



SHIRE OF YORK

**MINUTES OF THE ORDINARY
MEETING OF THE COUNCIL
HELD ON 20 OCTOBER, 2014
COMMENCING AT 4.00pm
AT THE GREEN HILLS HALL,
GREENHILLS**

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SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL
HELD ON MONDAY, 20 OCTOBER 2014, COMMENCING AT
4.00PM 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 4.00pm.

1.2 Disclaimer

The Shire President advised the following:

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

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

1.3 Suspension of Standing Orders – Clause 3.2 – Order of Business

Moved: Cr Boyle

Seconded: Cr Duperouzel

Carried: 6/0

1.4 Announcement of Visitors

Nil

1.5 Declarations of Interest that Might Cause a Conflict

Financial Interests

Nil

Disclosure of Interest that May Affect Impartiality

Cr Matthew Reid – Item 9.1.3 – Proximity – Associated Trust owns neighbouring property

2. ATTENDANCE

2.1 Members

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

2.2 Staff

*Michael Keeble, Chief Executive Officer; Gail Maziuk, Compliance/Human Resources;
Kira Strange, Town Planner, Tabitha Bateman, Financial Officer; Helen D'Arcy-Walker,
Executive Support Officer*

2.3 Apologies

Nil

2.4 Leave of Absence Previously Approved

Nil

2.5 Number of People in Gallery at Commencement of Meeting

There were 14 people in the Gallery at the commencement of the meeting.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Ordinary Council Meeting – 15 September, 2014

Mrs Sandra Paskett

Question 1:

What is the process to notify owners of properties that there are amendments to a Scheme Amendment?

Response:

Following a final resolution of Council, the relevant landowners and submitters are notified of the changes to an amendment. The officer may exercise their discretion to notify relevant landowners prior to Council adoption where the change is considered to be significant.

Question 2:

Our planning application has been in process for 2 years. It has been included in Omnibus 50 along with the SITA application and we were informed that our application could not be taken off Omnibus 50. However in today's Agenda item for the Sale of the CRC it is recommended that it come off the Omnibus 50, how can this now be amended?

Response:

Council resolved to write to the Minister for Planning and request that the rezoning of Lot 7 (5) Joaquina Street be removed from Omnibus Amendment No. 50, when the final decision regarding this amendment is made. The Minister may or may not adhere to this request and Council will still have to wait for the overall decision.

Mrs Roma Paton

Question:

Did Councillor Hooper write a letter to the Western Australian State Ombudsman supporting the actions of the previous Chief Executive Officer in publishing the public memorandum (yellow memo) on 12 August, 2008?

Response:

The question of correspondence to and from the WA Ombudsman was dealt with in your FOI Notice of Decision and Document Schedule dated 18 December 2012.

Mrs Sally Boyle

Question 2:

What community work has been put off because of the \$99,000 being spent on FOI expenses?

Response:

This has inevitably negatively impacted on the delivery of Shire services.

Special Council Meeting - 25 September, 2014

Former Councillor Tricia Walters

Question 1:

Regarding Matter for Resolution 10.2.1 the Set Back Policy needs to be looked at.

Response:

All Shire Policies are currently under review.

4. PUBLIC QUESTION TIME

Cr Reid provided the following statement at the commencement of Public Question Time:

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

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

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

Procedures

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

PRESIDING OFFICER

21 October 2013

Public Question Time commenced at 4.04pm

4.1 Public Question Time – Written Questions – Current Agenda

Nil

4.2 Public Question Time – Current Agenda

Mr Mike Gill

Question:

Has a Risk Assessment of the Dam being undertaken?

Response:

Currently working on this in conjunction with WorkSafe.

Mrs Heather Saint

Could Council please clarify the following:

Question 1:

- a) have there ever been discussions with this or the past Council to consider bauxite mining in the Shire of York?
- b) where is the location of the potential bauxite treatment site in York?
- c) exactly where in York did Cr Tony Boyle, the ex CEO Ray Hooper and ex Shire Planner, Jacky Jurmann attend an 'on-site' meeting with Bauxite resources?
- d) what was the purpose of the various meetings with Bauxite Resources?
- e) did Councillors and Shire staff (to include the current DCEO, past CEO, past Shire Planner and past EHO) meet with Bauxite Resources within the Shire for a 'presentation and update'?
- f) Does Councillor Boyle concur that he attended a lunch at the Castle Hotel in York with Bauxite resources, CEO Ray Hooper and Shire Planner, Jacky Jurmann?

- f) is mining permitted under the Shire's Town Planning Scheme No 2?
- g) Bauxite resources are usually located on large private land holdings predominantly cleared farmland close to road and rail infrastructure and requiring limited capital investment; is it now or was it ever a consideration of this Council to become involved in land transactions independently or by joint venture or association?

Response:

Taken on Notice

Question 2:

The Shire of York has expended over \$35,000 on legal advice from Feinauer Commercial Lawyers, have any Councillors received or seen copies of the advice provided?

Response:

Taken on Notice

Ms Tricia Walters

Question:

York Race Course

I attended the Finance, Risk & Audit Committee meeting on 13 October, 2014 and have looked at the information provided to FRAC upon which to make a recommendation. The brevity of the information supplied is mind boggling and embarrassing in that significant and relevant documentation is conspicuous by its absence and Item 10.1.3 does not appear to have been recorded as lost 4/2 in the Minutes before Council.

Why was this an Agenda item, when on 29 November, 2010 Resolution 011110, certified copies of the Shire of York Resolution and Minutes of York Racing Inc Dated 5 December, 2010 were provided to the relevant department?

On 15 November Ordinary Council Meeting three Councillors made declared financial interest on 9.2.6.

Cr Hooper – Financial – General Member of York Racing Inc

Cr Scott – Financial – Proximity – Secretary of York Racing Inc

Cr Boyle – Financial – Proximity – Board Member of York Racing Inc

On 29 November Special Council Meeting Declared Financial Interests, 9.2.1 there is no previous mention of Proximity by Crs Boyle and Scott. Why not?

Previously a Councillor living over the road from the Recreation/Sports grounds was advised in writing from the Minister, because of Proximity that person could not vote on anything relating to the Recreation/Sports grounds (Query Breach – Code of Conduct – 5.6.9 Proximity interest).

Response:

Taken on Notice

Ms Darlene Barratt

Question:

Can Council also consider the \$800 Caveat in item 9.4.2 today?

Response:

Shire President stated that the request will be considered during the appropriate Agenda item.

Mr Simon Saint

Question 1:

In SP 26 & 27 the Local Government Standards Panel investigated a claim made by the previous CEO that the Shire of York Standing Orders has been rescinded while Commissioner Gavin Troy was in office, the Panel established that Standing Orders had not been rescinded. In the current Standing Orders under Section 3.8 Agendas and Reports (2) it states:

The report shall be sent to each Councillor not less than 5 clear working days before the commencement of the meeting.

Five clear working days equates to the Monday preceding the day of the meeting, in future can the Agenda be published in line with Standing Orders.

Response:

Yes this request will be considered.

Mr Peter Keeble

Question:

Has anything being done regarding tri dolly trucks going into the bin?

Response:

Shire President stated that Main Roads is looking at the intersection. There is no guarantee, however highly likely that something will be done. Unsure of the timeframe, however will do their best before carting commences.

There were no further questions from the Gallery and Public Question time was declared closed at 4.19pm

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS / PRESENTATION / DEPUTATIONS

A petition was presented by Mike Gill

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Minutes of the Ordinary Council Meeting held September 15, 2014

Corrections

Confirmation

RESOLUTION 011014

Moved: Cr Boyle

Seconded: Cr Wallace

“That the minutes of the Ordinary Council Meeting September 15, 2014 be confirmed as a correct record of proceedings with the following corrections:

9.1.1 *Proposed Town Planning Scheme Amendment No. 53*

Report reads

‘COUNCIL DATE: 1 September 2014’

Should read

‘COUNCIL DATE: 15 September 2014’

9.1.1 *Appendix 3 – Schedule of Submissions*

States ‘Officer’s Comment’

No.	Date Received	Name	Description of Affected Property	Summary of Submission	Officer’s Comment
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Should read ‘Council’s Recommendation’

No.	Date Received	Name	Description of Affected Property	Summary of Submission	Council’s Recommendation
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9.1.2 *Removing a Caveat on Lot 41 (987) Goldfields Road, Malebelling*

Report reads

‘COUNCIL DATE: 1 September 2014

REPORT DATE: 15 September 2014’

Should read

‘COUNCIL DATE: 15 September 2014

REPORT DATE: 1 September 2014’

11.3 MANAGER PLANNING SERVICES REPORT

Title Reads ‘MANAGER PLANNING SERVICES REPORT’

Should Read ‘TOWN PLANNING SERVICES REPORT’

Report reads;

‘This report is a summary of the current projects and activities of the Planning Services section which comprises of;

- *Town planning services;*
- *Residency Museum; and*
- *Information Services Centre.’*

Should read;

‘This report is a summary of the current projects and activities of the Town Planning Services section.’”

The Shire President declared that the Motion was CARRIED: 6/0

- 7.2 Minutes of the Special Council Meeting held September 25, 2014 commencing at 4.03pm

Corrections

Confirmation

**RESOLUTION
021014**

Moved: Cr Boyle

Seconded: Cr Duperouzel

“That the minutes of the Special Council Meeting held September 25, 2014 commencing at 4.03pm to be confirmed as a correct record of proceedings.”

The Shire President declared that the Motion was CARRIED: 6/0

- 7.3 Minutes of the Special Council Meeting held September 25, 2014 commencing at 4.34pm

Corrections

Confirmation

**RESOLUTION
031014**

Moved: Cr Boyle

Seconded: Cr Wallace

“That the minutes of the Special Council Meeting held September 25, 2014 commencing at 4.34pm to be confirmed as a correct record of proceedings.”

The Shire President declared that the Motion was CARRIED: 6/0

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

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. Mr Kevin Giles won first prize but was unable to attend (the Shire will ensure the prize is sent to Mr Giles).

Second Prize – four tickets to the West Australian Symphony Orchestra Chamber Concert 3 – Tchaikovsky’s Serenade – donated by the West Australian Symphony Orchestra. Mr Max Malland won second prize but was unable to attend (the Shire will ensure the prize is sent to Mr Malland).

Third Prize - \$200 Unleaded Petrol donated by Fuel Distributors of Western Australia Pty Ltd. Mrs Helen Watt won third prize but was unable to attend (the Shire will ensure the prize is sent to Mrs Watt).

REPORTS

- 9. MATTERS FOR RESOLUTION**
- 10. COMMITTEES OF COUNCIL**
- 11. EXECUTIVE MANAGEMENT REPORTS**
- 12. REPORTS FOR CONSIDERATION**
- 13. NEXT MEETING**
- 14. CLOSURE**

9. MATTERS FOR RESOLUTION
9.1 DEVELOPMENT SERVICES
9.1.1 Proposed Shed – Lot 60 (11) Ensigndale Court, York

FILE NO: EN1.7000
COUNCIL DATE: 20 October 2014
REPORT DATE: 23 September 2014
LOCATION/ADDRESS: Lot 60 (11) Ensigndale Court, York
APPLICANT: Brent Humphrey
SENIOR OFFICER: M Keeble, CEO
AUTHOR: K Strange, TP
DISCLOSURE OF INTEREST: Nil
APPENDICES: Appendix 1 – Site Plan
Appendix 2 – Technical Drawings
Appendix 3 – Development Assessment
Appendix 4 – Schedule of Submissions
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: Michael Keeble

RESOLUTION
041014

Moved: Cr Hooper

Seconded: Cr Duperouzel

“That Council:

Support the construction of a shed at Lot 60 (11) Ensigndale Court, York upon the following conditions:

- 1. Instruct the Chief Executive Officer to negotiate with the applicant to reduce the variation of the proposed outbuilding as follows;*
 - a. A floor area of no more than 234m²; and*
 - b. A ridge height of no more than 5.5m.*
- 2. Upon agreement with the above, delegate the Chief Executive Officer to grant approval to the applicant subject to the following conditions;*
 - a. All stormwater is to be managed on site to the satisfaction of the local government.*
 - b. Materials and colours used are to be complementary to the surrounding area.*

*The Shire President declared that the Motion was LOST: 4/2
And that permission is not granted.*

Note 1 to this item – No single reason emerged for the vote against the Officer Recommendation.

Note 2 to this item – the applicant shall be contacted and advised that they should submit an application in terms of the local planning policies.

Cr Boyle requested that his name was to be recorded as voting against this motion.

Voting Requirements:
Simple Majority Required: Yes

Summary:

Mr Brent Humphrey has applied to construct a shed at his property at Lot 60 (11) Ensigndale Court, which exceeds the requirements of the Local Planning Policy *Outbuildings in Residential Zones 2011*.

The proposed shed measures 22.5m by 13m in floor area with a wall height of 5.0m and a ridge height of 6.25m.

Whilst variation to policy or scheme requirements may be acceptable, in this case, it is considered that the proposed variation is too significant and does not comply with the objectives or intentions of the policy. The proposed shed is more consistent with that typically seen in the General Agriculture zone.

A site visit was undertaken where the Town Planner met with the applicant to discuss an acceptable variation to the policy. Mr Humphrey has been consulted and asked to negotiate a desirable outcome however did not want to reduce the proposed floor area or heights and has not responded to further correspondence.

Background:

Mr Humphrey submitted an application for planning consent for the construction of a shed at his property, Lot 60 (11) Ensigndale Court, York. The property is zone Rural Residential and is located approximately 3 kilometres north, north west of the centre of York.

Consultation:

The proposal was advertised in accordance with clause 8.3 of the York Town Planning Scheme No. 2.

Notification was given to surrounding landowners and one objection was received.

Statutory Environment:

Shire of York Local Planning Scheme No. 2.

The property is zoned Rural Residential under the York TPS2. The proposal has been assessed against the matters for consideration in accordance with clause 8.5 of the TPS2. A copy of the full assessment can be found in Appendix 3.

Local Planning Policy Outbuildings in Residential Zones

The property is located within the Rural Residential zone and is therefore assessed against the relevant provisions of this policy. The key elements for consideration are as follows;

<i>Element</i>	<i>Requirement</i>	<i>Actual</i>	<i>Variation</i>	<i>Comment</i>
7.3.2 Floor Area	200m ²	22.5 x 13 = 292.5m ²	+92.5m ²	This is not considered an acceptable variation to the requirement of the policy. Generally, Council can exercise discretion in permitting variation to one of the requirements however generally not all. An acceptable variation may include varying the floor area, provided the heights are consistent with the policy and that overall, there is no impact to the amenity of the area. This design is more consistent with a shed typically found in the General Agriculture zone.
• 5% Variation	210m ²	= 292.5m ²	+82.5m ²	
7.3.3 Height				
Wall	3.0m	5.0m	+2m	
Ridge	4.2m	6.25m	+2.05m	
• 5% Variation				
Wall	3.15m	5.0m	+1.85m	
Ridge	4.41m	6.25m	+1.84m	

There is a discrepancy in the policy which allows for a larger wall height in the Residential Zone. Therefore, this has been considered acceptable to apply to the Rural Residential Zone.

<i>Element</i>	<i>Requirement</i>	<i>Actual</i>	<i>Variation</i>	<i>Comment</i>
<i>7.1.3 b) Height</i>				Even though the wall height variation has reduced, it is considered that the impact of the ridge height variation is still not appropriate for this zone.
<i>Wall</i>	3.5m	5.0m	+1.5m	
<i>Ridge</i>	4.2m	6.25m	+2.05m	
• <i>5% Variation</i>				
<i>Wall</i>	3.675m	5.0m	+1.325m	
<i>Ridge</i>	4.41m	6.25m	+1.84m	

A full copy of the assessment can be found in Appendix 3.

Policy Implications:

There are no policy implications for Council associated with this report.

Financial Implications:

There are no policy implications for Council associated with this report.

Strategic Implications:

There are no policy implications for Council associated with this report.

Site Inspection:

Site Inspection Undertaken: Yes

Triple bottom Line Assessment:

Economic Implications:

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

Social Implications:

Council needs to consider the perceived precedent that may be set with the approval of oversized sheds.

Environmental Implications:

There are no environmental implications for Council associated with this report.

Comment:

When an application is made to vary the required provisions of a policy or scheme requirement, each application is individually assessed on its merits.

In this case, the property is relatively secluded as it is a battleaxe at the end of Ensigndale Court. The context of this site would allow for a slight variation to the requirements however the proposed variation is considered unacceptable. Based on the large design of this shed, it is likely that the proposal will have an impact on the surrounding area.

A shed of this size is more consistent with sheds that can be seen in the General Agriculture zone. Council should support, in concept, the construction of a shed in this area however the applicant needs to reduce the variation for both the height and floor area before they recommend approval. If the applicant is not willing to reduce the variation then Council should refuse the application.

Council needs to consider the perceived precedent that may be set with the approval of oversized sheds in this area.

In this case, it may be considered acceptable to vary more than one element of the shed based on the relatively secluded location of the property however not to the extent that is currently proposed.

Appendices Attached

9. MATTERS FOR RESOLUTION
9.1 DEVELOPMENT SERVICES
9.1.2 Road Closure – Pownall Street

FILE NO: PO2
COUNCIL DATE: 20 October 2014
REPORT DATE: 16 September 2014
LOCATION/ADDRESS: Pownall Street, York
APPLICANT: J & L Bullock
SENIOR OFFICER: M Keeble, CEO
AUTHOR: K Strange, PO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Appendix 1 – Location Plan
Appendix 2 – Sewer Map
Appendix 3 – Schedule of Submissions
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: Michael Keeble

RESOLUTION
051014

Moved: Cr Boyle

Seconded: Cr Wallace

“That Council:

- 1. Determine the submissions received as detailed in the Officer’s report and request that the Minister for Lands, upon assessing the information received, formally close Pownall Street, York.”*

*The Shire President declared that the Motion was CARRIED: 6/0
And that permission was granted.*

Voting Requirements:

Simple Majority Required: Yes

Summary:

On 23 July 2014, Council resolved to initiate the formal closure of Pownall Street in accordance with Section 58 of the Land Administration Act (LAA) 1997.

Following this resolution, the proposal was advertised in accordance with the LAA 1997 for a minimum of 35 days. Submissions were due 9 September 2014. A total of three (3) submissions were received.

The impact of the road closure has been assessed and it advised that Council formally resolve to close Pownall Road and advise the Department of Lands in writing.

Background:

A request was received from Mr and Mrs Bullock on 29 April 2014 to formally close Pownall Street and made available for purchase by the adjoining landowners.

Following this, comments were requested from the Holy Trinity Church who informed Council on 22 June 2014 that at the Annual Meeting of Parishioners, it was moved and carried that the formal closure of Pownall Street proceed.

On 23 July 2014, Council resolved the following;

“Initiate the road closure process in accordance with Section 58 of the Land Administration Act 1997 for the closure of Pownall Street”

Following the resolution, the proposal was advertised for a minimum period of 35 days and during this period, three submissions were received.

Consultation:

In accordance with the LAA 1997, the proposal was advertised for a minimum period of 35 days. The following people and/or agencies were directly notified;

- Mr and Mrs Bullock (adjoining landowners to the north);
- Church of England (adjoining landowners to the south);
- Telstra;
- Water Corporation; and
- Western Power.

Three (3) responses were received.

Statutory Environment:

Where a road dedicated for public use is proposed to be closed, it may be closed at the request of the Local Government in accordance with section 58 of the LAA 1997.

Regulation 9 of the Land Administration Regulations 1998 specifies the procedural requirements of the Local Government prior to submitting a request to the Minister for Lands.

Policy Implications:

There are no policy implications associated with this proposal.

Financial Implications:

Costs associated with this proposal include staff time and surveying requirements.

Strategic Implications:

There are no Strategic implications associated with this proposal as it is consistent with the Strategic Community Plan.

Site Inspection:

Site Inspection Undertaken: **Yes**

Triple bottom Line Assessment:

Economic Implications:

There are no economic implications associated with this proposal.

Social Implications:

There are no social implications associated with this proposal.

Environmental Implications:

A portion of Pownall Street should be incorporated into the Avon River foreshore reserve for the purposes of providing public access to the River foreshore and to enable environmental improvement works.

Comment:

The formal closing of Pownall Street will enable the neighbouring landowner to establish a formal driveway to the rear of their property. The Church would then have the opportunity to purchase the remainder of the road reserve.

It is acknowledged that an easement will need to be created in favour of the Water Corporation to protect the sewerage assets under section 167 of the Planning and Development Act. The sewer infrastructure can be seen in Appendix 2.

Appendices Attached

9. MATTERS FOR RESOLUTION
9.1 DEVELOPMENT SERVICES
9.1.3 Lot 10 (1) Redmile Road, York – Construction of a pool.

FILE NO: RE1.11350
COUNCIL DATE: 20 October 2014
REPORT DATE: 6 October 2014
LOCATION/ADDRESS: Lot 10 (1) Redmile Road, York
APPLICANT: Darry's Plumbing and Gas
SENIOR OFFICER: M Keeble, CEO
AUTHOR: C Murphy, SP & K Strange, TP
DISCLOSURE OF INTEREST: Cr Matthew Reid – Proximity
APPENDICES: Appendix 1 – Site Plans
Appendix 2 – Technical Drawing
Appendix 3 – Flood Map
Appendix 4 – Flood Advice
Appendix 5 – Schedule of Submissions
Appendix 6 – DA Assessment
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: Michael Keeble

Cr Reid declared an Interest Affecting Impartiality and left the room at 4.42pm

Cr Duperouzel, Deputy Shire President, took the Chair

RESOLUTION
061014

Moved: Cr Boyle

Seconded: Cr Hooper

“That Council:

Pursuant to clause 8.6 of the Shire of York Town Planning Scheme No. 2 GRANT planning consent for the development of a swimming pool and fencing at Lot 10 (1) Redmile Road, York subject to the following conditions:

- 1. Development must substantially commence within two (2) years from the date of this decision*
- 2. The development shall take place in accordance with the stamped approved plans.*
- 3. Elevations and a schedule of colours and materials for the proposed fence to be prepared to the satisfaction of and approval by the local government prior to the commencement of works.*
- 4. A landscape plan for the purpose of screening the development from adjacent property boundaries to be prepared to the satisfaction of and approval by the local government prior to the commencement of works.*
- 5. The implementation of the landscape plan within six months of the completion of the development, and maintenance of screening landscaping thereafter.*
- 6. The applicant is to maintain the right of way and bridge access to the benefit of Lot 11 (3) Redmile Road, York. Any interruption to access is to be made good by the applicant.*
- 7. The applicant is to provide the owners and residents of Lot 11 (3) Redmile Road, York with 48 hours' notice prior to the use of the right of way and bridge access by heavy vehicles for the purposes of the development.*

8. *If archaeological material or features are encountered during the construction of the proposed swimming pool, works shall cease and the State Heritage Office shall be notified immediately in order that consultation with an appropriately qualified archaeologist can be undertaken to assess the finds and provide advice on an appropriate course of action.*

Advice Notes:

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development is to be carried out without the further approval of the local government having first been sought and obtained.

Note 3: If an applicant is aggrieved by this determination there is a right of appeal under the Planning & Development Act 2005. An appeal must be lodged within 28 days of the determination.

Note 4: This approval is not a building permit. In accordance with the provisions of the Building Act 2011, an application for a building permit must be submitted to, and approval granted by the local government prior to any change of classification or prior to the commencement of any structural works within the development hereby permitted.”

*The Shire President declared that the Motion was CARRIED: 4/1
And that permission was granted.*

Cr Reid returned to the meeting at 4.45pm and resumed the Chair.

Cr Smythe requested her name was recorded as voting against this motion.

Voting Requirements:

Simple Majority Required: Yes

Summary:

An application for planning consent to develop a swimming pool and fencing at Lot 10 (1) Redmile Road, York is presented for determination.

The matter was previously put forward to Council who requested it be deferred in order to address a number of concerns that they had. The concerns can be summarised as follows;

- Required setbacks; and
- Flooding impacts.

These issues have been addressed and can be effectively managed through conditions on a planning consent.

Background:

On 25 August 2014, Darry's Plumbing and Gas submitted a planning application on behalf of the landowners at Lot 10 (1) Redmile Road, York, for the construction of a swimming pool on a State listed property and with variation to the required setback.

At the Special Meeting held 25 September 2014, Council resolved the following;

“That Council Amend the Officer Recommendation:

Defer the matter to allow the Chief Executive Officer to investigate the Set Back Policy and ramifications to Council should the pool be flooded.”

The property is zoned General Agriculture and is located at the end of Redmile Road, adjacent to the Avon River. The property is a State listed heritage place known as “Bridge House and Grounds” and is therefore registered as a Category 1A place on the local municipal inventory list.

Department of Water mapping indicates that the majority of this property is affected by flooding however the pool is located outside of these areas. The map in Appendix 3 illustrates the extent of the flooding.

Consultation:

The proposal was advertised in accordance with Clause 8.3.2, 8.3.3(a) and 8.4 of the York Town Planning Scheme.

Notification was given to landowners of the surrounding properties as well as the relevant agencies for their comments i.e. the State Heritage Office and the Department of Water. Due to an administrative error, one landowner and the Department of Water were notified outside of the advertising period and therefore their comments were received a week later.

There were a total of four (4) submissions received of which can be viewed in Appendix 4.

It should be noted that the Department of Water did not raise any objections to the proposal and indicate that the proposal was outside of the floodway. This advice can be found in Appendix 4.

All other comments have been considered during the assessment of this application.

Statutory Environment:

- Shire of York Town Planning Scheme No. 2
- Local Planning Policy *Heritage Precincts and Places 2009*

See Comments and Appendix 5 for further details.

Policy Implications:

There are no policy implications for Council associated with this report.

Financial Implications:

There are no policy implications for Council associated with this report.

Strategic Implications:

There are no policy implications for Council associated with this report.

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

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

Social Implications:

There are no social implications for Council associated with this report.

Environmental Implications:

There are no environmental implications for Council associated with this report.

Comment:

The development application assessment report is provided as Appendix 6 to this report.

Assessment of the application documentation and information provided in submissions received during advertising identified the following key planning issues relevant to the proposal:

- Potential impacts on rural amenity resulting from a reduced setback to Lot 12 Great Southern Highway, Balladong
- Heritage value of the subject land
- Potential impacts and interruptions to right of way access to the benefit of Lot 11 (3) Redmile Road, York

Potential impacts on rural amenity

The proposal, which is located within the General Agricultural zone, requires a setback of 15 metres pursuant to cl 4.14.3 of the scheme. The application proposes a revised setback of 8.2 metres to the boundary with the adjacent Lot 12 Great Southern Highway, Balladong (Balladong Farm). The original proposal indicated a setback of 2.18 metres however this was an error in the original surveyed documentation.

Cl 4.6 of the scheme enables Council to vary development standards where:

1. It is consistent with orderly and proper planning of the locality and the preservation of the amenities of the locality; and
2. It will not have any adverse effect upon the occupiers or users of the development, the inhabitants of the locality, and the likely future development of the locality.

The applicant has provided justification for the reduced setback:

- a) The proposed swimming pool site is located outside the floodway and floodfringe that impacts the majority of the property;
- b) The proposed swimming pool site is located behind the house, outside the area of 'great archaeological significance' of the property to minimise impacts on heritage values;
- c) The proposed swimming pool site is located in an area not visible from the public realm
- d) The proposed development includes fencing consistent with the existing courtyard on the property; therefore will look like an extension of the existing brick court yard.

A submission on the application objected to the reduced setback on the basis that the development would impact on the amenity of the area, significantly impact on the rural outlook from the view of the Lot 12 Great Southern Highway, Balladong, and impact on the quiet enjoyment of Balladong Farm due to noise associated with use of the pool area.

There is limited opportunity to relocate the proposed swimming pool to a location that would impose lesser potential noise or visual impacts to the adjacent property. The justification provided by the applicant is considered sufficient to warrant discretion to vary development standards in this instance. It is not considered that a domestic swimming pool will result in significant noise impacts that would be inconsistent with other noises and levels experienced in the immediate locality. Potential amenity impacts to the neighbouring property can be managed through solid fencing and appropriate screening and landscaping, required as a condition on the planning consent.

Heritage value of the subject land

The property is a state listed place called "Bridge House and Grounds". Advice was sought from the Heritage Council; the Council concluded that the proposed works are to the rear of the site and are reversible, therefore would have minimal impact on the identified cultural significance of the site.

The Heritage Council has recommended a condition on the approval requiring that, in the event of encountering archaeological materials during development, works cease and advice is sought. It is recommended that it is appropriate to include the recommended condition on the planning consent.

Potential interruptions to a right of way access to the benefit of Lot 11 (3) Redmile Road

Currently, Lot 10 (1) Redmile Road is affected by a right of way easement to the benefit of Lot 11 (3) Redmile Road. The right of way includes access to Redmile Road across an aging timber bridge.

The owner of Lot 11 (3) Redmile Road has raised concerns that delivery of the swimming pool and construction materials may impact on the structural stability of the timber bridge access, which has required maintenance works in the recent past. It is noted that the applicant would also be impacted by any loss of access as a result of the bridge failing. The applicant does not have any alternative road access; it is noted that Lot 11 (3) has frontage (although without constructed access) to Parker Road off Avon Terrace.

The applicant is responsible for ensuring that access remains and, if impacted, is made good for the beneficiaries of the right of way. Appropriate conditions on the planning consent can formalise this requirement, and ensure access is maintained. It is recommended that additional conditions on the planning consent should require that appropriate notice is provided to the owners of Lot 11 (3) Redmile Road prior to the use of the right of way by heavy vehicles.

Appendices Attached

9. MATTERS FOR RESOLUTION
9.1 DEVELOPMENT SERVICES
9.1.4 Lot 84 (130) Newcastle St, York – Shed

FILE NO: NE4.9755
COUNCIL DATE: 20 October 2014
REPORT DATE: 13 October 2014
LOCATION/ADDRESS: Lot 84 (130) Newcastle Street, York
APPLICANT: Cedric and Maxine Suradi
SENIOR OFFICER: M Keeble, CEO
AUTHOR: K Strange, PO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Appendix 1 – Site Plan
Appendix 2 – Deposit to Redink
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: Michael Keeble

RESOLUTION
071014

Moved: Cr Hooper

Seconded: Cr Duperouzel

“That Council:

- 1. not permit Mr and Mrs Suradi to construct a shed prior to the construction of a house; and*
- 2. advise Mr and Mrs Suradi that Council will consider allowing them to commence construction of their shed once the dwelling has reached frame stage, subject to the submission and assessment of a planning application”.*

*The Shire President declared that the Motion was LOST: 4/2
And that permission was not granted*

Crs Boyle Wallace, Duperouzel & Smythe requested their names were recorded as voting against this motion.

NEW MOTION

RESOLUTION
081014

Moved: Cr Boyle

Seconded: Cr Smythe

“That Council

- 1. Permit Mr & Mrs Suradi to construct a shed prior to the construction of a house;*
- 2. A Bond to be put in place of \$2,000, if Mr & Mrs Suradi live in the shed the Bond to be forfeited*
- 3. Also they must submit a suitable planning application for the shed before it is built.”*

*The Shire President declared that the New Motion was CARRIED: 4/2
And that permission was granted.*

Voting Requirements:
Simple Majority Required: Yes

Summary:

On 14 October 2014, Mr Cedric and Mrs Maxine Suradi requested that Council exercise discretion and consider allowing them to build a shed at Lot 84 (130) Newcastle Street, York, prior to the construction of their house.

Background:

On 23 July 2014, Mr and Mrs Suradi wrote to the Councillors requesting that consideration be given to their circumstances and allow them to construct a shed before their house at Lot 84 (130) Newcastle Street, York.

Mr and Mrs Suradi are relocating from Darwin to York and have engaged a builder, Redink Homes, to build a house and shed/carport at their property in the York Estates. Mr and Mrs Suradi have requested that permission be given to commence the construction of the shed/carport component (i.e. 2 x Carports, 1 x Caravan Port and 1 x shed) prior to the commencement of the dwelling (see comments for more details).

In accordance with the Shire of York Town Planning Scheme No. 2 and the Residential Design Codes, the construction of a shed prior to the existence of dwelling is not permitted within the Residential Zone.

The intent of this is to ensure that the objectives of the Residential Zone are upheld and to avoid the possibility of people living in their sheds within the townsite.

Consultation:

Should Council resolve to allow consideration of Mr and Mrs Suradi's proposal, a planning application will be required which will require neighbour notification. Further to this, it appears that the shed is oversized and does not comply with the Outbuildings Policy and would therefore require assessment.

Statutory Environment:Shire of York Town Planning Scheme No. 2

Under the Shire of York Town Planning Scheme No. 2, a shed is a use that is not specifically listed under the zoning table as it is considered an ancillary development to a single house.

In accordance with clause 4.8 of the Scheme, the objectives of the Residential Zone are as follows;

- a) *To encourage single houses as the predominant form of residential development.*
- b) *To require infill residential development in Heritage Precincts to be in accordance with Design Guidelines adopted by the local government.*
- c) *To achieve a high standard of development and residential amenity.*

The construction of a shed prior to the construction of a dwelling is not consistent with, and contradicts, the objectives of the residential zone, specifically clause a) and c).

Site and development requirements within the Residential Zone are in accordance with the Residential Design Codes.

State Planning Policy 3.1 – Residential Design Codes

The R-Codes is a state wide planning document that regulates the design of residential development for properties zoned "Residential".

In accordance with the R-Codes, a shed is classified as an outbuilding which is an ancillary development to a dwelling.

The definition under the R-Codes is "*an enclosed non-habitable structure that is detached from any dwelling, but not a garage*". The intent of an outbuilding is that it is an ancillary development to a dwelling.

In accordance with clause 5.4.3 of the R-Codes, the design principle for outbuildings is that they are not to “*detract from the streetscape or the visual amenity of residents or neighbouring properties*”.

The construction of an outbuilding contradicts the intent of this design principle.

Local Planning Policy – Outbuildings in Residential Zones

The intent of this policy is to allow greater flexibility in the specific design requirements of the construction of shed in the Residential, Rural Residential and Rural Townsite Zones i.e. floor area and height.

The policy states that outbuildings on vacant sites (that do not have a dwelling constructed or being constructed), grouped and multiple dwelling properties require planning approval to be granted. The intent of this provision is to provide flexibility for those properties zoned Rural Residential and/or Rural Townsite. The application is to be assessed against the Scheme, R-Codes and any relevant Local Planning Policy, including this one.

Under this provision, an application for the construction of a shed prior to the construction of a dwelling is not likely to be approved in the Residential Zone as it would not comply under the assessment (see above for reasoning).

The proposed site plan indicates a floor area 12m by 18m totalling 216m² which does not comply with the required floor area in accordance with this policy (100m²). However this does not include carports. Further detail would be required.

Local Planning Policy – Barn Style Shed Houses

Prior to the development of this policy, it became evident that a number of sheds were being constructed for the purpose of habitation which, in turn, impacted the streetscape of the Residential Zone.

In accordance with this policy, the development of “barn style” dwellings or any other dwelling based on a shed design or frame will not be permitted in the townsite. The intent of this policy is to ensure that the objectives of the Residential Zone are upheld and the amenity of the townsite is not compromised.

As there are a number of steel framed dwellings, where it can be demonstrated that the dwelling does not have the appearance of a shed, then the dwelling is generally permitted.

Local Planning Policy – Sea Containers

In accordance with this policy, in all zones, a sea container may be placed on a property to store building materials in conjunction with approved building works, i.e. a building permit, without Shire approval. A sea container must not be placed on the property prior to the issue of a building licence for the construction and must be removed immediately upon completion of construction or expiry of the building licence.

Policy Implications:

The construction of a shed prior to a house may compromise the following policies;

- State Planning Policy 3.1 – Residential Design Codes
- Local Planning Policy – Outbuildings in Residential Zones
- Local Planning Policy – Barn Style Shed Houses

See the Statutory Environment section of this report for further detail.

Financial Implications:

Council needs to consider the costs of ensuring compliance with development approvals.

Strategic Implications:

Council needs to consider the impact of permitting sheds prior to the development of a house and the impact to the amenity of the town.

Site Inspection:

Site Inspection Undertaken: Not applicable

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

There are no significant economic implications associated with this report.

Social Implications:

Council needs to consider the impact of perceived precedent. The construction of sheds before houses is an enquiry that is often received by the Shire.

Environmental Implications:

There are no environmental implications associated with this report.

Comment:

Mr and Mrs Suradi are aware of the restrictions in place and potential impacts for the construction of a shed prior to the existence of a dwelling however have assured Council that "their request falls outside of those concerns."

Mr and Mrs Suradi have submitted a site plan for a house and the shed/carport as well as the deposit for Redink Homes. Based on the site plan (as shown in Appendix 1), the proposed floor area exceeds the requirements under the Outbuildings in Residential Zones policy. This would require an assessment of a planning application regardless of if a house existed or not.

The applicant has suggested a number of different ways to ensure that the shed is used purely for storage purposes while the dwelling is being constructed such as;

- submission of site plans;
- penalties for non-compliance;
- demonstrated community support;
- evidence of alternative residential arrangements; and
- payment of a bond etc.

These suggestions are valid however they may cause potential issues with compliance and enforcement. Whilst it is the intent of the applicant that the shed will not be used for habitation, this is particularly difficult to monitor and regulate.

Mr and Mrs Suradi have stated that they are committed to working with the Council on the request as they are committed to becoming contributing members of the York community. They have stated that they are in a position to comply with the conditions suggested.

Correspondence sent 1 October 2014, was sent to the landowners of the subject property and was copied to all Councillors. As detailed in this correspondence a number of options for storing of tools and other items required for the on-going maintenance of properties;

1. *In accordance with the Shire of York Sea Containers Policy, a sea container may be placed on a property to store building materials in conjunction with approved building works, i.e. a building permit for a dwelling has been granted. The sea container must be removed upon completion of works or expiration of the building licence.*
2. *An outbuilding that is less than 10m² is permitted on the property prior to the construction of a dwelling, i.e. a garden shed.*

Alternatively Council may, at its discretion, permit the construction of an outbuilding when the construction of the dwelling has reached frame stage.

Whilst it may be reasonable to consider cases where the applicant genuinely requires the construction of a shed prior to the construction of a house, it is important to be consistent in Council's position. Assessment of individual cases may be difficult as merit based assessment is open to Council's interpretation.

Council needs to consider the impact of this decision as well as the impact of any similar subsequent requests, to the amenity of the townsite, particularly the Residential zone.

Appendices Attached

9. MATTERS FOR RESOLUTION
9.2 ADMINISTRATION REPORTS

The Senior Officer is not available to write this report, one will be available for the November meeting.

9. MATTERS FOR RESOLUTION
9.3 WORKS REPORTS
9.3.1 Forrest Oval Car Park

FILE NO: CCP.7
COUNCIL DATE: 20 October 2014
REPORT DATE: 14 October 2014
LOCATION/ADDRESS: Forrest Oval
APPLICANT: NIL
SENIOR OFFICER: Keith Dickerson
AUTHOR: Keith Dickerson
DISCLOSURE OF INTEREST: Nil
APPENDICES: Optional Concept Design Plans
DOCUMENTS TABLED: NIL

REPORT APPROVED BY THE CEO: Michael Keeble

OFFICER RECOMMENDATION

Moved: Cr Wallace

Seconded: Cr Smythe

"That Council:

Resolve the following:

- *Consider the concept design options provided, and*
- *Provide direction on the preferred option to be pursued for further development and costing*

AMENDMENT

Moved: Cr Smythe

Seconded: Cr Boyle

"That Council Amend the Officer Recommendation to read:

- *Consider the concept design options provided, and*
- *Plans to be submitted to the Forrest Oval Advisory Group for their consideration and also submitted to the Finance, Risk & Audit Committee meeting."*

CARRIED: 6/0

RESOLUTION

091014

Moved: Cr Smythe

Seconded: Cr Boyle

The following is to be the Resolution

"That Council:

- *Consider the concept design options provided, and*
- *Plans to be submitted to the Forrest Oval Advisory Group for their consideration and also submitted to the Finance, Risk & Audit Committee meeting."*

*The Shire President declared that the Motion was CARRIED: 6/0
And that permission was granted.*

Voting Requirements:
Simple Majority Required: Yes

Summary: The Shire of York has engaged Opus International Consultants to provide a concept design for the Forrest Oval Car Park

Background:
As outlined in the Summary

Consultation:
Opus International Consulting

Financial Implications:
Dependent on the preferred design option
Budget allocation of \$125,000 which includes consultation, design and construction

Site Inspection:
Site Inspection Undertaken: Not applicable

Comment:
A decision to focus on a preferred design option would be financially responsible rather than to proceed with a costing on all three options provided.

9. MATTERS FOR RESOLUTION
 9.4 FINANCE REPORTS
 9.4.1 Monthly Financial Reports – September 2014

FILE NO: FI.FRP
 COUNCIL DATE: 20 October 2014
 REPORT DATE: 3 October 2014
 AUTHOR: Tabitha Bateman, Financial Controller
 APPENDICES: Yes – Appendix A as detailed in Summary
 REPORT APPROVED BY THE CEO: Michael Keeble

**RESOLUTION
 101014**

Moved: Cr Smythe Seconded: Cr Wallace

“That the Council Endorses and Receive the Recommendation of the FRAC Committee:

1. *Receive the Monthly Financial Report for September and ratify payments drawn from the Municipal and Trust accounts for the period ending 26 September 2014:*

	<u>AMOUNT</u>
<u>MUNICIPAL FUND</u>	
Cheque Payments	\$ 7,419.82
Electronic Funds Payments	\$ 1,462,957.09
Direct Debits Payroll	\$ 294,294.69
Bank Fees	\$ 2,385.82
Corporate Cards	\$ 905.31
Fire Messaging Service	<u>\$ 82.50</u>
TOTAL	<u>\$ 1,768,045.23</u>
 <u>TRUST FUND</u>	
Cheque Payments	\$ 0.00
Electronic Funds Payments	\$ 4,673.72
Direct Debits Licensing	<u>\$ 109,719.45</u>
TOTAL	<u>\$ 114,393.17</u>
 TOTAL DISBURSEMENTS	 <u>\$1,882,438.40”</u>

The Shire President declared that the Motion was CARRIED: 6/0

Voting Requirements:
Simple Majority Required: Yes

Statement by The Chief Executive Officer:

1. This financial report is properly drawn up to present fairly the financial position of the Shire of York at 26 September 2014, and comply with:
 - * The Local Government Act 1995
 - * The Financial Management Regulations under that Act
 - * The Australian Accounting Standards
2. The Business Activity and PAYG statement has been lodged and paid as and when it has fallen due.
3. Staff superannuation has been paid as and when it has fallen due.
4. The Shire of York is able to pay its accounts as and when they fall due.

5. Grants received are and have been discharged in accordance with their terms and conditions. Where applicable, non-compliant grants are the subject of negotiation with the funding body.

Summary:

The Financial Report for the period ending 26 September 2014 is presented for consideration. Appendix A includes the following:

- Monthly Statements for the period ended 26 September 2014
- Bank Account Reconciliations
- List of Creditors Payments
- Corporate Credit Card Transaction Listing
- Business Activity Statement

Commentary:

All reports are currently being reviewed and may be modified for following meetings of Council to give greater clarity. It should also be noted that the 2013/14 figures reflected in the following reports are an estimate of the end of year position only and are subject to audit adjustments to the 2013/14 Annual Financial Report. A policy and procedure is being written for the application of journals.

Pg1. Statement of Financial Position

- Total Equity in the Shire has increased from \$112,393,342 as estimated at 30 June 2014 to \$112,809,873 which is an increase of \$350,854. At the time of preparing of these reports there were adjustments to retained earnings yet to be resolved being \$65,677.

Pg2. Income and Expenditure Statement by Programme

- In previous months efforts were made to keep spending to a minimum where possible due to reduced cashflow resources. This has resulted in an increase in expenditures for September as projects are now underway.
- General Purpose Funding – Rates and interims raised in July totalled \$4,615,270. The full value of Rates raised was removed from the Profit and Loss Statement and relocated to the Statement of Financial Position as a prepayment. In accordance with the Australian Accounting Standards this income will be apportioned over the financial year and drip fed into the Profit and Loss to provide greater meaning to the statements.
- Community Amenities – Rubbish charges raised through rates totalling \$600,815 were removed from the Profit and Loss and relocated to the Statement of Financial Position as a prepayment. This income will be apportioned over the financial year and drip fed into the Profit and Loss to provide greater meaning to the statements. It can also be noted that due to staff reduction under this schedule Council could see savings totalling approximately \$68,000 of which a portion may be required for the use of contract services.
- Recreation and Culture – Lower year to date expenditure on parks, gardens and recreation facilities. Council has employed 2 additional staff members to focus on Parks and Gardens prior to the growing season.
- Transport – Early amendments to the Main Roads works programme meant that progress claims for grant funds could not be made until the final works programme had been confirmed. As a result, revenues are below expected year to date levels and accordingly capital expense has been kept to a minimum. A formal budget variation incorporating the recent amendments to the works programme will be required to cater for the drop in grant funds dependant on new MCA's being approved by Main Roads WA. The funding for Roads to Recovery jobs has been reduced by the Federal government from \$300,000 to \$283,000.
- Other Property and Services – Higher expenditure than expected for this time due to unplanned termination payments which can not be met by the use of leave reserves.

Pg3. Income and Expenditure Statement by Nature and Type

- This statement is a re-work of Page 2 from a nature and type perspective comparing actuals against the annual budget.
- Employee costs are up 18% on estimated year to date budget due to a number of termination payments processed to date.
- Materials and Contracts are down on estimated budgets by 19% due to limited funds being available in July and August. Assuming all special projects are completed prior to 30 June 2015 this timing issue will likely correct itself through the year.
- Depreciation is showing nil to date and will be updated following annual audit.
- Interest expenses are down on year to date budget as loans fall due quarterly.
- Insurances are down by 19% on year to date budget however are usually paid in 2 instalments by October each year.

Pg4. Working Capital (Current Assets & Liabilities)

- For the period ending 26 September 2014 there was an estimated surplus of current assets over current liabilities of \$1,423,019.
- Consequently the Shire is able to pay its debts as and when they fall due.

Pg5. Financial Activity Statement

- Capital Programme – Capital works have been kept to a minimum pending the receipt of rates to aid cashflow and confirmation of the amended Roads Programme as approved by Main Roads WA. There will be a spike in expenditure November/December as the road sealing works commence.
- Transfers to/from Reserves – Transfers between council funds are generally held until 30 June in any year.

Pg7. Statement of Cashflows

- A Statement of Cashflows has been provided showing an increase of \$1,957,156 in cash from 30 June 2014 to 26 September 2014.

Statutory Environment:

Local Government Act 1995 (As Amended).

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

Australian Accounting Standards.

Note:

Cr Matthew Reid, proprietor of York Pharmacy supplies goods to the Shire of York.

Cr Mark Duperouzel, proprietor of MALS Auto supplies goods and services to the Shire of York.

9. MATTERS FOR RESOLUTION
9.4 FINANCE REPORTS
9.4.2 Rate Charges Refunds

FILE NO: FI.RTS.PPO.2490
COUNCIL DATE: 20 October 2014
REPORT DATE: 13 October 2014
LOCATION/ADDRESS: A2490 - Lot 4 (18) Penny St, Kauring
APPLICANT: Pam Law
SENIOR OFFICER: Michael Keeble
AUTHOR: Pam Law
APPENDICES: Appendix A

REPORT APPROVED BY THE CEO: *Michael Keeble*

RECOMMENDATION

Moved: Cr Duperouzel

Seconded: Cr Boyle

"That Council:

1. *By an absolute majority refund interest charges to the value of \$375.93 and legal costs to the value of \$2638.51.*
2. *Funding for these refunds be allocated from Tourism, Town promotions.*
3. *Accepts that this may set a precedent for future claims."*

AMENDMENT

Moved: Cr Smythe

Seconded: Cr Wallace

"That Council Amend the Recommendation to read:

1. *By an absolute majority refund interest charges to the value of \$375.93 and legal costs to the value of \$2638.51, and*
2. *Refund the \$800 for legal costs as per the letter to the Shire of York on 10th October, 2014*
3. *Funding for these refunds be allocated from Tourism, Town promotions."*

CARRIED: 4/2

RESOLUTION**111014**

Moved: Cr Smythe

Seconded: Cr Wallace

The following is to be the Resolution:

“That Council:

1. *By an absolute majority refund interest charges to the value of \$375.93 and legal costs to the value of \$2638.51, and*
2. *Refund the \$800 for legal costs as per the letter to the Shire of York on 10th October, 2014*
3. *Funding for these refunds be allocated from Tourism, Town promotions.”*

*The Shire President declared that the Motion was CARRIED: 4/2
And that permission was granted.*

Crs Hooper and Duperouzel requested their names were recorded as voting against this motion.

Voting Requirements:**Absolute Majority Required: Yes****Summary:**

This report is submitted at the request of the Ms Darlene Barratt. Council consideration is requested in relation to the refund of charges levied against A2490. These charges include both interest and legal charges.

Background:

This property was purchased in September 2006.

Total rates and charges levied in 2007/08 were \$923.66, with payments of \$495.17, after accrued interest, there was a balance remaining at 30 June 2008 of \$453.87.

In 2008/09 the pension rebate was granted. As no payments were made during the year the balance of the rates and ESL charges were deferred. The services charges became on outstanding balance. Interest no longer accrued on the overdue balance.

In 2009/10 once again the pension rebate was granted. As no payments were made during the year the rates and ESL charges were deferred and the service charges became an outstanding balance. Interest was not accruing.

In 2010/11 the property owner was unable to remain living at the property at Penny Street, Kauring due to a series of personal events. The pension rebate for this year was not granted as the owner was not living at the property. No payments were made this year therefore all rates and charges became outstanding and the balance began to accrue interest.

In 2011/12 the pension rebate was granted again. As no payments were made during the year the rates and ESL charges were deferred and the service charges became an outstanding balance. Interest ceased to accrue.

In late 2012 the mortgagee took possession of the property, which was then sold with all outstanding amounts repaid.

The 2010/11 outstanding rates and charges were sent to AMC for collection on 8 March 2011 for the sum of \$2578.50, this included unpaid service charges, rates and interest. A General Procedure Claim (GPC) was not issued at this time.

The 2011/12 outstanding rates and charges were sent to AMC for collection on 3 February 2012 leading to a General Procedure Claim (GPC) being served for the sum of \$2940.80 on 6 March 2012. This sum included outstanding rates, service charges, interest and legal fees.

Once the GPC had been served the land owner requested to defend the claim. This led to mediation. The fee for this was \$1300 which was added to the rates account.

Before the GPC could be defended by either party in court a Notice of Discontinuance was issued by the Shire of York, as information had come to hand that the property had been repossessed by the bank and was under mortgagee sale. Taking further legal action would be of no benefit with the impending sale of the property and payment of outstanding rates and charges.

Consultation:

Chief Executive Officer

Statutory Environment:

Rates and Charges (Rebates and Deferments) Act 1992 - Part 2 Division 2 Section 30 (Eligibility & Entitlement - Ordinary place of residence, not in actual occupation)

Local Government Act Section 6.56 - (Rates or service charges recoverable in court)

Local Government Act Section 6.12 - (Power to defer, grant discount, waive or write off debts)

Section 1.4 (a) of the Local Government Act

1.4. Terms used

In this Act, unless the contrary intention appears —

absolute majority —

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

Policy Implications:

Nil

Financial Implications:

There is currently no budget allocation for these funds. Funds would need to be deducted from other projects such as Tourism – Town Promotions.

Strategic Implications:

Nil

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

This application may lead the way to further applications of a similar type, with further budgetary implications.

Social Implications:

Information to hand indicates that this application may lead to further applications of a similar type.

Environmental Implications:

Nil

Comment:

Please see letter from Ms Barratt (applicant).

Documentation regarding this claim is available and on file.

Appendices Attached

9. MATTERS FOR RESOLUTION
9.4 FINANCE REPORTS
9.4.3 Donation for the York Children's Christmas Party

FILE NO:
COUNCIL DATE: 20 October 2014
REPORT DATE: 16 October 2014
LOCATION/ADDRESS: Shire of York
APPLICANT: Bernadette Finestone, Event Organiser
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Michael Keeble, CEO
APPENDICES: Appendix A
REPORT APPROVED BY THE CEO: Michael Keeble

OFFICER RECOMMENDATION

Moved: Cr Boyle Seconded: Cr Hooper

"That Council:

1. *Donate an additional \$2,000 to the \$4,000 allocated in the 2014/2015 budget from the budget allocation entitled "Town Promotion."*

**RESOLUTION
121014**

Moved: Cr Smythe Seconded: Cr Reid

"That Council:

Defer this item until a budget is presented to Council for consideration.

The Shire President declared that the New Motion was CARRIED: 4/2

Voting Requirements:
Simple Majority Required: Yes

Summary:

A letter of request is attached to this item.
It points out that the event has run for the last eight years.
It is a huge success for our local community.
The estimated cost to stage the event will be \$10 to \$12,000. With the sponsorships coming from the Shire \$6,000 and the business community providing the balance.

Financial Implications:

If Council makes this additional contribution from the budget allocation entitled "Town Promotion" account number 132102 it will leave a balance of \$9,220 for other requests.

9. MATTERS FOR RESOLUTION
9.4 FINANCE REPORTS
9.4.4 York Bowling Club – Corporate Bowls

FILE NO:
COUNCIL DATE: 20 October 2014
REPORT DATE: 16 October 2014
APPLICANT: York Bowling Club (Inc)
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Michael Keeble, CEO
APPENDICES: Appendix A
REPORT APPROVED BY THE CEO: Michael Keeble

**RESOLUTION
131014**

Moved: Cr Hooper

Seconded: Cr Duperouzel

“That Council:

1. Take the “per capita” charge, estimated at \$500, for the Corporate Bowls event to be held at the end of October 2015 from the budget entitled “Sporting Club Sponsorships”.

The Shire President declared the Motion CARRIED: 6/0

Voting Requirements:
Simple Majority Required: Yes

Summary:

The bowling club have approached the Shire for support for their “Corporate Bowls”.

This is a community event which, in their opinion, should encourage an increase in membership, thus making the club more viable.

Financial Implications:

The per capita is \$5 and assuming there is 100 participants then the cost would be \$500.

Council can make this contribution from the budget allocation entitled “Sporting Club Sponsorships” account number 132102.

This account already has provision for:

1. Bowling Club – April Event \$3,000
2. Golf Club - \$2,000
3. Bowling Club – Corporate Bowls (this item) \$500

It will leave a balance of \$4,500 for other requests

9. MATTERS FOR RESOLUTION

9.5 LATE REPORT

9.5.1 Tender for the Supply and Application of Bituminous Surfaces - RFT 01 -1415

FILE NO:
COUNCIL DATE: 20 October 2014
REPORT DATE: 29 October 2014
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Michael Keeble, CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Tenders Received Document
Advertisement –
Request for Tender 01-1415
Minutes of Tender Opening Meeting
Tender – Fulton Hogan Industries Pty Ltd
Tender – Bitutek Pty Ltd
Tender - Colas West Australia Pty Ltd

DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE CEO: Michael Keeble

RESOLUTION

141014

Moved: Cr Duperouzel

Seconded: Cr Boyle

“That Council:

Accept the tender from Colas West Australia Pty Ltd for the Supply and Application of Bituminous Surfaces on tender number RFT 01 -1415.”

The Shire President declared the Motion CARRIED: 6/0

Voting Requirements:

Simple Majority Required: Yes

Summary:

In accordance with the State Government Tender Regulations tenders have been called the Supply and Application of Bituminous Surfaces and the tender number is RFT 01 -1415.

A copy of the advertisement is attached and it was placed in the West Australian newspaper, public notices section on one occasion.

Tenderers were allowed to contact the Works Manager for clarification where necessary.

Tenders closed on Thursday 16th October 2014 at 4.00pm.

Then tenders box, located at the front of the Shire offices was emptied at 4.00pm on Thursday 16th October in the presence of 3 staff members - Susan Johns, Anneke Birleson and Leonie Kempin and they signed the appropriate form which is attached.

The tenders box contained 3 envelopes:

1. Fulton Hogan
2. Bitutek
3. Colas WA

The envelopes were placed in the safe overnight in the presence of the 3 witnesses.

At 9.00am on Friday 17th October 2014 the 3 envelopes were removed from the safe in the presence of 2 staff members – Anneke Birleson and Leonie Kempin and taken to the meeting room in the Shire office.

Minutes of the meeting are attached.

It is recorded that each envelope contained a tender conforming to Tender number RFT 01 – 1415. An extract from each tender is attached.

The minutes record that the tenders were as follows:

	Fulton Hogan	Bitutek	Colas
	SqM	SqM	SqM
Reseal/final with 10mm	\$3.53	\$3.50	\$3.20
Single Primer Coat Seal	\$4.20	\$4.90	\$4.34
2 Coat Seal	\$7.20	\$8.00	\$6.03
Additional Bitumen	\$1.05	\$1.18	\$1.05
Total Tender	\$693,000	\$\$733,100	\$658,150

It should be noted that Colas provided a non - conforming tender which has not been considered

Evaluation

Each of the Tenders has proven satisfactory track record of contracting to Local Government, and are able to meet the quality and time requirements of our works program.

For that reason the Executive recommends the lowest tender.

Statutory Environment:

Local Government Act 1995 Part 3 Division 3 Section 3.57

Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

Local Government (Functions and General) Regulations 1996
Part 4 Division 2 Tenders for providing goods or services (s. 3.57) (extract)

11. When tenders have to be publicly invited

(1)Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100 000 unless subregulation (2) states otherwise.

16. Receiving and opening tenders, procedure for

(1)The CEO is responsible for keeping any tender submitted including a tender submitted by facsimile or other electronic means in safe custody, and for ensuring that it remains confidential.
(2)Tenders are not to be opened, examined, or assessed until the time after which further tenders cannot be submitted.

(3)When tenders are opened —

(a)at least one and, if practicable, more than one employee of the local government or one person authorised by the CEO to open tenders and, if practicable, one or more other persons, is required to be present; and

(b)members of the public are entitled to be present; and

(c)details of the tenders (other than the consideration sought in the tender) are to be immediately recorded in a register to be known as the tenders register.

(4)Tenders that have not been rejected under subregulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them it thinks it would be most advantageous to the local government to accept.

(4a)To assist the local government in deciding which tender would be the most advantageous to it to accept, a tenderer may be requested to clarify the information provided in the tender.

(5)The local government may decline to accept any tender.

Appendices Attached

9. MATTERS FOR RESOLUTION
9.5 LATE REPORT
9.5.2 Appointment of Chief Executive Officer

FILE NO:
COUNCIL DATE: 20 October 2014
REPORT DATE: 16 October 2014
LOCATION/ADDRESS: Shire of York, 1 Joaquina St, York WA
APPLICANT: Shire President (Matthew Reid)
AUTHOR: Michael Keeble, CEO
REPORT APPROVED BY THE CEO: Michael Keeble

OFFICER RECOMMENDATION

Moved: Cr Boyle

Seconded: Cr Duperouzel

"That Council:

- 1. Appoints Lo-Go Appointments being the lowest cost recruitment company to assist in the appointment of a Chief Executive Officer. The total fee being \$12,232 plus GST plus advertising plus any out of pocket expense.*
- 2. Delegate the Shire President, one other Councillor and the recruitment company to draft the essential criteria required to fulfil the position and then to table a report to Council for resolution.*
- 3. Determine the composition of an interview panel*
- 4. Consider the involvement of the present Chief Executive Officer in the recruitment process*
- 5. Delegate the Shire President, one other Councillor and the recruitment company to draft the terms and conditions which shall be offered to candidates, and then to table a report to Council for resolution.*
- 6. Delegate the Shire President, one other Councillor and the recruitment company to draft the method of grading candidates and then to table a report to Council for resolution.*
- 7. Determine any other matters which will arise."*

AMENDMENT

Moved: Cr Boyle

Seconded: Cr Duperouzel

"That Council Amend the Officer Recommendation to read:

- 1. Appoints Lo-Go Appointments being the lowest cost recruitment company to assist in the appointment of a Chief Executive Officer. The total fee being \$12,232 plus GST plus advertising plus any out of pocket expense.*
- 2. Delegate the Shire President, Cr Hooper and Cr Duperouzel and the recruitment company to draft the essential criteria required to fulfil the position and table a report to Council for resolution.*
- 3. Determine the composition of an interview panel*
- 4. Consider the involvement of the present Chief Executive Officer in the recruitment process*
- 5. Delegate the Shire President, one other Councillor and the recruitment company to draft the terms and conditions which shall be offered to candidates, and then to table a report to Council for resolution.*
- 6. Delegate the Shire President, one other Councillor and the recruitment company to draft the method of grading candidates and then to table a report to Council for resolution.*
- 7. Determine any other matters which will arise."*

AMENDMENT

Moved: Cr Duperouzel

Seconded: Cr Boyle

“That Council Amend the Officer Recommendation to read:

- 1. Appoints Lo-Go Appointments being the lowest cost recruitment company to assist in the appointment of a Chief Executive Officer. The total fee being \$12,232 plus GST plus advertising plus any out of pocket expense.*
- 2. Delegate the Shire President, Cr Hooper and Cr Duperouzel and the recruitment company to draft the essential criteria required to fulfil the position and table a report to Council for resolution.*
- 3. Determine the composition of an interview panel*
- 4. Consider the involvement of the present Chief Executive Officer in the recruitment process*
- 5. Delegate the Shire President, Cr Hooper and Cr Duperouzel and the recruitment company to draft the terms and conditions which shall be offered to candidates, and then to table a report to Council for resolution.*
- 6. Delegate the Shire President, Cr Hooper and Cr Duperouzel and the recruitment company to draft the method of grading candidates and then to table a report to Council for resolution.*
- 7. Determine any other matters which will arise.”*

CARRIED: 6/0

Point 3 – Determine the composition of an interview panel

Moved: Cr Smythe

Seconded: Cr Boyle

Cr Smythe put herself forward for the interview panel.

AMENDMENT

Moved: Cr Duperouzel

Seconded: Cr Reid

Full Council to be the interview panel.

Motion to be withdrawn.

AMENDMENT

Moved: Cr Duperouzel

Seconded: Cr Reid

Point 3 – Defer determining the composition of an interview panel until the November Ordinary Council Meeting.

CARRIED: 6/0

AMENDMENT

Moved: Cr Duperouzel

Seconded: Cr Smythe

“That Council Amend the Officer Recommendation to read:

- 1. Appoints Lo-Go Appointments being the lowest cost recruitment company to assist in the appointment of a Chief Executive Officer. The total fee being \$12,232 plus GST plus advertising plus any out of pocket expense.*
- 2. Delegate the Shire President, Cr Hooper and Cr Duperouzel and the recruitment company to draft the essential criteria required to fulfil the position and table a report to Council for resolution.*
- 3. The determination for the composition of an interview panel to be deferred until the November Ordinary Council Meeting.*
- 4. Consider the involvement of the present Chief Executive Officer in the recruitment process*
- 5. Delegate the Shire President, Cr Hooper and Cr Duperouzel and the recruitment company to draft the terms and conditions which shall be offered to candidates, and then to table a report to Council for resolution.*
- 6. Delegate the Shire President, Cr Hooper and Cr Duperouzel and the recruitment company to draft the method of grading candidates and then to table a report to Council for resolution.”*

CARRIED: 6/0

AMENDMENT

Moved: Cr Hooper

Seconded: Cr Boyle

“That Council Amend the Officer Recommendation to read:

- 1. Appoints Lo-Go Appointments being the lowest cost recruitment company to assist in the appointment of a Chief Executive Officer. The total fee being \$12,232 plus GST plus advertising plus any out of pocket expense.*
- 2. Delegate the Shire President, Cr Hooper and Cr Duperouzel and the recruitment company to draft the essential criteria required to fulfil the position and table a report to Council for resolution.*
- 3. The determination for the composition of an interview panel to be deferred until the November Ordinary Council Meeting.*
- 4. Council involve the use of the present Chief Executive Officer in the recruitment process.*
- 5. Delegate the Shire President, Cr Hooper and Cr Duperouzel and the recruitment company to draft the terms and conditions which shall be offered to candidates, and then to table a report to Council for resolution.*
- 6. Delegate the Shire President, Cr Hooper and Cr Duperouzel and the recruitment company to draft the method of grading candidates and then to table a report to Council for resolution.”*

CARRIED: 6/0

**RESOLUTION
151014**

Moved: Cr Boyle

Seconded: Cr Hooper

The following became the Resolution

“That Council:

- 1. Appoints Lo-Go Appointments being the lowest cost recruitment company to assist in the appointment of a Chief Executive Officer. The total fee being \$12,232 plus GST plus advertising plus any out of pocket expense.*
- 2. Delegate the Shire President, Cr Hooper and Cr Duperouzel and the recruitment company to draft the essential criteria required to fulfil the position and table a report to Council for resolution.*
- 3. The determination for the composition of an interview panel to be deferred until the November Ordinary Council Meeting.*
- 4. Council involve the use of the present Chief Executive Officer in the recruitment process.*
- 5. Delegate the Shire President, Cr Hooper and Cr Duperouzel and the recruitment company to draft the terms and conditions which shall be offered to candidates, and then to table a report to Council for resolution.*
- 6. Delegate the Shire President, Cr Hooper and Cr Duperouzel and the recruitment company to draft the method of grading candidates and then to table a report to Council for resolution.”*

The Shire President declared that the New Motion was CARRIED: 5/1

Cr Smythe requested her name be recorded as voting against this item.

Voting Requirements:

Absolute Majority Required: Yes (4 Votes)

Summary:

The Council is to commence the process of appointing a new Chief Executive Officer.

Commentary:

At the special meeting of Council held on 25th September the following resolution was put and carried:

“That Council

- 1. Receive the letter of resignation from the Chief Executive Officer Michael Keeble.*
- 2. Authorise the President, Deputy and one other Councillor to negotiate with the Chief Executive Officer in relation to contractual arrangements going forward for a period of up to three (3) months.*
- 3. Accept the offer from the Chief Executive Officer, Michael Keeble to conduct a full handover to the new Chief Executive Officer. Michael Keeble shall remain on the same terms and conditions during that handover period which shall not exceed two weeks, and shall be in a consultative position during that time.*
- 4. Consider the process for a replacement Chief Executive Officer.*

Matters Arising

1. *Authorise the President, Deputy and one other Councillor to negotiate with the Chief Executive Officer in relation to contractual arrangements going forward for a period of up to three (3) months.*

At the date of this item being produced this has not occurred

2. *Consider the process for a replacement Chief Executive Officer.*

At the date of this item being produced the following has occurred:

1. Interview recruitment organisations to undertake advertising and prepare a short list of candidates for Council to consider.

On Friday 17th October 2014 Councillors were given presentations by the following recruitment companies:

Beilby Consulting
Hays Specialist Recruitment (Australia) Pty Ltd
LO-GO Appointments (Western Australia)
WA Local Government Association

Following these presentations Council should proceed to the next stages in consultation with the preferred recruitment company.

1. Consider the essential criteria required to fulfil the position
2. Determine the composition of an interview panel
3. Consider the involvement of the present Chief Executive Officer in the recruitment process
4. Determine the terms and conditions offered to candidates, including term of the contract, salary housing and vehicle.
5. Determine the method of grading applicants
6. Determine any other matters which will arise

Statutory Environment:

The Local Government Act 1995
Part 1
Section 1.4 Terms Used

absolute majority (extract) —

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

Part 5 Division 4

Section 5.36 Local government employees (extract)

- (1) A local government is to employ —
 - (a) a person to be the CEO of the local government; and
- (3) A person is not to be employed in the position of CEO unless the council —
 - (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied* with the provisions of the proposed employment contract.

* *Absolute majority required.*

(4)if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.

Financial Implications:

The budget has adequate provision for the employment of a Chief Executive Officer.

The present Chief Executive Officer contract is

The Base Salary component is	\$169,882
Super and Contributory Super	\$ 24,633

The following Fees were quoted (all plus GST):

Lo-Go

7.2% of the base salary component	Total Fee \$12,232
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Hayes Recruitment

10% of the base salary	\$16,882
10% of the Super and Contributory Super	\$ 2,463
	Total Fee \$19,345

Beilby Consulting

Flat Fee	Total Fee \$ 24,600
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WALGA

Flat Fee	Total Fee \$30,395
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All proposals did not include advertising and out of pocket expenses

9. MATTERS FOR RESOLUTION
9.5 LATE REPORTS
9.5.3 Sponsorship – Bowling Club

FILE NO:
COUNCIL DATE: 20 October 2014
REPORT DATE: 17 October 2014
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Michael Keeble, CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Bowling Club – Application for Funding
Shire of York Sponsorship Guidelines
Shire of York Sponsorship Submissions
2014/15

REPORT APPROVED BY THE CEO: Michael Keeble

RESOLUTION
161014

Moved: Cr Smythe

Seconded: Cr Wallace

“That Council:

Refer this request to the Finance, Risk and Audit Committee as they have not considered all sponsorship applications, so it is not deemed appropriate to approve the Bowling Club’s application prior to considering other funding requests.”

The Shire President declared the Motion was CARRIED: 6/0

Simple Majority Required: Yes

Summary:

The York Bowling Club have requested a grant to cover the cost of reticulating their greens.

Background:

The attached guidelines that have been in use for a number of years show how sponsorship applications were previously handled.

It was determined through the process of adopting the budget that the process should be reviewed and therefore it was raised at a Finance, Risk and Audit Committee with the intent on having funding pools within the budget for different areas ie. sporting, events, youth etc and that Council would advertise the process. It should be noted the Finance, Risk and Audit Committee were given the opportunity to discuss the sponsorship process and the following resolution was made at the Ordinary Council meeting held September 2014:

OFFICER RECOMMENDATION

Moved: Cr Hooper

Seconded: Cr Wallace

“That the Council Endorse and Receive the Recommendation of the FRAC Committee:

That the Committee considers the process that should be used to determine how sponsorship is disseminated between groups/organisations and that the process is advertised for public comment for a period of 14 days.”

AMENDMENT

Moved: Cr Smythe

Seconded: Cr Duperouzel

“That Council Amend the Recommendation of the FRAC Committee to read:

That the Committee considers the process that should be used to determine how sponsorship is disseminated between groups/organisations.”

CARRIED: 6/0

RESOLUTION 190914

Moved: Cr Smythe

Seconded: Cr Duperouzel

The amendment became the motion.

No discussion regarding the process was carried out.

Minutes of the Annual General Meeting of the York Bowling Club held on the 26 May 2013 stated that the installation for a watering system would be at the Club's expense.

Correspondence from the President at the time (9 January 2014) stated that it would appreciate some assistance in the form of a tank and pump.

At a Special Meeting of the York Bowling Club held on the 16 February 2014 the Committee established a preferred supplier.

Council staff investigated on behalf of the President of the Bowling Club after receiving correspondence from the Bowling Club (April 2014) the possibility of obtaining a small grant from Department of Sport and Recreation, however the advice that was received was that this was a low priority and therefore unlikely to be supported.

It should be noted that a MOU to determine club responsibilities for their facilities has been sent out to all clubs and it would appear that a completed MOU has not been returned to Council regarding maintenance of the greens etc so there has been no firm commitment by the club at this time.

Consultation:

The York Bowling Club

Financial Implications:

It should be noted that the funding pool for sporting groups is only \$10,000.00.

The reticulation was budgeted at \$25,000, however these funds were proposed to be matched with grant funding so nil effect to the budget.

Council have received requests from York Hockey Club and the York Golf Club and through an appropriate advertising period there may be other sporting groups that will request assistance for the 2014/15 financial year.

Through previous years only one submission is considered for each group. It will be noted that the attached Schedule shows various requests by the groups other than the Bowling Club.

Comment:

The watering is intended to increase the speed of the greens, however in the scheme of things the greens are currently at a good standard, and the club has considered this request previously and noted that they were responsible for the costs.

Appendices Attached

9. MATTERS FOR RESOLUTION
9.6 CONFIDENTIAL REPORTS
9.6.1 Close the Meeting

FILE NO:
COUNCIL DATE: 20 October 2014
REPORT DATE: 15 October 2014
SENIOR OFFICER: Michael Keeble, CEO
REPORT APPROVED BY THE CEO: Michael Keeble

Note: The Confidential Reports were presented at the end of the meeting as the final item on the Agenda.

**RESOLUTION
281014**

Moved: Cr Hooper

Seconded: Cr Boyle

"That Council:

Close the meeting to members of the public and the press to deal with:

Matters relating to an employee."

The Shire President declared the Motion CARRIED: 6/0

Voting Requirements:
Simple Majority Required: Yes

Statutory Environment:
Local Government Act 1995 – Part 5 – Division 2 – Section 5.23:

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
- (a) *a matter affecting an employee or employees; and*
 - (b) *the personal affairs of any person; and*

Note to this Item:
The doors were Closed at: 6.19pm

The meeting went into recess and recommenced at 6.32pm.

**RESOLUTION
291014**

Moved: Cr Hooper

Seconded: Cr Duperouzel

"That Council:

Invite David Morris, Department of Local Government to join the meeting."

The Shire President declared the Motion CARRIED: 6/0

9. MATTERS FOR RESOLUTION
9.6 CONFIDENTIAL REPORTS
9.6.2 Staff Matters

FILE NO:
COUNCIL DATE: 20 October 2014
REPORT DATE: 15 October 2014
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Michael Keeble, CEO
REPORT APPROVED BY THE CEO: Michael Keeble

Statutory Environment:

Local Government (Administration) Regulations 1996 Part 2 - Regulation 11

Minutes, content of (Act s. 5.25(1)(f))

The content of minutes of a meeting of a council or a committee is to include —

- (a) the names of the members present at the meeting; and*
- (b) where a member enters or leaves the meeting during the course of the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting; and*
- (c) details of each motion moved at the meeting, the mover and the outcome of the motion; and*
- (d) details of each decision made at the meeting; and*
- (da) written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70 (but not a decision to only note*

OFFICER RECOMMENDATION

Moved: Cr Hooper

Seconded: Cr Boyle

“That Council:

Immediately issues the following press release to:

- 1. The York Radio Station “101.3fm”*
- 2. The York local paper entitled “York Community Matters”*
- 3. The Community newspaper entitled “Avon Valley Gazette”*

With following wording:

For a considerable period of time the York Shire Council, Councillors and staff have been the subject of defamation, innuendo, vilification and bullying, by certain members of the community.

This has occurred verbally, in print and by email.

The York Shire Council deplores these actions and publicly confirms their unqualified support for all the Councillors and Staff in the conduct of their duties.

Authorised by the Shire President on behalf of the Council of the Shire of York.”

AMENDMENT

Moved: Cr Duperouzel

Seconded: Cr Boyle

Immediately issues the following press release to:

1. The York Radio Station "101.3fm"
2. The York local paper entitled "York Community Matters"
3. The Community newspaper entitled "Avon Valley Gazette"
4. The West Australian newspaper

With following wording:

For a considerable period of time the York Shire Council, Councillors and staff have been the subject of defamation, innuendo, vilification and bullying, by certain members of the community.

This has occurred verbally, in print and by email.

The York Shire Council deplores these actions and publicly confirms their unqualified support for all the Councillors and Staff in the conduct of their duties.

Authorised by the Shire President on behalf of the Council of the Shire of York."

CARRIED: 6/0

PUT AMENDED MOTION

Moved: Cr Hooper

Seconded: Cr Boyle

AMENDMENT

Moved: Cr Smythe

Seconded: Cr Wallace

"This Committee recommend that the CEO prepare a media statement to be released after the next Council Meeting stating Councils full support of staff and regret any pressures placed on them from external sources." (Item 3 from FRAC Committee meeting – September 2014)

Current Motion

Delete – from "with the following wording ...

Replace with

"Council fully supports the staff of the York Shire and regret any pressure placed on them from external sources.

Authorised by the Shire President on behalf of the Council of the Shire of York."

CARRIED: 6/0

AMENDED MOTION

"That Council Amend the Officer Recommendation to read:

Immediately issues the following press release to:

- 1. The York Radio Station "101.3fm"*
- 2. The York local paper entitled "York Community Matters"*
- 3. The Community newspaper entitled "Avon Valley Gazette"*
- 4. The West Australian newspaper*

With the following wording:

"Council fully supports the staff of the York Shire and regret any pressure placed on them from external sources.

Authorised by the Shire President on behalf of the Council of the Shire of York."

CARRIED: 6/0

RESOLUTION 301014

Moved: Cr Smythe

Seconded: Cr Wallace

The following became the Resolution:

"That Council:

Immediately issues the following press release to:

- 1. The York Radio Station "101.3fm"*
- 2. The York local paper entitled "York Community Matters"*
- 3. The Community newspaper entitled "Avon Valley Gazette"*
- 4. The West Australian newspaper*

With the following wording:

"Council fully supports the staff of the York Shire and regret any pressure placed on them from external sources.

Authorised by the Shire President on behalf of the Council of the Shire of York."

TIED VOTE: 3/3

As the vote was tied the Shire President, Cr Reid used his casting vote to vote Against the Motion.

The Shire President declared the Motion LOST

Cr Reid requested his name was recorded as voting against this motion.

Crs Duperouzel, Boyle & Hooper requested their names were recorded as voting for the motion.

9. MATTERS FOR RESOLUTION
9.6 CONFIDENTIAL REPORTS
9.6.3 Investigate Credit Card Usage

FILE NO: FI.BNK
COUNCIL DATE: 20 October 2014
REPORT DATE: 17 October 2014
LOCATION/ADDRESS: N/A
APPLICANT: Shire of York
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Michael Keeble, CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Report by Macri Partners
Spreadsheets
Credit Card Policy
Email from DLG
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE CEO: *Michael Keeble*

Statutory Environment:

Local Government (Administration) Regulations 1996 Part 2 - Regulation 11

Minutes, content of (Act s. 5.25(1)(f))

The content of minutes of a meeting of a council or a committee is to include —

- (a) the names of the members present at the meeting; and*
- (b) where a member enters or leaves the meeting during the course of the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting; and*
- (c) details of each motion moved at the meeting, the mover and the outcome of the motion; and*
- (d) details of each decision made at the meeting; and*
- (da) written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70 (but not a decision to only note*

OFFICER RECOMMENDATION

Moved: Cr Boyle

Seconded: Cr Hooper

“That the Council Endorse and Receive the Recommendation of the FRAC Committee:

- 1. Investigate the attached summary, which were areas highlighted in the report from the Auditors to ensure that it was Council Business conducted by the former CEO;*
- 2. Determine what action is required; and*
- 3. If further action is required how this will be funded.”*

AMENDMENT

Moved: Cr Reid

Seconded: Cr Smythe

"That Council Amend the Officer Recommendation to read:

That Council directs the CEO to place all credit card transactions and receipts covering the period 1 July 2011 to 30 April 2014 to be replaced in front of the Audit committee. The Audit committee to follow the procedure (as stated in the agreed upon procedures engagement letter) is the Audit committee to examine the spreadsheets provided by Macri Partners in their credit card reports dated 24 July 2014 and 3 September 2014 with the details of each transaction and make a determination as to whether the transactions are related to Council Business or otherwise. After having made the determination the Council should take necessary action to address the concerns of ratepayers."

CARRIED: 4/2

RESOLUTION

311014

Moved: Cr Reid

Seconded: Cr Smythe

"That Council:

Directs the CEO to place all credit card transactions and receipts covering the period 1 July 2011 to 30 April 2014 to be replaced in front of the Audit committee. The Audit committee to follow the procedure (as stated in the agreed upon procedures engagement letter) is the Audit committee to examine the spreadsheets provided by Macri Partners in their credit card reports dated 24 July 2014 and 3 September 2014 with the details of each transaction and make a determination as to whether the transactions are related to Council Business or otherwise. After having made the determination the Council should take necessary action to address the concerns of ratepayers."

The Shire President declared that the Amended Motion was CARRIED: 4/2

Cr Reid requested his name was recorded as voting for this motion.

9. MATTERS FOR RESOLUTION
9.6 CONFIDENTIAL REPORTS
9.6.4 Open the Meeting

FILE NO:
COUNCIL DATE: 20 October 2014
REPORT DATE: 15 October 2014
SENIOR OFFICER: Michael Keeble, CEO
REPORT APPROVED BY THE CEO: Michael Keeble

RESOLUTION
320114

Moved: Cr Wallace

Seconded: Cr Duperouzel

"That Council:

Open the meeting to members of the public and the press."

The Shire President declared the Motion CARRIED: 6/0

Voting Requirements:
Simple Majority Required: Yes

Statutory Environment:
Local Government Act 1995 – Part 5 – Division 2 – Section 5.23:

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
- (a) *a matter affecting an employee or employees; and*
 - (b) *the personal affairs of any person;*

Note to this Item:

The doors were Opened at: 7.30pm

10. COMMITTEES OF COUNCIL
10.1 Finance, Risk & Audit Committee

FILE NO:
COUNCIL DATE: 20 October 2014
REPORT DATE: 14 October 2014
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Michael Keeble, CEO
APPENDICES: Minutes of the Finance, Risk & Audit Committee Meeting

REPORT APPROVED BY THE CEO: Michael Keeble

RESOLUTION
171014

Moved: Cr Smythe

Seconded: Cr Boyle

"That Council:

Receive and adopt "en bloc" the recommendations contained within the minutes of the Finance, Risk and Audit Committee which was held on 13th October 2014 with the following exceptions:

1. 10.1.1 Monthly Financial Reports – September 2014 which are the subject of a separate item on this agenda (refer Item 9.4.1)
2. 10.1.3 York Race Course – Write off rates which requires an absolute majority of Council
3. 10.1.4 Budget Amendment – Roads to Recovery which requires an absolute majority of Council
4. 10.1.5 Budget Amendment – Councillors Fees which requires an absolute majority of Council
5. 11.1.2 Confidential Report – Matters Concerning Staff which is the subject of a separate item on this agenda

The Shire President declared the Motion CARRIED: 6/0

Voting Requirements:
Simple Majority Required: Yes

Matters Arising which Require and Absolute Majority of Council:

The following are items contained within the minutes of the Finance, Risk and Audit Committee which was held on 13th October 2014

ITEM 10.1.3 YORK RACE COURSE – WRITE OFF RATES

RESOLUTION 181014

Moved: Cr Boyle

Seconded: Cr Hooper

“That Council:

- (1) *Agree to write off 2014/15 rates, arrears rates and interest charges for A14270, currently \$135,877.64, subject to an agreement that conditions of Resolution 011110 are met by York Racing Inc.;*
- (2) *Recommend that York Racing Inc. apply for their annual rates funding through community grant funding applications on an ongoing annual basis, as per the conditions of community grant funding;*
- (3) *Recommend that budget allocation for these write off funds be made and resourced from projects that are not potentially funded through grants ie. Walk Trails.*

LOST: 4/2

NEW MOTION

RESOLUTION 191014

Moved: Cr Duperouzel

Seconded: Cr Wallace

“That Council:

Defer the collection of outstanding rates until conditions are met and then re-present the item to Council at the March 2015 Ordinary Council Meeting.”

The Shire President declared that the New Motion was CARRIED: 6/0

Voting Requirements:

Absolute Majority Required: Yes (4 votes)

Background:

The executive find that this recommendation is ambiguous in that it require the outstanding rates to be pursued immediately, which may not have been the intention of the committee.

ITEM 10.1.4 BUDGET AMENDMENT – ROADS TO RECOVERY

RESOLUTION 201014

Moved: Cr Boyle

Seconded: Cr Wallace

“That Council:

Reduce the budgeted expenditure on Roads to Recovery projects from \$300,000 to \$283,202 to match the reduction in funding provided.”

The Shire President declared that the Motion was CARRIED: 6/0

Voting Requirements:

Absolute Majority Required: Yes (4 votes)

ITEM 10.1.5 BUDGET AMENDMENT – COUNCILLORS FEES

RESOLUTION

211014

Moved: Cr Smythe

Seconded: Cr Wallace

“That Council:

Reduce the Annual President’s Allowance budgeted to be paid to the Shire President to \$16,340 and reduce the Annual Deputy President’s Allowance to be paid to the Deputy Shire President to \$4,085 in line with the Western Australia Salaries and Allowances Act 1975”

The Shire President declared that the Motion was CARRIED: 6/0

Voting Requirements:

Absolute Majority Required: Yes (4 votes)

Statutory Environment :

Local Government Act 1995

Part 1 Section 1.4

1.4. Terms used

In this Act, unless the contrary intention appears —

absolute majority —

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

Appendices Attached

10. COMMITTEES OF COUNCIL
10.2 Works Committee

FILE NO:
COUNCIL DATE: 20 October 2014
REPORT DATE: 10 October 2014
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Helen D’Arcy-Walker
DISCLOSURE OF INTEREST: Nil
APPENDICES: Minutes of the Works Committee Meeting
DOCUMENTS Tabled: Nil
REPORT APPROVED BY THE CEO: Michael Keeble

RESOLUTION
221014

Moved: Cr Wallace

Seconded: Cr Boyle

“That Council:

Receive and note the Minutes of the Works Committee meeting held on Thursday, 2nd October, 2014.”

The Shire President declared that the Motion was CARRIED: 6/0

Voting Requirements:
Simple Majority Required: Yes

Summary:
The minutes of the Works Committee meeting are provided for Council and Community information.

Appendices Attached

10. COMMITTEES OF COUNCIL
10.3 Heritage Advisory Committee

FILE NO:
COUNCIL DATE: 20 October 2014
REPORT DATE: 7 October 2014
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Helen D’Arcy-Walker
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: *Michael Keeble*

Summary:

As there was not a quorum for the Heritage Advisory Committee meeting held on Tuesday, 7th October, 2014 an informal meeting only was conducted. Therefore Minutes were not taken for this meeting.

11. EXECUTIVE MANAGEMENT REPORTS
11.1 CEO Report

FILE NO: OR.MTG.5
COUNCIL DATE: 13 October 2014
REPORT DATE: 20 October 2014
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Michael Keeble, CEO
APPENDICES: Library Statistics
Visitor Information Services Visitor Count
Museum Visitor Figures September 2014
Building Approvals – September 2014
Ranger & Fire Service Report - September

REPORT APPROVED BY THE CEO: *Michael Keeble*

**RESOLUTION
231014**

Moved: Cr Hooper

Seconded: Cr Duperouzel

“That Council:

Receive and note the report prepared by the Chief Executive Officer.”

The Shire President declared that the Motion was CARRIED: 6/0

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

1. Enterprise Bargaining Agreement

The negotiation process is still proceeding and is expected to be concluded by 30 October 2014, it should be noted that we are very disappointed with the time taken for this to be completed.

2. Finance

The business plan for the YRCC should be presented to the finance, Risk and Audit Committee in November.

3. Email and IT

The Councillors ipads have arrived and training will be provided and hopefully these will be in use by the December Council meeting.

4. Firebreaks

Justin Corrigan, CESM advises the following have been completed:
Mount Brown – all firebreaks have been completed
Mount Bakewell – all firebreaks have been completed
All firebreaks through the Avon River within the Town Site
All firebreaks on Shire land have been completed

5. Staff

Tanya Richardson has been appointed as Economic Development Officer

Matters Requiring Action from Previous Meetings of Council

CEO Michael Keeble
DCEO Tyhscha Cochrane
PO Kira Strange
MHB Gordon Tester
WM Keith Dickerson
HR Gail Maziuk
FC Tabitha Bateman

Meeting Date	Item	Topic	Next Review	
19-May-14	9.1.1	SITA Appeal	30/10/2014	PO
19-May-14	9.1.3	Proposed Excision of Road Reserve Ashworth Rd	30/10/2014	PO
19-May-14	9.2.5	Notice to Owner of 18 Georgiana St	Not Resolved	EHO
19-May-14	9.3.2	Policy on Roadside Vegetation Clearing	30/09/2014	WM
19-May-14	9.3.3	Policy on Townsite Verge Vegetation	30/09/2014	WM
16 June 14	9.4.1.2	Proposed Scheme Amendment No. 53	30/09/2014	PO
23 July 14	9.3.2	Request to Improve School Car Park	30/09/2014	WM
18 August 14	9.2.1	Sale of CRC Building	15/09/2014	MHB
18 August 14	9.2.4	Policy Manual	31/08/2015	DCEO
18 August 14	9.4.3	Sponsorships 2014/15 Processes	30/09/2014	DCEO
18 August 14	9.4.7	YRCC Business Plan	30/10/2014	CEO
18 August 14	9.5.3	Working Party for the Strategic Community Plan	01/02/2015	CEO
15 Sept 14	9.1.3	Daliak Structure Plan		PO
15 Sept 14	9.1.4	York Race Track Development		PO
15 Sept 14	9.3.1	Henrietta/Balladong Drainage		WM
15 Sept 14	9.4.9	Sponsorship Processes		DCEO
15 Sept 14	9.4.10	Tavern Licence		CEO
15 Sept 14	9.4.11	Investments – August 2014		FC
15 Sept 14	9.4.12	Risk Management Governance Framework		DCEO
15 Sept 14	9.5.1	Crawford Court Precinct – Overall Drainage Plan		PO
25 Sept 14	10.1.1	York Racecourse Development		PO
	10.2.1	Redmile Road, York – Construction of a Pool		PO
	10.1.1	Resignation of Chief Executive Officer		CEO

Meetings held from 9 September, 2014 to 15 October, 2014 and Proposed to 20 October, 2014

9 September, 2014 Senior Staff Meeting
Cr Tony Boyle
Cr Pat Hooper
Prof Duncan Stead
Global Care
Jenni Law

10 September, 2014 Tony Boyle
Pat Flynn
Michael Watts
Kira Strange
Gordon Tester
Cr Tony Boyle
Cr Pat Hooper
Cr Mark Duperouzel
John & Tyhscha
White Gum Farm
LGIS

	Dirk Fineaur
11 September, 2014	Kira Strange Marnie Smith Kira Strange
12 September, 2014	Kerry Bramley
15 September, 2014	Simon & Heather Saint York Race Club Jenni Law & Andrew Council Meeting
16-19 September, 2014	Annual Leave
22 September, 2014	Gordon Tester
23 September, 2014	Cr Tony Boyle Senior Staff Meeting White Gum Farm – Site Visit Signing Lease Agreements Asset Management Services
24 September, 2014	John Coles Nola Bliss & Sandra Paskett Interview
25 September, 2014	Jill Hugo – EBA Kira Strange Special Council Meetings
26 September, 2014	Matthew Davies Gail Maziuk Wheatbelt District Police Remembrance Day Ceremony – Northam CRC Mike Higson Bill Cebula Darlene Barratt
29 September, 2014	Public Holiday
30 September, 2014	Senior Staff Meeting Matthew Reid Nola Bliss Kevin O'Brien John Goward
1 October, 2014	Perth
2 October, 2014	David Roberts Interview Matthew Reid Kira Strange & Matthew Reid Interview Richard Anderson Heather Saint

Works Committee Meeting

3 October, 2014 John Oliver
Disability Services Commission
Heather Saint
Prof Duncan Steed

4 October, 2014 Art & Craft Awards Opening

6 October, 2014 ACROD – Toodyay
Bob Lengkeek
Sylvia Davidson
Joy Marshall & Cr Denese Smythe

7 October, 2014 Senior Staff Meeting
Heather Saint
Hugh Lavey – Water Corporation
Jacky Jurmann & Kira Strange
Heritage Advisory Committee Meeting

8 October, 2014 Sgt Alex Timms
IT Vision Payroll meeting
Les Eaton
Tanya Richardson

9 October, 2014 John Oliver
Michael Watts
Jeff Mann
David Morris & Jenni Law
Jeff Mann
John Elkington

13 October, 2014 Gail Maziuk
Matthew Reid
Syd Finestone
Darlene Barratt & Wendy Steed
Finance, Risk & Audit Committee Meeting

14 October, 2014 Gail Maziuk

15 October, 2014 Justin Corrigan
Cr Mark Duperouzel
Bob Lengkeek
Sharla Fythe
Tanya Richardson

Proposed Meetings

16 October, 2014 Phil Langley & Tabitha Bateman
Kira Strange
Ian Crombie

17 October, 2014 CEO Recruitment Presentations

0 October, 2014 Council Meeting

ADMINISTRATION

This report is a summary of key activities of the administration of the Shire of York.

1. Freedom of Information - Statistics for the Month of September 2014

New Applications Received	0
Applications Carried Forward	2
Applications Closed / Finalised / Process Completed	0
Total Outstanding – September 2014	2

There were no applications received in this period and none were finalised.

2. **Library**

Statistics are provided in the attached monthly report.

A review of library operations will be undertaken shortly with the view of preparing a strategy.

3. **Payments to the Shire**

Direct Credits September 2013 -	\$ 931,001
September 2014 -	\$1,051,262

4. **Environmental Protection Officer**

The Environment Officer continues monthly office visit to the York Shire on the first Wednesday of the month.

The Finance Report for the Biodiversity fund Project for 2013/14 has been submitted to the Federal Government. Site visits and associated data and paperwork have been completed for all 2015 Biodiversity fund sites. A forum on the Federal Government's NRM Reporting system, MERIT, was attended on the 23rd of September.

Further discussions have been held with the Planning Officer, Works Manager and Community emergency services Manager regarding issues on Myanarra Rd and Springs Rd. General advice to landholders and staff on NRM issues such as revegetation, grants, bio-security and native vegetation clearing regulations continued.

A letter of consent was issued for a York resident to undertake clearing along a fenceline on a Shire road reserve. A meeting was held with the Contract Shire Works Manager regarding current clearing permits and requirements and conditions to be met.

5. **Department of Transport Licencing August 2014**

For the month of August Council collected \$5,914.98 in Commissions for online licencing, which is for 692 transactions.

MDL Commissions for the month of August for eight (8) computerised Theory Tests resulted in Commissions of \$166.77

6. HR / Recruitment

The Shire of York was seeking suitable applicants for the following vacancies in September:

- Economic Development Officer – applications closed 29 August
- Casual Museum Assistants, Residency Museum - applications closed 12 September
- Grader Operator – Depot – applications closed 10 September. Position withdrawn, may be reconsidered at a later date
- Manager Works and Services - applications closed 23 September

7. Employee Movement

Gordon Tester, Manager Health and Building, terminated his employment with the Shire of York on 23 September. Gordon has relocated to the Shire of Esperance.

Gordon was employed by the Shire of York in March 2010, his portfolio experienced significant growth and eventually incorporated Environmental Health, Building, Ranger Services, Building Maintenance – Shire Properties. Gordon was an interactive team player and assisted Managers and Staff in all departments.

We would like to extend our thanks for his contribution to our team during his time at the Shire of York and wish Gordon and his family the very best in their move to Esperance.

8. Community Safety Awareness Day

2014 Community Safety Awareness Day:

Date: Sunday 19 October

Venue: Peace Park

Time: 11.00am to 3.00pm

Theme: Safety Awareness

This is an important event on the community calendar drawing attention to the Emergency Service contribution to the safety of our residents and visitors.

The event will be coordinated by the team at York Police, and the lead participants will include:

West Australian Police various divisions), DFES, Emergency Services, St Johns Ambulance, RAC, Roadwise and others.

9. Facilities Hire

Department Information	September	
	2013	2014
Facilities Hire		
Indoor Stadium	59	48
Oval	22	2
Pavilion	11	1
Town Hall	16	17
Old Gym	12	9
Avon Park	2	0
Peace Park	0	1
Gymnasium		

Memberships	11	19
Revenue (no GST)	\$1,475.45	\$2,800.00
Revenue (incl GST)	\$1,623.00	\$3,080.00

10. Information Services

The Visitor Count for the month of September is attached for your information.

11. Residency Museum

The Visitor Count for the month of September is attached for your information.

12. Building Statistics

The Building Statistics report for the month of September is attached for your information

13. Ranger Services

The Ranger Services Report for the month of September is attached for your information

11. EXECUTIVE MANAGEMENT REPORTS

11.2 Town Planning Services Report

FILE NO: OR.MTG.5
COUNCIL DATE: 20 October 2014
REPORT DATE: 8 October 2014
SENIOR OFFICER: M Keeble, CEO
AUTHOR: K Strange, TP
REPORT APPROVED BY THE CEO: Michael Keeble

RESOLUTION

241014

Moved: Cr Duperouzel

Seconded: Cr Boyle

“That Council:

Receive and note the September 2014 report prepared by Town Planning Services.”

The Shire President declared that the Motion was CARRIED: 6/0

This report is a summary of the current projects and activities of the Town Planning Services section.

Table 1 provides an overview of the monthly statistics for September 2014 compared to September 2013.

Table 1: September 2014 Monthly Statistics compared to September 2013			
	1/9/2013 – 30/9/2013	1/9/2014 – 30/9/2014	Trend
Development Applications Received	5	2	↓
Development Applications Determined	3	3	-
Time (average)	66 days	28 days	↓
Subdivision/Amalgamations Received	1	2	↑
Subdivision/Amalgamations Processed	1	1	-
Income derived from applications, scheme amendments and subdivision clearances	\$1,991.00	\$367.00	↓

Table 2 provides an overview of the monthly statistics for September 2014 compared to October 2014.

Table 2: September 2014 Monthly Statistics compared to August 2014			
	1/8/2014 – 31/8/2013	1/9/2014 – 30/9/2014	Tren d
Development Applications Received	4	2	↓
Development Applications Determined	0	3	↑
Time (average)	n/a	28 days	↓
Subdivision/Amalgamations Received	2	2	-
Subdivision/Amalgamations Processed	1	1	-
Income derived from development applications, home business renewals, scheme amendments and subdivision clearances	\$1,792.25	\$367.00	↓

Town Planning Services:

GHD Town Planning Consultants

GHD are a multi-disciplinary company including Town Planning services. GHD have been engaged to consult on a number of planning services in the Shire of York on an ad-hoc basis. GHD will play an important role for planning services as they will be able to independently peer review projects of particular significance and/or impact to the Shire.

Community Strategic Plan

Nominations have been called for the Shire of York Strategic Community Plan Working Party. Nominations are due 24 October 2014. So far the Shire has received four expressions of interest in the Plan however no applications to join the working group.

The Heritage Committee

At a meeting held 7 October 2014, the Heritage Committee had an informal discussion regarding a number of different heritage elements in the town. Discussion predominantly focused on;

- utilising and highlighting the key features of the Town Hall;
- in-town footpaths;
- street lighting;
- street trees; and
- over-head power lines.

The Heritage Committee are a group of passionate people focused on improving certain aspects of the town and highlighting the key features that make it unique. The next meeting will be held in early November.

Cultural Interpretation Plan

A preliminary draft has been received by the Shire and is being reviewed by the Heritage Committee and other relevant staff. Ms Claire Savage is expected to return to Perth by November and will continue to develop this plan.

Greenhills Trails

The Greenhills Progress Association (GPA) is continuing to work toward the creation of trails in the Greenhills townsite. The trails will include a number of different places of heritage and cultural significance. This is an exciting endeavour by the GPA and the Shire is assisting where they can.

Daliak Structure Plan

GHD consultants have been engaged to provide engineering services for the purposes of the review of the Daliak Structure Plan. Currently, staff are finalising the scope of work for GHD so that they can complete the review in a timely manner.

SITA Appeal

No updates to report on the SITA appeal that differ from the previous meeting.

11. EXECUTIVE MANAGEMENT REPORTS

11.3 Engineer – Works Managers Report

FILE NO: OR.MTG.5
COUNCIL DATE: 20th October 2014
REPORT DATE: 30th September 2014
SENIOR OFFICER: Keith Dickerson, Consulting Works Manager
AUTHOR: Works Administrator, Leonie Kempin
APPENDICES:
1 - Vehicle Hours/kms Report July 2014
2 - Grading, Construction & Rural Rd Works
3 - Town Works
4 - Potholes, Guide Posts & Signs
5 - Private Works
6 - Plant Maint / Servicing - September 2014
7 - Plant Maint / Servicing - July 2012 to current

REPORT APPROVED BY THE CEO: Michael Keeble

RESOLUTION 251014

Moved: Cr Duperouzel

Seconded: Cr Wallace

"That Council:

Receive and note the September 2014 report prepared by the Works Manager."

The Shire President declared that the Motion was CARRIED: 6/0

Voting Requirements:

Simple Majority Required: Yes

Summary:

This report is a summary of activities of the Works Department for the month of September 2014.

Background:

The Works Department has responsibility for the management, operation, maintenance and improvement of Council's infrastructure assets like roads, footpaths, parks, bridges and so forth (but excluding buildings).

The Works Department operates in accordance with Council policy directives and the adopted budget of the Council of the Shire of York. The Works Department is accountable to the CEO who reports to the Shire Council.

This report is provided in order that the Council of the Shire of York is kept informed on the operations of the Shire Works Department and progress in implementing their policy and budget objectives. It is intended through this report that Council will be able to review activities and identify policy objectives and emerging operational issues.

Financial Implications:

Nil. Financial information is provided in the monthly Shire Financial statements and report and is not duplicated here, except to the extent of identifying emerging budget issues.

Comment:

Appendix 1 is a summary of Works vehicle and plant usage detailing kilometres/hours for each vehicle/plant item for the month of September 2014.

Appendix 2 is a summary of monthly grading, construction and rural road works carried out by Works Depot staff for the month of September 2014.

Appendix 3 is a summary of monthly town works carried out by Works Depot staff for the month of September 2014.

Appendix 4 is a summary of pothole, guide post & sign maintenance carried out by Works Depot staff for the month of September 2014.

Appendix 5 is a summary of private works carried out by Works Depot staff for the month of September 2014.

Appendix 6 is a summary of Works Depot vehicle and plant maintenance/servicing for the month of September 2014.

Appendix 7 is a cumulative summary of Works Depot vehicle and plant maintenance/servicing for the period July 2012 to current.

Appendices Attached

11. REPORTS FOR CONSIDERATION
11.4 York Recreation & Convention Centre (YRCC)

FILE NO: CCP.7
COUNCIL DATE: 20th October 2014
REPORT DATE: 6th October 2014
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Kathryn Brown, YRCC Manager
REPORT APPROVED BY THE CEO: Michael Keeble

**RESOLUTION
261014**

Moved: Cr Hooper

Seconded: Cr Boyle

“That Council:

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

The Shire President declared that the Motion was CARRIED: 6/0

Voting Requirements:
Simple Majority Required: Yes

Summary:

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

- **Catering numbers on weekends-** Monthly averages were calculated from the number of meals served each Friday and Sunday night. September figures showed a generalised decline across all areas. The fall in number of Friday and Sunday meals was not too severe and the closing of football season is most likely the cause of the decline. We do not realistically expect to see an increase in meals until tennis commences in late October.

- **Sporting events/catering and diversity of private functions**

September was a busy month, with the YRCC trading 25 days out of 30, including five lawn bowls events and a junior tennis day. Lawn bowls, as well as both junior and senior football clubs, seem content with the variety and delivery of catering services offered to their clubs.

During September, YRCC hosted five meetings affiliated with the Shire, Council and emergency services. We also hosted two private seminars, two school sports days, a reunion, two lunches, a cooking class for kids, two opening days, a corporate bowls afternoon and three wind-ups, in addition to the regular football and lawn bowls fixtures and the Agricultural Show.

- **Financials:**

September saw an increase in both revenue (approx 86%) and expenditure (approx 50%) and saw improvements across most areas.

Function room hire and gym memberships are exceeding budgetary targets but other areas of the hospitality section have had varied results due to the seasonal nature of catering. Modest sales on Ag Show day did not offset the purchasing through bar and kitchen/canteen as hoped and perhaps the new style of menu creates a touch more wastage than previously experienced.

Bar sales (and expenditure) are still not at the level required by the budget, but this is somewhat to be expected from a family friendly venue where most patrons drive home and are mindful of responsible drinking.

Function catering is running at a much lower than expected level as many of our corporate events this year have negated catering or had minimal requirements. Much sports club function catering is allocated to kitchen/restaurant too, rather than function catering.

Invoicing post month end means some greens fees from September are yet to be recouped and we also await an electricity bill to allocate to sports lighting at the complex.

- **Feedback:**

- Ongoing complaints regarding damage to gym flooring due to weights use on the carpeted areas and also the trip hazard of weights being left out or not stored properly
- Ongoing request for car park resurfacing to be considered, as the dust and dirt blowing on to all synthetic surfaces is perceived to be affecting play and/or their longevity.
- Positive feedback on catering for winter sports wind ups.

12. REPORTS FOR CONSIDERATION

12.1 Various Reports

FILE NO:
COUNCIL DATE: 20 October 2014
REPORT DATE: 10 October 2014
SENIOR OFFICER: Michael Keeble, CEO
AUTHOR: Helen D'Arcy-Walker, ESO
DISCLOSURE OF INTEREST: Nil
APPENDICES: 1. Minutes – Wheatbelt DEMC Meeting
2. Agenda – Rural Water Council
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: Michael Keeble

**RESOLUTION
271014**

Moved: Cr Wallace

Seconded: Cr Smythe

“That Council:

Receive and Note the attached reports.”

The Shire President declared that the Motion was CARRIED: 6/0

Voting Requirements:

Simple Majority Required: Yes

Summary:

The various attached reports are provided for Council and Community information.

NEXT MEETING

RESOLUTION

331014

Moved: Cr Boyle

Seconded: Cr Hooper

“That Council:

hold the next Ordinary Meeting of the Council on November 17, 2014 at 4.00pm in Council Chambers, York Town Hall, York.”

The Shire President declared that the Motion was CARRIED: 6/0

CLOSURE

Cr Reid thanked everyone for their attendance and declared the meeting closed at 7.31pm