



SHIRE OF YORK

**MINUTES OF THE ORDINARY
MEETING OF THE COUNCIL
HELD ON 23 NOVEMBER, 2015
COMMENCING AT 5.00PM
IN COUNCIL CHAMBERS,
YORK TOWN HALL, YORK**

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SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL
HELD ON MONDAY, 23 NOVEMBER, 2015, COMMENCING
AT 5.00PM IN COUNCIL CHAMBERS, YORK TOWN HALL, YORK

The York Shire Council acknowledges the traditional owners of the land on which this meeting will be held.

1. OPENING

1.1 Declaration of Opening

Cr David Wallace, Shire President, declared the meeting open at 5.00pm.

1.2 Disclaimer

The Shire President advised the following:

"I wish to draw attention to the Disclaimer Notice contained within the agenda document and advise members of the public that any decisions made at the meeting today, can be revoked, pursuant to the Local Government Act 1995.

Therefore members of the public should not rely on any decisions until formal notification in writing by Council has been received. Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material."

1.3 Standing Orders

Clause 3.2 – Order of Business

Motion Not Put

1.4 Announcement of Visitors

Nil

1.5 Declarations of Interest that Might Cause a Conflict

Financial Interests

Mark Dacombe, Acting Chief Executive Officer – Item 9.2.2 – Councillors Induction Programme – The Acting CEO is a Director of Localise Pty Limited

Disclosure of Interest that May Affect Impartiality

Cr Denese Smythe – Item 9.4.2 – Sponsorship & Donations – Committee Member of the CRC

Cr Pam Heaton – Item 9.4.2 – Sponsorship & Donations – Secretary on the CRC Committee

2. ATTENDANCE

2.1 Members

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

2.2 Mentoring/Monitoring Panel

Ms Jenni Law, Department of Local Government & Communities; Michael Parker, CEO Shire of Harvey

2.3 Staff

Mark Dacombe, Acting Chief Executive Officer; Allan Rourke, Manager Works & Services, Gail Maziuk, Compliance/Human Resources; Tabitha Bateman, Financial Controller; Gordon Tester, Manager Development Services; Helen D’Arcy-Walker, Executive Support Officer

2.4 Apologies

Nil

2.5 Leave of Absence Previously Approved

Nil

2.6 Number of People in Gallery at Commencement of Meeting

There were 13 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

Mr John Oliver

Question:

Has the Shire applied for extended trading hours for this Christmas period?

Response:

Officers of the Department of Commerce confirmed that York trading hours are 8.00am to 9.00pm every day.

Mr Mike Gill

Question 1:

Has Council received a response from McDowell & Affleck, Consulting Engineers, regarding the failure to recognise that York is in a Seismic Zone and thus the potential risk to the purchaser, when they prepared the pre purchase structural report for the Old Convent School, formally known as Chalkies.

Response:

McDowell Affleck Consulting Engineers confirmed that the Seismic Zone was taken into consideration prior to the report being compiled.

Question 2:

Why is the building surveyor not satisfied with my certifying plans as complying with the provisions the Seismic Code AS1170.4 which contains the charts identifying the hazard factors for the regions that has been accepted as satisfactory over the past 23 years.

Response

The National Construction Code requires buildings to be designed to meet certain structural criteria and it is expected that structural engineers will reference the particular building against the relevant designs criteria used.

Question 5:

Why has Council not considered rescinding Resolution 140714 as I asked at the last meeting?

Response:

Resolution 140714 involved a request for Main Roads WA to act. The item has already been acted upon therefore cannot be rescinded.

4. PUBLIC QUESTION TIME

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

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

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

To provide equal opportunity for people to ask questions a limit of two (2) questions per person per time will be applied. If there is time available in Public Question Time people may be given the opportunity to ask a further two (2) questions at a time.

Procedures

- Questions submitted in writing prior to the meeting will be dealt with initially.
- Questions from the floor will be taken in the order recorded in a register.
- Statements, opinions and attachments will not be recorded in the minutes.
- Questions requiring research will be taken on notice and a response will be prepared in a reasonable timeframe. The original questions and the response will be included in the Agenda and Minutes of the next Ordinary Council meeting.
- Questions may be deemed inappropriate because they contain defamatory remarks or offensive language, they question the competency of elected members or staff, they relate to the personal affairs of elected members or staff, they relate to legal processes and confidential matters or they have been responded to previously and these will not be accepted or recorded in the Minutes.
- The minutes may only record a summary of the question asked and the response given.
- Where possible questions asked should be submitted in writing at the completion of question time or at the end of the meeting.
- At Special Council Meetings questions must relate to the items on the Agenda.
- Shire of York guidelines for Public Question Time are included on the meeting agenda.”

PRESIDING OFFICER

21 October 2013

4.1 Written Questions – Current Agenda

Public Question Time commenced at 5.07pm

Ms Liz Christmas

Question:

Item 9.2.1 – will Council when considering the location for public Council Meetings, take into consideration the fact that Council Chambers stairs are many and steep and some people have extreme difficulty getting up and getting down either sets of stairs and the lift has been known not to open on reaching the top landing. The fact that the Lesser Hall is central to reach and access is via one small step. The Recreation Centre is not central and the air-conditioning is not readily adjustable.

Response:

The Shire President stated that this would be taken into consideration. In addition, when the Council is meeting in the Council Chambers a staff member will be available to operate the lift.

Mr Pat Hooper

Question:

Given that all Councillors expressed in their campaigns, the need to unify the community and to move forward to build a stronger York, when are the Councillors going to seek removal of documentation placed on the windows of 87 Avon Terrace? The documentation relates to citizens of York and some who have left and makes unsubstantiated claims against these persons. Agencies including the DLG, the CCC and the Ombudsman have conducted investigation into claims made and there have been no actions taken against persons named.

Response:

The Shire President replied we understand all material related to the current Council and/or current staff members has been removed. Council is continuing to work with the property owner to resolve the issues.

4.2 Public Question Time

Mr Mike Gill

Question:

Can the Shire confirm that it has received written correspondence from McDowell & Affleck stating that the building known as Chalkies is not safe for public use in its present condition?

Response:

Through the Chair the Manager of Development Services stated that we did have this correspondence.

Ms Darlene Barratt

Question 1:

Will the Council be adhering to the Local Government Act in regard to Public Question Time and the minimum amount for question time and extension of question time as in the document it states limited to 15 minutes.

Response:

The Acting CEO stated the Act provides for a minimum of 15 minutes. He said a note could be inserted referring to the Local Government Act – the draft policy goes on to say the Council has discretion by Resolution to extend public question time.

Question 2:

Is the Council aware that if a local law or guideline is not in line with legislation such as preamble and resolution by Council to extend then it cannot be done?

Response:

The Acting CEO stated the draft policy provides for 15 minutes then the Council will consider if it wishes to extend. For many meetings this may be adequate in other meetings Council can consider to extend the Public Question Time for whatever time they wish. The draft policy also says that if time runs out other questions can be dealt with at a subsequent meeting.

Ms Tricia Walters

Question:

Unless a venue has been purpose built then no venue is guaranteed to have good acoustics. Since no venue is really going to be suitable the solution lies not in the venue but the purchase of portable electronic equipment where by each Councillor and the CEO have a head microphone, with a roving microphone for the other staff and ratepayers.

Response:

The Shire President replied that this had been looked into. However the electronic equipment needs to suit the room which is still to be defined. Currently the Council wish the meetings to be held in Chambers, however if there is more than 16 people in the Gallery the meeting is to be moved to the Lesser Hall. Acoustics in Chambers are good and there is no need to spend money unless it is for the right reasons.

Ms Darlene Barratt

Question 3:

In Agenda Item 9.2.5 are the properties of 1 Horley Street, York and Lot 100 Allen Road, Greenhills owned by the same person?

Response:

Through the Chair the Financial Controller replied the properties are not owned by the same person.

Question 4:

Who has been paying the rates on the Horley Street property from the death of the owner in 1947 identified in May 2007 Shire Minutes and then his immediate descendants deaths in 1980 until 2009/2010 when the rates were unpaid until now?

Response:

Taken on Notice

Public Question Time concluded at 5.24pm

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS / PRESENTATIONS / DEPUTATIONS

Ms Tricia Walters gave a presentation regarding Annual Recurring/Non Recurring Sponsorship.

The presentation has been noted and the points made will be considered through the budget process.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Minutes of the Special Council Meeting held October 19, 2015 at 10.05am

Corrections

Confirmation

RESOLUTION

081115

Moved: Cr Saint

Seconded: Cr Randell

“That the minutes of the Special Council Meeting held October 19, 2015 at 10.05am be confirmed as a correct record of proceedings.”

CARRIED: 6/0

7.2 Minutes of the Special Council Meeting held October 19, 2015 at 11.17am

Corrections

Confirmation

RESOLUTION

091115

Moved: Cr Ferro

Seconded: Cr Heaton

“That the minutes of the Special Council Meeting held October 19, 2015 at 11.17am be confirmed as a correct record of proceedings.”

CARRIED: 6/0

7.3 Minutes of the Ordinary Council Meeting held October 26, 2015

Corrections –

Public Question Time page 16 ... increased risk of appeal should read increased risk of appeal ...

Item 9.2.5 – Councillors Workshop – Social Implications – should read ... Members of the public will still receive notice of the Agenda and related reports for the Ordinary Council meeting at the same time as Councillors.

Confirmation

RESOLUTION

101115

Moved: Cr Randell

Seconded: Cr Saint

“That the minutes of the Ordinary Council Meeting held October 26, 2015 be confirmed as a correct record of proceedings with the above amendments.”

CARRIED: 6/0

7.4 Minutes of the Special Council Meeting held November 5, 2015

Corrections

Confirmation

RESOLUTION

111115

Moved: Cr Ferro

Seconded: Cr Heaton

“That the minutes of the Special Council Meeting held November 5, 2015 be confirmed as a correct record of proceedings.”

CARRIED: 6/0

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

9. OFFICERS' REPORTS

9.1 Development Services

Nil

9.2 Administration Reports

9. OFFICER'S REPORTS

9.2 ADMINISTRATION REPORTS

9.2.1 Council Chambers – Alternative Venues

FILE NO: CCP.1
COUNCIL DATE: 23 November 2015
REPORT DATE: 5 November 2015
LOCATION/ADDRESS: 1 Joaquina Street, York
APPLICANT: Not Applicable
SENIOR OFFICER: Mark Dacombe (A/CEO)
REPORTING OFFICER: Gordon Tester (MDS)
DISCLOSURE OF INTEREST: Nil
APPENDICES: Public Building Certificate
Certificate of Approval
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE A/CEO: *Mark Dacombe*

Summary:

Council is requested to consider alternative venues for their meetings with view to finding a permanent venue. This is due to a lack of space required to legally accommodate all persons currently attending Council meetings.

Background:

On 8 April 2011 a Certificate of Approval issued under the Health (Public Buildings) Regulations 1992 indicating maximum allowed accommodation numbers is appended to this report.

The maximum number of persons allowed in the Council Gallery under the current Certificate of Approval is 21 persons including Council members and staff.

At Councils ordinary meeting held on 21 October 2015 Council resolved as follows;

RESOLUTION
201015

"That Council:

Holds the next meeting of the Council on Monday, November 23, 2015 at 5.00pm in the Council Chambers, York Town Hall, and York.

The Manager of Development Services to re - assess the number of people that can be accommodated in Council Chambers."

A review of the maximum numbers of people that can be accommodated in the Council Chambers was undertaken.

It was determined that 15 people can be accommodated in the boardroom area of the Council Chambers and 16 people can be accommodated in the public gallery area of the Council Chambers.

A total of 31 people can therefore be accommodated in the Council Chambers area of the York Town Hall.

Council's recent meeting in Greenhills consisted of 18 Councillors, Mentors and Staff in addition to 39 persons in the gallery totalling 57 persons in attendance at this venue.

Council has not been meeting in its traditional venue on the second floor of the York Town Hall since midway through 2014.

Two meeting venues have been utilised from this time consisting of the York Recreation and Convention Centre and more recently the Lesser Hall within the Town Hall.

Both of these venues have proved adequate for the purpose of conducting Council meetings however, problems such as poor acoustics, poor lighting, window glare and unwanted noise intruding from other parts of the venues are issues that were encountered .

Consultation:

Nil

Statutory Environment:

Health (Public Buildings) Regulations 1992
National Construction Code Series 2014 Volume One

The above legislation sets out the maximum accommodation allowed within Public Buildings for various uses.

For example – Board Room 2.0 m² per person Unfixed seating 1.0m² per person

Policy Implications:

Nil

Financial Implications:

Modifications to improve acoustics, lighting, and public address systems and meeting room furniture will require consideration for budget inclusion.

Venues owned by others will incur hire fees.

Strategic Implications:

Council's vision for its assets and the built environment is to sustain the communities growing needs while ensuring that its facilities are well maintained and meet the community's requirements.

The desired outcome is to improve the quality of the community's assets with an objective to upgrade and maintain such infrastructure.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Yes

Triple bottom Line Assessment:

Economic Implications:

Economic implications range from using the lesser hall at no cost to moving into a purpose built newly constructed building.

Social Implications:

Members of the public wishing to attend Council meetings should be able to do so without the risk of being excluded on the grounds of inadequate floor area to accommodate them safely.

Environmental Implications:

Nil

Officer Comment:

The Council meeting room situated on the second floor of the York Town Hall is now in excess of 100 years old.

The current meeting room has historic and tourism value but is seriously lacking in space and modern facilities.

Occupancy of the Council Chambers in excess of the number of people that can be legally accommodated is illegal and dangerous.

This may result in a situation where members of the public wishing to attend the Council meeting will be unable to be accommodated when the venue's capacity is reached.

The recent meeting held in Greenhills would not have been able to be held in the York Council Chambers as it would have exceeded its capacity by 26 people.

A similar situation exists in Kalgoorlie where the historic Council Chambers are no longer used for Council meetings but are available for other purposes.

In order cater for modern meeting requirements, consideration of short and long term alternatives is considered necessary as indicated in the attached schedule.

**RESOLUTION
121115**

Moved: Cr Saint

Seconded: Cr Ferro

“That Council:

1. *Note Resolution 201015 that states:*

Hold the next meeting of Council on Monday, November 23, 2015 at 5.00pm in the Council Chambers, York Town Hall York.

2. *Open the meeting in the Council Chambers and assess numbers attending.*

Proceed if legally able, otherwise briefly adjourn the meeting and reconvene in the Lesser Hall.

3. *Will continue to use the Lesser Hall as backup venue while considering its options for improving the Lesser Hall as a meeting venue or finding an alternative venue that can safely and lawfully accommodate the amount of people currently attending Council meetings.*

4. *Reassess after the Council meeting to be held on 23rd November, 2015.”*

CARRIED: 6/0

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS

Disclosure of Interest: *Mark Dacombe, Acting CEO – Financial Interest*
The Acting CEO is a Director of Localise Pty Limited

9.2.2 Councillors Induction Program

FILE NO:
COUNCIL DATE: 23 November 2015
REPORT DATE: 18 November 2015
LOCATION/ADDRESS: N/A
APPLICANT: N/A
SENIOR OFFICER: M Dacombe, Acting Chief Executive Officer
REPORTING OFFICER: M Dacombe, Acting Chief Executive Officer
DISCLOSURE OF INTEREST: The Acting Chief Executive Officer is a Director and Shareholder of Localise Pty Limited and therefore Declares a Financial Interest
APPENDICES: Nil
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE A/CEO: *Mark Dacombe*

Summary:

Since the elections in October 2015 the Council has undertaken induction workshops in order to ensure Councillors have the necessary information and knowledge they require to fulfil their duties. A workshop has been scheduled for the purpose of briefing the Council on the Integrated Planning and Reporting framework (IPR) which provides the core processes for the Council to direct the organisation. It is proposed that the workshop be provided by Localise Pty Limited and facilitated by Alison Dalziel, a Director of the company.

This matter is brought to the Council for consideration because the Acting Chief Executive Officer has a financial interest in Localise Pty Limited.

Background:

The brief for the workshop is to facilitate a one day workshop with associated preparation and notes.

The workshop will be held in two parts:

Part One:

- the Integrated Planning and Reporting Framework
- Visioning and the Strategic Community Plan
- Other major strategic documents
- The strategic planning roles and responsibilities of elected members, CEO, the organisation and the community
- Community engagement and consultation

Part Two:

A practical exercise to assist the Council map out the program for its major strategic review which is due to be commenced in accordance with the required cycle.

The workshop is proposed to be held early December and will be facilitated by Alison Dalziel. Alison is an experienced strategic planner and facilitator. She is an economist with a passion for local government where she has spent over half of her career in a variety of technical and senior management roles. Alison is an engaging trainer who believes in a facilitative approach to learning. She has extensive examples from her own career to draw on and encourages participants to share their knowledge with each other. Since arriving from New Zealand in 2009, Alison has undertaken a large number of facilitation, strategic planning and economic development assignments. Alison has been providing training in Western Australian integrated planning and reporting, strategic planning, organisational change and economic development since 2011.

Consultation:

President, Councillors and members of the Mentor Panel

Statutory Environment:

Section 5.56 of the Local Government Act 1995 requires the Council to prepare a plan for the future. The minimum requirements for this are set out in Regulations. The workshop will detail the requirements and accepted good practice.

Policy Implications:

There are no policy implications.

Financial Implications:

The fee for the workshop, prior preparation and subsequent write up of the notes will be \$2,500 and can be accommodated in the budget for Councillor training.

Strategic Implications:

The IPR framework is core to the Council setting the long term direction for the Shire in consultation with the community and ensuring that plans are developed to achieve long term goals.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: N/A

Triple bottom Line Assessment:

Economic Implications:

Integrated planning can provide the conditions for improved economic performance of the Shire.

Social Implications:

The integrated planning process will address key social issues affecting the Shire.

Environmental Implications:

Environmental issues affecting the Shire will also be addressed through the integrated planning and reporting process.

Officer Comment:

The IPR framework is the key tool for the Council to determine future direction and put in place the plans to ensure delivery.

Councillors do need to be familiar with the framework and how they can use it to effectively lead the Shire.

Mr Mark Dacombe, Acting Chief Executive Officer declared a Financial Interest and left the room at 5.38pm

RESOLUTION

131115

Moved: Cr Smythe

Seconded: Cr Randell

“That Council:

Engage Localise Pty Limited to prepare, deliver and write up subsequent notes of the Councillor Induction workshop on Integrated Planning and Reporting.”

CARRIED: 6/0

Mr Mark Dacombe returned to the room at 5.40pm

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.3 Former Shire President Application for Legal Cost/Reimbursement

FILE NO: C24
COUNCIL DATE: 23 November 2015
REPORT DATE: 18 November 2015
LOCATION/ADDRESS: N/A
APPLICANT: Former Shire President Matthew Reid
SENIOR OFFICER: Acting Chief Executive Officer
REPORTING OFFICER: Acting Chief Executive Officer
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE A/CEO: *Mark Dacombe*

Summary:

At the Ordinary Council Meeting held on 26 October 2015 the Council received a report on a formal application received from the former Shire President seeking reimbursement of legal costs.

The Council deferred the matter to the November meeting of the Council. This report proposes a further deferral to the December Ordinary Council meeting to enable consideration of the information supporting the request.

Background:

The matter is complex and requires careful consideration of all available information. The Council resolved at the 26 October Council meeting:

“That Council: Defer this item until the next Ordinary Council Meeting due to Councillors not having had time to review confidential information received prior to the meeting.”

A further deferral is required to enable careful consideration of the application.

Consultation:

President, Councillors and members of the Mentor Panel
Former Acting Chief Executive Officer

Statutory Environment:

N/A

Policy Implications:

There are no policy implications of deferring the matter.

Financial Implications:

There are no financial implications of deferring the matter.

Strategic Implications:

There are no strategic implications of deferring the matter.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:
Site Inspection Undertaken: N/A

Triple bottom Line Assessment:
Economic Implications:
N/A

Social Implications:
Nil

Environmental Implications:
Nil

Officer Comment:
Nil

RESOLUTION
141115

Moved: Cr Smythe

Seconded: Cr Ferro

“That Council:

Defer consideration of the application from the former Shire President for reimbursement of legal costs to the next Ordinary Council meeting in order to allow time to consider all available information pertaining to the matter.”

CARRIED: 6/0

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.4 Policy – Public Question Time

FILE NO:
COUNCIL DATE: 23 November 2015
REPORT DATE: 18 November 2015
LOCATION/ADDRESS: N/A
APPLICANT: N/A
SENIOR OFFICER: Mark Dacombe, Acting Chief Executive Officer
REPORTING OFFICER: Mark Dacombe, Acting Chief Executive Officer
DISCLOSURE OF INTEREST: N/A
APPENDICES: Draft Policy – Public Question Time
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE A/CEO: *Mark Dacombe*

Summary:

The Council welcomes the attendance of members of the community at any Ordinary or Special meeting of the Council that is open to the public. Public Question Time provides an important opportunity for members of the public to seek information from the Council about issues affecting the Shire in which that person may be interested. It also provides a source of information for the Council on issues of importance to the community.

This report provides a draft Policy for Council consideration. The Policy aims to ensure members of the public have access to information and that the business of Council flows smoothly.

Background:

A comprehensive report on Public Question Time at meetings of the Council was presented to a meeting held on 21 October 2013. At that meeting the Council adopted the procedure that is currently in use.

The newly elected Council is embarking on a comprehensive review of its policies and planning that will progress over coming months. In this context it is appropriate to consider how the Council decision-making processes operate. A number of factors will be examined:

- The Local Law governing meeting procedure (Standing Orders)
- The location and lay out of the rooms in which Council meetings are held
- The template for reports to the Council
- Public Question Time (the subject of this report).

The process for Public Question Time adopted in October 2013 is essentially sound. It is broadly consistent with the Department of Local Government Guidelines and requires relatively minor amendments.

The proposed draft Policy (attached) reflects a desire by Council to be open and accountable while getting things done. The key elements of the Policy are (numbers refer to numbers in the draft policy):

- 1.0 The Local Government Act prescribes the minimum time allocated to Public Question Time as 15 minutes. This paragraph proposes adopting the minimum time but providing for the Council to extend this by resolution if required and if time permits taking account of other business on the agenda. This paragraph also makes provision to ensure that any questions that are unable to be asked because of time constraints are appropriately dealt with.

- 2.0 This paragraph makes it clear that members of the public are able to ask questions on any matter affecting the Council and the Shire's operations. This is a change from the existing procedure which encourages questions to the Council on governance and policy matters only.
- 3.0 Each questioner is able to ask two questions. The current practice of going around the room a second time is not provided for. This paragraph also clarifies that statements and long preambles are not permitted.
- 4.0 There is no change to current procedures in this paragraph. Putting questions in writing and lodging them in advance can facilitate a more timely response. The paragraph also clarifies that oral questions are permitted.
- 5.0 No change to current procedures.
- 6.0 A questioner is required to identify him or herself but an address is not required. This provision respects the privacy of individuals. An address is required only if a questioner requires a written response.
- 7.0 No change to current procedures.
- 8.0 No change to current procedures.
- 9.0 No change to current procedures.
- 10.0 No change to current procedures.
- 11.0 Aims to ensure that members of the public are aware of the range of other ways in which they can obtain information from the Council.

Consultation:

President, Councillors, members of the Mentor Panel and senior staff.

Statutory Environment:

The right to ask questions of the Council is a statutory right conferred by the State Government through the:

Local Government Act 1995 – Section 5.24

Local Government (Administration) Regulations 1996 – Part 2

Policy Implications:

This review puts the current procedures into a formal policy document and makes some incremental improvements.

Financial Implications:

There are no significant financial implications.

Strategic Implications:

Effective mechanisms for community engagement are an important consideration in setting the long term direction of the Shire.

Voting Requirements:
Absolute Majority Required: No

Site Inspection:
Site Inspection Undertaken: N/A

Triple bottom Line Assessment:
Economic Implications:
N/A

Social Implications:
An effective Public Question Time can indicate a Council working well with its community providing leadership in an open and accountable fashion.

Environmental Implications:
N/A

Officer Comment:
The draft policy is submitted for consideration and adoption by the Council.

OFFICER RECOMMENDATION

“That Council:

Adopt the draft Policy for Public Question Time as presented.”

**RESOLUTION
151115**

Moved: Cr Ferro

Seconded: Cr Saint

“That Council:

Adopt the draft Policy for Public Question Time as presented with the following amendments –

- *Place the word ‘long’ into the Draft Policy at 3.0 prior to the word ‘preamble’*
- *Make reference to the Local Government Act S5.24 and Local Government (Administration) Regulations*
- *Point 1.0 should read ... will provide a written reply with the response placed in the Minutes of the next Ordinary Council Meeting.”*

CARRIED: 6/0

Refer Appendix A for amended Policy

9.3 Works Reports

Nil

9.4 Financial Reports

9. OFFICER'S REPORTS

9.4 FINANCE REPORTS

9.4.1 Rates – 3-Year Sale

FILE NO: FI.RTS
COUNCIL DATE: 23 November 2015
REPORT DATE: 09 November 2015
LOCATION/ADDRESS: Lot 123 (1) Horley St, York
Lot 100 Allen Rd, Greenhills
APPLICANT: N/A
SENIOR OFFICER: Tabitha Bateman, Finance Controller
AUTHOR: Anneke Birleson, Rates Officer
DISCLOSURE OF INTEREST: Nil
APPENDICES: Location Maps
DOCUMENTS TABLED: NIL

REPORT APPROVED BY THE CEO: *Mark Dacombe*

Summary:

It is proposed that Council utilise AMPAC Collection Services to sell the parcels of land attached to Assessments 60484 and 60376 due to non-payment of rates and services for a period of three years or more, under Section 6.64 of the *Local Government Act 1995*.

Background:

There are currently two properties that have rates outstanding by three or more years for which it has not been possible to enter into acceptable and successful arrangements for the payment of the balance owing. Written notification of the Shire's intention to refer the matter to Council was not directed to the last known postal address as these details are unknown.

The following is a list of those properties that have rates currently in arrears by three or more years, together with a brief history of the action taken to date.

Property 1 - Lot 123 (1) Horley St, York	
Assessment	60484
Zoning/Area	Industrial / 0.0636 h
Period Outstanding	2009/10 to 2015/16
Amount Outstanding	\$13521.13 as at 09/11/2015
Payment	Nil
Recovery Action	11/09/2009 – Property created, Title registered 24 January 1924 15/08/2014 – File sent to AMPAC Debt Recovery. 11/03/2015 - Probate search provided no known living relatives. 19/05/2015 – Skip Trace requested 17/06/2015 – Skip Trace report findings are that owners are deceased as are their children, with no known grandchildren.

Response	24/06/2015 – No surviving relatives can be located, proceed to Council Property was owned as a right of way (see Appendix 3) and is approximately 5m wide and 120m long, no future development of this land in isolation is feasible.
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Property 2 - Lot 100 Allen Rd, Greenhills	
Assessment	60376
Zoning/Area	General Agriculture / 3.2375 h
Period Outstanding	2007/08 to 2015/16
Amount Outstanding	\$22850.53 as at 09/11/2015
Payment	Nil
Recovery Action	12/10/2007 - Valuer General's Department advised Shire on Schedule R2007/1, of ownership details. 03/12/2007 - Certificate of Title shows date of transfer to be 13/04/1949. Rates Officer attempted to trace owners, no addresses found. 05/12/2007 - Rates posted but returned to Shire RTS 22/02/2008 - No further proceedings until 3 years passed. No claim for payment of rates as land was not rated previous to 2007. 15/08/2014 - File sent to AMPAC Debt Recovery 21/10/2014 - Searches show owners are deceased or no record. 05/12/2014 - Skip Trace resulted in no new information. 10/02/2015 to 14/08/2015 – extensive Probate enquiries resulted in identifying Public Trustee for one owner including one living relative. All possible avenues to locate other executors or relatives resulted in no success. 10/09/2015 - Only surviving relative contacted Shire and informed intent to visit property. 11/09/2015 - Market Appraisal carried out
Response	07/07/2015 - Public Trustee consent to proceed to sale for the estate under their care. 19/10/2015 - Only surviving relative confirmed consent for Shire to proceed with sale of land to recover outstanding rates and charges.

Consultation:

AMPAC Debt Recovery
Price Sierakowski Corporate
Austral Mercantile Collections

Statutory Environment:

Section 6.64 of the *Local Government Act 1995* States:

(1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and -

- (a) from time to time lease the land;*
- (b) sell the land;*
- (c) cause the land to be transferred to the Crown; or*
- (d) cause the land to be transferred to itself.*

(2) On taking possession of any land under this section, the local government is to give the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.

(3) Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.

Policy Implications:

With reference to Council Policy "Recover Rates & Service Charges", dated 15 February 2010, Council Resolution 200210,

"1.0 Unpaid for at least three (3) years.

A report be presented to Council on an annual basis, detailing the amount of rates and service charges outstanding, by Assessment Number, and recommending action be authorised by the Council. The Privacy Act prevents the property owner's details from being published in a report to Council."

Financial Implications:

Reduction in rates sundry debtors by \$36,371.66 plus accrued interest.

Strategic Implications:

Corporate Services, Financial Services - to achieve maximum community benefit from effective use of resources (staff, finances and information technology)

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

Social Implications:

Nil

Environmental Implications:

Nil

Comment:

Given the high level of debt, minimum value of the land, building restrictions and the amount of time that has been afforded in searching for ratepayers to either clear or reduce this debt, it is appropriate to apply the relevant section of the *Local Government Act 1995* empowering the sale of land provision in relation to unpaid rates and charges.

It is suggested that Council apply the provisions of Section 6.64 (1)(b) of the *Local Government Act 1995* and sell the properties to recover outstanding rates and charges, which are in arrears for a period of excess of three (3) years.

Where land has been offered for sale for non-payment of rates or service charges and a contract of sale has not been entered into at the expiration of 12 months from the date that the land is offered for sale by public auction notice, the land may be transferred in fee simple, to the Crown in right of the State or to the Local Government.

**RESOLUTION
161115**

Moved: Cr Heaton

Seconded: Cr Randell

“That Council:

- 1. Pursuant to Section 6.64 (1)(b) of the Local Government Act 1995, proceed to sale of Assessment 60484, which has rates and services in arrears for 3 or more years.***
- 2. Pursuant to Section 6.64 (1)(b) of the Local Government Act 1995, proceed to sale of Assessment 60376, which has rates and services in arrears for 3 or more years.”***

CARRIED: 6/0

9. OFFICER'S REPORTS
9.4 FINANCE REPORTS

Disclosure of Interest:

Cr Denese Smythe – Impartial Interest – Committee Member of the CRC
Cr Pam Heaton – Impartial Interest – Secretary on the CRC Committee

9.4.2 Sponsorships and Donations

FILE NO:	FI.DON
COUNCIL DATE:	23 November 2015
REPORT DATE:	9 November 2015
LOCATION/ADDRESS:	Not Applicable
APPLICANT:	Various
SENIOR OFFICER:	Mark Dacombe, A/CEO
REPORTING OFFICER:	Tabitha Bateman, Financial Controller
DISCLOSURE OF INTEREST:	Cr Denese Smythe, Impartial Interest Cr Pam Heaton, Impartial Interest
APPENDICES:	Appendix A - Schedule of Non-Recurrent Contributions 2015/2016 Appendix B - Schedule of Non-Recurrent Contributions 2015/2016 Made under Delegation
DOCUMENTS TABLED:	Nil
REPORT APPROVED BY THE A/CEO:	<i>Mark Dacombe</i>

Summary:

Each year Council makes a number of contributions by way of donations to various community groups that operate within the York Shire. Some contributions are for ongoing programs that the Shire contributes to each year and others are for "one-off" projects, which are known as non-recurrent projects.

Background:

Included in Council's Annual Budget is a number of recurrent funding requests for financial assistance with projects that benefit the community. Organisations receiving this type of funding are not required to submit applications however all groups receiving either recurrent or non-recurrent funding are required to provide an acquittal report to Council outlining how the funds were spent and providing copies of receipts where appropriate.

In addition to the regular sponsorships, local community groups and organisations may, from time to time throughout the financial year, apply for funding for assistance with 'one-off' projects or events. At present, the Chief Executive Officer has delegated authority to approve contributions up to \$500.00 providing the information is reported to Council.

Consultation:

Council staff, Councillors and some applicants.

Statutory Environment:

Local Government Act 1995.

Policy Implications:

Not applicable.

Financial Implications:

If Council accepts the recommendation as it stands, the total expenditure for these funding requests will equate to \$10,794 being \$7,905 in cash contributions and \$2,889 by way of fees waived for the use of Council facilities.

Strategic Implications:

Council's support of local community and sporting organisations is of strategic importance to the District, as without this support these groups, who in many respects are the backbone of the community, become unviable from a financial perspective.

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Local community organisations are a vital component of the local economy, as in many cases they provide the lifestyle type activities that attract individuals, families and businesses to a community, improving the overall diversification and market size of the local economy.

Social Implications:

Local community organisations provide the social framework of any community and without this type of financial support from the Council; many are not able to function effectively.

Environmental Implications:

Not applicable.

Officer Comment:

The recommendations are put forward for Council's consideration.

RESOLUTION

171115

Moved: Cr Randell

Seconded: Cr Ferro

"That Council:

- 1. approves the recommendations in the attached "Appendix A - Schedule of Non-Recurrent Contributions 2015-2016" totalling \$6,309.***
- 2. notes for information purposes, the "Appendix B - Schedule of Non-Recurrent Contributions 2015-2016 Approved Under Delegated Authority" totalling \$4,485.***

Advice Note: Remaining unallocated funds in the sponsorship pools totalling \$26,356 will be available to groups who make written application to the CEO for financial assistance up to 31 May 2016."

CARRIED: 6/0

9. OFFICER'S REPORTS
9.4 FINANCE REPORTS
9.4.3 Investments – October 2015

FILE NO: FI.FRP
COUNCIL DATE: 23 November 2015
REPORT DATE: 10 November 2015
SENIOR OFFICER: Graeme Simpson, Acting CEO
AUTHOR: Tabitha Bateman, Financial Controller
APPENDICES: Shire of York Investment Portfolio
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE CEO: *Mark Dacombe*

Summary:

That Council consider the investment portfolio as attached.

Background:

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

Consultation:

Auditors

Statutory Environment:

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

6.10. Financial management regulations

Regulations may provide for —

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

6.14. Power to invest

(1) Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the Trustees Act 1962 Part III.

Policy Implications:

In accordance with the Financial Management Investment Policy.

Financial Implications:

Credit Ratings

Voting Requirements:

Simple Majority Required: Yes

Officer Comment:

In accordance with the policy, a report of investments is presented to Council to provide a summary of investments held by the Shire of York as at 31 October 2015.

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

**RESOLUTION
181115**

Moved: Cr Saint

Seconded: Cr Heaton

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

CARRIED: 6/0

9. OFFICER'S REPORTS
9.4 FINANCE REPORTS
9.4.4 Monthly Financial Reports – October 2015

FILE NO: FI.FRP
COUNCIL DATE: 23 November 2015
REPORT DATE: 10 November 2015
LOCATION/ADDRESS: Not Applicable
APPLICANT: Not Applicable
SENIOR OFFICER: Graeme Simpson, Acting CEO
REPORTING OFFICER: Tabitha Bateman, Financial Controller
DISCLOSURE OF INTEREST: Nil
APPENDICES: Yes – Appendix A as detailed in Summary
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE A/CEO: Mark Dacombe

Summary:

The Financial Report for the period ending 31 October 2015 is presented for consideration.

Appendix A includes the following:

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

Statutory Environment:

Local Government Act 1995 (As Amended).
 Local Government (Financial Management) Regulations 1996 (As Amended).
 Australian Accounting Standards.

Financial Implications:

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

Outstanding Rates and Services

Total outstanding rates as at 31 October 2015 are \$2,105,004 compared to \$2,598,815 as at 30 September.

3 Years & over	\$ 176,096	8.37% of rates outstanding
2 Years & over	\$ 76,804	3.65% of rates outstanding
1 Years & over	\$ <u>196,231</u>	9.32% of rates outstanding
<i>Total Prior Years</i>	<i>\$ 449,130</i>	<i>21.34% of rates outstanding</i>

Current rates \$ 1,655,874 78.66% of rates outstanding

Outstanding Sundry Debtors

Total outstanding sundry debtors as at 31 October 2015 are \$328,478 compared to \$376,644 as at 30 September 2015.

90 days & over	\$282,973	86.15% of sundry debtors outstanding
60 days & over	\$ 19	0.01% of sundry debtors outstanding
30 days & over	\$ 22,581	6.87% of sundry debtors outstanding
Current	\$ 22,906	6.97% of sundry debtors outstanding

Strategic Implications:

Nil

Voting Requirements:

Simple Majority required – Yes

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

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

Social Implications:

Not applicable.

Environmental Implications:

Not applicable.

Officer Comment:

It should be noted that some figures reflected in the following reports are an estimate of the end of year position only and are subject to year end adjustments.

RESOLUTION

191115

Moved: Cr Ferro

Seconded: Cr Heaton

“That Council:

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

	<u>AMOUNT</u>
<u>MUNICIPAL FUND</u>	
<i>Cheque Payments</i>	\$ 29,787.25
<i>Electronic Funds Payments</i>	\$ 551,379.40
<i>Direct Debits Payroll</i>	\$ 164,675.87
<i>Bank Fees</i>	\$ 1,195.51
<i>Corporate Cards</i>	\$ 22.50
<i>Fire Messaging Service</i>	\$ 82.50
TOTAL	<u>\$ 747,143.03</u>
<u>TRUST FUND</u>	
<i>Cheque Payments</i>	\$ 0.00
<i>Electronic Funds Payments</i>	\$ 1,863.75
<i>Direct Debits Licensing</i>	\$ 142,166.90
TOTAL	<u>\$ 144,030.65</u>
TOTAL DISBURSEMENTS	<u>\$ 891,173.68”</u>

CARRIED: 6/0

9.5 Cultural Heritage Reports

Nil

9.6 Late Reports

Nil

9.7 Confidential Reports

Nil

10.NEXT MEETING

RESOLUTION

201115

Moved: Cr Smythe

Seconded: Cr Saint

“That Council:

holds the next Ordinary Meeting of the Council on Monday, December 21, 2015 at 5.00pm in Council Chambers, York Town Hall, York.”

CARRIED: 6/0

11.CLOSURE

The Shire President thanked everyone for their attendance and closed the meeting at 5.58pm.