFFICER:             | M Keeble, CEO  |
| AUTHOR:                     | Information Services Officers  |
| DISCLOSURE OF INTEREST:     | Nil  |
| APPENDICES:                 | Appendix A and B   |
| DOCUMENTS TABLED:           | Nil  |
| REPORT APPROVED BY THE CEO: |  |

**Summary:**

The following is a summary of items for York Information Services for the month of April 2014.

- **Visitor Numbers:** (Appendix A) These numbers are counted manually and only include adults and older children actually walking through the doors of the Information Services office and picking up pamphlets and Maps from the Town Hall as when we have a few visitors in at one time some don't want to wait so they get a map, attractions and eating out guide. They do not include people walking into the Town Hall to use toilets, view exhibits etc.

The number of visitors coming through the doors and taking maps in April was **1858** as compared to **1300** in 2013.

- **Product Sales:** (Appendix B) Net sales for the month of April 2014 were **\$1,324.90** compared to **\$778.60** for the same period 2013.
- **The Gold Coin Souvenirs:** These are very popular with visitors and locals alike. There have been some visitors that come to York just to purchase a coin, while they are here they take in the sights and make purchases in the town while enjoying a meal.
- **WiFi** – The York Town Hall is now a WiFi hot spot.
- **Request for Services:** There are certain services that visitors ask for (verbally) on a regular basis, these include:
  - The Swimming pool to be open for longer than March (as the weather was very warm in the beginning of April)
  - Signs for events to be put up at the information bays.
  - Backpacker Accommodation or cheap accommodation.
  - Laundromat – Caravan holidaymakers & Backpackers are always enquiring about a laundromat or clothes washing/drying facilities in York.

With the number of requests, perhaps one lot of coin operated machines could be installed in the York Town Hall ladies toilet, there is enough free area, or at Avon Park or Howick St, both of these areas are locked at night, but the hall would be more secure for the money involved, the area is monitored while the Information Services are in attendance, the toilets are locked by Shire staff at 5.00pm each business day and YIS on weekends.

- **Events:**

**Motorcycle Festival** - 13 April – This event brought thousands of bikers and other interested people to York for the day, the Great Southern Highway was a constant stream of motorcycles and cars coming to York. Actual number of people attending the festival was in excess of 4000, and the day was very well organised. The motor bike display in the Town Hall was also a great success with the motor bike enthusiasts.

**The Easter Fair** – This event was held over the Easter weekend 19-21 April and was a great success breaking previous attendance records with approx 3000 on the first day alone. The comments we received in the Information Centre was all positive and a great time was had by all. Well done to Chris and Ruth.

**Antiques and Collectable Markets** – In the Freemason's Hall, this event commenced on Good Friday and continued over the Easter Weekend, it was reported to be very successful.

People attending York over the Easter weekend for these two events mingled between the York Town Hall and the Mason's Hall, great success with the two halls being close together.

**Photographic Awards** – 12-21 April – Also a huge success.

**Australian National Skydive Championships** 16<sup>th</sup>-21<sup>st</sup> April - Skydive the Beach and Beyond reported that the event was a huge success.

- Number of competitors – 153 (from all around Australia and including NZ, Italy, and Dubai).
- Number of teams – 35.
- Tandem students during the week – close to 100.
- Spectators – too many to count during the week.
- 3 National records broken

- **Feedback:**

- Tourist are very happy with the Free RV Parking down at Avon Park, we have had such a lot of positive feedback. The Grey nomads advise the word is getting around about the York facility, which they say is the “best” they have come across in their travels.
- Lots of comments about what a lovely little town York is.
- Lots of comments about the Gold Coins being such a good idea.
- There is an APP called WikiCamps (The Traveller's Companion) there are lots of positive comments on this APP.

**Background:**

We have the calendar of Event for the year of 2014. All known details are listed on the Calendar of Events, which is distributed through York Information Services and available on the Shire of York website. This is also emailed to a contact list the York Information Services have for those residents, visitors and visitor centres who want to receive this document.

**Consultation:**

Shire of York and local business proprietors

**Statutory Environment:**

Nil

**Policy Implications:**

Not Applicable

**Financial Implications:**

Nil

**Strategic Implications:**

Not Applicable

**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:**

This report serves to keep the community informed of the activities in place.

**RESOLUTION**

**140514**

**Moved:** Cr Duperouzel

**Seconded:** Cr Wallace

***“That Council:***

***Receive the April 2014 report prepared by York Information Services.”***

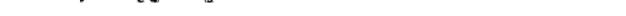
**CARRIED: 6/0**



#### **Item 9.2.4 - Appendices**



**9. OFFICER'S REPORTS**  
**9.2 ADMINISTRATION REPORTS**  
**9.2.5 UNKEMPT PROPERTY**

FILE NO: Ge2.8050  
COUNCIL DATE: 19 May 2014  
REPORT DATE: 9 May 2014  
LOCATION/ADDRESS: 18 Georgiana Street, York  
APPLICANT: Public Transport Authority  
SENIOR OFFICER: Gordon Tester, MHB  
AUTHOR: J Coles, EHO  
DISCLOSURE OF INTEREST: Nil  
APPENDICES: 1 – Site Photographs  
DOCUMENTS TABLED: Nil   
REPORT APPROVED BY THE CEO: 

**Summary:**

To seek Council's endorsement, to issue a Notice to the owner of 18 Georgiana Street York in regards to the unkempt condition of the property.

**Background:**

The Council's Environmental Health Section received a complaint regarding the condition of the property at 18 Georgiana Street York dated 7<sup>th</sup> April 2014.

On the 9<sup>th</sup> April 2014, the Council's Environmental Health Officer inspected the property and found the complaint to be substantiated. Photographs of the property were taken for record (attachment). There is a significant amount of disused material on site, and the property in places has overgrown vegetation.

**Consultation:**

The last known owner of the property was the late Edwin Cyril Hunt (Deceased), confirmed by Certificate of Title dated 27<sup>th</sup> November 1975, Certificate printed on 2<sup>nd</sup> May 2005.

Notes from the Council's Synergy System indicate that the late Edwin Cyril Hunt's Executor of the Estate could not be traced, and therefore, resulted in the Estate not being concluded.

Discussions with Finance and Rates officers within the Council confirm that no owner could be found, and that there are considerable debts on the property from Rates.

**Statutory Environment:**

As there is no reasonable expectation that the property condition will improve, as the owner is deceased, it is suggested that action be pursued under the *Local Government Act 1995*.

Section 3.25 of the *Local Government Act 1995* states:-

"A local government may give a person who is the owner or, unless Schedule 3.1 indicates otherwise, the occupier of land a notice in writing relating to the land requiring the person to do anything specified in the notice that –

(a) is prescribed in Schedule 3.1, Division 1: or

*(b) is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2”.*

Schedule 3.1, Division1, Section 5A (1) of the *Local Government Act 1995* states:-

*“Ensure that overgrown vegetation, rubbish, or disused material, as specified, is removed from land that the local government considers to be untidy”.*

Section 3.26 (3) states:-

*“The local government may recover the cost of anything it does under subsection (2) as a debt due from the person who failed to comply with the notice”.*

Therefore, as the owner of 18 Georgiana Street, York, cannot take steps to address the untidy property, it is recommended that a Notice be served upon the owner under Section 3.25 of the *Local Government Act 1995*.

**Policy Implications:**

There are no policy implications. The clearance of disused material and overgrown vegetation will improve the visual appearance of the site immediately surrounding 18 Georgiana Street, York.

**Financial Implications:**

Should the Council undertake the required works; the costs can be lodged against the property as a debt due, in accordance with Section 3.26 (3) of the *Local Government Act 1995*.

**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 proposal is consistent with the goals of the Plan as it will improve the appearance of the area immediately surrounding 18 Georgiana Street, York.

**Voting Requirements:**

**Simple Majority Required:** Yes

**Site Inspection:**

**Site Inspection Undertaken:** Yes

**Triple bottom Line Assessment:**

**Economic Implications:**

There are no economic implications associated with this proposal.

**Social Implications:**

There are no social implications associated with this proposal.

**Environmental Implications:**

The proposal will result in improved visual appearance of the area immediately around 18 Georgiana Street, York.

**Officer's Comment:**

Although the owner of 18 Georgiana Street, York, cannot be found, the untidy nature of the property will continue.

**OFFICER RECOMMENDATION**

*“That Council endorses:*

1. *Subject to no objections being received, authorise the CEO to issue a Notice to the owner of 18 Georgiana Street, York, under Section 3.25 of the Local Government Act 1995, requiring the removal of all disused materials, rubbish and overgrown vegetation from the property.*
2. *The Council engaging contractors (external or internal) in accordance with Section 3.26 of the Local Government Act 1995, to remove all disused material, rubbish and overgrown vegetation from 18 Georgiana Street, York, should the owner fail to comply with the Notice.*
3. *The Council recovering all costs from the owner of 18 Georgiana Street, York, as a debt due in accordance with Section 3.26 (3) of the Local Government Act 1995, for any works undertaken as a result of non-compliance with the Notice.”*

**RESOLUTION**

**150514**

**Moved: Cr Boyle**

**Seconded: Cr Wallace**

*“That Council:*

***Defer this item until the June Ordinary Council Meeting as further information is available.”***

***CARRIED: 6/0***

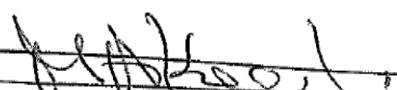


### **Item 9.2.5 – Appendices**



**9. OFFICERS REPORTS**  
**9.2 ADMINISTRATION REPORT**  
**9.2.6 CEO Report for April 2014**

**FILE NO:**

|                                    |  |
|------------------------------------|--|
| <b>COUNCIL DATE:</b>               | 19 May 2014  |
| <b>REPORT DATE:</b>                | 12 May 2014  |
| <b>LOCATION/ADDRESS:</b>           | N/A  |
| <b>APPLICANT:</b>                  | N/A  |
| <b>SENIOR OFFICER:</b>             | Michael Keeble, CEO  |
| <b>AUTHOR:</b>                     | Michael Keeble, CEO  |
| <b>DISCLOSURE OF INTEREST:</b>     | Nil  |
| <b>APPENDICES:</b>                 | Nil  |
| <b>DOCUMENTS TABLED:</b>           | Nil  |
| <b>REPORT APPROVED BY THE CEO:</b> |  |

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

**1. Terminations:**

The following staff have left the organisation:

- Kiriana Carroll - full time admin support. She lives in Midland so the reason is travel and kids at school. She has got a job in Perth.
- Haley McNamara - 2 days per week customer service officer.

**2. Exit Review**

From now all staff will be the subject of a formal exit review. the inside staff by the Deputy CEO and outside staff by the Works Manager.

**3. Vehicles:**

All vehicles will come under the control of the Works Manager

**4. Swing Bridge Avon Park**

Responsibility for the swing bridge in Avon Park has been transferred from the Building Manager to the Works Manager

**5. Budget:**

A formal budget process has been commenced with a view to Council approving the budget at the June meeting. Dominic Carbone will transfer the draft figures into the prescribed format.

**6. Annual Financials:**

Dominic Carbone has been approached to prepare the annual financials in the prescribed format.

**7. Web Page:**

A procedure has been put in place for the web page to be checked for accuracy on a weekly basis. The new web page should be operational by the end of May.

**8. Enterprise Bargaining Agreement:**

The negotiation process has been put in place for the outside crew:

**9. Complaints:**

Two letters of complaint have been received regarding a member of staff and a formal process commenced.

**10. Finance:**

A review of finance processes has commenced.

**11. Confidential Mail:**

A review of process commenced.

**12. HR Records:**

A review of process commenced

**Meetings Attended by CEO - 17 April 2014 – 17 May 2014**

|                |   |
|----------------|---|
| 17 April, 2014 | Simon Saint   |
| 18 April, 2014 | Easter Friday   |
| 21 April, 2014 | Easter Monday   |
| 22 April, 2014 | Ray Hooper<br>Senior Staff Meeting<br>Cr Pat Hooper<br>Cr Mathew Reid<br>Tabitha Bateman<br>Budget Meeting<br>Rang Simon Saint<br>Phillip Langley – Night Sky<br>Rang Simon Saint |
| 23 April, 2014 | EBA – Discussion with Graham & Mike Fitz Gerald – occupied most of the day<br>EBA Briefing  |
| 24 April, 2014 | ANZAC Day – attended Dawn Service & Memorial Service  |
| 25 April, 2014 | Matthew Davies  |
| 28 April, 2014 | Cr Mathew Reid<br>Cr Pat Hooper<br>Justin Corrigan – CESM<br>Gail Maziuk – FOI<br>Peter Murray<br>Graham Lantzke<br>Cr Mathew Reid<br>Forward Planning                            |
| 29 April, 2014 | Senior Staff Meeting<br>EBA – Mike Fitz Gerald  |
| 30 April, 2014 | Jacky Jurmann<br>Budget Meeting<br>Simon Saint<br>Cr Mathew Reid – ANZAC Grant<br>Cr Mathew Reid & Simon Saint<br>Cr Mathew Reid  |
| 1 May, 2014    | Macri Partners<br>Dr Duncan Steed   |

|             |   |
|-------------|---|
|             | Phillip Langley, Night Sky                          |
|             | Cr Pat Hooper                                       |
|             | Phillip Langley                                     |
|             | Cr Matthew Reid                                     |
|             | Tim Jurmann   |
| 2 May, 2014 | Avon Midland Zone Meeting – Chittering              |
| 5 May, 2014 | Dominic Carbone – Budget Requirements               |
|             | Payroll Processes                                   |
|             | Cr Matthew Reid                                     |
|             | Cr Pat Hooper                                       |
|             | Sgt Mark Gubanyi & Councillors                      |
|             | Special Council Meeting                             |
| 6 May, 2014 | Graham Lantzke                                      |
|             | Senior Staff Meeting                                |
|             | Tricia Walters – FOI                                |
|             | Bob Lengkeek – Bowling Club                         |
|             | YRCC – Kathryn & Tyhscha                            |
|             | Jacky Jurmann                                       |
| 7 May, 2014 | Sheryl Russo – The York Society (with Matthew Reid) |
|             | Sgt Mark Gubanyi                                    |
|             | Darlene Barratt                                     |
|             | Town Dam Issues                                     |
|             | Sport Club Meeting – YRCC (Evening)                 |
| 8 May, 2014 | Budget Meeting                                      |
|             | Cr Pat Hooper                                       |
|             | Settlers House – meet & greet (Evening)             |

### **Proposed Meetings**

|              |   |
|--------------|---|
| 9 May, 2014  | Sandra Paskett                                      |
|              | Trails Master Plan & Bike Plan                      |
|              | Phillip Langley                                     |
|              | Visit to York FM – re move                          |
|              | Simon Saint & Tony Boyle                            |
|              | Sports Club Fees & Charges – David Wallace          |
| 12 May, 2014 | Road & Bridges Asset Management                     |
|              | Delegations & Policies Workshop                     |
|              | Special Council Meeting                             |
| 13 May, 2014 | Graham Lantzke                                      |
|              | Senior Staff  |
|              | Cindy Keeble – Library                              |
| 14 May, 2014 | Jacky Jurmann & Carol Littlefair – Residency Museum |

| <b>Department Information</b>              | To April<br>2014 | To April<br>2013 | +/-<br>% |
|--|------------------|------------------|----------|
| <b>1. FOI</b>                              |                  |                  |          |
| New applications received                  | 1                | 1                | 0%       |
| Total FOI applications processed           | 14               | 19 (To June)     | (74%)    |
| <b>2. Library</b>                          |                  |                  |          |
| Adult Non Fiction Issued                   | 444              | 368              | 121%     |
| Adult Fiction Issued                       | 1225             | 1235             | 99%      |
| Junior Library Issued                      | 483              | 437              | 110%     |
| Paperbacks Magazines etc Issued            | 15               | 57               | 26%      |
| New Members - Adult                        | 0                | 0                | 0%       |
| Revenues                                   | \$978            |                  |          |
| Expenditure                                | \$47,797         |                  |          |
| <b>Funding Required</b>                    | <b>\$46,819</b>  |                  |          |
| <b>3. Payments to the Shire</b>            |                  |                  |          |
| Direct Credits                             | 222              | 209              | 106%     |
| <b>4. Facilities Hire</b>                  |                  |                  |          |
| Indoor Stadium                             |                  |                  |          |
| Totals                                     | 53<br>\$150      | 59               | 90%      |
| Oval                                       |                  |                  |          |
| Totals                                     | 8                | 8                | 0%       |
| Pavilion                                   |                  |                  |          |
| Totals                                     | 3<br>\$90        | 1                | 300%     |
| <b>5. Environmental Protection Officer</b> |                  |                  |          |
| Biodiversity Funding                       |                  |                  |          |
| Consulting on roadside clearing permits    |                  |                  |          |
| Report on approved permits                 |                  |                  |          |
| Visits to York                             |                  |                  |          |
| Red card/red fox project                   |                  |                  |          |
| Other environmental projects               |                  |                  |          |
| Total Cost                                 | \$22,820         | \$22,820         |          |
| <b>6. Information Centre</b>               |                  |                  |          |
| Visitors                                   | 1858             | 1300             | 143%     |
| Product Sales                              | \$1,325          | \$779            | 170%     |
| <b>7. Swimming Pool</b>                    |                  |                  |          |
| Revenues                                   | \$30,500         | \$27,092         | 112%     |
| Expenditure                                | \$179,342        |                  |          |
| <b>Funding Required</b>                    | <b>\$148,842</b> |                  |          |

## 8. Gymnasium

|          |          |          |      |
|----------|----------|----------|------|
| Revenues | \$22,654 | \$19,225 | 118% |
| Expense  | \$ 9,934 | \$ 6,434 | 154% |
| Surplus  | \$12,720 | \$12,791 | 99%  |

## 9. Department of Transport Licencing

|                        |     |     |      |
|------------------------|-----|-----|------|
| Licencing Transactions | 742 | 769 | 96%  |
| Theory Tests           | 13  | 6   | 216% |

## 10. Recreation Centre

|                  |           |
|------------------|-----------|
| Revenues         | \$285,165 |
| Expense          | \$385,612 |
| Funding Required | \$100,447 |

## 11. Works

PROJECT STATUS BOARD 2013/14

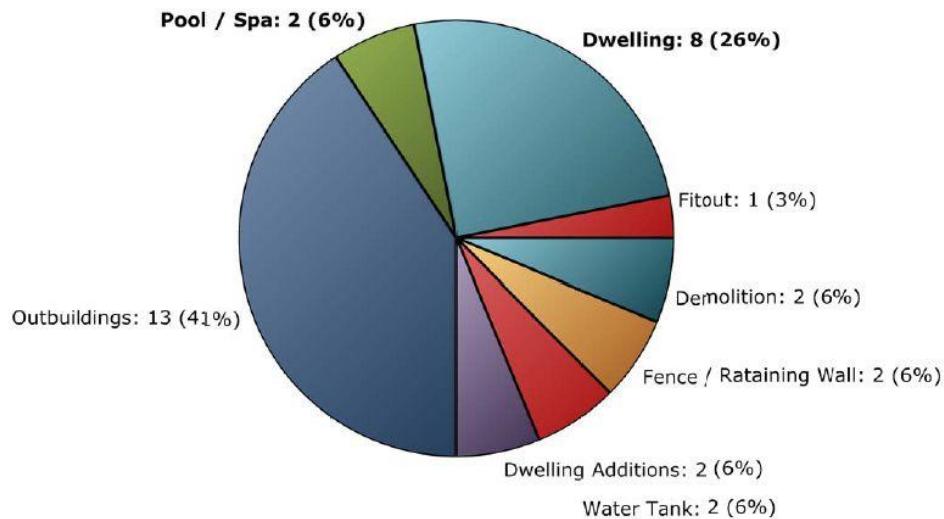
| Project delivery    | No. of Projects assigned | Completed | Cancelled/ unable to complete | In progress | Carried forward | Percent completion |
|---------------------|--------------------------|-----------|-------------------------------|-------------|-----------------|--------------------|
| Roads               | 37                       | 21        | 5                             | 8           | 3               | 66%                |
| Bridges             | 6                        | 2         | 0                             | 1           | 3               | 33%                |
| Footpaths           | undefined                | 0         | 0                             | 0           | 0               | 0%                 |
| Drainage            | 4                        | 0         | 0                             | 0           | 4               | 0%                 |
| Reserves and Other  | 9                        | 2         | 0                             | 5           | 2               | 22%                |
| Land Acquisition    | 3                        | 0         | 0                             | 0           | 3               | 0%                 |
| Procurement         | 23                       | 11        | 2                             | 10          | 0               | 52%                |
| Private Works       | 11                       | 5         | 2                             | 4           | 0               | 56%                |
| Events              | 17                       | 15        | 0                             | 2           | 0               | 88%                |
| Strategic Plans     | 9                        | 2         | 0                             | 0           | 7               | 22%                |
| Management Projects | 10                       | 2         | 1                             | 4           | 3               | 22%                |
| Policy&Lobbying     | 8                        | 0         | 0                             | 0           | 8               | 0%                 |
| <b>Total</b>        | <b>137</b>               | <b>60</b> | <b>10</b>                     | <b>34</b>   | <b>33</b>       | <b>47%</b>         |

CUSTOMER ACTION REQUESTS 2013/14

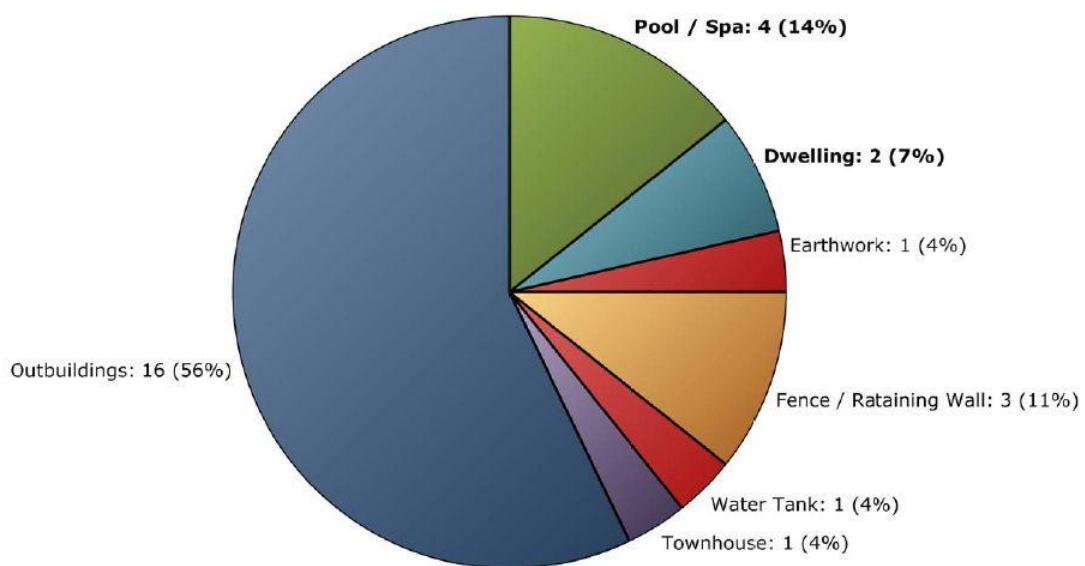
| Requests by Type                      | No. of requests | Completed | Cancelled/ unable to complete | In progress | Carried forward | Percent completion |
|---------------------------------------|-----------------|-----------|-------------------------------|-------------|-----------------|--------------------|
| Action requests                       |                 |           | No current compiled data      |             |                 | #VALUE!            |
| Crossovers                            |                 |           | No current compiled data      |             |                 | #VALUE!            |
| Private works (minor)                 |                 |           | No current compiled data      |             |                 | #VALUE!            |
| School Bus                            |                 |           | No current compiled data      |             |                 | #VALUE!            |
| Heavy Vehicle Permits                 |                 |           | No current compiled data      |             |                 | #VALUE!            |
| Subdivision and development Referrals | 2               | 1         | 0                             | 1           | 0               | 50%                |
| <b>Total</b>                          | <b>2</b>        | <b>1</b>  | <b>0</b>                      | <b>1</b>    | <b>0</b>        | <b>50%</b>         |

12. Building Permits

## March - April 2013 Building Permit Types

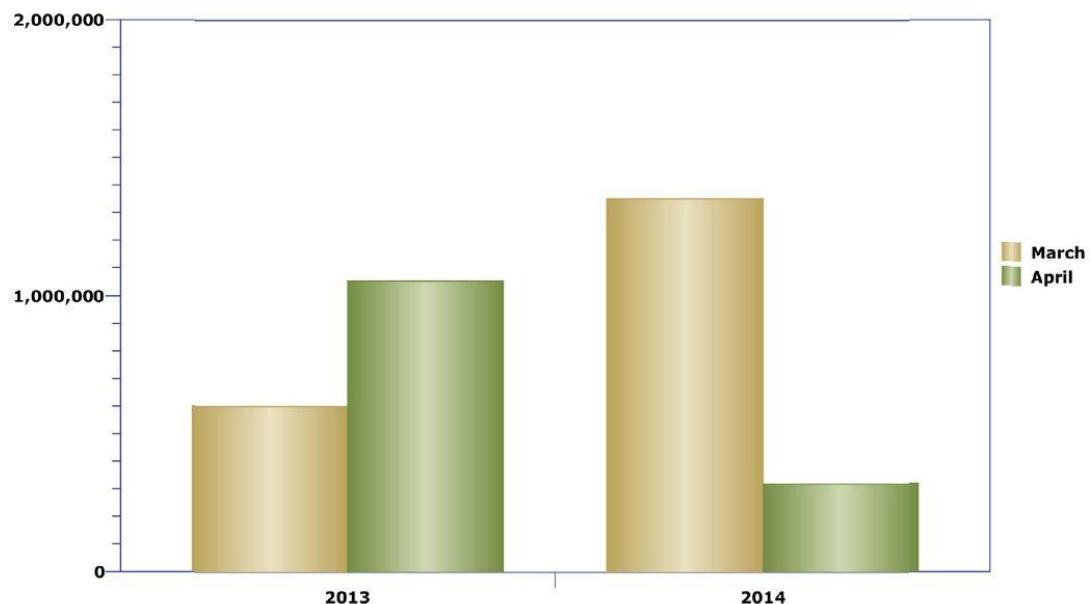


## March - April 2014 Building Permit Types

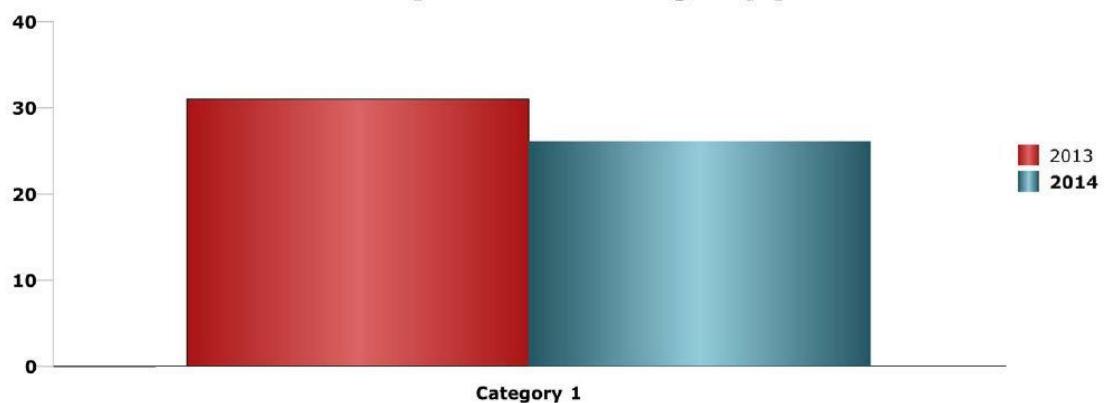


13. Building - Construction and Approvals

**March - April Construction Value**

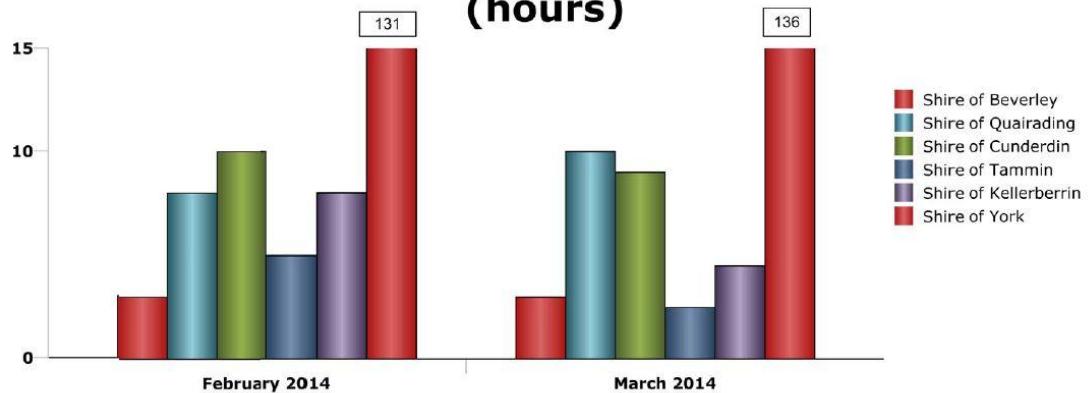


**March - April Building Approvals**



#### 14. Rangers

### Monthly Ranger Services in Shires (hours)



## 15. Planning

| Planning Services – April Monthly Statistics  |                      |                        |       |
|---|----------------------|------------------------|-------|
|   | 1/7/2012 – 30/4/2013 | 1/7/2013 – 30/4/2014   | Trend |
| Applications Received   | 51                   | 42                     | Down  |
| Application Determined  | 55                   | 44                     | Down  |
| Time (average) <sup>1</sup>   | 65 days              | 43 days                | Down  |
| DAP Applications  | 0                    | 1 <sup>2</sup>         | Up    |
| Subdivision Referrals   | 13                   | 18                     | Up    |
| Scheme Amendments   | 4                    | 5                      | Up    |
| Income derived from applications, scheme amendments and subdivision clearances <sup>3</sup> | \$29,353             | \$46,397 <sup>4</sup>  | Up    |
| Income derived from outsourced planning   | \$1,532              | \$59,090               | Up    |
| Income derived from grants  | \$4,500              | \$240,500 <sup>5</sup> | Up    |
| Museum attendance   | 1,328                | 1,771                  | Up    |
| Highest demographic   | Adults               | Adults                 | Up    |
| Local attendance  | 230                  | 154                    | Down  |
| Income derived  | \$5,814              | \$5,949                | Up    |

<sup>1</sup> 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 for deemed refusal.

<sup>2</sup> SITA application for landfill at Allawuna Farm currently subject to SAT proceedings.

<sup>3</sup> Planning fees are statutory fees.

<sup>4</sup> Includes SITA application fee.

<sup>5</sup> Includes NRM grant obtained by Planning Section

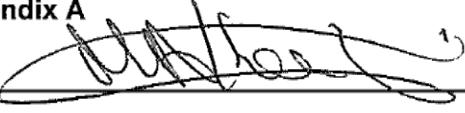
|                                     |                            |
|-------------------------------------|----------------------------|
| <b>RESOLUTION</b><br><b>160514</b>  |                            |
| <b>Moved: Cr Hooper</b>             | <b>Seconded: Cr Boyle</b>  |
| <b><i>“That Council:</i></b>        |                            |
| <b><i>Considers this item.”</i></b> | <b><i>CARRIED: 6/0</i></b> |



## 9. OFFICER'S REPORTS

### 9.2 ADMINISTRATION REPORTS

#### 9.2.7 York Recreation & Convention Centre (YRCC)

|                             |  |
|-----------------------------|--|
| FILE NO:                    | CCP.7  |
| COUNCIL DATE:               | 19th May 2014  |
| REPORT DATE:                | 9th May 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: |  |

#### Summary:

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

- Catering Numbers on Fridays-** Monthly averages were calculated from the number of meals served each Friday night. April figures showed a marked improvement on March's average number of Friday meals sold, particularly desserts sales which had more than doubled in number.  
Sunday night meals again showed an improvement in number of covers since the March report, with numbers nearly doubling. The return of Sunday night football presentations has probably bolstered guests attending and hence meals served.
- Sporting Events And Catering**  
April was a fairly quiet sporting month with the last of the summer sports holding their wind ups during this month and the YRCC trading 5 days per week, every week, including the holiday weeks. The school and multiple public holidays meant many sports had byes but we did host the first senior football home game on Sunday the 27<sup>th</sup>. A fair number of visitors were present at the YRCC for the Men's Bowls Open weekend as well, and we received good comments on the venue and catering. Lawn bowls and football currently seem content with the variety and delivery of catering services offered to their clubs.
- Diversity Of Private Functions**  
During April, YRCC hosted the Ladies Bowls AGM, the two day WALGA Wheatbelt conference, York Basketball Club's wind up, a sizeable two day Men's bowls open event, two kids' cooking classes, a wake and corporate lawn bowls finals on two Wednesdays, in addition to 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.
  - Compliments on venue amenities and catering from attendees at the WALGA conference event.
  - Positive comments from parents on kids' cooking classes and queries as to whether we will hold more school holiday events next holidays.

**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:**

April revealed a reduction in gross turn over figure from the March report, with the YRCC trading only 21 out of 30 days for the month, due to the Easter and ANZAC day long weekends. With school holidays (often an impediment to income in family orientated businesses) and several substantial invoices not being paid within the calendar month, we expect to see a marked improvement in the May income figures, particularly in the conference and bar areas.

Expenditure for April remained reasonably high due to several fairly large events held this month.

**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.

**RESOLUTION**

**170514**

**Moved:** Cr Wallace

**Seconded:** Cr Hooper

***“That Council:***

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

**CARRIED: 6/0**



**Item 9.2.7 – Appendices**



**9. OFFICER'S REPORTS**  
**9.2 ADMINISTRATION REPORTS**  
**9.2.8 Contract of Employment**

**FILE NO:** P236  
**COUNCIL DATE:** 19 May 2014  
**REPORT DATE:** 13 May 2014  
**LOCATION/ADDRESS:** N/A  
**APPLICANT:** Shire President - Matthew Reid  
**APPENDICES:** CEO Contract of Employment

**Summary:**

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

His contract of employment is tabled for consideration.

**Background:**

The contract tabled is a model contract of employment recommended by the Department of Local Government and Regional Development, and endorsed by the Western Australian Local Government Association and the Local Government Managers Association. This contract was drawn up in August 2005 so certain organisation has subsequently changed their names.

**Consultation:**

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

**Commentary**

Attached is:

1. The draft confirmation of employment terms and conditions signed by the Shire President (Mathew Reid and Michael Keeble on 16th April 2014)
2. The Contract of Employment - Shire of York Chief Executive Officer. Noting the following:
  - Clause 4 The term is for 6 months
  - Clause 5 A new contract may be negotiated
  - Clause 12 The cash component is \$195,261 (including 9.25% superannuation)
  - Clause 13 The CEO is not entitled to any paid leave with the exception of public holidays.

**Statutory Environment:**

**Local Government Act Part 5 Division 4 Section 5.39 (extract) states:**

**Contracts for CEO and senior employees**

- (1) *Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.*
- (1a) *Despite subsection (1) —*
  - (a) *an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting;*
- (2) *A contract under this section —*
  - (a) *in the case of an acting or temporary position, cannot be for a term exceeding one year;*
- (3) *A contract under this section is of no effect unless —*

- (a) the expiry date is specified in the contract; and
  - (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and
  - (c) any other matter that has been prescribed as a matter to be included in the contract has been included.
- (4) A contract under this section is to be renewable and subject to subsection (5), may be varied.
- (5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.
- (6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.
- (7) A report made by the Salaries and Allowances Tribunal, under section 7A of the Salaries and Allowances Act 1975, containing recommendations as to the remuneration to be paid or provided to a CEO is to be taken into account by the local government before entering into, or renewing, a contract of employment with a CEO.
- (7) A CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7A.
- (8) A local government is to ensure that subsection (7) is complied with in entering into, or renewing, a contract of employment with a CEO.

**Shire of York Local Laws Standing Orders**

**Part 19 - Common Seal**

**19.1 The Council's Common Seal (extract)**

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

**Financial Implications:**

The position is financed in the 2013 to 2014 budget

**Voting Requirements:**

**Simple Majority Required: Yes**

**RESOLUTION**

**180514**

**Moved: Cr Smythe**

**Seconded: Cr Wallace**

**"That Council:**

1. **Approve the Contract of Employment with Michael Alan Keeble as Chief Executive Officer of the Shire of York.**
2. **The Shire President and the Chief Executive Officer may affix the Common Seal of the Shire of York to the Contract."**

**CARRIED: 6/0**

**Item 9.2.8 – Appendices**



**9. OFFICER'S REPORTS  
9.2 ADMINISTRATION REPORTS  
9.2.9 Clarification of Minutes**

FILE NO:

**COUNCIL DATE:** 19 May 2014

**REPORT DATE:** 12 May 2014

**APPLICANT:** Chief Executive Officer

**DISCLOSURE OF INTEREST:**

## REPORT APPROVED BY THE CEO:

### Summary:

**Summary:** At the Ordinary Meeting of Council held on 17 December 2012, the following item was put and carried:

## 1 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

## CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Minutes of the Ordinary Council Meeting held November 18, 2012  
Corrections – under payments there is an amount of \$1,992.10 for vexatious  
ratepayer. Incorrect terminology used – should have read – rateability of  
Balladong Estate and processes for FOI.

### Banking Ex. Confirmation

## RESOLUTION

RESOL  
011212

Seconded: Gr Duperouzel

Moved: C. Hooper Seconded: C. Duperreault  
**"That the minutes of the Ordinary Council Meeting held on November 19, 2012 be confirmed as a correct record of proceedings subject to the correct terminology being used for the designated payment voucher."**

**CARRIED:** 6/0

### Background:

After a review and advice from the lawyers McLeods the amendment to the minutes is not accurate.

The advice from McLeods is confirmed in an email sent on 8th January 2013 to the Shire and in part it reads:

*Having reviewed the file named 'vexatious ratepayer', it is my view that the name used was not particularly apt. The description in the relevant purchase order was 'Legal advice - FOI processes - vexatious people'.*

*My notes of the meeting on 7 September 2012, indicate that our meeting dealt with questions that arose within the context of dealing with a person considered to be vexatious but the advice I gave at the meeting was about generally applicable processes not the person per se. The processes the subject of my advice were –*

- *FOI - general processes, internal reviews of FOI decisions, how to deal with FOI requests that are very wide, when it is appropriate to request an applicant to make a new application and whether the Shire can seek legal advice with respect to specific FOI applications;*
- *What is necessary to meet the requirements of the State Records Act (which was also dealt with in subsequent email advice);*

- *Public question time - the statutory requirements with respect to public question time, whether the Shire President is obliged to permit statements to be made at public question time (as opposed to only permitting people to ask questions), whether questions can be taken on notice or simply be responded to by noting the question;*
- *Development Approval compliance - text deleted as this is not relevant to this item*
- *I did not record any notes about the charitable exemption claim - text deleted as this is not relevant to this item*

*In retrospect, it is my view that the file (and hence the subject of the account) should have been 'Advice on administrative processes' and that all of the time on the account would fit appropriately under that description. I think it is fair to say that a predominant part of the meeting was about FOI procedures and related matters such as State Records Act requirements etc, some of the meeting was about Balladong, a vexatious person was referred to in the context of the advice sought but was not actually the subject of any advice.*

**Consultation:**

McLeods the Shire solicitors  
Macri the Shire auditors

**Statutory Environment:**

Local Government Administration Regulation 1996 – Section 10 1 (b)

**10. Revoking or changing decisions (Act s. 5.25(1)(e))**

*(3)This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.*

**Voting Requirements:**

**Absolute Majority Required: 4 Votes**

**Local Government Act Part 1 Clause 1.4 (extract)**

***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;

**RESOLUTION**

**190514**

**Moved: Cr Smythe**

**Seconded: Cr Wallace**

***"That Council adopt the following resolution:***

***That the minutes of the Ordinary Council Meeting held on November 19, 2012 be confirmed as a correct record of proceedings acknowledging that various matters were discussed with McLeods including questions that arose within the context of dealing with a person considered to be vexatious."***

**CARRIED: 6/0**

## 9. OFFICER'S REPORTS

### 9.2 ADMINISTRATION REPORTS

#### 9.2.10 Establishment of a Finance, Audit and Risk Committee

##### FILE NO:

COUNCIL DATE: 19 May 2014

REPORT DATE: 13 May 2014

APPLICANT: Chief Executive Officer

APPENDICES: Terms of Reference

REPORT APPROVED BY THE CEO: 

##### Summary:

Council should consider establishing a Finance, Audit and Risk Committee in accordance with the proposed terms of reference.

This will supersede the present Audit Committee

##### Background:

The *Local Government Act 1995* (the Act) requires that all local governments establish an audit committee. An audit committee plays a key role in assisting a local government to fulfil its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management systems, legislative compliance, ethical accountability and the internal and external audit functions.

##### Establishment of the Audit Committee

The Department of Local Government operational guidelines #09 advises that:

- a) each local government is to establish an audit committee consisting of three or more persons to exercise the powers and discharge the duties conferred on it;
- b) members of the committee are to be appointed by an absolute majority decision of Council. At least three of the members, and the majority of the members, are to be elected members;
- c) the CEO is not to be a member of the committee and may not nominate a person to be a member or have a person to represent him or her as a member of the committee;
- d) an employee is not to be a member of the committee;
- e) the only powers and duties that can be delegated to a committee are any of the powers and duties of the local government under Part 7 of the Act; that is, those relating to audit. The committee cannot on-delegate the powers and duties delegated to it;
- f) an audit committee with a member who is a person that is not an elected member can be delegated powers and duties referred to in (e); and
- g) a decision of the committee is to be made by simple majority.

##### Statutory Environment:

Local Government Act 1995 Part 7 Division 1a Clause 7.1A

##### 7.1A. Audit committee

- (1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.
- (2) The members of the audit committee of a local government are to be appointed\* by the local government and at least 3 of the members, and the majority of the members, are to be council members.

\* *Absolute majority required.*

- (3) A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent him or her as a member of an audit committee.
- (4) An employee is not to be a member of an audit committee.

**Commentary:**

It is recommended by the Department of Local Government that members of the public are included on this committee.

The inclusion of 2 persons, suitable, either by experience or qualification could be sought to fill these positions. It is recommended that an advertisement for expressions of interest in the position, is placed and that nominations are brought to the next meeting of Council for consideration.

**Voting Requirements:**

**Absolute Majority Required: 4 votes**

Local Government Act 1995 Part 1 Clause 1.4 (extract)

***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;

**RESOLUTION**

**200514**

**Moved: Cr Hooper**

**Seconded: Cr Duperouzel**

***“That Council:***

- 1. ***Establish a Finance, Audit and Risk Committee as a Committee of Council***
- 2. ***Adopt the Terms of Reference attached as an appendix***
- 3. ***Nominate a minimum of three (3) 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.”***

**CARRIED: 6/0**

**RESOLUTION**

**210514**

**Moved: Cr Boyle**

**Seconded: Cr Duperouzel**

***That Council 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.”***

**CARRIED: 6/0**

**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.*



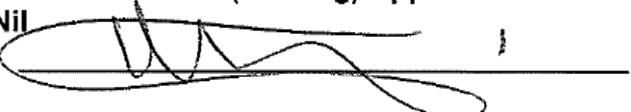
**Item 9.2.10 – Appendices**



## 9. OFFICER'S REPORTS

### 9.2 ADMINISTRATION REPORTS

#### 9.2.11 Gazettal Notices - Various

|                             |  |
|-----------------------------|--|
| FILE NO:                    | LE.ACT   |
| COUNCIL DATE:               | 19 May 2014  |
| REPORT DATE:                | 12 May 2014  |
| LOCATION/ADDRESS:           | Not Applicable   |
| APPLICANT:                  | Shire of York  |
| SENIOR OFFICER:             | Michael Keeble, CEO  |
| AUTHOR:                     | Gail Maziuk, HR/Payroll Officer  |
| DISCLOSURE OF INTEREST:     | Nil  |
| APPENDICES:                 | Gazettal Notices (existing) Appendix A   |
| DOCUMENTS TABLED:           | Nil  |
| REPORT APPROVED BY THE CEO: |  |

#### **Summary:**

Shire Administration staff have reviewed the gazettal and authorisations for staff to operate effectively under the listed legislation.

Gazettals under the following Acts require updating to allow the authorised persons to carry out the procedures delegated under each Act:

Caravan Parks & Camping Grounds Act 1995  
Control of Vehicles (Off-Road Areas) Act 1978  
Litter Act 1979  
Local Government (Miscellaneous Provisions) Act 1960  
Dog Act 1976  
Cat Act 2011  
Bush Fires Act 1954  
Food Act 2008

#### **Background:**

A review was carried out on the appointment of authorised persons to carry out the administration duties of the various Government Acts at a Council meeting held in September 2011, revised in June 2012 and again in May 2014 for Council to consider at the May Ordinary Council meeting.

#### **Consultation:**

Not Applicable

#### **Statutory Environment:**

Nil

#### **Policy Implications:**

Nil

#### **Financial Implications:**

There are costs associated with advertising the gazettal notices in the Government Gazette.

#### **Strategic Implications:**

Nil

**Voting Requirements:**  
**Simple Majority Required: Yes**

**Site Inspection:**  
**Site Inspection Undertaken:**  
Not Applicable

**Triple bottom Line Assessment:**  
**Economic Implications:**  
Not Applicable

**Social Implications:**

Maintain and continuously improve customer service through the extended delegations of Authorised Officers.

**Environmental Implications:**  
Not Applicable

**Comment:**  
It is recommended that the Officers recommendation be accepted.

**RECOMMENDATION**  
**230514**

**Moved: Cr Boyle**

**Seconded: Cr Smythe**

***“That Council:***

(1) ***Delete the current names from the Appointment of Authorised Persons (as referred to in Attachment A):***

***Caravan Parks & Camping Grounds Act 1995***

- ***Ray Hooper***
- ***Shane Fewster***
- ***Jodie Taylor***
- ***Judith Anderson***
- ***Glen Jones***

***Control of Vehicles (Off-Road Areas) Act 1978***

- ***Ray Hooper***
- ***Shane Fewster***
- ***Jodie Taylor***
- ***Glen Jones***

***Litter Act 1979***

- ***Ray Hooper***
- ***Glen Jones***
- ***Jodie Taylor***
- ***Judith Anderson***
- ***Shane Fewster***

**Local Government (Miscellaneous Provisions) Act 1960**

- *Ray Hooper*
- *Richard Smith*
- *Shane Fewster*
- *Glen Jones*
- *Don Randell*
- *Jodie Taylor*

**Dog Act 1976- Registration Officers**

- *Tracy McInnes*

**Dog Act 1976 - Authorised Officers**

- *Ray Hooper*
- *Shane Fewster*
- *Richard Smith*
- *Don Randell*
- *Jodie Taylor*
- *Glen Jones*

**Food Act 2008**

- *Judith Anderson*

**Bush Fires Act 1954**

- *Tony Robinson – Burgess Siding Bush Fire Brigade*
- *Peter Monger – Burgess Siding Bush Fire Brigade*
- *Norm Whitburn – Greenhills Bushfire Brigade*
- *Peter Keeble – Greenhills Bushfire Brigade*
- *John Hewett – Mabeling Bushfire Brigade*
- *Murray Hewett – Mabeling Bushfire Brigade/ Harvest Ban Officers*
- *Dave Emin – Talbot Brook Bushfire Brigade*
- *Colin Luelf – Talbot Brook Bushfire Brigade/ Harvest Ban Officers*
- *Steve McDowell – Talbot Brook Bushfire Brigade*
- *Paul Jenkinson - Harvest Ban Officers*
- *James Aird – Dual FCO Beverley*
- *Lewis Shaw - Dual FCO Beverley*
- *John Barrett-Lennard - Dual FCO Beverley*
- *Shane Fewster – Shire of York*

(2) **Add the following names to the list of Authorised Persons under the following Acts:**

***Caravan Parks & Camping Grounds Act 1995***

- *Michael Keeble*
- *John Goward*
- *John Coles*
- *Graham Lantzke*

***Control of Vehicles (Off-Road Areas) Act 1978***

- *Michael Keeble*
- *Graham Lantzke*
- *John Goward*

***Litter Act 1979***

- *Michael Keeble*
- *Graham Lantzke*
- *John Coles*
- *John Goward*

***Local Government (Miscellaneous Provisions) Act 1960***

- *Michael Keeble*
- *Graham Lantzke*
- *John Goward*

***Dog Act 1976 – Authorised Officers***

- *Michael Keeble*
- *John Goward*
- *Graham Lantzke*
- *Gordon Tester*

***Dog Act 1976 - Registration Officers***

- *Anneke Birleson*
- *Daniel Birleson*
- *John Goward*
- *Hayley McNamara*

***Cat Act 2011 Authorised Officers (New)***

- *Michael Keeble*
- *Tyhscha Cochrane*
- *Graham Lantzke*
- *Gordon Tester*
- *Matthew Sharpe*
- *Daniel Birleson*
- *John Goward*

***Cat Act 2011 Registrations (New)***

- *Daniel Birleson*
- *John Goward*
- *Anneke Birleson*
- *Lindy Dewar*
- *Pam Law*
- *Nicole McNamara*
- *Sharla Fythe*
- *Matthew Davies*
- *Hayley McNamara*
- *Natasha Brennan*

***Food Act 2008***

- *John Coles*

***Bush Fires Act 1954***

- *John Goward – Shire of York*
- *Bruce Kilpatrick - Dual FCO Beverley*
- *Deane Anysley - Dual FCO Beverley*
- *Rob Fisher - Dual FCO Beverley*

***(3) Undertake all statutory procedures for the amendment of the Authorised Persons.”***

***CARRIED: 6/0***

*Amendments to the Bush Fires personnel to be included in the June Ordinary Council Meeting.*



**Item 9.2.11 – Appendices**



9. OFFICER'S REPORTS  
9.2 ADMINISTRATION REPORTS  
9.2.12 Councillor Email Addresses

**FILE NO:**

**COUNCIL DATE:** 19 May 2014  
**REPORT DATE:** 13 May 2014  
**APPLICANT:** The Chief Executive Officer

**REPORT APPROVED BY THE CEO:** Michael Keeble

**Summary:**

Council should consider issuing Councillors with individual email addresses, linked to the Shire mail system.

**Background:**

All emails received and sent by Councillors concerning Council business are the "property" of the Shire and as such are placed in the archive system.

At present, Councillors are required to forward a copy of all emails to the Shire archive section. After issuing "Councillor" email addresses, this requirement will no longer be necessary.

The email would be: councillorjones@york.wa.gov.au

Where necessary the executive will arrange for the email address to be set up on a Councillor's personal computer

**Financial Implications:**

There will be a cost of approximately \$5 per Councillor per month for this service. There are sufficient funds in the communications account to cover this sum.

**Policy Implications:**

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

**Voting Requirements:**

**Simple Majority Required:** 4 votes

**RESOLUTION**  
**240514**

**Moved:** Cr Smythe

**Seconded:** Cr Wallace

***"That Council approves the following:***

1. ***All Councillors will be issued with individual email addresses, linked to the Shire mail system.***
2. ***All Councillors will be bound by the Shire's IT policy (to be confirmed).***

**CARRIED:** 6/0



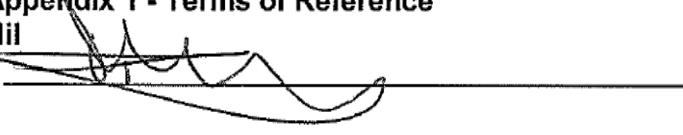
## **9.3 Works Reports**



## 9. OFFICER'S REPORTS

### 9.3 WORKS REPORTS

#### 9.3.1 Formation of Works Committee

|                             |  |
|-----------------------------|--|
| FILE NO:                    | OR.MTG.3.1   |
| COUNCIL DATE:               | 19 May 2014  |
| REPORT DATE:                | 8 May 2014   |
| LOCATION/ADDRESS:           | Not Applicable   |
| APPLICANT:                  | Not Applicable   |
| SENIOR OFFICER:             | CEO, Michael Keeble  |
| AUTHOR:                     | Works Manager, Graham Lantzke  |
| DISCLOSURE OF INTEREST:     | Nil  |
| APPENDICES:                 | Appendix 1 - Terms of Reference  |
| DOCUMENTS TABLED:           | Nil  |
| REPORT APPROVED BY THE CEO: |  |

#### **Summary:**

A proposal for the Council to establish a Works Committee to provide advice to the Council.

#### **Background:**

Council has expressed a desire to form a Works Committee consisting of interested community members and Councillors in order to provide advice in relation to road works, drainage and related matters.

#### **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.

#### **Strategic Implications:**

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

#### **Voting Requirements:**

##### **Absolute Majority Required: 4 votes**

Local Government Act 1995 Part 1 Clause 1.4 (extract)

##### ***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;

**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:**

Draft terms of reference for the Works Committee are attached.

Council may direct amendment to those terms provided the amendment does not conflict with the Local Government Act. The inclusion of 2 persons, suitable, either by experience or qualification could be sought to fill these positions. It is recommended that an advertisement for expressions of interest in the position, is placed and that nominations are brought to the next meeting of the Council for consideration.

**RESOLUTION**

**250514**

**Moved:** Cr Hooper

**Seconded:** Cr Boyle

***“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.”***

**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: 6/0**

*The Officer Recommendation was amended to include Item 5.*

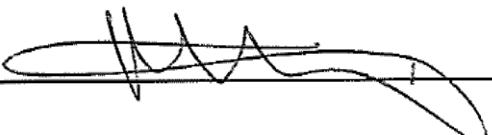
### **Item 9.3.1 – Appendices**



## 9. OFFICER'S REPORT

### 9.3 WORKS REPORTS

#### 9.3.2 Roadside Vegetation Clearing

|                             |  |
|-----------------------------|--|
| FILE NO:                    | TBA  |
| COUNCIL DATE:               | 19 May 2014  |
| REPORT DATE:                | 8 May 2014   |
| LOCATION/ADDRESS:           | Whole of Shire   |
| APPLICANT:                  | Not Applicable   |
| SENIOR OFFICER:             | Works Manager, Graham Lantzke  |
| AUTHOR:                     | Works Manager, Graham Lantzke  |
| DISCLOSURE OF INTEREST:     | Nil  |
| APPENDICES:                 | Nil  |
| DOCUMENTS TABLED:           | Nil  |
| REPORT APPROVED BY THE CEO: |  |

#### **Summary:**

Council and various members of the community have expressed a desire to clear rural roadside vegetation in order to improve road access and safety to rural properties.

#### **Background:**

At a Councillor workshop held in Cervantes Councillors identified as a priority the objective to improve access to farm properties (farm to bin), improve the condition of roads (maintenance standards) and increase the width and cleared envelope of traffic carriageways.

At the Council meeting of April 2014 a resident requested that Council burn roadside verge vegetation in order to allow better maintenance access. Support was expressed for this by some Councillors.

#### **Consultation:**

Nil

#### **Statutory Environment:**

Clearing of native vegetation is an offence under section 54 of the Environmental Protection Act, 1986 unless it is done in accordance with an exemption under the Act or a permit.

#### **Policy Implications:**

Council does not currently have a policy on roadside vegetation.

#### **Financial Implications:**

Extensive clearing of roadside verges could be considerably expensive. No budget is allocated outside of existing funded construction projects.

#### **Strategic Implications:**

Council has expressed a strategic intent to improve road access to farms.

Council has an existing strategic asset management plan and this work is not covered by it.

#### **Voting Requirements:**

Simple Majority Required: Yes

**Site Inspection:**  
**Site Inspection Undertaken:** Not Applicable

**Triple bottom Line Assessment:**

**Economic Implications:**

Nil

**Social Implications:**

Clearing of roadside vegetation would be expected to reduce roadside hazards and improve traffic sight distances with an effective reduction in road safety risk, and presumably reduction in road trauma in the Shire. “Run off road hit tree” accidents are a leading type of accidents which involve fatalities and hospitalisation injuries.

**Environmental Implications:**

Advice from Council’s environmental officer and the Department of Environmental Regulation is that remnant native vegetation on York roadsides is environmentally significant and preservation is an important conservation objective.

**Comment:**

The Shire may not authorise or undertake any native vegetation clearing without a permit from the Department of Environmental Regulation, unless it is in accordance with an exemption. Substantial penalties apply to any person illegally clearing native vegetation.

There are no applicable exemptions that cover the type of clearing being considered.

There are undoubtedly safety benefits to clearing of traffic sight distances and roadside hazards. Main Roads WA recommends highway clearing offsets which would mean fence line to fence line clearing on rural local roads if applied stringently. However MRWA does not apply those policies to all of its own highways and is also bound by the Environmental protection Act.

Whilst there is a significant group of community members wanting to clear roadside verges there are also community members who may hold different views. This could be a divisive social issue. Council’s reputation with some State Agencies may also be damaged by ill-considered and unjustified clearing.

There are environmental consequences to clearing of native vegetation; and social and economic consequences to not clearing vegetation. There are significant financial costs to clear roadside vegetation. Clearing of roadside vegetation would also reduce road maintenance costs and improve the traffic envelope for large and heavy vehicles, such as farm implements. Without exception environmental experts advise that the loss of biodiversity and vegetation stands has long term poor consequences for the environment, including land degradation and extinction of species.

There may be aboriginal or European heritage implications.

Burning of roadside vegetation is considered to be clearing of the vegetation. Burning is only exempt from the requirement for a permit where the burning is done in accordance with an instruction from a Fire Control Officer to reduce fuel load, and is only permitted to the minimum possible extent and that it does not damage vegetation regrowth.

It is recommended that the Council review and adopt a policy on clearing of native vegetation and appropriate road construction standards. Some considerations might be to

- identify a road hierarchy and appropriate road construction standards to meet the transport need;
- identify the potential road safety benefits of vegetation clearing;
- determine the environmental significance of roadside vegetation in the Shire of York,
- understand community expectations
- adopt a policy, road strategy and construction standards accordingly;
- Apply for necessary clearing permits.

Alternatively Council might adopt some arbitrary road construction standards and apply for a permit to undertake the clearing. This might include, say, every road being cleared for a 10 metre road formation, plus roadside drains (2 metres each side), plus earthworks, plus boundary fence lines (1.5 metres each side) leaving minimal room for roadside vegetation on a 20 metre road reserve.

The current road construction standard for regional roads is a 9 metre formation with 7 metre sealed surface and Access Places are constructed to an 8 metre formation with 6 metre sealed surface. Many York roads do not meet this standard.

**RESOLUTION  
260514**

**Moved: Cr Duperouzel**

**Seconded: Cr Boyle**

***“That Council:***

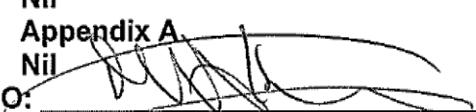
1. ***Request the proposed Works Committee develop a policy on roadside vegetation management in rural areas;***
2. ***Invite the Department of Environmental Regulation, Roadside Conservation Commission and other interested stakeholders to a workshop session to discuss opportunities and expectations.”***

**CARRIED: 6/0**



9. OFFICERS REPORTS  
9.3 WORKS REPORTS  
9.3.3 Town Site Road Verge Vegetation

FILE NO: TBA  
COUNCIL DATE: 19 May 2014  
REPORT DATE: 8 May 2014  
LOCATION/ADDRESS: York Town Site  
APPLICANT: Multiple  
SENIOR OFFICER: Works Manager, Graham Lantzke  
AUTHOR: Works Manager, Graham Lantzke  
DISCLOSURE OF INTEREST: Nil  
APPENDICES: Appendix A  
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE CEO: 

**Summary:**

The Shire currently receives a large number of ongoing requests to do more to manage verge vegetation in the York Town Site. The Council currently has no policy on town site verge management. Without a policy every request for attention by ratepayers is assessed on its merits in accordance with past precedent which has led to resource intensive unbudgeted expectations, disagreements, inconsistencies and the like.

**Background:**

Council does not currently have a policy on Town site streets and this is leading to confusion, inefficiency and inconsistency of practice. This appears to be a somewhat divisive issue in the Town but with the consistent view of involved ratepayers that the Shire is not doing enough. The works department currently fields an average of 5-10 tree and vegetation related requests per month.

Tree pruning in the town site has mostly been carried out in a reactive manner in the last few years, and possibly for a long time into the past.

**Consultation:**

Nil

**Statutory Environment:**

Clearing of native vegetation is an offence under section 54 of the Environmental Protection Act, 1986 unless it is done in accordance with an exemption under the Act or a permit.

**Policy Implications:**

Council does not currently have a policy on town verge vegetation.

Some administration practices are in place including a verge spraying program, a verge spray exemption register and a guidance note, attached.

This is a request to develop a consistent policy.

**Financial Implications:**

The current Council expenditure on street trees is difficult to extrapolate from general maintenance costs. Requests for pruning of trees and vegetation are one of the three most common Action Requests received by Council from ratepayers, and are approximately as common as drainage related complaints and gravel road grading requests. Depending on time of year there would be around 5-10 resident requests for tree pruning per month.

**Strategic Implications:**

Developing a policy on street trees and town verge vegetation is not specifically identified in the Shire of York Strategic plan.

Developing a policy on street trees is in line with Council's stated goal to bring consistency of practice to Shire operations.

Council currently has a poor reputation with some residents because the Council current tree management practice does not meet their expectations. This could be alleviated if the Council had a community endorsed, consistent and rational policy. It would also be addressed by a proactive tree management practice, budget and better financial reporting around this activity.

**Voting Requirements:**

**Simple Majority Required:** Yes

**Site Inspection:**

**Site Inspection Undertaken:** Not applicable

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

Nil

**Social Implications:**

There appears to be a division on street trees in the York Community. Some residents favour the planting of more trees and find trees an appealing and important part of the landscape. Other residents demand the removal of trees and are concerned that they represent a dead fall or road safety hazard.

Some vegetation may have heritage significance.

**Environmental Implications:**

Vegetation on verges in the York Town site is presumed to have limited environmental conservation value.

**Comment:**

Some of the issues that have arisen which highlight the need for a policy include

1. A resident has been campaigning for many years to have a healthy street tree outside their property removed because they believe it constitutes a hazard and an inconvenience. In a recent storm it dropped a branch which was then reported in the local media under the general banner "Shire needs to remove tree for safety reasons."
2. A resident with a long running dispute with the Shire alleges that street trees adjoining her property have damaged her building and requests they be removed.
3. Balladong Estate reports tree roots are undermining one of their buildings and are requesting the Shire deal with the problem.
4. Multiple residents have requested trees with branches overhanging property boundaries be pruned by the Shire and been disappointed when the Shire has declined to do so.
5. In other instances through inconsistent practice or lobbying efforts the Shire have pruned trees along boundary fence lines.
6. A ratepayer has requested Council remove a large number of dead trees along a low traffic boundary road, which in a world of unlimited budget and resources could be done, but in a world of limited budget might not be a priority.
7. There is at least one example of a resident requesting Council prune an alleged historical tree on private property, with a contention this has been done before.

8. The Tidy Towns committee and other residents have made various requests for the Shire to plant more trees on verges.
9. Historically trees have been removed on private and public property and the Shire "castigated" for doing so. In other instances trees have not been removed and the Shire criticised.
10. There are multiple locations with inappropriate trees under power lines.
11. A developer has planted Olive trees on a large number of streets as a themed street tree but the ongoing maintenance of these trees will be very expensive
12. Council has a moderately controversial herbicide spraying policy on verges.

An interim instruction identifying how the Shire administration has historically dealt with road verge vegetation is attached in Appendix 1.

**RESOLUTION  
270514**

**Moved: Cr Boyle**

**Seconded: Cr Duperouzel**

***"That Council:***

- 1. Request the Works Committee develop a policy and strategy on town verge vegetation management."***

**CARRIED: 6/0**



### **Item 9.3.3 – Appendices**



## 9. OFFICERS REPORTS

### 9.3 WORKS REPORTS

#### 9.3.4 Town Secondary Water Supply Dam Health and Safety Issue

|                         |   |
|-------------------------|---|
| FILE NO:                | TBA   |
| COUNCIL DATE:           | 19 May 2014   |
| REPORT DATE:            | 8 May 2014  |
| LOCATION/ADDRESS:       | Corner Ulster and Trews Road, York                      |
| APPLICANT:              | not applicable  |
| SENIOR OFFICER:         | Works Manager, Graham Lantzke                           |
| AUTHORI :               | Works Manager, Graham Lantzke                           |
| DISCLOSURE OF INTEREST: | No  |
| APPENDICES:             | Nil   |
| DOCUMENTS TABLED:       | Consultant's report<br>Agreement with Water Corporation |

REPORT APPROVED BY THE CEO: 

#### **Summary:**

The Town irrigation water supply dam may overflow this winter due to a combination of stored irrigation water and storm floods. Because the dam contains tertiary treated wastewater effluent this would constitute a breach of Council's water reuse license, Health Department Regulations and environmental pollution regulations. Steps to urgently reduce the risk of overflow are recommended

#### **Background:**

Approximately fifteen (15) years ago the Shire of York and the Water Corporation entered into an agreement to reuse treated wastewater as irrigation water on Forrest Oval and associated grounds. Infrastructure to implement this agreement was constructed by the Shire and Water Corporation and the scheme operated for around 14 years.

The operation involved tertiary treated wastewater being pumped from the Water Corporation treatment plant on the Northam Cranbrook Road to an irrigation dam ("Town Dam") owned by the Shire near the intersection of Ulster Road and Trews Road. From there the water was discharged as required to irrigation pump station on Forrest Oval and used to water the Oval and Old Hockey Field.

This remains fairly standard practice around the Wheatbelt, with water conservation and financial benefits to both the Shire and Water Corporation.

The Town dam also has a flood mitigation role being located on a significant water course which ultimately runs from the hills west of York past the dam, through private properties near South Street, under the rail line, through Joanna Whitely Park and the historical pharmacy under Avon terrace and discharges to the Avon River.

Currently the dam provides an estimated attenuation of peak storms in the order of the 5-10 year Average Recurrence Interval Event. Best estimate and anecdotal evidence suggest the dam has stored flood surges and tempered storm flows approximately 9 times in the last 15 years. If the dam is closed or water level modified it will not perform this role of flood mitigation, with unknown negative downstream consequences.

Sometime in the years leading to 2012 the Town dam became saline without being noticed and this contributed to the deterioration of turf on Forrest Oval and to a lesser extent deterioration of the old Hockey Field. That issue is discussed in a separate report.

Initially it was presumed that the salinity was caused by Water Corporation discharge but this has subsequently been investigated and is not the case. The most likely cause of the salinity is salt encroachment in the upstream catchment. However direct contamination of the dam or saline groundwater infiltration has not been ruled out.

From May 2013 when this was identified the Shire shifted to using mains water to irrigate the oval and hockey fields with a cost of around \$30,000 per annum in water usage. During this time the Shire continued to receive treated effluent into the dam.

Around that time the Shire also began investigation into alternative water supply options including obtaining grant funding for construction of a new small supply and runoff capture dam between the railway, oval and hockey field.

In parallel with this Shire officers commenced investigation of options to rehabilitate and improve the Town dam with the intention this become a budgeted project on the 2014/15 financial year. This work was unfunded and not initially seen as a priority.

Also around July 2013 the Shire was approached by the Water Corporation requesting to renew the, by then expired, legal agreement to receive treated secondary water. The Water Corporation were planning a major upgrade of their system and were dealing with increasing volume of wastewater and needed to increase their discharge.

Discussions with Water Corporation commenced in earnest in February 2014 with the initial intention of securing an irrigation water supply for the Shire. However through discussions in late March 2014 it became apparent that the existing secondary water supply arrangement was flawed because the receiving dam was also a stormwater management dam, which routinely overflowed to the environment. This was not consistent with current health and environmental practice.

The Shire immediately appointed a consultant to investigate the severity of the issue and the draft consultant's report was circulated to agencies for review in mid April 2014. The Water Corporation and Shire held a joint meeting on 15 April 2014 at which the matter was discussed.

In summary the Water Corporation and Shire are facing the prospect that if no action was taken

- a) The town dam will likely overflow around August 2014
- b) That overflow would be a breach of the Water Corporation operating license and the Shire agreement with the Water Corporation;
- c) That overflow would represent a public health risk
- d) That overflow would represent a pollution of the Avon River
- e) That overflow would create public concern
- f) That the Shire can not increase the capacity of the dam without reducing the flood mitigation role of the dam placing downstream properties at risk.
- g) That if the Water Corporation cease pumping they face a medium term risk and expectation their wastewater treatment plant would overflow with the same consequences, albeit in a less sensitive location and with a significantly reduced public health concern.
- h) That even if the Water Corporation cease pumping there remains a risk in a very wet winter or severe storm the town dam could overflow.

Historically the dam has overflowed before but no parties were aware of the significance.

The Shire immediately issued a notice to the Water Corporation to cease delivery of treated wastewater. The Water Corporation has ceased delivering wastewater. The Shire and Water Corporation agreed to continue to explore options together.

The Shire continues to investigate treatment options which are discussed below.

**Consultation:**

This issue has been extensively and confidentially discussed with the Water Corporation.

The Water Corporation has notified the Health Department and Department of Environmental Regulation about the risk and the Shire needs to follow up with a more detailed notice including the specific details of the risk and our intended actions to deal with it.

The Water Corporation are separately working on a solution to the problem at their end but would appreciate any assistance from the Shire, including the possibility of resuming pumping.

The matter has also been confidentially raised with the Wheatbelt NRM who is funding the development of the new dam project which is impacted by these discussions.

**Statutory Environment:**

This matter is affected by various provisions of the Public Health Act; The Environmental Protection Act; and the Water Supply Act.

Briefly the Water Corporation manages wastewater from the Shire of York under a license. The Shire is not privy to the full details of that license but stakeholders to it include the EPA, Department of Environmental Regulation, Health Department, Office of Economic Regulation and former Department of Water. That license sets out a whole range of matters including conditions of operation.

The Shire of York has a, now expired, legal agreement with the Water Corporation which allows the Water Corporation and Shire to use tertiary treated secondary water on the Forrest Oval Complex.

In the event of an unlicensed discharge not in accordance with the Water Corporation license there might be a public health risk. The Public Health Act would apply and the precise applicable clauses have not been researched at this time.

In the event of an unlicensed discharge to the Avon River this might be deemed to be environmental pollution under the Environmental Protection Act.

**Policy Implications:**

Nil

**Financial Implications:**

See discussion on options below.

There is no current budget but urgent works are required to be done to address the risk.

**Strategic Implications:**

A secondary water supply for York is not a formally identified Shire objective in the Shire Strategic Plan at this time.

However at a workshop in Cervantes Councillors identified it as a leading objective for the Shire Council.

Strategically the Shire needs to secure treated secondary water as a source for irrigation for financial and water conservation reasons. Access to mains water for irrigation purposes is likely to become more and more difficult and expensive in future years as Perth continues to grow but its water supplies do not change. Use of mains water on irrigation could possibly be banned, and some policy work by the Water Corporation right now on requiring water budgets and controlling irrigation use are likely related.

**Voting Requirements:**

**Simple Majority Required:** Yes

**Site Inspection:**

**Site Inspection Undertaken:** Yes

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

Nil

**Social Implications:**

The real health risk to the public is assessed as minimal. Any discharge from the dam will involve tertiary treated wastewater which has been chlorinated leaving a relatively high water quality which is then further heavily diluted by stormwater runoff.

The principle issue would be any “health bugs” in the water but the water is treated with chlorine before entry to the dam and tests carried out by Water Corporation have not indicated any abnormal risks.

Public perception may not follow an impartial assessment and could be driven by emotion and perception.

**Environmental Implications:**

The real environmental harm risk is also likely to be quite low for similar reasons.

The principle risk to the environment is a high phosphorous load which could potentially cause algal blooms or other environmental harm. Given any discharge would be severely diluted the risk is low. However the environmental regulator might view matters differently.

**Comment:**

### **Proposed solutions**

A number of options have been identified to deal with the potential overflow, three of which are unachievable in the required time frame.

**Table 1. Treatment options.**

| <b>Option</b>   | <b>Comments</b>   | <b>Order of cost ex GST</b>   |
|---|---|---|
| <b>1. Discharge to Avon River.</b><br>Treat the dam water to remove phosphorous and nutrients, discharge to the Avon River.                                 | Any treatment for nutrients is experimental with unknown outcomes. Approvals will be required from multiple agencies and will   | Not assessed<br>Impracticable.  |
| <b>2. Discharge to ovals and grounds.</b> Treat the water for salinity and discharge it as irrigation water on the oval and hockey fields.                  | This option is expensive and the sports fields can only take a limited amount of water.   | Not assessed<br>Impracticable.  |
| <b>3. Empty dam by tanker.</b><br>Pump the dam dry and tanker the water to an approved disposal site.   | Current advice is the water would need to be tinkered to an approved disposal site in Perth. The volume of water is estimated at 24,000,000 litres meaning around 400 semi trailer loads. | \$320,000 tankering costs plus approx \$50,000 tipping fees   |
| <b>4. Construct an emergency buffer dam.</b> Earthwork the adjoining land owned by the Shire to construct an emergency overflow containment area with bund. | There are no impediments to this option, apart from cost.   | \$40,000  |
| <b>5. Construct a new permanent dam.</b> Identify a new site for an irrigation dam and construct a new facility.  | A suitable site can not be immediately identified even if it is this option can't be constructed in time or with available funds  | Unfeasible<br>\$variable depending on size and location but in order of \$300,000+<br>Plus land costs |
| <b>6. Do nothing.</b>   | High risk option. Likely overflow and risks of prosecution  | Nil   |

### **Salt and Phosphorous**

The water in the town dam can't be used for the irrigation on the oval because of the salt content and likely killing of the grass. There is some potential to use it on the hockey fields which have a better draining sand subgrade. The phosphorous in the water would be helpful to grass growth.

The level of salt in the water is not likely to be a concern for any discharge of water to the river. However the quantity of phosphorous would make getting a license to discharge problematic.

### **Health Risk**

The water is treated to a tertiary standard and chlorinated. It is licensed by the Health Department for use on playing fields only. Tests have not identified any health issues.

### **Public Perception Risk**

There is a high risk that members of the public will become concerned. Given the current levels of distrust in the Shire by some members of the public some form of public statement is required and full disclosure of all information is essential.

### **Flood Risk**

The proposed action will not alter the flood risk to town properties and roads.

### **Liability Implications**

Penalties under the Health Act and Environmental Protection Act are severe. If the Shire act in accordance with the recommendation and takes all due steps it is a low probability of the dam overflowing and if it does it would be unlikely the Shire would be prosecuted, based on historical precedent. If the Shire takes no action and allows the situation to develop unmanaged a prosecution could well be likely.

If the Shire takes actions which knowingly increase the risk of flooding or hazards it may be considered malfeasance.

### **Legal Implications**

Under the lapsed agreement with the Water Corporation the penalty to the Shire for not complying with the agreement is that the supply of treated water would be cancelled.

Legal advice has not been sought at this time on the further potential liability of the Shire but in order to sue for breach of contract the Water Corporation would need to demonstrate the expired contract still has currency, that the termination of supply by the Shire was a breach of contract and that the termination caused the Corporation material damage. The Corporation has shown no indication of intent to pursue legal action and continues to work with the Shire cooperatively.

### **New Water Supply dam project**

The water supply dam project still needs to be completed and is consistent with long term strategy. The new water supply dam is too small to provide a solution to the immediate problem.

### **Other actions required**

The various issues have highlighted that the Shire of York

- a) needs a secondary water supply system;
- b) that water supply system is a significant piece of infrastructure;
- c) that infrastructure needs to be professionally managed;
- d) continuing water quality testing of our irrigation supplies is very important; and
- e) develop a town irrigation water budget and strategy.

This also ties up with water conservation initiatives.

The overall recommendation is the Shire needs to recognise our secondary water supply assets as valuable and distinct and dedicate resources and funds to managing them.

**RESOLUTION  
280514**

**Moved: Cr Smythe**

**Seconded: Cr Duperouzel**

***“That Council:***

- a) Authorise the construction as a priority of an emergency overflow coffer dam adjacent the existing Town dam with an estimated cost of \$40,000***
- b) Reallocate funds of \$40,000 in the 2013/14 financial year from Account 122411 Townsite Drainage Construction to complete the project;***
- c) List for inclusion in the 2014/15 budget additional funds of \$40,000 to Account 122411 to make good the shortfall***
- d) List for consideration in the next review of the Shire strategic plan the need to develop and manage the secondary water supply system for York.”***

**DRAW: 3/3**

***The Report to be deferred until a Special Council Meeting can be convened.***

**CARRIED: 6/0**



## **9.4 Financial Reports**



## 9. OFFICER'S REPORTS

### 9.4 FINANCE REPORTS

#### 9.4.1 Monthly Financial Reports – April 2014

FILE NO:

FI.FRP

COUNCIL DATE:

19 May 2014

REPORT DATE:

7 May 2014

AUTHOR:

Tabitha Bateman, Financial Controller

DISCLOSURE OF INTEREST:

Cr Mark Duperouzel - Financial

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 30 April 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 30 April 2014 is presented for consideration.

Appendix A includes the following:

- Monthly Statements for the period ended 30 April 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 before the June meeting of Council to give greater clarity.

#### Pg1. Statement of Financial Position

- Total Equity in the Shire has increased from \$91,965,652 to \$93,008,786 which is an increase of \$1,043,134.

#### 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 30/6/14 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.
- 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 30/6/14 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 30/6/14.
- Economic Services - \$81,550 will be removed from the expenditure line due to the Community Development Officer position remaining vacant to 30/6/14. \$50,000 proposed grant income for the purchase of a new Community Bus will not be received by 30/6/14 so the capital expenditure may be deferred.

|                              |                      |
|------------------------------|----------------------|
| <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             | <u>(\$3,155,668)</u> |
| <br>Net Effect               | <br>(\$ 18,450)      |

Pg3. Working Capital (Current Assets & Liabilities)

- For the period ending 30 April 2014 there was a surplus of current assets over current liabilities of \$2,147,491, consequently the Shire is able to pay its debts as and when they fall due.

Pg4. Financial Activity Statement

- Capital Programme – Current expenditure for capital projects will be detailed next month.
- Transfers to/from Reserves – Transfers to be undertaken 30/6/2014.

**Statutory Environment:**

Local Government Act 1995 (As Amended).

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

Australian Accounting Standards.

**Financial Implications:**

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

|   |              |
|---|--------------|
| Sundry Creditors as per General Ledger              | \$469,085.93 |
| Sundry Debtors as per General Ledger                | \$437,962.59 |
| Unpaid rates and services current year (inc. ESL)   | \$355,462.22 |
| Unpaid rates and services previous years (inc. ESL) | \$663,997.58 |

**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**

**290514**

**Moved: Cr Hooper**

**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 30 April 2014:***

|                                  | <u>VOUCHER</u>       | <u>AMOUNT</u>                 |
|----------------------------------|----------------------|-------------------------------|
| <b><i>MUNICIPAL FUND</i></b>     |                      |                               |
| <i>Cheque Payments</i>           | <i>31183 - 31231</i> | \$ 147,261.48                 |
| <i>Electronic Funds Payments</i> | <i>12201 - 12311</i> | \$ 632,259.94                 |
| <i>Direct Debits Payroll</i>     |                      | \$ 257,149.64                 |
| <i>Bank Fees</i>                 |                      | \$ 926.20                     |
| <i>Corporate Cards</i>           |                      | \$ 2,132.15                   |
| <i>Fire Messaging Service</i>    |                      | \$ 277.86                     |
| <b><i>TOTAL</i></b>              |                      | <b><u>\$ 1,040,007.27</u></b> |

***TRUST FUND***

|                                |                    |                             |
|--------------------------------|--------------------|-----------------------------|
| <i>Cheque Payments</i>         | <i>4290 - 4297</i> | \$ 5,025.80                 |
| <i>Direct Debits Licensing</i> |                    | \$ 141,094.75               |
| <b><i>TOTAL</i></b>            |                    | <b><u>\$ 146,120.55</u></b> |

***TOTAL DISBURSEMENTS***

**\$1,186,127.82”**

***CARRIED: 6/0***



#### **Item 9.4.1 – Appendices**



9. OFFICER'S REPORTS  
9.4 FINANCE REPORTS  
9.4.2 GRANT - ANZAC

FILE NO: CS.CEV.13/FI.FAG.7  
COUNCIL DATE: 19 May 2014  
REPORT DATE: 8 May 2014  
LOCATION/ADDRESS: N/A  
APPLICANT: Council/RSL  
SENIOR OFFICER: Michael Keeble, CEO  
AUTHOR: Tyhscha Cochrane, DCEO  
DISCLOSURE OF INTEREST: Nil  
APPENDICES: Application for a Grant – Anzac Centenary Local Grants Program  
DOCUMENTS TABLED: Nil  
REPORT APPROVED BY THE CEO: 

**Summary:**

To endorse the actions of the working party in submitting a grant application for the Anzac Centenary Local Grants Program.

**Background:**

York RSL Sub-Branch requests a partnership with the Shire of York to upgrade facilities at Mt Brown for memorial events such as the annual Dawn Service and to make this area more useable for community use.

Council considered the ANZAC centenary and the following resolution was put and carried at the Ordinary Council Meeting held on 16 December 2013:

**RESOLUTION**  
**101213**

**Moved:** Cr Boyle

**Seconded:** Cr Hooper

**"That Council:**

- 1. Endorse the upgrading of the Mt Brown facilities as a priority for the ANZAC centenary.*
- 2. Agree to the formation of a Working Party comprising three (3) Shire of York representatives being Cr Pat Hooper, Cr Matthew Reid and Ray Hooper, CEO and two (2) York RSL Sub-Branch representatives to (a) develop concept plans for approval by Council, and (b) prepare grant applications*
- 3. Make appropriate allocations in the 2014/15 Municipal Budget to undertake agreed works."*

**CARRIED: 6/0**

**Consultation:**

Dr Michael Galvin, RSL – Various Branches, Mr Robert O'Connor and Councillors.

**Statutory Environment:**

-

**Policy Implications:**

-

**Financial Implications:**

If the grant is successful, in-kind contributions may be required. Nothing is required for the 2013/14 financial year.

Total project cost is \$39,654.00, with \$1,500.00 coming from other sources.

**Strategic Implications:**

***Environment: Preserving and Sustaining Our Natural Environment***

*Our Vision - We will sustain and enhance our rural identity and natural aspects within our thriving natural environment, ensuring our natural environment is protected and enhanced.*

*Outcomes – Preserved Natural Environment*

*Objectives – Protect and Enhance Our Natural Environment and Biodiversity*

*Priorities - Protect and sustain Mt Bakewell and Mt Browne.*

***Economic Development: Maximise Development***

*Our Vision - Visitors will be welcomed, with activities and places of significance to visit, providing a base to visit other regional and rural areas.*

*Outcomes – Increase Visitors*

*Objectives – Support York as a Regional Place to Visit*

*Priorities - Build tourism capability through events, arts, history, walkways, and cultural experiences.*

**Voting Requirements:**

**Simple Majority Required: Yes**

**RESOLUTION  
300514**

**Moved: Cr Hooper**

**Seconded: Cr Boyle**

***“That Council endorse the actions of the Working Party in submitting a grant for the Anzac Centenary Local Grants Program as attached and labelled Appendix A.”***

**CARRIED: 6/0**

#### **Item 9.4.2 – Appendices**



## 9. OFFICER'S REPORTS

### 9.4 FINANCE REPORTS

#### 9.4.3 Non Rates Write Off - Various

|                             |  |
|-----------------------------|--|
| FILE NO:                    | FI.DRS   |
| COUNCIL DATE:               | 19 May 2014  |
| REPORT DATE:                | 12 May 2014  |
| LOCATION/ADDRESS:           | Not Applicable   |
| APPLICANT:                  | Pam Law  |
| SENIOR OFFICER:             | Tabitha Bateman  |
| AUTHOR:                     | Pam Law  |
| DISCLOSURE OF INTEREST:     | Nil  |
| APPENDICES:                 | Yes  |
| DOCUMENTS TABLED:           | Nil  |
| REPORT APPROVED BY THE CEO: |  |

#### **Summary:**

Following a study of Council's debtor's ledger it appears there are some outstanding charges relating to overdue library items and food business renewals. Debtors were sent overdue notices and letters requesting prompt return or payment of these items. This action proved mostly unsuccessful as many people had left York leaving no forwarding address or contact details.

Council proceeded with debt collection through Austral Mercantile Collections and consequently a number of books and videos were returned or payment was made. For the remaining items it would prove more costly to pursue this matter through debt collection than to write off these charges.

As there remains a number of unrecoverable items still outstanding a resolution of Council is required in order to write off the combined balances owing, being \$413.20 in order to satisfy the requirement of the Local Government Act (1995).

#### **Background:**

Following up of these debt has consumed many hours of Council officers' time, to no advantage. Accordingly, Council deems it necessary to write these debts off as all attempts to recover these debts have been made and failed. These attempts include reminders, phone calls and letters from Council's debt collection agency.

#### **Consultation:**

DCEO  
Library Staff  
Debt Collection agency

#### **Statutory Environment:**

Local Government Act, 1995 - Section 6.12 Power to Write Off Debts

#### **Policy Implications:**

Not Applicable

#### **Financial Implications:**

Loss of expected income by \$413.20, reduction in Sundry Debtor by \$413.20.

**Strategic Implications:**

Nil

**Voting Requirements:**

**Simple Majority Required:** Yes

**Site Inspection:**

**Site Inspection Undertaken:** Not applicable

**Triple bottom Line Assessment:**

**Economic Implications:**

Council must be seen to be pro-active in debt recovery action as the ultimate burden rests with the ratepayer.

**Social Implications:**

Nil

**Environmental Implications:**

Nil

**Comment:**

Write off is recommended due to the above information provided as per Appendix "A".

**RESOLUTION  
310514**

**Moved:** Cr Duperouzel

**Seconded:** Cr Boyle

***"That Council,***

***By simple majority resolve to write off \$413.20 from sundry debtors as per the following:***

**Debtor:** 246

**Invoice Date:** 05/10/11

**Description:** Food Business Health Fee 2011/12

**Value:** \$154.00

**Debtor:** 818

**Invoice Date:** 05/04/12

**Description:** Lost / Damaged library items

**Value:** \$30.00

**Debtor:** 963

**Invoice Date:** 07/08/13

**Description:** Lost / Damaged library items

**Value:** \$51.60

**Debtor:** 975

**Invoice Date:** 25/06/14

**Description:** Lost / Damaged library items

**Value:** \$177.60"

**CARRIED: 6/0**

### **Item 9.4.3 – Appendices**



**9. OFFICER'S REPORTS**  
**9.4 FINANCE REPORTS**  
**9.4.4 Investments – April 2014**

**FILE NO:** FI.FRP  
**COUNCIL DATE:** 19 May 2014  
**REPORT DATE:** 7 May 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; and  
Dominic Carbone.

**Statutory Environment:**

Not Applicable.

**Policy Implications:**

In accordance with the Financial Management Investment Policy.

**Financial Implications:**

Credit Ratings:

**Voting Requirements:**

**Simple Majority Required:** Yes

**Comment:**

In accordance with the policy, a report of investments is presented to Council to provide a summary of investments held by the Shire of York as at 30 April 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**  
**320514**

**Moved:** Cr Boyle

**Seconded:** Cr Wallace

***“That Council receive the Shire of York Investment Portfolio as attached to this report.”***  
***CARRIED: 6/0***



#### **9.4.4 – Appendices**



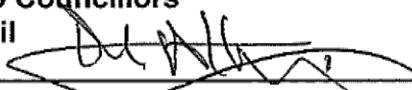
## **9.5 Late Reports**



## 9. OFFICER'S REPORTS

### 9.5 LATE REPORTS

#### 9.5.1 Town Hall Shelter Report

|                             |  |
|-----------------------------|--|
| FILE NO:                    | CCP.1/CCP.1.2 & B31320   |
| COUNCIL DATE:               | 19 May 2014  |
| REPORT DATE:                | 16 May 2014  |
| LOCATION/ADDRESS:           | Lot 400 , 81 Avon Terrace – Town Hall  |
| APPLICANT:                  | Shire of York  |
| SENIOR OFFICER:             | Michael Keeble - CEO   |
| AUTHOR:                     | Gordon Tester - MHB & CEO  |
| DISCLOSURE OF INTEREST:     | Nil  |
| APPENDICES:                 | State Heritage Approval, Approved Building Plans, Site Plan, Memorandum to Councillors |
| DOCUMENTS TABLED:           | Nil  |
| REPORT APPROVED BY THE CEO: |      |

#### Summary:

Council should consider that the Town Hall shelter should be advertised for community consultation.

#### Background:

The project consists of the provision of metal framed and clad shelters to the upper storey landing extending the full length of the verandah, an awning over the lower entrance door to the lift and a shelter above the seat and drinking fountain at the side of the stairs.

This project was considered by Council in the 2013 – 2014 budget and approved for construction.

The project was forwarded to the State Heritage Office who subsequently approved the concept as indicated in correspondence dated 20 February 2014 attached to this report.

Outdoor World (suppliers of Bowling Shelters at Forrest Oval) were subsequently contracted to undertake the required works.

A memorandum was forwarded to all Councillors advising them of the estimated construction commencement in May 2014 on 21 March 2014 which also briefly outlined what the proposed installation consisted of as attached to this report.

#### Consultation:

Consultation with the State Heritage Office has been undertaken with approval for the proposed works being obtained.

It is proposed to advertise the project and request community submissions for Council to consider.

#### Statutory Environment:

Heritage Act of Australia 1990

Planning and Development Act 2005

Building Act 2012

**Policy Implications:**

Heritage matters have been attended to by consulting with the State Heritage Office.

**Financial Implications:**

Council's budget allocation for this project is \$25,000.00 with the project contracted at \$18,943.00.

**Strategic Implications:**

It is one of Council's strategies to improve the quality of its assets by upgrading and maintaining its infrastructure.

**Voting Requirements:**

**Simple Majority Required:** Yes

**Site Inspection:**

**Site Inspection Undertaken:** Yes

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

Nil

**Social Implications:**

It is an objective of Council to ensure access to services as needs change within the community with a priority to facilitate community safety and wellbeing. For example this project will provide sheltered access to residents wishing to access Council's facilities.

**Environmental Implications:**

Nil

**Comment:**

There are several reasons this project has been undertaken.

The seat at the base of the stairs along with the adjacent water fountain becomes unusable in the summer months due to the metal seat being placed in direct sunlight, hence the need for a shelter.

The awning over the lower entrance door to the lift is to be installed for two reasons one to protect users of the lift accessing the lift in inclement weather and to protect the electrical circuits from rain that may enter the external lift control mechanism.

The upper level awning serves several purposes, to protect 100 year old woodwork and brickwork from the elements and to prevent driven rain from entering the gallery through the recently restored exit doors opposite the lift.

It is also a building requirement that access routes for the disabled incorporated as part of the building should be sheltered where possible.

The curved design of the upper level verandah roof is to accommodate the unimpeded viewing of the existing stained glass window above the door.

**RESOLUTION**  
**330514**

**Moved: Cr Smythe**

**Seconded: Cr Wallace**

***"That Council:***

- 1. *Consult relevant community groups regarding the Town Hall Shelter project, as approved by the State Heritage Office inviting submissions within (7) seven days from the date of the request; and***
  
- 2. *Call a Special Council meeting at a date to be determined for Council to consider any submissions received."***

**CARRIED: 6/0**



### **Item 9.5.1 – Appendices**



## **9.6 Confidential Reports**



## 10. NEXT MEETING

**RESOLUTION**  
340514

**MOVED:** Cr Boyle

**Seconded:** Cr Smythe

***“That Council:***

***hold the next Ordinary Meeting of the Council on June 16, 2014 at 4.00pm in the Council Chambers, York Town Hall, York.”***

**CARRIED: 6/0**

## 11. CLOSURE

*Cr Reid thanked everyone for their attendance and once again thanked the Talbot ladies for a wonderful afternoon tea and declared the meeting closed at 6.42pm.*