

SHIRE OF YORK

**MINUTES OF THE ORDINARY
MEETING OF THE COUNCIL
HELD ON 21 OCTOBER, 2013
COMMENCING AT 3.00pm
IN GREENHILLS HALL,
GREENHILLS**

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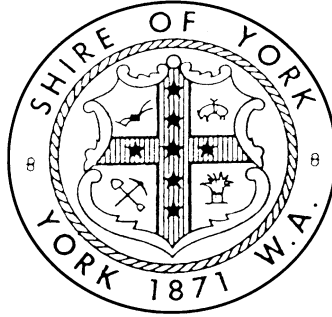
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RAY HOOPER
CHIEF EXECUTIVE OFFICER

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SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL
HELD ON MONDAY, 21 OCTOBER, 2013, COMMENCING AT
3.00PM IN THE GREENHILLS HALL, GREENHILLS

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 3.00pm and thanked the Greenhills ladies for the fantastic afternoon tea.

1.2 Deputy Chief Executive Officer to read the disclaimer

Ray Hooper, Chief Executive Officer, read the disclaimer

1.3 Suspension of Standing Orders (undergoing the repeal process) – Clauses 1 to 19 excluding Clause 8.5.1 which states “No person is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee without the written permission of the Council.”

Moved: Cr Boyle; Seconded: Cr Duperouzel

That the Local Law Standing Orders, excluding Clause 8.5.1 be suspended for the purpose of expediting the Council Meeting.

Carried: 6/0

1.4 Announcement of Visitors

Gordon Marwick, Freeman of York

1.5 Announcement of any Declared Financial Interests

*Cr Denese Smythe – Item 9.2.5 – Financial – Committee Member
Cr David Wallace – Item 9.2.6 – Impartial – Life Member*

2. ATTENDANCE

2.1 Members

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

- 2.2 Staff
Ray Hooper, Chief Executive Officer; Tyhscha Cochrane, Deputy Chief Executive Officer; Jacky Jurmann, Manager Planning Services; Kira Strange, Planning Officer; 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 20 people in the Gallery at the commencement of the meeting.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

3.1 Previous Public Questions Taken on Notice

Mrs Heather Saint

Question 1

What was the turn over for July?

Response

A summary of income and expenses for the YRCC in July is attached which can also be found in Appendix A on page 11 of Agenda Item 9.4.1 presented at the August Council meeting.

Question 2

Could Council please confirm that, if this part of the business is not viable, then the community is entitled to know how and why?

Response

Full operating financial details are published in the budget, annual statements and monthly reports. The original business plan was advertised for public comment.

Question 3

Would Council consider an alternative and more financially viable proposition of community involvement in running this facility?

Response

Yes, if one was developed and submitted for consideration.

Question 4

Does Council intend to hold open forums to involve the community in the development of a Strategic Community Plan?

Response

Council had community input to the Strategic Community Plan and the draft was advertised for public comment prior to its adoption in May 2012.

Question 5

Does Council intend to proceed with the Workforce Plan suggested feasibility study and develop an operational and marketing plan for the Recreation & Convention Centre.

Response

When the Workforce Plan is finalised and adopted under the Corporate Plan all suggested actions in the final plan will be considered in successive budgets for implementation.

Ms Darlene Barratt

Question 1

Why can the CEO tell Councillors that matters are not their concern?

Response

The CEO cannot and does not tell Councillors what matters concern them. The Local Government Act makes clear distinctions between the roles of elected members and staff.

Question 2

Are Councillors aware that no charges can be made for FOI over the counter applications?

Response

The payment of the prescribed fee is required to make an FOI application valid.

Question 3

Are Councillors aware that there can be no charge for access to personal information?

Response

Yes

4. PUBLIC QUESTION TIME

Public Question Time commenced at 3.07pm

4.1 Written Questions – Current Agenda

Mrs Tanya Richardson

Public Question Time

Further to your questions 4, 5 and 8 as per your email of the 23rd August, 2013 please find set out below the relevant responses which will be presented to the October Council Meeting.

1. Question 4 (a)

Can you please clarify today that Council are authorised to give our money to a private individual as a donation even if that individual is not a registered charity or not for profit organisation?

Response:

Yes

2. Question 4 (b)

Can you also please confirm that this individual who hosted a commercial event in York as a private individual complied with all of the RMP, TMP etc as stated in your events policy?

Response:

The information provided in relation to the event was deemed to meet the requirements.

3. Question 5 (c)

What is the point of having an events policy which distinguishes community and commercial events if there is no clear guideline and separation between the two?

Response:

Policies and guidelines are not laws and Council has the power and right to act for the benefit of the community on any issue.

4. Question 5 (d)

Why were my two events not deemed to be community events when the financial impact for York was in excess of \$2M which was proven with statistic data?

Response:

Council provided community funding for your events and deemed that these long term prior community level events had moved into the private entrepreneur area.

5. Question 5 (e)

When is this council going to sort out the events policy mess?

Response:

An events policy is only one of a number of priority areas to be considered by Council in the context of what is good for the community as a whole.

6. Question 5 (f)

Does this council believe they have a responsibility to sort out anomalies such as this before expecting new individuals to nominate for council?

Response:

No – Policies are living documents subject to annual review.

7, Question 8 (a)

Why has there been no further correspondence relating to the draft tourism strategy?

Response:

None necessary at this stage.

8. Question 8 (b)

Why has Avon Tourism Inc, Tourism WA and the Wheatbelt Development Commission not been approached regarding the draft tourism strategy?

Response:

The document has been advertised for comment and none have been received from the designated organisations.

9. Question 8 (c)

When is this council going to finally introduce a comprehensive relevant and up to date Tourism Strategy?

Response:

Council will determine when or if it will adopt a tourism strategy and the content of any strategy.

10. Question 8 (d)

Is it fair to say all strategy will be based on the outcome of amalgamations?

Response:

No

Mrs Tanya Richardson

Questions For September Council Meeting (Received For October Council Meeting)

Response to Questions 1 and 2:

These questions are not accepted for Public Question Time as the processes used are not reportable.

Not deemed to be of relevance, operational only and do not relate to matters of consequence to Council.

This is not a reportable matter in terms of the Local Government Act.

Question 3:

What software package is the Shire using for each of the following: accounts payable, accounts receivable, general ledger, payroll, monthly financial reports?

Response:

Synergy Soft and Synergy Soft Excel Integration.

Question 4:

This is considered a statement and it is not a question for Public Question Time.

Question 5:

The budgeted amount shown for revenue from the YRCC is \$2,268,163. The actual amount is \$745,710. What is the reason for the significant revenue shortfall from the YRCC and what action is the Shire taking to redress this situation?

Response:

The figure quoted relates to the total for recreation and not just the YRCC. Council continually monitors the operations of the YRCC for opportunities to save costs or to increase income. Income for the YRCC was reduced due to the Liquor Licence appeals and the inability to trade.

Question 6:

The total value of leave liabilities is shown as \$634,125. The leave reserve however is \$274,102. Please explain how the difference will be funded, and advise how many staff have leave entitlements accrued longer than what would normally be accrued within a 12 month period and the value of that accrued leave?

Response:

The balance is covered by assets over liabilities, which is in accordance with the requirements under the accounting standards. In most cases leave reduces as staff take it, so expenditure is budgeted as part of annual salaries and wages. Council is in the process of building up the Reserve, however Council is not required to have cash back funding. Leave liability can be classified as non current or current liability. Leave liability is for annual leave and/or long service leave and if it is expected to be incurred in the budgeted year then it is considered current, if expected to be incurred 12 months or more out it is classified as non current.

The provision of annual leave and long service leave can be provided for by a reserve account for this purpose, which means that the liability is cash back or alternatively the liability is covered by the excess of current assets over current liabilities.

Question 7:

This question is not accepted as a question for Public Question Time as Council cannot provide answers on behalf of another local government.

4.2 Public Question Time

Mr Ian McColl**Question 1:**

In relation to Item 9.1.1 on the meeting Agenda. Will the Shire write a public apology to Mrs Jenni McColl and accept that she has done nothing wrong against the York Shire's Laws?

Response:

Taken on Notice

Question 2:

- (a) Could Council advise if the proposed SITA landfill will be for Class 2 or Class 3 waste?
- (b) Has the Shire of York already made application to dispose of the local rubbish.

Response:

- (a) The Class II or Class III is controlled by the State Government not the Shire of York.
- (b) No agreement has been made by the Shire of York with SITA regarding a long term rubbish dump.

Mr Peter Keeble

Question 1:

Could the money from the sale of the blocks between the Hall and the Hotel be transferred into the Greenhills Progress Association account for use on Walk Trails and maintenance.

Response:

Taken on Notice

Question 2:

Can the rates for the Hall be reimbursed?

Response:

This will be discussed with Councillors at the half yearly financial review.

Mr Simon Saint

Question:

Am I allowed to ask questions during Public Question Time?

Response:

Yes

Mrs Jan Griffin

Question 1:

The Shire of York no longer has Wards. Will the Councillors have portfolios?

Response:

Portfolios for Councillors are being discussed and will be placed on the website by the end of the week.

Ms Vicki Bertrand

Question:

Are the York Council behind the Perth SITA dump?

Response:

As a Council we need to be very mindful of the community.

Mr Peter McInnes

Question 1:

Will the Shire of York be supporting the Avon Valley Gazette and the York Community Matters?

Response:

We have a new Council which means a fresh beginning.

Mrs Tanya Richardson

Question 1:

Would the Council consider changing the Council meeting time from 3.00pm to 5.30pm to allow more working members of the community to attend?

Response:

This is to be discussed with Councillors during this week.

Question 2:

Would Council consider having a Council Forum one week before Council meetings like Northam.

Response:

This will also be discussed with Councillors.

Public Question Time was declared closed by the Shire President at 3.23pm

5. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Tony Boyle

**RESOLUTION
011013**

Moved: Cr Hooper

Seconded: Cr Duperouzel

“That Council grant a leave of absence to Cr Tony Boyle for the Ordinary Council Meeting to be held on 18 November, 2013.”

CARRIED: 6/0

6. PETITIONS / PRESENTATIONS / DEPUTATIONS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Minutes of the Ordinary Council Meeting held September 16, 2013

Corrections

Confirmation

**RESOLUTION
021013**

Moved: Cr Boyle

Seconded: Cr Duperouzel

“That the minutes of the Ordinary Council Meeting held on September 16, 2013 be confirmed as a correct record of proceedings.”

CARRIED: 6/0

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Cr Matthew Reid thanked everyone for being here to support the new York Shire Council. I am honoured to be standing here in front of you. I welcome this opportunity to stand before you and speak about something that I am truly passionate about and that is York and the surrounding areas.

York has a rich history. I am proud of the fact that both Dayna and my families have been part of this, both past and present. I believe strongly in York and the surrounding area, hence I call it home and have established a thriving business that contributes greatly to the community. I have been blessed by having a wonderful family and living in this community which has availed me many opportunities, in sport, community groups, associations and making many wonderful friends, for which I am very grateful.

The York area has been led by many people throughout its history and all have added to the wonderful mosaic that we call home. Each and every one has put their heart and soul into their role with the sole intention to improve the Shire of York for all the community members both now and the future. I am buoyed by being in this position and am excited by the opportunity of representing all the community members, and working with you to continue to grow and develop York and the surrounding areas.

On behalf of all SIX Councillors we would like to state:

- We believe in Open Honest and Accessible local government
- We believe in Open Communication between York's Council and Residents
- We will listen to and represent the interests of York's residents
- We are a council with vision and enthusiasm that will plan and develop strategies to enable York to flourish and fulfil its potential without damaging our distinctive and valuable heritage
- We believe in a vibrant, diverse community working together respecting our differences to create a place of opportunity where all residents have a sense of belonging, being heard and being valued
- We are a cohesive and effective Council

Thank you again for this opportunity to speak to you today and I look forward to the challenges ahead. Please feel welcome to contact me at any time to raise any issues that you feel are important to you and our community.

RATES INCENTIVE PRIZES

An announcement of the Winners of the Rates Incentive Prizes was made.

First Prize - \$1,000 Bank Account provided by the Shire of York and York & Districts Community Bank Branch of Bendigo Bank. Mrs Yvonne Kenneison won first prize but was unable to attend (the Shire will ensure the prize is sent to Mrs Kenneison).

Second Prize – Two night's accommodation for two adults in a Superior Room including breakfast valued at \$400 donated by Accor. Mrs Helen Johns won second prize but was unable to attend (the Shire will ensure the prize is sent to Mrs Johns).

Third Prize – Four tickets to the West Australian Symphony Orchestra donated by WASO. Mrs Yvonne Dols won third prize but was unable to attend (the Shire will ensure the prize is sent to Mrs Dols)

Fourth Prize - \$200 of Unleaded Petrol donated by Fuel Distributors of WA Pty Ltd. Mr Stephen Midgley won fourth prize but was unable to attend (the Shire will ensure the prize is sent to Mr Midgley).

9. OFFICER'S REPORTS

9.1 Development Services

9. OFFICER'S REPORTS

9.1 DEVELOPMENT REPORTS

9.1.1 Proposed Amendment Of Local Planning Policy – Advertising Signs

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

FILE NO:	PS.GEN
COUNCIL DATE:	21 October 2013
REPORT DATE:	9 October 2013
LOCATION/ADDRESS:	Shire wide
APPLICANT:	Shire of York
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	J Jurmann, MPS
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	1 – Draft Amendment Policy
DOCUMENTS TABLED:	Nil

Summary:

Council at its Ordinary Meeting held on 10 June 2013 resolved:

“That Council:

Review the current signage policy to ensure it covers the breadth of town and rural signage issues.”

The Local Planning Policy for Advertising Signs has now been reviewed and it is requested that Council adopt the draft amended Policy for advertising purposes.

Background:

The current Local Planning Policy for Advertising Signs was adopted by Council at its Ordinary Meeting held on 17 October 2011. The Policy was adopted to provide guidance to the community and Council for the regulation of advertising signage.

The Policy has been reviewed and appropriate changes have been made to clarify that the Policy applies to the whole of the Shire of York and to include provisions on protest signage and signage at the Forrest Oval Recreation Complex.

Consultation:

In accordance with Clause 8.8.2 of the York Town Planning Scheme No. 2, all local planning policies must be advertised to the community for a period of not less than 21 days prior to becoming operative.

It is proposed to advertise the draft amended policy in the Avon Valley Gazette for 2 consecutive weeks, together with advertisements at the Council Office and on Council's website inviting submissions from the community. All submissions will be considered prior to finalising the policy and presenting it to Council for adoption.

Statutory Environment:

York Town Planning Scheme No. 2

Clause 8.8 of the Scheme enables Council to prepare and adopt local planning policies. Amendments or additions to policies must be made as if it was a new policy.

Policy Implications:

The amendments clarify the intent of the policy and provide guidance of current and emerging issues.

Financial Implications:

There are no financial implications associated with this proposal.

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 proposed amendments to the Local Planning Policy for Advertising Signs is consistent with the goals of the Strategic Community Plan and will support the protection of the heritage of York and support local businesses through clarity in policy.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

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:

There are no environmental implications associated with this proposal.

Comment:

The Policy has been reviewed in accordance with Council's resolution.

**RESOLUTION
031013**

Moved: Cr Duperouzel

Seconded: Cr Wallace

“That Council:

- 1. Adopt the draft amended Local Planning Policy – Advertising Signs for the purposes of community consultation.***
- 2. Advertise the Policy for a minimum period of 21 days in accordance with the provisions of the York Town Planning Scheme No. 2.***
- 3. Receive a further report following the community consultation period.”***

CARRIED: 6/0

Item 9.1.1 – Appendices

9. OFFICER'S REPORTS

9.1 DEVELOPMENT REPORTS

9.1.2 Scheme Amendment Request – Lot 69 Lewis Rd, York

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: LE4.9775
COUNCIL DATE: 21 October 2013
REPORT DATE: 9 October 2013
LOCATION/ADDRESS: Lot 69 Lewis Rd, York
APPLICANT: Byron Property
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: J Jurmann, MPS
DISCLOSURE OF INTEREST: Nil
APPENDICES: 1 – Location Plan
2 – LPS Map 2
3 – TPS Map 3
DOCUMENTS TABLED: Nil

Summary:

Council has received a request on behalf of the owner of Lot 69 Lewis Road, York to rezone the property from Rural Residential to Residential R5/R10 to enable subdivision of the property.

It is recommended that Council support the rezoning and resolve to, in principle, support the rezoning of the property and the initiation of a scheme amendment.

Background:

Lot 69 Lewis Road, York is located on the corner of Foreman Road on the north-eastern periphery of the residential area on the eastern side of the Avon River adjacent to the York Estates development. The lot is 1.0795 hectares in area and is vacant. It is currently zoned Rural Residential with a minimum lot size of 1 hectare.

It has been requested that Council initiate a scheme amendment to rezone the subject property from Rural Residential to Residential with density coding consistent with the neighbouring York Estates.

Properties in the York Estates have a dual coding of R5/R10 and therefore a minimum lot size of 2,000m². The higher density coding of R10 allowing a minimum lot size of 1,000m² can only be utilised, in accordance with Schedule 5 of the Scheme, if the property can be connected to the Water Corporation's reticulated sewerage system (i.e. deep sewerage).

An R5 coding will enable the property to be subdivided theoretically into 8 lots of approximately 2,000m². However, the applicant has indicated that 3 lots are proposed utilising the existing constructed road frontages.

Consultation:

The applicant has undertaken some initial consultation with landowners in the area bounded by Lewis Road, Red Swamp Road and Avon River and has advised that although no objections were generally received, no support financially was forthcoming to initiate a rezoning for the precinct.

If initiated, a Scheme Amendment must be advertised in accordance with the *Planning and Development Act 2005*.

Statutory Environment:York Town Planning Scheme No. 2

The subject property is zoned Rural Residential under the provisions of the Scheme and is currently not subdividable due to the minimum lot size of 1 hectare. It is proposed to rezone the property to Residential with a dual coding of R5/R10, which is consistent with the zoning of the neighbouring York Estates and represents a logical expansion of the residential area.

Policy Implications:York Local Planning Strategy

The LPS identifies the site within an area identified for future residential east of the Avon River. The objective of the precinct is *“to ensure any further residential development is compatible with existing development patterns and does not compromise the residential objectives for west of the Avon River.”*

Strategies for the precinct include:

1. Any rezoning or recoding proposal for land within the precinct are to address the criteria listed in (d) of the section 2.3.3 of the LPS.
2. Support residential development that is consistent with existing zoning and draft Country Sewerage Policy provisions.
3. Residential intensification and expansion east of the Avon River will generally not be supported outside of sewerred areas.
4. Support the proposed Low Density Residential expansion area (Map 2 of LPS – attached at Appendix 2) as this logically rounds off the existing residential area.

Local Planning Policy – Contributions for Road & Footpath Construction & Infrastructure

Contributions will be sought under the provisions of the Policy at the subdivision stage.

Draft Country Sewerage Policy (Department of Health)

The draft Policy does not permit the subdivision of unsewered properties with an area of less than 2,000m² and is implemented/enforced by the Western Australian Planning Commission. This proposal complies with this Policy.

Financial Implications:

The applicant has been advised, and has agreed, to bear all costs associated with the rezoning and preparation of the scheme amendment documentation.

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 rezoning is consistent with the objectives of the York Local Planning Strategy, however it is not considered good planning practice to rezone individual lots and is always preferable to rezone precincts with logical boundaries.

The applicant has unsuccessfully endeavoured to gain the support of the other landowners in the precinct, and therefore, as the rezoning would represent a logical expansion of the residential area, it is considered that the rezoning would not have any detrimental strategic implications and is consistent with the goals of the Community Strategic Plan.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Yes

Triple bottom Line Assessment:

Economic Implications:

There are no economic implications for Council associated with this proposal.

Social Implications:

The new lots will provide additional housing choice for new and existing residents, which will have a positive social outcome for the York community.

Environmental Implications:

There are no environmental implications associated with this proposal, although drainage will need to be considered as part of the subdivision proposal.

Comment:

Although it is not best practice to rezone individual lots, the rezoning of the subject property represents a logical expansion of the adjacent York Estates residential area, and should therefore be supported.

**RESOLUTION
041013**

Moved: Cr Boyle

Seconded: Cr Duperouzel

“That Council:

- 1. Advise the applicant that it supports the rezoning of Lot 69 Lewis Road, York and agrees, in principle, to initiate a scheme amendment to the York Town Planning Scheme No. 2.***
- 2. Advises that the applicant is responsible for all costs associated with the rezoning, including preparation of scheme amendment documentation that meets the requirements of the York Local Planning Strategy and York Town Planning Scheme No. 2.”***

CARRIED: 5/1

Notation: Letter to be sent to all neighbours to given them the opportunity to ‘opt in’ to the proposal.

Item 9.1.2 – Appendices

9.2 Administration Reports

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.1 Public Question Time

FILE NO:	OR.MTG.4
COUNCIL DATE:	21 October 2013
REPORT DATE:	18 September 2013
LOCATION/ADDRESS:	N/A
APPLICANT:	N/A
SENIOR OFFICER:	Ray Hooper, CEO
REPORTING OFFICER:	Ray Hooper, CEO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	1. City of Cockburn Procedure 2. City of Belmont Procedure 3. Shire of York Procedure 4. Draft Shire of York Procedure
DOCUMENTS TABLED:	Nil

Summary:

To resolve the issue of the management of question time at Council Meetings it is proposed that the Shire of York adopt a set procedure and process for the receipt and response to questions submitted by the public.

The business of Council is the primary purpose of a Council Meeting and this takes priority in the meeting process.

Public Question Time is an ancillary statutory component of the Council/Committee meeting process.

Background:

At times public question time at Council Meetings has been contentious with numerous complaints to the Local Government Department.

Public Question Time has been used for matters which could be responded to at the Shire office, for personal comments about elected members and staff, for repetitious questions and to make statements.

Consultation:

Department of Local Government

Statutory Environment:

LOCAL GOVERNMENT ACT 1995 - SECT 5.24

5.24 . Question time for public

(1) Time is to be allocated for questions to be raised by members of the public and responded to at —

(a) every ordinary meeting of a council; and

(b) such other meetings of councils or committees as may be prescribed.

(2) Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

Local Government (Administration) Regulations 1996

7. Question time for public, procedure for (Act s. 5.24(2))

- (1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) are to be determined —
 - (a) by the person presiding at the meeting; or
 - (b) in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of those members,having regard to the requirements of subregulations (2), (3) and (5).
- (2) The time allocated to the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.
- (3) Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.
- (4) Nothing in subregulation (3) requires —
 - (a) a council to answer a question that does not relate to a matter affecting the local government; or
 - (b) a council at a special meeting to answer a question that does not relate to the purpose of the meeting; or
 - (c) a committee to answer a question that does not relate to a function of the committee.
- (5) If, during the time allocated for questions to be raised by members of the public and responded to, a question relating to a matter in which a relevant person has an interest, as referred to in section 5.60, is directed to the relevant person, the relevant person is to —
 - (a) declare that he or she has an interest in the matter; and
 - (b) allow another person to respond to the question.

[Regulation 7 amended in Gazette 28 Jun 2002 p. 3079.]

Managing Public Question Time – Local Government Operational Guidelines – Section 4

The Structure of a Good Practice Public Question Time

In the Department's view, the following sets out an appropriate procedure for public question time.

Prior to the meeting

Council should set up a register for people who wish to ask a question and provide a form for them to write out their questions. Some councils provide an employee to assist people in registering and drafting their questions. The register should open at least 30 minutes prior to commencement of the meeting.

During the meeting

The procedure during the meeting should be as follows

- a) The presiding person opens question time with a brief statement on the rules including-
 - (i) the period of time set aside for public question time;
 - (ii) the availability of the written rules in the chamber;
 - (iii) the council policy that people will be called to ask their question in the order they have registered;
 - (iv) any person who has not registered will be given an opportunity to ask a question after those who have registered;
 - (v) the council policy that each person is allowed a certain number of questions or a set amount of time;
 - (vi) the right of each person, if they have further questions, to return to the end of the queue;
- b) persons are requested to come forward in the order they registered;
- c) give their name;
- d) read out their question;
- e) before or during the meeting each person is requested to provide a written form of their question to a designated council employee;
- f) the presiding member determines who is to respond to the question;
- g) the question is responded to, taken on notice or not accepted;
- h) the person having used up their allowed number of questions or time is asked by the presiding member if they have more questions; if they do then the presiding member notes the request and places them at the end of the queue; the person resumes their seat in the gallery;
- i) the next person on the registration list is called;
- j) the original registration list is worked through until exhausted; after that the presiding member calls upon any other persons who did not register if they have a question (people may have arrived after the meeting opened);
- k) when such people have asked their questions the presiding member may, if time permits, provide an opportunity for those who have already asked a question to ask further questions;
- l) public question time is declared closed following the expiration of the allocated time period or where there are no further questions.

Following the meeting

It is a requirement that the minutes of the meeting contain a summary of each question asked and the response given. Questions taken on notice should be researched and a written response provided to the questioner, assuming they have provided a name and contact details. Responses to questions taken on notice must be included in the minutes of the following meeting.

Managing Public Question Time – Local Government Operational Guidelines – Section 5

Explanatory Comments on the Structure of a Good Practice Public Question Time

Managing repetitive questions and statements

Public question time is optimised by the presiding member ensuring that the time is used efficiently and for the intended purpose. If a person attempts to ask a question that in the presiding member's opinion, has been satisfactorily responded to at that or an earlier meeting, the person should be advised accordingly. If necessary, they should be referred to the minutes of the relevant meeting.

It is the Department's view that there is no obligation to respond to questions for which an answer has already been provided to the person asking the question. However, care needs to be taken to ensure a question is not rejected unless the presiding member is completely

satisfied that the question is substantially the same as a previous question for which council has provided a full response.

If a person attempts to use question time to make statements rather than asking questions, they should be asked to state their question or assisted in phrasing their question. For example, 'Sir, may I ask what your question is?' or 'Madam, I understand that you wish to know ... Is that correct?'

Discerning a statement from a question requires a degree of judgement by the presiding member but it should be recognised that it is not unusual for a person to preface a question with a statement or two as this can clearly establish the basis for the question. It is up to the presiding member to ensure that opening statements are brief.

Tip: If a local government is regularly receiving lots of members of the public at meetings to ask questions on a particular issue, the local government may need to acknowledge that there is a strong interest in that issue within the community and that it needs to consider other means of addressing this e.g. holding a special meeting on that issue.

Managing inappropriate questions

While the regulations require that members of the public be given an equal and fair opportunity to ask a question and receive a response, it is a matter of judgement how this will be managed.

If a member of the public provides a written question or attempts to verbally ask a question which is considered to be offensive or defamatory in nature, that person should be advised that the question will not be considered. To do so would expose the local government to possible legal action for republishing defamatory remarks. In these circumstances, but depending on the question, the person could be invited to rephrase their question.

People should be discouraged from asking inappropriate questions, such as those containing defamatory remarks, offensive language or questioning the competency of staff or council members. Instead, people should be encouraged to concentrate their questions on issues rather than individuals. For example, asking if the project is on time rather than questioning whether a person is competent to manage the project and ensure it is completed on time.

If a person does attempt to ask a question considered inappropriate or not in good faith, the presiding member could also rule the question inappropriate.

In addition, a presiding member may refuse to accept questions that relate to the personal affairs or actions of council members or employees.

This would also apply to questions relating to confidential matters, legal advice, legal proceedings or other legal processes; or have been answered by earlier questions or questions at a previous meeting.

In this regard a council's response should be consistent with the release of information permitted under the *Local Government Act 1995*, the *Freedom of Information Act* and other legislation.

Managing questions that do not relate to the local government's affairs

Under regulation 7(4) a response does not have to be given to questions that do not relate to a matter affecting the local government; at special council meetings that do not relate to the purpose of the meeting; and at committee meetings that do not relate to the functions of the committee.

Where a council has decided that it will not entertain such questions people attending the meeting should be advised accordingly.

Questions asked in absentia

Where a person submits a question in writing for public question time but fails to attend the meeting, the presiding member may decide that the question is not to be put to the meeting. In which case, the CEO may reply in writing at a time other than at the meeting.

Managing Public Question Time – Local Government Operational Guidelines – Section 7

Recording Questions and Responses

There is a statutory requirement for a summary of both the question and the response given during public question time to be recorded in the minutes. The name of the person who asked the question should also be included in the summary.

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not Applicable

Triple bottom Line Assessment:

Economic Implications:

Not Applicable

Social Implications:

A structured public question time process assists the community to obtain responses and information on the governance and operations of the Shire of York which may not be readily available through normal processes of administration.

Environmental Implications:

Nil

Officers Comment:

Generally across the Local Government industry Public Question Time is used for questions relating to Agenda items or broader governance issues rather than personal grievances or views.

Operational and management matters should be referred to the Shire Office in the first instance for immediate response rather than waiting for the Council meetings when the nature of the question can often result in it being taken on notice as research is needed for a response.

The role of Council is strategic, focussing on planning for the future, budget setting and review, determining policy and governing for the good of the community as a whole.

Many of the questions raised at Council Meetings could be dealt with as general enquiries to the Shire Office as they relate to administration and operations.

Public Question Time is a means by which the public can seek responses from their Council about issues affecting the Local Government.

Problems arising with question time are – time management, people making statements rather than asking questions, repetitive questions, inappropriate questions and people asking a large number of questions.

Public Question Time should not be dominated by one person to the exclusion of others.

The Local Government (Rules of Conduct) Regulations prohibit the involvement of Council members in administration matters and elected members must not direct or attempt to direct employees to do, or not to do, anything in their role as an employee.

RESOLUTION

051013

Moved: Cr Hooper

Seconded: Cr Duperouzel

“That Council:

Adopt the Draft Procedure presented for Public Question Time as the set procedure to be used by the Shire of York.”

CARRIED: 6/0

Item 9.2.1 – Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.2 Youth Report for October 2013

FILE NO: CS.LCS.6
COUNCIL DATE: 21st October, 2013
REPORT DATE: 9th October, 2013
LOCATION/ADDRESS: N/A
APPLICANT: Shire of York
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: Anneke Birleson, YDO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil

Summary:

- **York Youth Centre** – The Youth Centre is running every Tuesday and Wednesday after school. Attendance continues to be variable.

The Youth Centre has had security mesh installed over all the windows. This will hopefully prevent/stop any further break-ins.

- **Spinrphex Children's Festival** – Spinrphex, the Rural Health Club of UWA, selected York as this year's location for their annual Children's Festival. They held their festival with a great turn out at the start of the day. They informed the Youth Activities Coordinator that around 60 people attended.
- **October School Holiday** – Unfortunately, we were unsuccessful in receiving a grant from the Department of Communities/Department of Local Government. Due to the delay in hearing from them, a basic school holiday program was initiated, with only one person attending on one of the afternoons. The Youth Activities Coordinator is in the process of planning for the Summer holidays.
- **Nitro Nirvana** – The Youth Activities Coordinator has developed an advert to promote a community outing to Kwinana Motorplex for a drag racing event on 30th November 2013. A notice was put in the Community Update, and so far one person has put their name down.
- **Urban Art Project** – The Youth Activities Coordinator is looking into the best option for funding.
- **Motorcycle Safety** – The Youth Activities Coordinator spoke to a Trevor Unstead, who has extensive experience with motorbike racing and teaching safety. He is very keen to come to York and utilise the motocross track for a youth session. During the session he would focus on riding your bike safely, whilst still enjoying the ride, other than just going for speed. He would charge for the session, but the Youth Activities Coordinator is looking into possible grants for the purpose to bring the cost down (eg. From \$80 to \$40 per person). He could manage up to around 20 youth at one time.

Background:

Youth Activities Coordinator is building strong relationships with the appropriate partners in all fields of youth development, including education, police and health partnerships. Trust and integrity is being developed with York youth and their parents/guardians as quality programs are being introduced and activated.

Consultation:

Youth
School
Police
Health
Councillors
Council Staff
Community Members

Statutory Environment:

Nil

Policy Implications:

Not Applicable

Financial Implications:

Activities and initiatives are funded in SOY budget and through grants, fundraising activities and 'user pays' arrangements.

Strategic Implications:

The Shire of York's 2012 Strategic Community Plan -

Social: Building a Sense of Community -

- *Develop a Youth Plan to capture specific youth activities and opportunities.*

Environment: Enhanced Lifestyle Choices -

- *Provide and maintain facilities for youth and aged services.*
- *Provide and maintain local area spaces and parks.*
- *Implement asset plans for youth facility, skate park, park improvements, pool upgrades, archives centre, town hall upgrades.*

Economic Development: Maximise Development -

- *York will diversify economically through commercial growth, providing jobs and services to support our growing population.*
- *There will be employment and investment choices, providing a place for business access to rural and metropolitan opportunities.*

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Nil

Social Implications:

A strong focus on Youth activities will support community cohesion and interaction through the recognition and valuing of this section of the community.

Environmental Implications:

Not applicable

Comment:

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

RESOLUTION

061013

Moved: Cr Smythe

Seconded: Cr Duperouzel

“That Council:

Receives this report and acknowledges and endorses the activities and initiatives of the Youth Development Officer.”

CARRIED: 6/0

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.3 Information Services

FILE NO: CS.LCS.8.1
COUNCIL DATE: 21 October 2013
REPORT DATE: 2 October 2013
LOCATION/ADDRESS: N/A
APPLICANT: Shire of York
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: Information Services Officers – Vicki & Tamara
DISCLOSURE OF INTEREST: Nil
APPENDICES: Appendix A and B
DOCUMENTS TABLED: Nil

Summary:

The following is a summary of items for York Information Services for the month of **September 2013**.

- **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. They do not include people walking into the Town Hall to use toilets, view exhibits etc.

The Information Services are recording additional information on the visitor numbers visiting the Town Hall for such things as shopping, information only, events, family history, sightseeing, and walks. This count will assist any grant applications in the future and are available on request.

The number of visitors coming through the doors in September 2013 was **2618** as compared to **1520** in 2012.

- **Product Sales-** (Appendix B) Net sales for the month of September 2013 were **\$881.50** compared to **\$1087.30** for the same period 2012.
- **Wildflowers for 2013** - It has been very busy with the wildflower season in full swing. There are a lot of wildflowers around York it is a particularly good year for them.
- **Request for Services** - There are certain services that visitors ask for (verbally) on a regular basis, these include:
 - Laundry Mat
 - More RV Parking signs coming into town
 - Souvenir Machine
 - Bus Tours to show people around the town and take them to the attractions in York
 - More York Information signs as you come into town
- **Feedback** - Tourist are very happy with the Free RV Parking down at Avon Park, we have had a lot of great feedback. The only thing is that some say they don't know it's here as its not advertised very well and not many signs around town showing that we have a Free RV Parking facility.

Background:

We have the calendar of Event for the year of 2013. We have also started the 2014 calendar of Events. 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.

Consultation:

Shire of York and local business proprietors

Statutory Environment:

Nil

Policy Implications:

Not Applicable

Financial Implications:

Nil

Strategic Implications:

Not Applicable

Voting Requirements:

Absolute Majority Required: No

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

071013

Moved: Cr Smythe

Seconded: Cr Boyle

“That Council:

Receive the September 2013 report prepared by York Information Services.”

CARRIED: 6/0

Item 9.2.3 – Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.4 Disposal Of Property – Tender 02 - 1314

FILE NO: AS.TN.38
COUNCIL DATE: 21 October 2013
REPORT DATE: 09 October 2013
LOCATION/ADDRESS: Lot 257 (151) Avon Terrace &
Lot 56 (103) Panmure Road
APPLICANT: Not Applicable
SENIOR OFFICER: Ray Hooper (CEO)
REPORTING OFFICER: Gordon Tester (MHB)
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil

Summary:

Council is requested to accept the Tender of \$225,000 from Janette Callaghan for the purchase of Lot 257 (151) Avon Terrace "Old Fire Station".

Background:

Lot 257 Avon Terrace is zoned Town Centre and features an existing Old Fire Station Building plus several asbestos clad outbuildings and is situated on a parcel of land 685m² in area with a lettable area of 158m² which is currently untenanted.

Lot 56 Panmure Road is zoned Residential R5, vacant land, and 1301m² in area.

On 21 August 2013 valuations were obtained from an independent licensed valuer for Lot 257 (151) Avon Terrace (Old Fire Station) and Lot 56 (103) Panmure Road, vacant block.

As of Monday 26 August 2013 Tender Documents regarding the disposal of the two Council properties were made available.

At the conclusion of the Tender period on Friday 20 September 2013 two tenders were received for Lot 257 Avon Terrace with no tenders being received for Lot 56 Panmure

Consultation:

Not Applicable.

Statutory Environment:

LOCAL GOVERNMENT ACT 1995 - SECT 3.58

3.58 . Disposing of property

(1) *In this section —*

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) *Except as stated in this section, a local government can only dispose of property to —*

(a) *the highest bidder at public auction; or*

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

(i) describing the property concerned; and

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

(a) the names of all other parties concerned; and

(b) the consideration to be received by the local government for the disposition; and

(c) the market value of the disposition —

(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or

(ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

(5) This section does not apply to —

(a) a disposition of an interest in land under the [Land Administration Act 1997](#) section 189 or 190; or

(b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or

(c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or

(d) any other disposition that is excluded by regulations from the application of this section.

[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

Policy Implications:

Nil

Financial Implications:

The following tenders were received.

Lot 257 Avon Terrace (Old Fire Station)

- Janette Callaghan - \$225,000.00
- Matthew Keeble – \$151,000.00

Lot 56 Panmure Road

- No tenders received.

Strategic Implications:

It is Council’s objective to develop commercial and economic viability to support growth capacity and to improve the Town Centre.

The Old Fire Station Building is not suitable for its current use by Playgroup and the Toy Library and in need of repair which is an impediment to Council achieving the above objective.

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Numerous over an extended period

Triple bottom Line Assessment:

Economic Implications:

The current market valuation for Lot 257 Avon Terrace is \$260,000.00 with the most favourable tender received being \$225,000.00.

It is estimated that there is approximately \$30,000.00 worth of maintenance required on this building along with no current rental return.

The current market valuation for Lot 56 Panmure Road is \$50,000.00

Social Implications:

Community groups that hire the Old Fire Station from time to time will have to find alternative venues

Environmental Implications:

Nil

Comment:

The Old Fire Station building being untenanted and in need of considerable repair is considered to be a liability to Council with limited value to the Community groups that use the building.

It is therefore recommended that Council accept the Tender from Janette Callaghan of \$225,000.00 for the purchase of Lot 257 (151) Avon Terrace – Old Fire Station Building.

**RESOLUTION
081013**

Moved: Cr Hooper

Seconded: Cr Boyle

“That Council:

Accept the Tendered amount of \$225,000.00 from Janette Callaghan for the purchase of Lot 257 (151) Avon Terrace “Old Fire Station Building”.

CARRIED: 5/1

9. OFFICER'S REPORTS

9.2 ADMINISTRATION REPORTS

9.2.5 York Community Resource Centre Project Waiving Of Building Fees

FILE NO:	AV1.6500
COUNCIL DATE:	21 October 2013
REPORT DATE:	9 October 2013
LOCATION/ADDRESS:	89 Avon Terrace - York
APPLICANT:	Gordon Marwick (Chairman CRC)
SENIOR OFFICER:	Ray Hooper (CEO)
REPORTING OFFICER:	Gordon Tester (MHB)
DISCLOSURE OF INTEREST:	Cr Smythe – Financial – Committee Member
APPENDICES:	Correspondence – CRC
DOCUMENTS TABLED:	Nil

Summary:

The York Community Resource Centre requests that Council waive all fees associated with their recent application for a Building Permit for the construction of their proposed Resource Centre at 89 Avon Terrace, York.

Background:

At Councils Ordinary meeting held on 19 August 2013 Council waived the fees associated with the YCRC planning application for the proposed Resource Centre Development at 89 Avon Terrace on the grounds that the occupiers of the proposed development are a not for profit community group.

On 2 October 2013 Council received correspondence from the Chairman of the YCRC, Mr Gordon Marwick requesting that Council also waive all fees associated with their application for a Building Permit for the construction of the proposed Resource Centre.

Consultation:

Not applicable

Statutory Environment:

Building Act 2011
Building Regulations 2011

Policy Implications:

Nil

Financial Implications:

The fees associated with this application are indicated below.

- \$108.00 Building Permit Certified 2-9
- \$108.00 Building Services Levy
- \$240.00 CITF (WA)
- \$132.00 Certificate of Design Compliance Class 2-9 Buildings (Within Shire of York)
- Health (Public Building) Fee - \$200.00

The only fees Council may consider waiving are Building Permit and Certificate of Design Compliance Fees and Health (Public Building) Fees as all other fees are statutory fees administered by the State Government.

Strategic Implications:

It is Councils objective to develop quality capable services to manage community demand with a priority being to facilitate improved regional education services.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: No

Triple bottom Line Assessment:

Economic Implications:

Not applicable.

Social Implications:

Not applicable.

Environmental Implications:

Not applicable.

Officers Comment:

It is recommended that Council waive the fees associated with the Building Permit and Certificate of Design Compliance fees on Application No. 2002493 and reimburse the York Recreation and Community Centre \$240.00.

Also waive the Health (Public Building) Fee of \$200.00.

Cr Smythe declared a Financial Interest to this item and left the room at 3.59pm.

RESOLUTION

091013

Moved Cr Hooper

Seconded: Cr Duperouzel

“That Council:

Waive the fees associated with the Building Permit and Certificate of Design Compliance fees on Application No. 2002493 and reimburse the York Community Resource Centre \$440.00.”

CARRIED: 5/0

Cr Smythe returned to the room at 4.01pm

Item 9.2.5 – Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.6 Unbudgeted Item – York Hockey Club – Sewer Pump

FILE NO: 11340
COUNCIL DATE: 21 October 2013
REPORT DATE: 11 October 2013
LOCATION/ADDRESS: Lot 292 South Street, York
APPLICANT: Not Applicable
SENIOR OFFICER: Ray Hooper (CEO)
REPORTING OFFICER: Gordon Tester (MHB)
DISCLOSURE OF INTEREST: Cr Wallace – Impartial – Life Member
APPENDICES: Nil
DOCUMENTS TABLED: Nil

Summary:

It is requested that Council consider the decommissioning of the septic tanks and leach drains servicing the Hockey Club Ablution Building due to their recent failure and replace them with a sewage macerator pump discharging to sewer as an unbudgeted item.

Background:

During the month of September it was reported to Council staff that the leach drains serving the hockey building had failed and were allowing effluent to escape to the surface of the ground eventually discharging into Henrietta Street.

Ingress of stormwater from the newly constructed hockey field and leaking fixtures in the ablution block contributed to the eventual failure of the onsite effluent disposal system.

During the initial construction of the Hockey Clubrooms in 2010 pumping of effluent to sewer was preferred but at this time considered to be cost prohibitive.

This resulted in the installation of septic tanks, pump pit and leach drains to serve the Hockey Club Rooms and Ablution Block.

Quotes were obtained in September from two plumbing companies to decommission the septic tanks and leach drains and install a pump pit fitted with a macerator pump to pump to the sewer outlet situated at the rear of the pavilion.

Consultation:

Not applicable.

Statutory Environment:

Health Act 1911

Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974

Policy Implications:

Nil

Financial Implications:

Two quotes have been obtained for the sewer pump installation as indicated below.

- \$42,768 inc GST
- \$11,836 inc GST

Strategic Implications:

It is a priority that Council explore options and improvements in the towns water use.

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Yes

Triple bottom Line Assessment:

Economic Implications:

Cost savings of approximately \$11,000 have recently been made with modifications to the repairs to the swing bridge.

It is therefore considered that there will be minimum impact on the budget with the approval of the sewage pumping system at \$11,836.00 inc GST.

Social Implications:

Effluent to the surface of the ground in a recreational area is extremely undesirable to recreational users.

Environmental Implications:

Pumping sewage direct to sewer will eliminate the discharge of effluent to the environment avoiding hazards to health and the environment.

Officers Comment:

It is recommended that Council contract Darrys Plumbing and Gas to decommission the existing septic tanks and leach drains currently serving the Hockey Club and undertake the installation of a sewage pump to service the existing hockey club at a cost of \$11,836.00 Inc GST.

RESOLUTION

101013

Moved: Cr Hooper

Seconded: Cr Duperouzel

“That Council:

Approve unbudgeted expenditure of \$11,836.00 Inc GST to contract Darrys Plumbing and Gas to decommission the existing septic tanks and leach drains currently serving the York Hockey Club and to install a sewage pump system to service the York Hockey Club.”

CARRIED: 6/0

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.7 York Recreation & Convention Centre (YRCC)

FILE NO: CCP.7
COUNCIL DATE: 21 October 2013
REPORT DATE: 11 October 2013
LOCATION/ADDRESS: N/A
APPLICANT: Shire of York
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: Kathryn Brown, YRCC Manager
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil

Summary:

The following is a summary of items for York Recreation and Convention Centre for the month of **September 2013**.

- **Additional Opening Hours** – Limited success with Sunday afternoon trading in September, unless a sporting fixture coincided. From October until Christmas, there is an event booked on every Sunday afternoon so will re-assess viability in 2014. New scheduled opening hours, including Thursdays and Saturdays available next month, with the commencement of summer sporting programs
- **Catering Numbers on Fridays**- Monthly averages were calculated from the number of meals served each Friday night. Marginal increase in total meals sold, with the largest percentage increase being in Adult main meals (35% increase on average number of mains per month, from August 2013).
- **Sporting Event Catering**
Good turnover figures from football events with the successes of the Reserves team.
- **EFTPOS Facilities**
The hard wired EFTPOS system is now functioning well, after a series of troubles with scheduled settlements were abated
- **Diversity of Private Functions**
During September YRCC hosted a Grain Industry seminar, the Agricultural Show, multiple sports wind ups and opening day events, a Tidy Towns luncheon, a child restraints course and an AFL Grand Final day, in addition to the regular football and lawn bowls fixtures
- **Feedback:**
 - Positive comments received on our extended range of beverages available over the bar and the new menu concepts
 - Agricultural Show fireworks a big success, attendance-wise despite the bad weather and everyone seemed to enjoy the addition of the band and availability of beverages and meals after most Show day vendors had departed.
 - The car park suffered badly in the wet weather on Show day and subsequently questions were raised regarding the improvement of its surface and drainage

- Several groups of visitors enjoyed the hospitality of the locals and the venue whilst attending the Grand Final day celebrations

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:

September saw substantially increased turn over from August (approx 80% increase in cash and EFTPOS) due to hosting a couple of large events (ie Agricultural Show). However, this will be somewhat offset by sizeable purchasing for these events, much of which remains in stock due to the bad weather at Show day.

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:

Absolute Majority Required: No

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

111013

Moved: Cr Wallace

Seconded: Cr Hooper

“That Council:

Receive the September 2013 report prepared by York Recreation and Convention Centre.”

CARRIED: 6/0

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.8 Rescind Tender 01 – 1314, Administration Office Energy Efficiency Upgrade

FILE NO: AS1037
COUNCIL DATE: 21 October 2013
REPORT DATE: 14 October 2013
LOCATION/ADDRESS: 1 Joaquina Street, York
APPLICANT: Not Applicable
SENIOR OFFICER: Ray Hooper (CEO)
REPORTING OFFICER: Gordon Tester (MHB)
DISCLOSURE OF INTEREST: Nil
APPENDICES: Tender Report
DOCUMENTS TABLED: Nil

Summary:

Council is requested to rescind the resolution made at Council's Ordinary Meeting held on 19 August 2013 regarding Tender 01 – 1314 (Administration Office Energy Efficiency Upgrade) due to the efficiency level of the proposed Air Conditioning Installation being deemed to be inadequate being Option 2 Tendered by CDA Air Conditioning and Refrigeration.

Council is further requested to revise its original approval to approve Option 1 that was previously tendered by CDA Air Conditioning.

Background:

Council was successful in obtaining a grant under the Federal Governments Community Energy Efficiency Program.

An amount of \$132,000 was granted to Council with Council allocating a matching amount of \$132,000 in the 2013 / 2014 budget.

The grant is to fund the replacement of the inefficient air conditioning and lighting currently in use within Councils Administration Office.

Tenders for this project concluded on Friday 9 August 2013.

Seven companies submitted tenders for Councils consideration

At Councils Ordinary meeting held on 19 August 2013, Council considered all tenders received in relation to Tender No. 01 – 1314 Administration Office Energy Efficiency Upgrade.

After due consideration of this matter Council resolved as follows:

That Council:

Award Part A of Tender Number 01-1314 Shire of York to CDA Air Conditioning and Refrigeration Option 2 at a cost of \$126,289.09 and;

That Council award Part B of Tender Number 01- 1314 to Enigin Pty Ltd at a cost of \$38,732.38."

Consultation:

Not applicable.

Statutory Environment:

Local Government (Functions and General) Regulations 1996

Policy Implications:

Not applicable.

Financial Implications:

Local Company CDA had offered a tender amount of \$126,289.09 being Option 2 for the Air Conditioning upgrade and Energin had offered a tender amount of \$23,210.00 for the installation of LED lighting within Council's administration office.

Energin also offered an additional tender for Council to consider in addition to the simple replacement of existing fluorescent lighting within the office they have indicated an amount of \$11,298.00 to upgrade the lighting switchboard and to supply LED Exit Signs and Down Lights.

Option 1 offered by CDA in the original tender for \$152,355.62 is considered to be within budget and in compliance with energy efficiency measures.

A further expense will be incurred by Council in constructing an enclosure for the proposed air conditioning units of approximately \$10,000.00.

Strategic Implications:

Council's strategic plan has a vision statement that indicates Council will support sustainable energy and seek solutions for innovative use of water, energy and other resources.

It is a priority to explore options and improvements in the towns energy and water use.

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not applicable.

Triple bottom Line Assessment:

Economic Implications:

The estimated amount allocated for this project is well within budget parameters and when the project is completed a saving of approximately \$20,000.00 per year is envisioned in office energy costs at current prices

Social Implications:

Not applicable

Environmental Implications:

Council's carbon footprint will be substantially smaller when the office energy efficiency upgrade is completed.

Officers Comment:

The Local company CDA is still being recommended as the preferred tenderer even with a substantial increase in price required for greater operating efficiency for the air conditioning upgrade. This company still intends installing a reputable brand of air conditioner, has demonstrated experience in installing commercial air conditioning and also will be enhancing the energy efficiency of the inverter type air conditioners by installing extra insulation where required in the office roof space.

There is still also the advantage of being able to enter into a long term maintenance agreement with a local contractor.

The LED Lighting upgrade is still recommended to be awarded to Enigin who have demonstrated experience in energy efficiency upgrades and as an addition to their tender are willing to attend to an upgrade of the lighting switchboard to incorporate residual current safety devices on the office lighting circuit.

Enigin will still also be contracted to replace all safety lighting and external verandah lighting with LED Lighting as an addition to their original tender.

RESOLUTION

121013

Moved: Cr Duperouzel

Seconded: Cr Boyle

“That Council:

Rescind Council Resolution No 150813,

Award Part A of Tender Number 01-1314 Shire of York to CDA Air Conditioning and Refrigeration Option 2 at a cost of \$126,289.09 and;

That Council award part B of Tender Number 01 – 1314 to Enigin Pty Ltd at a cost of \$38,732.38.”

CARRIED: 6/0

RESOLUTION

131013

Moved: Cr Duperouzel

Seconded: Cr Boyle

“That Council:

Award Part A of Tender Number 01 – 1314 Shire of York to CDA Air Conditioning and Refrigeration Option 1 at a cost of \$152,355.62 and;

That Council award Part B of Tender Number 01-1314 to Enigin Pty Ltd at a cost of \$38,732.38”

CARRIED: 6/0

Item 9.2.8 – Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.9 Talbot Brook – Observatory – Lease

FILE NO: Ta 1.30560
COUNCIL DATE: 21 October 2013
REPORT DATE: 14 October 2013
LOCATION/ADDRESS: Reserve 12190
APPLICANT: Mr J Papas
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: T Cochrane, DCEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Appendix A – Management Order
DOCUMENTS TABLED: Nil

Summary:

Mr John Papas who currently has the lease of the observatory in the Talbot Brook area wishes to relinquish his rights to the lease and transfer the observatory to the WA Astronomical Society. Mr Larry Lockyear has provided written advice that there is still interest in proceeding with the lease.

Background:

Council at its September 2012 Council meeting agreed to a 21 year lease of the Talbot Hall, which provides the Talbot Community Group Inc the needed security of tenure to support grant applications. Contact was made with a member of the Group and it was considered appropriate to incorporate the lease of the Observatory into the Talbot Hall lease. However advice received from the President of the Talbot Community Group Inc was that the group did not wish to proceed down this track.

Consultation:

Mr L Fairclough – Talbot Community Group Inc.
Mr J Papas.
Mr L Lockyear

Mr Papas wrote to Council on the 24th January 2013 the following:

“As per our telephone conversation on 20th January 2013, I wish to confirm that I would like to donate the observatory building on the Talbot Hall Reserve to the Talbot Youth Group and relinquish our rights to the lease for the land on which the building is constructed.

Attached is a letter which states this request and explains the reason for this decision. Please let me know if and how you wish to proceed with the handover.”

As the letter contained other issues Council has extracted pieces of the correspondence relevant to this matter, as follows:

“This letter is to confirm our telephone conversation on 20th January 2013 and the events which occurred recently that lead us to decide to donate the observatory building on the Talbot Hall Reserve to the local community and to relinquish our rights to the lease for the land on which the building is constructed.

...The building was erected on this site in about 1987 after been granted a long term lease by the York Shire. The building was been used by us for astronomical observations and astrophotography until it was first broken into in November 2011. The break-in was reported to the police back then. The contents, which included electronic and optical equipment, were extensively damaged and a large quantity of equipment that was stored in the building stolen. The police never recovered any of the stolen items and have been unable to find the culprits. We secured the premises after break-in and removed all the valuable equipment not damaged during the break-in including the main telescope. The building has not been used by us since the break-in.

... I also discussed with Roger the possibility of donating the building to the Talbot Youth group at no cost to use for any purpose they deemed suitable, as it was no longer possible for us to continue using as an observatory given the on-going vandalism, failure of any security measures undertaken by us to deter these vandals from breaking-in.... Roger said he would raise this matter at their next committee meeting and suggested that I should also contact yourself to advise of our intension to donate the building and discuss how best to proceed with this.

...Can you please advise on how you wish to proceed with the handover of the lease and the building to the York Shire and Talbot Youth Group.”

The following correspondence was provided and signed by the three Lessees on the 1st May 2013:

“This letter is to confirm that we the undersigned, agree to relinquish the rights to Reserve 12190 at the Talbot Brook Reserve on which our observatory building is erected.

Furthermore, we agreed to donate the premises including the perimeter fencing, in the present condition, to the Talbot Brook Community Group Inc and grant then the freedom to use the premises for any purpose, make modifications, donate or sell to any person, group or organisation, or to demolish without notice.

We will accept no responsibility for any damages to the building resulting from natural deterioration, vandalism or acts of god effective from the date of acceptance of this offer.”

The Talbot Community Group Inc provided advice that they did not wish to incorporate the observatory into their lease that is currently being organised.

Statutory Environment:

Land Administration Act 1997.

The Vesting Order grants Council the power to lease all or part of the land for periods not exceeding 21 years.

Policy Implications:

Not Applicable.

Financial Implications:

No costs to Council.

Strategic Implications:

Social: Building a Sense of Community.

Voting Requirements:
Absolute Majority Required: Yes

Site Inspection:
Site Inspection Undertaken: No

Triple bottom Line Assessment:
Economic Implications:
Nil.

Social Implications:
Opportunities to encourage visitors to York.

Environmental Implications:
The development or upgrade of facilities will need to meet environmental requirements.

Comment:
The reserve has been utilised for a significant period.

The Department of Land Administration has given Council the powers to sub-lease for a period of 21 years. Due to the current Lessees wishing to relinquish their rights to the lease the officer is unsure if the Minister for Lands would accept a new lease for 21 years or alternatively finish the current term of the lease which is expected to be approximately 10 years. If Council supports the proposal this will be fleshed out with the Department and the new Lessees.

The use of the land for this purpose is considered to be compatible.

**RESOLUTION
141013**

Moved: Cr Wallace

Seconded: Cr Smythe

“That Council:

- 1. notes that Mr John Papas, Mr George Conto and Spiro Nanos relinquish rights to the Lease of Reserve 12190 and request another agreement being signed by each of the parties;***
- 2. grants a lease being issued to the WA Astronomical Society for a period determined subject to the following conditions:***
 - (a) The Shire of York to be advised of all improvements.***
 - (b) Appropriate approvals and licences being in place prior to works.***
 - (c) The Shire of York not being responsible for any service connections or operating expenses for water, power or telecommunications.***
 - (d) In the event that the WA Astronomical Society cease to exist any infrastructure in place on the land to become the property of a similar organisation or to become the property of the local government.***
 - (e) The lease agreement does not commit the Shire of York to financial contributions for capital or operating expenditure by the WA Astronomical Society.***
 - (f) Appropriate insurances being held by the WA Astronomical Society.***
 - (g) The Shire of York retaining the right to enter into and use part of the land for community benefit purposes e.g. access roads, storage of storm debris.***
 - (h) WA Astronomical Society being responsible for the management of the land including fire breaks and fire hazards.***
 - (i) A rental fee of \$100.00 per year is applicable.***
- 3. Provide a standard Lease Agreement for Reserve 12190 incorporating the above conditions to the Minister for Lands for consent to lease.***

Advice Note:

Staff to liaise with the WA Astronomical Society and Regional Development and Lands regarding length of lease.”

CARRIED: 6/0

Item 9.2.9 – Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.10 Council Meeting Disclaimer

FILE NO:	OR.MTG
COUNCIL DATE:	22 October 2013
REPORT DATE:	15 October 2013
LOCATION/ADDRESS:	Shire of York
APPLICANT:	N/A
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	R Hooper, CEO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	City of Belmont Disclaimer
DOCUMENTS TABLED:	Nil

Summary:

A review of the York and other Local Government disclaimers has resulted in the attached draft modelled on the City of Belmont is presented for consideration.

Background:

The current disclaimer has been in use for a number of years and while it has served its purpose it may be appropriate to consider other best practice models.

Consultation:

Not Applicable

Statutory Environment:

Not Applicable

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not Applicable

Triple bottom Line Assessment:

Economic Implications:

Nil

Social Implications:

The disclaimer provides clear advise to the community to follow due process rather than acting on unconfirmed Minutes or statements by elected members or staff at Council meetings and official written notice which can be acted on.

Environmental Implications:

Nil

Officers Comment:

The City of Belmont Disclaimer is considered to be a clear and concise statement in relation to Council meetings and its use as a model is recommended to Council.

RESOLUTION

151013

Moved: Cr Hooper

Seconded: Cr Boyle

“That Council:

Adopt the following disclaimer for use on all York Shire Council Meeting Agendas:

PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING -

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.

Any statement, comment or decision made at a Council meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity who has an application before the Shire of York must obtain, and should only rely on, written notice of the Shire of York’s decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council meeting.

Any advice provided by an employee of the Shire of York on the operation of a written law, or the performance of a function by the Shire of York, is provided in the capacity of an employee, and to the best of that person’s knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the Shire of York. Any advice on a matter of law, or anything sought to be relied upon as a representation by the Shire of York should be sought in writing and should make clear the purpose of the request. Any plans or documents in Agendas and Minutes may be subject to copyright.”

CARRIED: 6/0

Item 9.2.10 – Appendices

9.3 Works Reports

9.4 Financial Reports

9. OFFICER'S REPORTS

9.4 FINANCE REPORTS

9.4.1 Revaluation of Road Infrastructure Assets

FILE NO:	FI.FRP
COUNCIL DATE:	22 October 2013
REPORT DATE:	1 October 2013
LOCATION/ADDRESS:	Not Applicable
APPLICANT:	Not Applicable
SENIOR OFFICER:	Ray Hooper, CEO
REPORTING OFFICER:	Tabitha Bateman, FO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Yes – Appendix A 2013 Road Network Asset Valuation
DOCUMENTS TABLED:	Nil

Summary:

Talis Consultants have undertaken a road network valuation as at 30 June 2013 on behalf of the Shire.

Council is requested to give consideration to the report and the Shire's asset register be updated accordingly.

Background:

Talis have prepared the Road Network valuation by updating the RAMM Pavement Management System with costings and condition data which now represents the current state and value of the Road Network asset.

Consultation:

Talis Consultants

Statutory Environment:

Local Government Act 1995 (As Amended).

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

Australian Accounting Standards.

Policy Implications:

Nil.

Financial Implications:

The information provided in the report to be utilised to update the value of the Shire's road infrastructure assets in its financial records.

Strategic Implications:

Nil

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Nil

Social Implications:

Not applicable.

Environmental Implications:

Not applicable.

Comment:

The information provided by Talis is summarised as follows:

Asset Type	Component	Replacement Cost	Depreciated Replacement Cost	Annual Depreciation	Accumulated Depreciation
SW Channel	SW Channel	\$4,423,005.00	\$2,800,230.00	\$57,956.25	\$1,622,775.00
Treatment Length	Pavement Structure	\$23,084,798.07	\$6,240,497.84	\$1,247,726.87	\$16,844,300.23
	Subgrade Structure	\$63,741,025.70	\$63,741,025.70	\$0.00	\$0.00
	Surface Structure	\$498,043.91	\$246,939.30	\$21,262.08	\$251,104.61
Total		\$91,746,872.68	\$73,028,692.84	\$1,326,945.20	\$18,718,179.84

Council's financial records and asset register disclosed the following values as at the 30 June 2013

Asset Type	Component	Replacement Cost	Depreciated Replacement Cost	Annual Depreciation	Accumulated Depreciation
Total		\$75,846,234	\$67,553,911	\$750,896	\$8,292,323

Adjustments will result in an increase in the value of assets as at 30 June 2013 of \$5,474,782.

Asset Type	Component	Replacement Cost	Depreciated Replacement Cost	Annual Depreciation	Accumulated Depreciation
Total		\$15,900,639	\$5,474,782		\$10,425,857

**RESOLUTION
161013**

Moved: Cr Duperouzel

Seconded: Cr Wallace

“That Council:

- 1. That the Council adopts the 2013 Road Network Asset Valuation report prepared by Talis Consultants .***
- 2. Subject to 1. above Council’s financial records and asset register be updated accordingly.”***

CARRIED: 6/0

Item 9.4.1 – Appendices

9. OFFICER'S REPORTS
9.4 FINANCE REPORTS
9.4.2 Monthly Financial Reports – September 2013

FILE NO: FI.FRP
COUNCIL DATE: 21 October 2013
REPORT DATE: 14 October 2013
LOCATION/ADDRESS: Not Applicable
APPLICANT: Not Applicable
SENIOR OFFICER: Ray Hooper, CEO
REPORTING OFFICER: Tabitha Bateman, FO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Yes – Appendix A as detailed in Summary
DOCUMENTS TABLED: Nil

Summary:

The Financial Report for the period ending 30 September 2013 is hereby presented for the consideration of the Council.

Appendix A includes the following:

- Monthly Statements for the period ended 30 September 2013
- Bank Account Reconciliations
- List of Creditors Payments
- Payroll Direct Debits Summary
- Corporate Credit Card Summary
- Fuel Card Summary

Consultation:

Dominic Carbone

Statutory Environment:

Local Government Act 1995 (As Amended).

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

Policy Implications:

Nil.

Financial Implications:

The following information provides balances for key financial areas for the Shire of York's financial position as at 30 September 2013;

Sundry Creditors as per General Ledger	\$30.00
Sundry Debtors as per General Ledger	\$906,564.29
Unpaid rates and services current year (inc. ESL)	\$2,040,430.54
Unpaid rates and services previous years (inc. ESL)	\$789,902.57

Strategic Implications:

Nil

Voting Requirements:

Absolute Majority Required: No

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.

Comment:
Not applicable.

RESOLUTION
171013

Moved: Cr Smythe

Seconded: Cr Hooper

“That Council:

Receive the Monthly Financial Report for September and ratify payments drawn from the Municipal and Trust accounts for the period ending 30 September 2013:

	<u>VOUCHER</u>	<u>AMOUNT</u>
MUNICIPAL FUND		
<i>Cheque Payments</i>	<i>30843 - 30881</i>	<i>\$ 95,480.67</i>
<i>Electronic Funds Payments</i>	<i>11288 - 11420</i>	<i>\$ 848,728.15</i>
<i>Direct Debits Payroll</i>		<i>\$ 172,203.67</i>
<i>Bank Fees</i>		<i>\$ 1,443.03</i>
<i>Corporate Cards</i>		<i>\$ 554.32</i>
<i>Shell Cards</i>		<i>\$ 15.00</i>
TOTAL		<u>\$1,118,424.84</u>
TRUST FUND		
<i>Cheque Payments</i>	<i>4183 - 4204</i>	<i>\$ 6,731.81</i>
<i>Direct Debits Licensing</i>		<i>\$ 93,711.15</i>
TOTAL		<u>\$ 100,442.96</u>
TOTAL DISBURSEMENTS		<u>\$1,218,867.80”</u>

CARRIED: 6/0

Item 9.4.2 – Appendices

9. OFFICER'S REPORTS
9.4 FINANCE REPORTS
9.4.3 Investments – September 2013

FILE NO:	FI.FRP
COUNCIL DATE:	21 October 2013
REPORT DATE:	14 October 2013
LOCATION/ADDRESS:	Shire of York
APPLICANT:	N/A
SENIOR OFFICER:	Ray Hooper, CEO
REPORTING OFFICER:	Tabitha Bateman, FO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Shire of York Investment Portfolio
DOCUMENTS TABLED:	Nil

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:

Strategic Implications:

Not applicable.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Not applicable.

Social Implications:

Not applicable.

Environmental Implications:

Not applicable.

Comment:

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 September 2013.

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

181013

Moved: Cr Boyle

Seconded: Cr Duperouzel

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

CARRIED: 6/0

Item 9.4.3 – Appendices

9.5 Late Reports

9. OFFICER'S REPORTS

9.5 LATE REPORTS

9.5.1 CWA – Application to be Recognised as a Community Group

FILE NO:	FI.DON
COUNCIL DATE:	21 st October 2013
REPORT DATE:	18 th October 2013
LOCATION/ADDRESS:	N/A
APPLICANT:	Shire of York
SENIOR OFFICER:	Mr Ray Hooper CEO
REPORTING OFFICER:	Mrs Tyhscha Cochrane, DCEO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Nil
DOCUMENTS TABLED:	Nil

Summary:

The York Branch of the CWA made application in March 2013 to renew their status as a recognised community group. Unfortunately the only record that existed was in relation to the McCarthy Belles CWA and this was recognition as a Community Group for the purpose of waiving fees and charges related to trading in public places and thoroughfares and the use of Council facilities for fundraising activities.

The use of the Town Hall for a State Conference was not considered as part of the request. It would appear the request was overlooked and subsequently the York Branch of the CWA makes application to Council to receive the reduced hire fees for the York Town Hall from 21st to 24th July 2014 as they are holding the 90th Anniversary State Conference for the CWA of WA.

Background:

On the 18th March 2013, Council resolved as follows;

“That Council recognise the CWA as a Community Group for the purpose of waiving the Stallholders fee for “Not for Profit” fund raising activities in public places and thoroughfares.”

Consultation:

Not applicable

Statutory Environment:

Nil

Policy Implications:

Nil

Financial Implications:

Hall hire varies from \$550.00 per day to \$770.00 – dependant on hours.

A recognised community group can use the Town Hall for \$148.50 per day.

Setup, cleaning and bonds are standard and will be charged at the appropriate rates.

Council provided a donation towards the State Conference of \$750.00, however if the status of a recognised community group is achieved at Council, Council will not contribute the \$750.

Strategic Implications:

This will encourage the use of the York Town Hall for community activities and aligns with the Economic Development.

Voting Requirements:
Absolute Majority Required: No

Site Inspection:
Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:
Nil

Economic Implications:
The cost of running the hall is almost entirely Council's responsibility with very little revenue being raised from Hall users.

Social Implications:
It is a benefit to enhance relationships between Council and Community Groups by reducing the hall hire for "Not for Profit" fundraising events.

Environmental Implications:
Nil

Comment:
It is planned to host the ninetieth anniversary State Conference for the CWA in York from 21st to 24th July 2014.

The Conference will be attended by more than 300 delegates and it is envisaged that their families will come to York also. This is a great opportunity for York.

The CWA has been long established in York. They are a community group that can be relied upon to volunteer their time and resources during emergencies and community events.

**RESOLUTION
191013**

Moved: Cr Hooper

Seconded: Cr Boyle

"That Council:

Recognise the CWA as a Community Group for the purpose of reduced Hall Hire fees for the 90th Anniversary State Conference from the 21st to 24th July 2014.

Advice Note:

Certificate of Incorporation and Public Liability Insurance of \$10,000,000 is required for community groups to qualify as being recognised as a York Community Group.

Council's donation of \$750.00 towards the event is not required."

CARRIED: 6/0

9.6 Confidential Reports

10. NEXT MEETING

**RESOLUTION
201013**

Moved: Cr Duperouzel

Seconded: Cr Wallace

“That Council:

hold the next Ordinary Meeting of the Council on November 18, 2013 at 3.00pm in the Council Chambers, York Town Hall, York.”

CARRIED: 6/0

11. CLOSURE

Cr Reid thanked everyone for their attendance and declared the meeting closed at 4.24pm.