



SHIRE OF YORK

**MINUTES OF THE ORDINARY
MEETING OF THE COUNCIL
HELD ON 16 SEPTEMBER, 2013
COMMENCING AT 3.00pm
IN COUNCIL CHAMBERS,
YORK TOWN HALL, YORK**

SHIRE OF YORK
DISCLAIMER

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

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

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

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

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

RAY HOOPER
CHIEF EXECUTIVE OFFICER

Table of Contents

1. OPENING	7
1.1 Declaration of Opening	7
1.2 Deputy Chief Executive Officer to read the disclaimer.....	7
1.3 Election of Deputy Shire President.....	7
1.4 Suspension of Standing Orders (undergoing the repeal process)	7
1.5 Announcement of Visitors	7
1.6 Announcement of any Declared Financial Interests	8
2. ATTENDANCE	8
2.1 Members.....	8
2.2 Staff.....	8
2.3 Apologies.....	8
2.4 Leave of Absence Previously Approved.....	8
2.5 Number of People in Gallery at Commencement of Meeting.....	8
3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	8
3.1 Previous Public Questions Taken on Notice	8
4. PUBLIC QUESTION TIME.....	10
4.1 Written Questions – Current Agenda	10
4.2 Public Question Time.....	10
5. APPLICATIONS FOR LEAVE OF ABSENCE	12
6. PETITIONS / PRESENTATIONS / DEPUTATIONS.....	12
7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING	12
7.1 Minutes of the Ordinary Council Meeting held August 19, 2013.....	12
8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....	12
9. OFFICER'S REPORTS.....	12
9.1 <i>Development Services</i>	13
9.2 <i>Administration Reports</i>	15
9.2.1 Integrated Workforce Planning 2013-2017.....	17
Item 9.2.1 – Appendices	21
9.2.2 Information Services	23
Item 9.2.2 – Appendices	25
9.2.3 Local Government Elections	27
9.2.4 South East Avon Regional Transition Group.....	29
Item 9.2.4 – Appendices	31
9.2.5 LGSSIP Evaluation Report	33
Item 9.2.5 – Appendices	35
9.2.6 York Recreation & Convention Centre (YRCC).....	37
9.2.7 Youth Report for September 2013	41
9.3 <i>Works Reports</i>	45

9.4	<i>Financial Reports</i>	47
9.4.1	Investments – August 2013	49
	Item 9.4.1 – Appendices	51
9.4.2	Monthly Financial Reports – August 2013.....	53
	Item 9.4.2 – Appendices	55
9.5	<i>Late Reports</i>	57
9.5.1	Reserve 34841 Lease Balbally Pty Ltd – Not Presented.....	57
9.5.2	10 Year Financial Plan – Not Presented	57
9.5.3	Authority for Named Personnel.....	59
9.5.4	Consultation On Risk Assessment And Risk Management Plan Proposed Field Trial - GM Canola.....	63
	Item 9.5.4 – Appendices	65
9.5.5	Tender 04 1213 – Cat Management Buildings And Facilities	67
9.6	<i>Confidential Reports</i>	69
10.	NEXT MEETING	71
11.	CLOSURE	71



SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL
HELD ON MONDAY, 16 SEPTEMBER, 2013, COMMENCING AT
3.00PM IN COUNCIL CHAMBERS, YORK TOWN HALL, YORK

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

1. OPENING

1.1 Declaration of Opening

Cr Tony Boyle, Shire President, declared the meeting open at 3.00pm

1.2 Deputy Chief Executive Officer to read the disclaimer

Ray Hooper, Chief Executive Officer, read the disclaimer

1.3 Election of Deputy Shire President

The Chief Executive Officer called for nominations for the position of Deputy Shire President.

Written nominations were received from Cr Denese Smythe and Cr Mark Duperouzel.

A secret ballot was held. The Chief Executive Officer counted the votes.

Cr Boyle then declared Cr Mark Duperouzel, Deputy Shire President until the next Local Government Election to be held on Saturday, 19th October, 2013.

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

Moved: Cr Hooper; Seconded: Cr Duperouzel

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

Carried: 3/1

Cr Smythe was recorded as voting against this motion

1.5 Announcement of Visitors

Julie Ashworth – Wheatbelt Womens Health Hub Inc.

- 1.6 Announcement of any Declared Financial Interests
Nil

2. ATTENDANCE

- 2.1 Members
*Cr Tony Boyle, Shire President;
Cr Pat Hooper; Cr Mark Duperouzel, Cr Denese Smythe*
- 2.2 Staff
Ray Hooper, Chief Executive Officer; Tyhscha Cochrane, Deputy Chief Executive Officer; Jacky Jurmann, Manager Planning Services; Graham Lantzke, Engineer – Works Manager; Gordon Tester, Manager – Environmental Health & Building Services; Gail Maziuk, Finance Officer/Project Co-Ordinator; 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 19 people in the Gallery at the commencement of the meeting.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

- 3.1 Previous Public Questions Taken on Notice

Mr Keith Schekkerman

Question 4:

The CEO stated at the meeting on August 13th that he is not the spokesman for the Council. Can this matter be clarified, when is the CEO a spokesman for the Council and when is he not? If he is not the spokesman for the Council, who does he speak for? How can electors tell for whom he is the spokesman?

Response:

The CEO can speak on the official position of Council on issues as a spokesperson for the Local Government with all other statements made being a personal comment not binding on Council.

Question 6:

Has solution been found to the dilemma of how to account for it in a 10 Year Financial Plan or Annual Budget?

Response:

No – there is no application before Council and no consideration of or provision for has been made.

Mr Simon Saint

Question:

At the April 2013 Council meeting it was stated that Council would – quote ...

Write to Mr and Mrs Saint requesting that they provide the required accessible on-site car parking in accordance with the provisions of the York Town Planning Scheme No. 2 within 7 days from the date of the letter and engage McLeods Barristers and Solicitors to initiate action to prosecute Mr and Mrs Saint if they do not comply with Council's letter of request

As yet no letter has been forthcoming – this was 4 months ago.

Response:

This matter was subject to an appeal to the State Administrative Tribunal and the need to obtain legal advice resulting in no action to date.

Mrs Tanya Richardson

Question 1:

Why did I receive the response from my question taken on notice from the July meeting until last Friday?

Response:

Responses were prepared as resources and community needs permitted and in time to meet the Agenda preparation timeframe.

Question 2:

Why are my questions summarised until there is no context of the actual questions asked?

Response:

The Shire of York Public Questions procedures clearly state that questions and responses may be summarised.

Question 3:

I keep asking the same question regarding the CRC Event held recently, why did the CRC not have to provide a Risk Management Plan, etc for their event?

Response:

The event was considered to be a community benefit event and full event processes were not required.

Mrs Heather Saint

Question

At the May meeting in Talbot I asked when will we receive the letter relating to the confidential item in the April minutes and I was told it was in the hands of the Solicitors. We still have not heard anything.

Response:

This matter was subject to an appeal to the State Administrative Tribunal and the need to obtain legal advice resulting in no action to date.

4. PUBLIC QUESTION TIME

Public Question Time commenced at 3.07pm

The Shire President advised that Public Question Time would be restricted to the statutory minimum period of 15 minutes and one question at a time would be taken from people to give all an opportunity to ask questions.

4.1 Written Questions – Current Agenda
Nil

4.2 Public Question Time

Mrs Heather Saint

Question 1:

In relation to the Sports & Recreation Centre could Council advise whether trading figures are available and have they seen them.

Response:

All financials for the York Recreation & Convention Centre are listed in the Budget and the Monthly Financial Reports presented to Council each month.

The Shire President advised that one question at a time would be taken from each period however Mrs Saint stated there was agreement from others that she could ask more than one question at a time and some members of the public in attendance agreed.

Question 2:

Could the York community be provided with access to monthly financials for the Sports & Recreation Centre?

Response:

Monthly financials are listed in the Financial Reports presented to Council each month.

Question 3:

What was the turnover for July?

Response:

Taken on Notice

Question 4:

Could Council please provide this community with a clear financial breakdown to identify the operating loss for the Recreation & Convention Centre?

Response:

Financial breakdown is detailed in the Budget.

Question 5:

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

Response:

Taken on Notice

Question 6:

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

Response:

Taken on Notice

Question 7:

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

Response:

Taken on Notice

Question 8:

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

Response:

Taken on Notice

Ms Melanie Van de Pol

Question 1:

How was a two storey Barn Style home approved in a heritage area? Was the proposal advertised for public comment?

Response:

The Manager of Planning stated that the application was advertised in accordance with the provisions of the York Town Planning Scheme No. 2 and it was determined by Council.

Ms Darlene Barratt

Question 1:

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

Response:

Taken on Notice

Question 2:

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

Response:

Taken on Notice

Question 3:

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

Response:

Taken on Notice

Public Question Time was declared closed by the Shire President at 3.20pm

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS / PRESENTATIONS / DEPUTATIONS

Cr Boyle congratulated the Wheatbelt Women's Health Hub on winning an award at the recent ConnectGroups Self Help and Support Groups 2013 Gala Night in the category of Excellence in Rural and Regional WA.

Julie Ashworth Secretary for Wheatbelt Womens Health Hub Inc took the opportunity to express that the award is a celebration of the achievement for all of those involved with the Wheatbelt Women's Health Hub and to thank the Shire of York Councillors and staff for their support and belief.

Cr Boyle also congratulated the Reserve Football team for winning the Grand Final against Quairading on the weekend.

The women's Hockey team also won their Grand Final.

Cr Boyle congratulated Cr Denese Smythe on being appointed the WALGA representative for Visitor Centre WA.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Minutes of the Ordinary Council Meeting held August 19, 2013

Corrections – The Minutes of August 19, 2013 page 11 – delete reference to Mr Saint's behaviour.

Confirmation

**RESOLUTION
010913**

Moved: Cr Duperouzel

Seconded: Cr Smythe

"That the minutes of the Ordinary Council Meeting held on August 19, 2013 be confirmed as a correct record of proceedings with the above amendment."

CARRIED: 4/0

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

9. OFFICER'S REPORTS

9.1 Development Services

9.2 Administration Reports

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.1 Integrated Workforce Planning 2013-2017

FILE NO: OR.CMA.2.2
COUNCIL DATE: 16th September 2013
REPORT DATE: 2nd September 2013
LOCATION/ADDRESS: N/A
APPLICANT: Shire of York
SENIOR OFFICER: Ray Hooper, CEO
REPORTING OFFICER: N Brennan, Project Officer
DISCLOSURE OF INTEREST: N/A
APPENDICES: Appendix A
DOCUMENTS TABLED: Nil

Summary:

To receive the Shire of York Integrated Workforce Plan 2013-2017, which has been prepared by consultants LG People as part of the Integrated Planning and Reporting Framework, which is now a statutory requirement.

The Workforce Plan aims to develop and implement a structure, systems and processes for workforce planning that will be implemented across all aspects of the Shire's planning, operations and services.

This will ensure that the Shire of York recruits, retains and manages the human resource requirements needed to meet the strategic and operational objectives of the Shire, its community and the organisation.

Background:

On August 26th 2011 new Local Government Act Regulations were gazetted, requiring all Local Governments to have a Workforce Plan as part of the Integrated Planning Requirement.

The Workforce Plan has been developed to address the requirements of the Local Government Act 1995 section S5.56(1) A "plan for the future" and S5.56 (2):

That Local Governments develop a Strategic Community Plan that links community aspirations with the Council's long term strategy. That the Local Government has a corporate business plan linking to long term financial planning that integrates asset management, workforce planning and specific council plans (informing strategies) with the strategic plan.

Consultation:

Department of Local Government
LG People
Shires of Cunderdin, Quairading and Tammin
Shire Staff
Contractors / Consultants

Statutory Environment:

Local Government Act Regulations.
Financial Management Regulations.

Policy Implications:

Nil at this stage.

Financial Implications:

Each Council has received a grant of \$25,000 from the Department of Local Government & Regional Development, which covers the consultant's costs for the four Shires (York, Quairading, Cunderdin & Tammin) to provide for the Workforce Plan.

Also each Council has contributed \$5,000 towards the Project Officers cost (Shire of York employee) for research and implementation.

At the completion of the Workforce Plan, the Shire will need to resource the implementation plan. Should there be funds remaining not used in the plan development phase, they may be rolled over to fund some implementation strategies that meet funding criteria.

<u>Income</u>	
Grant Received from DLGRD	\$25,000
Contributions from 4 Shires	<u>\$20,000</u>
	<u>\$45,000</u>

<u>Expenditure</u>	
Project Costs	\$21,670
Shire of York Contribution	<u>\$5,000</u>
	\$26,670

Strategic Implications:

The Shire of York's 2012 Strategic Community Plan -

Sustainable Resource Management

- Develop workforce capability
- Retain and attract the right people to do the work

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

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

Nil identified at present, as these will be established through the Workforce Plan.

Social Implications:

The Workforce Plan will advise the community of future directions on staffing and service delivery.

Environmental Implications:

Nil.

Officers Comment:

Regardless of the outcome of the proposed amalgamation, the Shire of York has been funded for and is required to prepare and fully adopt a formal Workforce Plan prior to 31st December 2013.

As this is only the first stage of the Workforce Plan, it has been aimed at providing a minimum of the basic standard workforce plan.

This is a starting point and will progress over time as we commence the next stages of the planning process.

**RESOLUTION
020913**

Moved: Cr Hooper

Seconded: Cr Duperouzel

“That Council:

receive the Integrated Workforce Plan 2013-2017 for the Shire of York, prepared by LG People, and

continue to work with LG People to finalise the Workforce Plan prior to the 31st December 2013.”

CARRIED: 4/0

Subject to Schedule 9 being corrected.

Item 9.2.1 – Appendices

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

FILE NO: CS.LCS.8.1
COUNCIL DATE: 16 September 2013
REPORT DATE: 31 August 2013
LOCATION/ADDRESS: N/A
APPLICANT: Shire of York
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: Information Services Officers – Vicki & Tamara
DISCLOSURE OF INTEREST: Nil
APPENDICES: Appendix A and B
DOCUMENTS TABLED: Nil

Summary:

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

- **Visitor Numbers-** (Appendix A) These numbers are counted manually and only include adults and older children actually walking through the doors of the Information Services office. They do not include people walking into the Town Hall to use toilets, view exhibits etc.

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

The number of visitors coming through the doors in August 2013 was **1252** as compared to **1022** in 2012.

- **Product Sales-** (Appendix B) Net sales for the month of August 2013 were **\$415.50** compared to **\$645.20** for the same period 2012.
- **Request for Services** - There are certain services that visitors ask for (verbally) on a regular basis, these include:
 - Laundry Mat
 - More RV Parking signs coming into town
 - Souvenir Machine
 - Bus Tours to show people around the town and take them to the attractions in York
- **Feedback**
 - Tourist are very happy with the Free RV Parking down at Avon Park, we have had a lot of great feedback. The only thing is that some say they don't know it's here as its not advertised very well and not many signs around town showing that we have a Free RV Parking facility.
 - The Tourists have mentioned that the town is very clean and tidy and we should be very proud of it, especially the Town Hall is a grand building.

Background:

We have the calendar of Event for the year of 2013. All known details are listed on the Calendar of Events, which is distributed through York Information Services and available on the Shire of York website.

Consultation:

Shire of York and local business proprietors

Statutory Environment:

Nil

Policy Implications:

Not Applicable

Financial Implications:

Nil

Strategic Implications:

Not Applicable

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Nil

Social Implications:

Nil

Environmental Implications:

Nil

Comment:

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

RESOLUTION

030913

Moved: Cr Smythe

Seconded: Cr Hooper

“That Council:

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

CARRIED: 4/0

Item 9.2.2 – Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.3 Local Government Elections

FILE NO: OR.ELN.3
COUNCIL DATE: 16 September 2013
REPORT DATE: 4 September 2013
LOCATION/ADDRESS: Not Applicable
APPLICANT: Shire of York
SENIOR OFFICER: Ray Hooper, Chief Executive Officer
REPORTING OFFICER: Tyhscha Cochrane, DCEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil

Summary:

Local government elections will be held in the Shire of York on Saturday 19 October, 2013.

In the past, election polling booths have been placed at the Greenhills Hall and Talbot Hall as well as the Administration Office.

Background:

Council has trialled different times from the 2007 elections for the Talbot and Greenhills polling places.

The Shire of York has historically used the 'in person' election system rather than postal voting primarily due to the significantly high costs for postal voting.

Consultation:

Administration Staff.

Statutory Environment:

Section 4.64 of the Local Government Act 1995 refers.

Section 31(e) and (f) of the Local Government Regulations 1997 "*the polling place or place appointed for the election*" and "*the period during which each polling place will be open for casting votes.*"

Council may decide by an absolute majority to conduct an election as a postal election under Section 4.61(2) of the Local Government Act provided that this decision is made prior to the 80th day before election day.

Unless a resolution under Section 4.61 (2) has been made and is in effect, the election is to be conducted as an in person election.

Policy Implications:

Nil

Financial Implications:

In the 2011/12 budget a total of \$9,855 was spent on Election Expenses from commencement to completion of process including the Court of Disputed Returns action by a candidate which was not successful.

Strategic Implications:

Nil

Voting Requirements:
Absolute Majority Required: No

Site Inspection:
Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:
Economic Implications:
Nil

Social Implications:
Holding polling booths outside the townsite can be seen as providing a positive community service to the ratepayers and community expectations may be high as this has happened in the past.

Environmental Implications:
Not applicable.

Comment:
Council has the option to open a polling booth for limited hours if it deems fit, however it may not be financially viable to have staff manning booths with the low voter turnouts that have been received in the past.

It may be beneficial to open the polling booths at Greenhills and Talbot for a limited time eg. from 8.00am to 2.00pm. These times generally have the highest voter turnout and if advertised appropriately there should be no confusion to the community on election day.

**RESOLUTION
040913**

Moved: Cr Duperouzel

Seconded: Cr Hooper

“That Council:

- 1. Nominate the York Shire Office, Joaquina Street York, as the Main Polling Centre for the Local Government Elections to be held on the 19th October, 2013;***
- 2. The York Polling Booth to operate from 8.00am to 6.00pm;***
- 3. Offers Polling Booths at Greenhills and Talbot Hall for the Local Government Elections to be held on Saturday 19th October 2013; and***
- 4. The Polling Booth opening hours for the Greenhills and Talbot Halls will be limited to the following times: From 8.00am to 2.00pm.”***

CARRIED: 4/0

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.4 South East Avon Regional Transition Group

FILE NO: OR.RDT.5
COUNCIL DATE: 16 September 2013
REPORT DATE: 9 September 2013
LOCATION/ADDRESS: South East Avon
APPLICANT: SEARTG
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: R Hooper, CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Minutes – SEARTG Board Meeting
DOCUMENTS TABLED: Nil

Summary:

The minutes of the South East Avon Regional Transition Group Board Meeting held on 9 August, 2013 at the Perth Convention Exhibition Centre are provided for Council and Community information.

Background:

The South East Avon Regional Transition Group (SEARTG) was formed from SEAVROC to investigate structural reform in this region under a formal agreement with the Department of Local Government.

The Regional Transition Group has received funding of over \$500,000 to undertake Business Plans, Asset Management Plans, Community Strategic Plans, 10 Year Financial Plans and Workforce Plans to properly analysis the structural reform process.

Consultation:

Not Applicable

Statutory Environment:

Not Applicable

Policy Implications:

Nil

Financial Implications:

Fully funded by Department of Local Government grants.

Strategic Implications:

The Shire of York's 2012 Strategic Community Plan goals are:

Social

- *Manage population growth, through planned provision of services and infrastructure.*
- *Strengthen community interactions and a sense of a united, cohesive and safe community.*
- *Build and strengthen community, culture, vibrancy and energy.*

Environmental

- *Maintain and preserve the natural environment during growth, enhancing the 'rural' nature of York, and ensuring a sustainable environment for the future.*
- *Support sustainable energy and renewable resource choices.*

Economic

- *Build population base through economic prosperity.*
- *Value, protect and preserve our heritage and past.*
- *Grow the economic base and actively support local businesses and service provision.*

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not Applicable

Triple bottom Line Assessment:

Economic Implications:

Not Applicable

Social Implications:

The community will be fully informed of all plans and reports before any final decision is made in relation to any merger arising from the structural reform process.

Environmental Implications:

Nil

Comment:

Provide ongoing information on the current status of the structural reform studies.

RESOLUTION

050913

Moved: Cr Hooper

Seconded: Cr Duperouzel

“That Council:

Receive the Minutes of the South East Avon Regional Transitional Group Board Meeting.”

CARRIED: 4/0

Item 9.2.4 – Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.5 LGSSIP Evaluation Report

FILE NO: CS.NCS.9
COUNCIL DATE: 16 September 2013
REPORT DATE: 9 September 2013
LOCATION/ADDRESS: WALGA
APPLICANT: Shire of York
SENIOR OFFICER: Ray Hooper, CEO
REPORTING OFFICER: Ray Hooper, CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: LGSIP 12 month Evaluation Report
DOCUMENTS TABLED: Nil

Summary:

The LGSSIP 12 month Evaluation Report (formulation phase) is submitted for Council approval.

Background:

The Shire of York is a pilot for the Safe System project operating through WALGA to reduce road trauma and to develop a safer road network.

Consultation:

WALGA Safe System Co-Ordinator

Statutory Environment:

Nil

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Built Environment: Enhanced Lifestyle Choices

Vision

- Our assets, facilities, roads and parks are well maintained and meet our requirements.

Objectives

- Work towards applying safe system principles to provide and maintain safe, efficient transport, including roads, footpaths and cycle ways.
- Develop and implement a road safety management or action plan incorporating the safe system approach.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not Applicable

Triple bottom Line Assessment:

Economic Implications:

A safer more efficient road network has obvious benefits to the National, State, Regional and Local economies.

Social Implications:

The community expects and needs the safest road network possible.

Environmental Implications:

All environmental factors will be built into any road safety upgrading.

Officers Comment:

RESOLUTION

060913

Moved: Cr Duperouzel

Seconded: Cr Smythe

“That Council:

Accept the Local Government Safe System Improvement Program 12 month Evaluation Report (formulation phase).”

CARRIED: 4/0

Item 9.2.5 – Appendices

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

FILE NO: CCP.7
COUNCIL DATE: 16 September 2013
REPORT DATE: 10 September 2013
LOCATION/ADDRESS: N/A
APPLICANT: Shire of York
SENIOR OFFICER: Ray Hooper, CEO
REPORTING OFFICER: Kathryn Brown, YRCC Manager
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil

Summary:

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

- **Additional Opening Hours** - A decision to trial opening the bar and kitchen on Sunday afternoons was made in an effort to increase facility usage. Commenced mid-August so an appropriate gauge of success yet to be attained.
- **Catering Numbers on Fridays** - Monthly averages were calculated from the number of meals served each Friday night. Approximately a 5% increase in adult meal sales since July 2013 but a 70% increase in children's meals, indicating the venue is fulfilling its purpose as a family-friendly option.
- **Sporting Event Catering** - Sizeable increase in turn over from July 2013 was recorded on football canteen days with the addition of new items such as hot chips and schnitzel burgers. These items sold out at the August canteens
- **EFTPOS Facilities** - Some teething problems with wireless EFTPOS terminals have been overcome with the replacement of one wireless for a hard wired terminal.
- **Diversity of Private Functions** - During August YRCC hosted "helmets for heads" bicycle safety awareness day for year 5 students, the local junior netball wind up and The WA National Party Centenary Celebrations welcome sundowner and bowls event in addition to the regular football and lawn bowls fixtures.
- **Feedback:**
 - Sporting clubs are seeking an improved playing surface on the oval and permission to display more club memorabilia around the YRCC.
 - Some gym users requested a review of shower cubicle drainage within the gym area
 - Several requests for a broader range of bar products
 - WA National Party said they thoroughly enjoyed their social lawn bowls event with the assistance of the York Bowling Club

Background:

York Recreation and Convention centre is a hospitality venue within a sporting complex and is aimed at bringing together local sporting clubs and the wider York community. Through quality of customer service and excellent facilities and catering, we also wish to attract corporate clients with potential knock-on effects for other local businesses.

Consultation:

Shire of York
Affiliated Sporting clubs
Corporate and local clients for functions

Statutory Environment:

Nil

Policy Implications:

Not Applicable

Financial Implications:

Increased turn over from July (approx 50% in cash and EFTPOS alone) should offset some repair works carried out on equipment and general maintenance items.

Strategic Implications:**Social: Building a Sense of Community****Vision**

- Our community will be inclusive and interactive, where people feel safe and are welcomed.
- Our community will value each other, building relationships and networks to interact, socialise and recreate.
- Our community will have access to service requirements.

Objectives

Outcomes – Connected community

Objectives – Strengthen community cohesiveness and participation

Priorities - Develop and participate in a regional social plan to capture and strengthen community development opportunities, such as recreation, social groups, communication and activities

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not Applicable

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

The YRCC has the capacity to enhance the local economy through the attraction of conferences, seminars and events.

Social Implications:

Recreation and community hub facilities are integral to community wellbeing and social interaction.

Environmental Implications:

Nil

Officers Comment:

The report serves to keep the community informed of the activities at the YRCC.

RESOLUTION

070913

Moved: Cr Duperouzel

Seconded: Cr Hooper

“That Council:

Receive the August 2013 report prepared by the York Recreation & Convention Centre.”

CARRIED: 4/0

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.7 Youth Report for September 2013

FILE NO: CS.LCS.6
COUNCIL DATE: 16th September, 2013
REPORT DATE: 10th September, 2013
LOCATION/ADDRESS: N/A
APPLICANT: Shire of York
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: Anneke Birleson, YDO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil

Summary:

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

The Youth Centre was broken into between 3pm on Monday (2nd September) and 10am on Tuesday (3rd September). The offenders got away with one PlayStation 2 and all but two PlayStation 2 games and a few wireless network dongles.

The windows are due to have steel mesh installed to prevent future break-ins.

The Youth Activities Coordinator has been approached by a local musician with a view for her to hold some singing/jam sessions at the youth centre to appeal to older youth, providing an outlet for expression and providing an alternative to the streets.

- **Spinrphex Children's Festival** – Spinrphex, the Rural Health Club of UWA, selected York as this year's location for their annual Children's Festival. They will be holding it on Sunday 15th September, from 11am, at Avon Park.
- **October School Holiday** – The outcome of the Youth Activities Grant application is still pending.
- **Nitro Nirvana** – The Youth Activities Coordinator is currently developing an advert to promote a community outing to Kwinana Motorplex for a drag racing event on 30th November 2013.
- **Urban Art Project** – Urban artist, Darren Hutchens is currently working on a project with the City of Armadale. The Youth Activities Coordinator has been discussing the options for him to carry out a similar project in York. The program could consist of a series of workshops culminating in an exhibition and mural. The Youth Activities Coordinator has also spoken with York Police, to discuss their interest in being involved and possibilities for funding, as well as identifying youth at risk to participate.

Background:

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

Consultation:

Youth
School
Police
Health
Councillors
Council Staff
Community Members

Statutory Environment:

Nil

Policy Implications:

Not Applicable

Financial Implications:

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

Strategic Implications:

The Shire of York's 2012 Strategic Community Plan -

Social: Building a Sense of Community -

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

Environment: Enhanced Lifestyle Choices -

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

Economic Development: Maximise Development -

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

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications: Nil

Social Implications:

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

Environmental Implications:

Not applicable

Comment:

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

**RESOLUTION
080913**

Moved: Cr Hooper

Seconded: Cr Duperouzel

“That Council:

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

CARRIED: 4/0

9.3 Works Reports

9.4 Financial Reports

9. OFFICER'S REPORTS
9.4 FINANCE REPORTS
9.4.1 Investments – August 2013

FILE NO: FI.FRP
COUNCIL DATE: 16 September 2013
REPORT DATE: 10 September 2013
LOCATION/ADDRESS: Shire of York
APPLICANT: N/A
SENIOR OFFICER: Ray Hooper, CEO
REPORTING OFFICER: Tabitha Bateman, FO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Shire of York Investment Portfolio
DOCUMENTS TABLED: Nil

Summary:

That Council consider the investment portfolio as attached.

Background:

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

Consultation:

Auditors; and
Dominic Carbone.

Statutory Environment:

Not Applicable.

Policy Implications:

In accordance with the Financial Management Investment Policy.

Financial Implications:

Credit Ratings:

Strategic Implications:

Not applicable.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Not applicable.

Social Implications:

Not applicable.

Environmental Implications:

Not applicable.

Comment:

In accordance with the policy, a report of investments is presented to Council to provide a summary of investments held by the Shire of York as at 31 August 2013.

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

The reporting will be reviewed on an ongoing basis by the Auditors and staff.

RESOLUTION

090913

Moved: Cr Smythe

Seconded: Cr Duperouzel

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

CARRIED: 4/0

Item 9.4.1 – Appendices

9. OFFICER'S REPORTS

9.4 FINANCE REPORTS

9.4.2 Monthly Financial Reports – August 2013

FILE NO: FI.FRP
COUNCIL DATE: 16 September 2013
REPORT DATE: 10 September 2013
LOCATION/ADDRESS: Not Applicable
APPLICANT: Not Applicable
SENIOR OFFICER: Ray Hooper, CEO
REPORTING OFFICER: Tabitha Bateman, Administration Officer
DISCLOSURE OF INTEREST: Nil
APPENDICES: Yes – Appendix A as detailed in Summary
DOCUMENTS TABLED: Nil

Summary:

The Financial Report for the period ending 31 August 2013 is hereby presented for the consideration of the Council.

Appendix A includes the following:

- Monthly Statements for the period ended 31 August 2013
- Bank Account Reconciliations
- List of Creditors Payments
- Payroll Direct Debits Summary
- Corporate Credit Card Summary
- Fuel Card Summary

Consultation:

Dominic Carbone

Statutory Environment:

Local Government Act 1995 (As Amended).

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

Policy Implications:

Nil.

Financial Implications:

The following information provides balances for key financial areas for the Shire of York's financial position as at 31 August 2013;

Sundry Creditors as per General Ledger	\$10,065.35
Sundry Debtors as per General Ledger	\$566,997.78
Unpaid rates and services current year (inc. ESL)	\$4,012,971.85
Unpaid rates and services previous years (inc. ESL)	\$811,796.39

Strategic Implications:

Nil

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

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

Social Implications:

Not applicable.

Environmental Implications:

Not applicable.

Comment:

Not applicable.

**RESOLUTION
100913**

Moved: Cr Duperouzel

Seconded: Cr Hooper

“That Council:

Receive the Monthly Financial Report for August and ratify payments drawn from the Municipal and Trust accounts for the period ending 31 August 2013:

	<u>VOUCHER</u>	<u>AMOUNT</u>
MUNICIPAL FUND		
<i>Cheque Payments</i>	30777 - 30842	\$ 183,468.72
<i>Electronic Funds Payments</i>	11148 - 11287	\$ 836,721.36
<i>Direct Debits Payroll</i>		\$ 178,640.47
<i>Bank Fees</i>		\$ 613.60
<i>Corporate Cards</i>		\$ 2,013.26
<i>Shell Cards</i>		<u>\$ 72.84</u>
TOTAL		<u>\$ 1,201,530.25</u>
 TRUST FUND		
<i>Cheque Payments</i>	4177 - 4182	\$ 4,726.72
<i>Direct Debits Licensing</i>		<u>\$ 112,053.55</u>
TOTAL		<u>\$ 116,780.27</u>
 TOTAL DISBURSEMENTS		 <u>\$1,318,310.52”</u>

CARRIED: 4/0

Item 9.4.2 – Appendices

9.5 Late Reports

9.5.1 Reserve 34841 Lease Balbally Pty Ltd – Not Presented

9.5.2 10 Year Financial Plan – Not Presented

9. OFFICER'S REPORTS
9.5 LATE REPORTS
9.5.3 Authority for Named Personnel

FILE NO:	RS: ANC4
COUNCIL DATE:	16th September 2013
REPORT DATE:	11th September 2013
LOCATION/ADDRESS:	N/A
APPLICANT:	Shire of York
SENIOR OFFICER:	Mr Ray Hooper CEO
REPORTING OFFICER:	Ranger Services
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Nil
DOCUMENTS TABLED:	Nil

Summary:

The need for the York Shire Rangers (Matthew Sharpe and Daniel Birleson) and two of the Depot Staff (Robert Windsor and Robert Mackenzie) to be appointed as authorised officers under the Cat Act 2011.

Background:

The final portions of the Cat Act 2011 come into force on the 1st of November 2013. The Cat Act 2011 is an act to provide for the control and management of cats and to promote and encourage responsible cat ownership.

Consultation:

Not applicable

Statutory Environment:

Cat Act 2011 and Cat Regulations 2012

The Cat Act 2011 states the following:

Division 3 — Authorised persons

Subdivision 1 — Appointment of authorised persons

48. Authorised persons

- (1) A local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions under this Act.
- (2) A person who is not an employee of a local government cannot be appointed to be an authorised person for the purposes of section 62.
- (3) An authorisation under this section may be made on such conditions as the local government determines, in writing given to the authorised person.
- (4) The local government may, in writing given to the authorised person, at any time, cancel an authorisation under this section or add, vary or cancel a condition of an authorisation.
- (5) The local government is to issue to each authorised person appointed under subsection (1) a certificate stating that the person is an authorised person for the purposes of this Act.
- (6) An authorised person appointed under subsection (1) must —
 - (a) carry the certificate at all times when exercising powers or performing functions as an authorised person; and
 - (b) produce for inspection the certificate at the reasonable request of any person; and

(c) if he or she ceases to be an authorised person, return the certificate to the local government as soon as is practicable.

Penalty: a fine of \$5 000.

Subdivision 2 — Particular powers of authorised persons

49. Authorised person may cause a cat to be destroyed

(1) An authorised person may cause a cat to be destroyed in a humane manner —

(a) if the person believes on reasonable grounds that the cat —

(i) is feral, diseased or dangerous; and

(ii) has caused or given, or is likely to cause or give, serious injury, or serious illness, to a person, another animal or itself; or

(b) at the request of the owner of the cat; or

(c) in the circumstances, if any, prescribed.

(2) The owner of a cat destroyed under this section is liable to pay to the local government that appointed the authorised person the reasonable costs associated with the destruction and the disposal of the cat.

(3) The local government may recover the amount of the costs referred to in subsection (2) from the owner of the cat in a court of competent jurisdiction.

Policy Implications:

Not applicable

Financial Implications:

There will be a cost associated with advertising the Gazettal notices in the Government Gazette.

Strategic Implications:

Not applicable

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Not applicable

Social Implications:

The Cat Act 2011 is an act to provide for the control and management of cats and to promote and encourage responsible cat ownership.

Environmental Implications:

Not applicable

Comment:

This is for Authorised Officers to carry out their responsibilities under the Cat Act 2011.

RESOLUTION

110913

Moved: Cr Smythe

Seconded: Cr Duperouzel

“That Council:

It is recommended that Council approve the appointments of Daniel Birleson, Matthew Sharpe, Robert Mackenzie and Robert Windsor as Authorised Officers under the Cat Act 2011. For the enforcement of both the Cat Act 2011 and the Cat Regulations 2012.”

CARRIED: 4/0

9. OFFICER'S REPORTS

9.5 LATE REPORT

9.5.4 Consultation On Risk Assessment And Risk Management Plan Proposed Field Trial - GM Canola

FILE NO: HS.1TL.4
COUNCIL DATE: 16 September 2013
REPORT DATE: 12 September 2013
LOCATION/ADDRESS: Shire of York (Agricultural Area)
APPLICANT: Department of Health
Office of the Gene Technology Regulator
SENIOR OFFICER: Ray Hooper, CEO
REPORTING OFFICER: Gordon Tester, MHB
DISCLOSURE OF INTEREST: Nil
APPENDICES: Consultation Advice from the Office of the Gene
Technology Regulator
DOCUMENTS TABLED: Nil

Summary:

Council's comments are now being sought on the consultation version of the risk assessment and risk management plan that has been prepared by the Office of the Gene Technology Regulator.

This is because the Shire of York has been proposed as a trial site where a limited and controlled release of canola genetically modified for altered oil content is planned.

Background:

The trial is proposed to take place between March 2014 and March 2019, with trial sites selected from 153 possible local government areas in New South Wales, Victoria and Western Australia. The trial would be conducted at a maximum of four sites up to 2 hectares in 2014, six sites of up to 10 hectares in 2015 and ten sites of up to 20 hectares in the subsequent years.

The GM Canola will not enter the human food or animal feed supply but some GM material may be used for small scale experimental animal feeding studies

Consultation:

As required by section 52(1) of the Act public notification and an invitation for written submissions on the risk assessment and management plan are being undertaken by the Australian Government.

Statutory Environment:

Gene Technology Act 2000

Policy Implications:

No Shire Policy available on this subject.

Financial Implications:

May involve shire staff in attending to verge spraying of accidental release of canola beyond trial area.

Strategic Implications:

Establish land use strategy to ensure rural and farming land is protected.

Voting Requirements:
Absolute Majority Required: No

Site Inspection:
Site Inspection Undertaken: No

Triple bottom Line Assessment:
Economic Implications:
Nil

Social Implications:
May be controversial in certain areas.

Environmental Implications:

The precautionary approach is normally adopted when making decisions about GM crops due to the lack of sufficient long term research into the ecological and health effects of GM cropping and consumption.

Long term and laboratory based research into genetic modification continues to examine potential social, health environmental and agronomic impacts.

Trials of GM crops are thoroughly researched from seed to market.

Comment:

Any inadequacies in containment of GM crops may have weed management implications for the Shire of York.

The Shire of York manages large areas of land which includes road reserves, natural bushland, public open space and other landscaped areas. Existing weed management programs are not designed to cope with GM species, which have a tolerance to common herbicides.

The control of GM volunteer or hybrid species, which are tolerant to glyphosate herbicides, may become a management problem for the Shire of York. The varieties of canola currently permitted in Western Australia are resistant to glyphosate and could therefore populate road verges, bush reserves and Council gardens.

**RESOLUTION
120913**

Moved: Cr Hooper

Seconded: Cr Duperouzel

“That Council:

Support the trial of genetically modified canola in the Shire of York and request the Office of the Gene Technology Regulator to advise the Shire of York and all surrounding land holders of the pending trials when a site is chosen and that all reasonable measures be taken to contain the canola on the trial site.”

CARRIED: 3/1

Item 9.5.4 – Appendices

9. OFFICER'S REPORTS

9.5 LATE REPORT

9.5.5 Tender 04 1213 – Cat Management Buildings And Facilities

FILE NO: AS.TEN.36
COUNCIL DATE: 16 September 2013
REPORT DATE: 12 September 2013
LOCATION/ADDRESS: Shire Depots
APPLICANT: N/A
SENIOR OFFICER: Ray Hooper, CEO
REPORTING OFFICER: Gordon Tester, MHB
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil

Summary:

All tenders received for Cat Management Facilities in the Shires of York, Cunderdin, Quairading, Tammin and Kellerberrin exceed budget / grant allocation and are requested to be rejected and the tender modified and retendered.

Background:

In November 2013 the Cat Act 2011 will be enacted that requires Cat owners to register their cats with the Local Government and requiring local governments to provide cat management facilities for stray cats.

Following a successful grant application to the Department of Local Government for the amount of \$132,000.00 a tender was formulated and advertised in the Local Government Tender section of the West Australian Newspaper on 8 July 2013.

Tenders closed on Friday 9 August 2013 at 4.00pm.

Seven tenders were received as indicated below.

- Nordic Homes - \$397,283.00
- Instant Transportable Homes - \$265,095.60
- Aussie Modular Solutions - \$446,116
- Demountable Sales & Hire - \$350,336.80
- Ausco Modular Sales - \$371,800.00
- Alexander Pacific Group – No Tender supplied
- DEC Switch Rooms – Option 1, \$403, 308.94 or Option 2, \$372,636.44

Consultation:

Not Applicable

Statutory Environment:

Local Government Act 1995

Policy Implications:

Nil

Financial Implications:

No tenders can be considered as all tenders exceed the budget allocation for this project.

Strategic Implications:

It is Councils priority to protect our natural reserves and walks.

Voting Requirements:
Absolute Majority Required: Yes

Site Inspection:
Site Inspection Undertaken: No

Triple bottom Line Assessment:
Economic Implications:
No tenders can be considered as all tenders exceed the budget allocation for this project.

Social Implications:
It is one of Councils priorities to facilitate community safety, security and well being.

Environmental Implications:
The Cat Act with its requirements for Cats to be sterilised, Cats impact on native wildlife should be reduced with the reduction in the amount of cats in the community in general.

Comment:
It is recommended that Council reject all tenders as they exceed the budget allocation for this project and have staff modify the tender requirements and readvertise the project for tender.

**RESOLUTION
130913**

Moved: Cr Hooper

Seconded: Cr Duperouzel

“That Council:

That Council reject all tenders received for tender number 04 1213, and have staff modify the tender specifications and readvertise the Tender for Cat Management Facilities.”

CARRIED: 4/0

9.6 Confidential Reports

10. NEXT MEETING

RESOLUTION
140913

Moved: Cr Smythe

Seconded: Cr Duperouzel

“That Council:

1. *hold a Special Meeting of the Council on October 21, 2013 at 10.00am in the Council Chambers, York for the purpose of Swearing In of newly elected Councillors, Election of President and Deputy President, appointment of Audit Committee and appointment of Representatives to Community and other Organisations.*
2. *hold the next Ordinary Meeting of the Council on October 21, 2013 at 3.00pm in the Greenhills Hall, Greenhills.”*

CARRIED: 4/0

11. CLOSURE

Cr Boyle thanked everyone for their attendance and declared the meeting closed at 4.06pm.