

# SHIRE OF YORK

**MINUTES OF THE ORDINARY  
MEETING OF THE COUNCIL  
HELD ON 15 SEPTEMBER, 2014  
COMMENCING AT 4.01pm  
IN COUNCIL CHAMBERS,  
YORK TOWN HALL, YORK**



# Table of Contents

<b>1. OPENING .....</b>	<b>5</b>
1.1 Declaration of Opening .....	5
1.2 Disclaimer .....	5
1.3 Suspension of Standing Orders – .....	5
1.4 Announcement of Visitors .....	5
1.5 Declarations of Interest that Might Cause a Conflict .....	6
<b>Financial Interests</b> .....	6
<b>Disclosure of Interest that May Affect Impartiality</b> .....	6
<b>2. ATTENDANCE .....</b>	<b>6</b>
2.1 Members.....	6
2.2 Staff.....	6
2.3 Apologies.....	6
2.4 Leave of Absence Previously Approved.....	6
2.5 Number of People in Gallery at Commencement of Meeting.....	6
<b>3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....</b>	<b>6</b>
<b>4. PUBLIC QUESTION TIME.....</b>	<b>7</b>
4.1 Public Question Time – Written Questions – Current Agenda.....	8
4.2 Public Question Time – Current Agenda.....	8
<b>5. APPLICATIONS FOR LEAVE OF ABSENCE .....</b>	<b>11</b>
<b>6. PETITIONS / PRESENTATION / DEPUTATIONS .....</b>	<b>11</b>
<b>7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING .....</b>	<b>11</b>
7.1 Minutes of the Ordinary Council Meeting held August 18, 2014 .....	11
7.2 Minutes of the Special Council Meeting held August 20, 2014 .....	11
<b>8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....</b>	<b>12</b>
<b>REPORTS .....</b>	<b>12</b>
<b>9. MATTERS FOR RESOLUTION .....</b>	<b>12</b>
<b>9.1 DEVELOPMENT SERVICES.....</b>	<b>13</b>
9.1.1 Proposed Town Planning Scheme Amendment No. 53 .....	13
9.1.2 Removing a Caveat on Lot 41 (987) Goldfields Road, Malebelling .....	18
9.1.3 Daliak Structure Plan .....	22
9.1.4 Variation Of Planning Condition 10 – York Race Track Development .....	28
<b>9.2 ADMINISTRATION REPORTS.....</b>	<b>32</b>
9.2.1 Sale of CRC Building .....	32
9.2.2 Workshop – CEO Priorities .....	37
<b>9.3 WORKS REPORTS.....</b>	<b>38</b>
9.3.1 Henrietta / Balladong Drainage.....	38

<b>9.4 FINANCE REPORTS</b> .....	40
9.4.1 Rates – Transfer Of Land .....	40
9.4.2 Rates Write Off.....	44
9.4.3 Monthly Financial Reports – August 2014.....	48
9.4.4 Investigate Credit Card Usage.....	51
9.4.5 Monthly Financial Reports – YRCC – August 2014.....	54
9.4.6 Monthly Financial Reports – Outstanding Rates & Debtors – August 2014.....	56
9.4.7 Freedom of Information .....	58
9.4.8 Draft Events Policy .....	61
9.4.9 Sponsorship Processes .....	63
9.4.10 Tavern Licence.....	65
9.4.11 Investments – August 2014 .....	66
9.4.12 Risk Management Governance Framework.....	68
<b>9.5 LATE REPORTS</b> .....	70
9.5.1 Crawford Court Precinct – Overall Drainage Plan.....	70
9.5.2 Ability Focus – Application to be Recognised – Ability Focus.....	73
<b>9.6 CONFIDENTIAL REPORTS</b> .....	75
9.6.1 Close the Meeting.....	75
9.6.2 Open the Meeting.....	76
<b>10. COMMITTEES OF COUNCIL</b> .....	77
10.1 Finance, Risk & Audit Committee .....	77
10.2 Works Committee .....	78
10.3 Heritage Advisory Committee .....	79
<b>11. EXECUTIVE MANAGEMENT REPORTS</b> .....	80
11.1 CEO Report.....	80
11.2 Deputy CEO Report.....	85
11.3 Manager Planning Services Report .....	90
11.4 Engineer – Works Managers Report.....	93
11.5 Environmental Health & Building Services Managers Report.....	95
<b>12. REPORTS FOR CONSIDERATION</b> .....	97
12.1 Various Reports.....	97
<b>13. NEXT MEETING</b> .....	98
<b>CLOSURE</b> .....	98



## SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL  
HELD ON MONDAY, 15 SEPTEMBER 2014, COMMENCING AT  
4.01PM 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 Matthew Reid, Shire President, declared the meeting open at 4.01pm.*

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

#### 1.2 Disclaimer

The Shire President advised the following:

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

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

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

Moved: Cr Duperouzel

Seconded: Cr Boyle

Carried: 6/0

#### 1.4 Announcement of Visitors

*Nil*

1.5 Declarations of Interest that Might Cause a Conflict

**Financial Interests**

*Cr Matthew Reid – 9.1.1 – Financial – Proximity*

**Disclosure of Interest that May Affect Impartiality**

*Cr Matthew Reid – 9.1.4 – Impartial – Member of York Racing*

*Cr Matthew Reid – 9.5.2 – Impartial – Member of Board*

*Cr Matthew Reid – 9.6.3 – Impartial – JDAP Member*

*Cr Mark Duperouzel – 9.6.3 – Impartial – JDAP Member*

*Cr Tony Boyle – 9.1.1 – Impartial – Proximity*

*Cr Tony Boyle – 9.1.4 – Impartial – Vice Chairman*

*Cr Denese Smythe – 9.5.1 – Impartial – Proximity*

*Cr Denese Smythe – 9.5.2 – Impartial – Board Member*

**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; Tyhscha Cochrane, Deputy Chief Executive Officer, Gordon Tester, Manager Environmental Health & Building, Kira Strange, Town Planner, 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 32 people in the Gallery at the commencement of the meeting.*

**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Mrs M Van De Pol

**Public Question Time - Ordinary Council Meeting 18 August 2014**

**Question:**

Does the Shire of York have a duty of care to ensure the free mulch offered is termite free?

**Response:**

The greatest risk is from termites established in ones yard. Termites can be found in mulch but their survival is poor as their ability to survive the chipping process is poor. Once separated from their colony their ability to survive further decreases. It is important not to mulch heavy against buildings and to maintain termite barriers around homes and buildings.

Information pamphlets could be distributed to residents obtaining mulch as a duty of care.

#### 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

#### 4.1 Public Question Time – Written Questions – Current Agenda

*Public Question Time commenced at 4.07pm*

**Mr John Weeks**

**Question 1:**

Can the President or CEO inform me and other members of the public of the cost to the Council and therefore the ratepayers, the 16 FOI requests, dealt with 2013-2014 and can we, the public, know who made the FOI request?

**Response:**

The cost to the ratepayers was approximately \$99,000. However, we are not permitted to say who lodged these requests.

**Question 2:**

Can the President or CEO confirm that it has received 73 further FOI applications from the same person/persons that have to be researched by Council staff, with possibly more to be employed purely for those particular FOI requests. And the estimated cost to the Council therefore ratepayers of these further applications as the monetary figure of the previous 16 request must be known.

**Response:**

The Executive have negotiated a settlement with the parties concerned and reduced the scope significantly. The FOI applications have been withdrawn on the basis of only six files being requested at this time. Therefore no costs will be incurred at this time.

**Question 3:**

Has the Council sought to recover the cost to the community from the applicant/s as described in the Freedom of Information Act where an Agency may charge up to \$30/hour for retrieval of information and has the Council had communication with the FOI Commissioner regarding retrieval from the applicants of cost associated with their request and why was it not allowed. On what grounds was the refusal made, and to the best of the CEO and President's knowledge have other Councils been denied recovery of cost associated with FOI.

**Response:**

No need to recover costs as FOI's have been withdrawn. Costs are regulated.

#### 4.2 Public Question Time – Current Agenda

**Mrs Tanya Richardson**

**Question:**

Why was the Agenda not placed on the website before Monday so interested parties could review it?

**Response:**

There have been recent changes to procedures with placing the Agenda on the website. In future the Agenda will be placed on the website 24 hours after the Councillors receive it. This will give Councillors time to review the Agenda before the general public.



**Mrs Sandra Paskett**

**Question 1:**

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

**Response:**

Taken on Notice

**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:**

Taken on Notice

**Mrs Heather Saint**

**Question 1:**

With reference to the Agenda item concerning credit cards, could you please confirm whether the material provided with this report in the form of spreadsheets from Macri & Partners is entirely what was provided to Council following their request for an audit?

**Response:**

Yes, summary only provided in FRAC Agenda and Minutes, entire report tabled at FRAC meeting for consideration.

**Question 2:**

I have reason to believe that there have been numerous information omissions and I have relevant spreadsheets from my own research to evidence this belief. I am more than happy to meet with the CEO and discuss this further, but in the meantime can I suggest that the Agenda item be deferred?

**Response:**

CEO requested the Deputy CEO to copy the Macri & Partners report the Shire of York has received and provide this to Mrs Saint for comparison.

*Advice Note:*

*Subsequent to this the Shire will obtain legal advice.*

**Ms Trisha Walters**

**Question:**

Non availability of Agendas. According to the information currently on the counter in the Shire Office, copies of the Agenda will be available, free of charge, at Council meetings.

- (a) When was it decided to not provide free copies of the Agendas at Council meetings?
- (b) By whom?
- (c) Ratepayers have been told to expect transparency from Council, so why are ratepayers who are unable to attend the Shire Office during opening hours and who do not have email, being discriminated against?

**Response:**

CEO will investigate other options for the availability of the Agenda with the possibility that a copy of the Agenda could be placed in the CRC or Information Services. CEO also requested suggestions for alternatives.

**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:**

Taken on Notice

**Mr Simon Saint**

**Question 1:**

Would Council concede had Cr Boyle taken questions in 2012/2013 the need for FOI's would not have come about?

**Response:**

The Shire President stated that he was not on Council at this time. However, if we live in today, we are open and accountable at all times.

**Question 2:**

If I receive a letter on Shire of York letterhead is that official correspondence?

**Response:**

Yes

**Ms Darlene Barratt**

**Question:**

I would like certain statements made in Agenda Item 9.4.2 amended.

**Response:**

The CEO stated that Ms Barratt was not named in the agenda item, she has named herself. The Agenda item will be considered at the appropriate time during the meeting. (Result – Item deferred).

**Mrs Sally Boyle**

**Question 1:**

\$99,000 of ratepayers money has gone on FOI expenses. What is the benefit to York?

**Response:**

The Administration took a different approach to FOI applications during this time and followed statutory requirements.

**Question 2:**

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

**Response:**

Taken on Notice

*There were no further questions from the Gallery and Public Question time was declared closed at 4.30pm*

## 5. APPLICATIONS FOR LEAVE OF ABSENCE

*Nil*

## 6. PETITIONS / PRESENTATION / DEPUTATIONS

*Nil*

## 7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### 7.1 Minutes of the Ordinary Council Meeting held August 18, 2014

Corrections – The following questions from Simon Saint were omitted from Public Question Time:

1. Confirmation that Saints Diner complied with the Shires approval dated 19 June 2006, between the dates 1 March 2008 – 9 November 2013.
2. Confirmation that between the same dates, Saints Diner had approval from the Shire of York for the use of the areas known as Alfresco 1 & 2 for the purpose of dining.
3. Acknowledgement that the Shire of York issued a Section 39 Certificate and a Maximum Accommodation Approval Certificate prior to the application and approval of the liquor licence.
4. Confirmation that its direction dated 8<sup>th</sup> January 2013, reference Saints Diner, was a valid one.

Confirmation

#### **RESOLUTION 010914**

Moved: Cr Smythe

Seconded: Cr Wallace

*“That the minutes of the Ordinary Council Meeting August 18, 2014 be confirmed, with the above correction, as a correct record of proceedings.”*

*CARRIED: 6/0*

### 7.2 Minutes of the Special Council Meeting held August 20, 2014

Corrections

Confirmation

#### **RESOLUTION 020914**

Moved: Cr Hooper

Seconded: Cr Duperouzel

*“That the minutes of the Special Council Meeting held August 20, 2014 to be confirmed as a correct record of proceedings.”*

*CARRIED: 6/0*

**8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**  
*Nil*

**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 Town Planning Scheme Amendment No. 53

FILE NO: PS.TPS.53  
COUNCIL DATE: 1 September 2014  
REPORT DATE: 22 August 2014  
LOCATION/ADDRESS: Various  
APPLICANT: Various  
SENIOR OFFICER: M Keeble, CEO  
AUTHOR: K Strange, PO  
DISCLOSURE OF INTEREST: Cr M Reid – Financial  
Cr T Boyle – Impartial  
APPENDICES: 1 – Scheme Amendment Summary  
2 – Changes to Documentation  
3 – Schedule of Submissions  
DOCUMENTS TABLED: Nil  
REPORT APPROVED BY THE CEO: Michael Keeble

*Cr Reid declared a Financial Interest to this item and left the meeting at 4.32pm.  
Cr Boyle declared an Impartial Interest to this item and left the meeting at 4.32pm.*

*Cr Duperouzel took the Chair.*

**RESOLUTION  
030914**

Moved: Cr Hooper

Seconded: Cr Wallace

*“That Council:*

1. *Determine, the submissions received as detailed in the Officer’s Report and Appendix 3.*
2. *Resolve to proceed with Amendment No. 53 to the Shire of York Town Planning Scheme No. 2, pursuant to Section 17 (2) of the Town Planning and Development Regulations 1967 for Final approval with modifications by:*

- (a) *In the table under ‘Conditions’ for Proposal 4: Laurelville – Lots 1 & 2 Panmure Road, York, delete the following;*

*All development (including change of use) shall be subject to application for approval by the Heritage Council of Western Australia and in accordance with an approved conservation plan.*

- (b) *Insert the following;*

*The Local Government may refer applications for planning consent to any relevant authority for their comments and/or recommendations.*

*Applications for planning consent will be advertised for a minimum period of 14 days.*

*When assessing an application for planning consent , in addition to the provisions of Clause 8.5 of the Scheme, the Local Government will also give consideration to the following issues, ;*

- hours of operation;*
- impact to amenity; and*
- traffic and parking management.*

*Prior to determining an application for planning consent, Council will require comments from the Heritage Council of Western Australia, and that an approved conservation plan be in place for the building.*

*(c) Delete SU6 and replace with SU7 in Proposal 4 and update the scheme maps accordingly.*

3. *Request the Minister for Planning grant final consent to the amendment.*

4. *Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation and affix the Common Seal of the Shire of York to the documentation.*

**CARRIED: 4/0**

*Cr Reid and Cr Boyle returned to the meeting at 4.35pm.*

*Cr Reid resumed the Chair.*

### **Voting Requirements:**

**Simple Majority Required:            Yes**

### **Summary:**

Council at its Ordinary Meeting held 23 July 2014 resolved to initiate Scheme Amendment No. 53.

The scheme amendment has been advertised for a minimum of 21 days in accordance with approval from the Western Australian Planning Commission.

72 submissions were received (in Appendix 3) in response to the amendment. The majority were in regard to Laurelville, with 6 objections and 62 submissions in support. All submissions have been assessed as part of the amendment consideration. It is recommended that Council uphold (in part) some of the objections in regard to the Laurelville proposal by making modifications to the amendment by inserting matters to be considered when a future development application is received, but not support their request to not allow the development,

It is recommended that Council supports the amendment, and to proceed by giving approval and forwarding the relevant documentation to the Minister for Planning.

### **Background:**

Scheme Amendment No. 50 was initiated by the Shire of York on 19 November 2012 for the purpose of modifying both the Scheme Text and Map to correct a series of minor Map anomalies and updating Text provisions.

The Omnibus amendment was also being utilised to progress a number of minor proposals within the Shire of York rather than progressing them as individual amendments. Due to a number of factors beyond the Shire's control, the Omnibus has been delayed. Therefore, Amendment 53 was needed in order to pursue the affected proposals independently and in a timely manner.

Amendment No. 53 contains four (4) private properties proposing to be rezoned to facilitate commercial uses. These properties are;

- Lots 18 and 207 Broome Street
- Lot 619 Howick Street
- Lots 100 (58) Avon Terrace
- *Lots 1 & 2 (18) Panmure Road (Laurelville)*

**Consultation:**

Council initially resolved to initiate the Scheme Amendment at the Ordinary Meeting in June. In accordance with the resolution, the documentation was referred to the Environmental Protection Authority (EPA) on 30 June 2014. Due to a previous possible procedural error, the Amendment was put forward to Council in July. It was not considered necessary to re-send the documentation to the EPA as it was still consistent with the July resolution.

The EPA considered the information and determined that the proposal “should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* and that it is not necessary to provide any advice or recommendations”. Further to this, on 18 July 2014 the Western Australian Planning Commission consented to a reduced advertising period of 21 days.

Following this, notification was given to surrounding landowners of the subject properties as well as the relevant agencies on 24 July 2014. A notice was also included in the Avon Valley Gazette on 26 July 2014, advertising the proposal. Submissions on the proposal were due on 18 August 2014 and the documentation was available for viewing at Council Administration Office during this time.

There were a total of 70 submissions received during the exhibition period as well as two (2) late submissions, totalling 72. 62 of 72 the submissions were in support of the proposal and six (6) were opposed. The following table depicts the number of submissions received.

All of the agency submission referred to the amendment as a whole, assessing each subject property. The public submissions were focused primarily on the Laurelville property.

Submission Type	No.	% of total	Focus of Content
Agency Submissions			
• Normal	2	2.77	The whole amendment.
• Late	2	2.77	The whole amendment.
<b>Total</b>	<b>4</b>	<b>5.55</b>	
Public Submission			
• Objections	6	8.33	Laurelville
• Support	62	86.11	Laurelville
<b>Total</b>	<b>68</b>	<b>94.44</b>	
<b><u>SUB TOTAL SUBMISSIONS</u></b>	<b><u>72</u></b>		

In summary, the objections raised a number of concerns regarding the potential impacts to the surrounding landowners of Laurelville including, but not limited to; noise, traffic and parking management; general amenity; and impact from patrons. All of the objections have been noted however at this stage the impacts mentioned go beyond the scope this Amendment. When a planning application is received, any potential impact can be identified and managed through conditions of planning consent.

In summary, the submissions supporting the amendment of Laurelville’s property, outlined the social and economic benefits to the town. In particular, the flow-on effect of events and functions held at Laurelville to other businesses in town.

For further details of the content of the submissions, refer to Appendix 3 of the report for the Schedule of Submissions.

**Statutory Environment:**Planning and Development Act 2005

Under Section 75 of the *Planning and Development Act 2005*, a local government may amend a local planning scheme with reference to any land within its district, or with reference to land within its district and other land within any adjacent district, by an amendment:

- a) Prepared by the local government, approved by the Minister and published in the Gazette; or
- b) Proposed by all or any of the owners of any land in the scheme area, adopted, with or without modifications, by the local government, approved by the Minister and published in the Gazette.

#### Town Planning Regulations 1967

A Scheme Amendment must be prepared, advertised and adopted in accordance with the provisions of the Regulations. On 18 July 2014, Mr Tim Hillyard of the Western Australian Planning Commission gave consent to advertise the Scheme amendment for a reduced period of 21 days given the circumstances of the proposal.

#### York Local Planning Strategy

The Scheme Amendment Report provides an assessment of the proposals when considering the aims and objectives of the LPS.

#### York Town Planning Scheme No. 2

The Scheme Amendment Report provides an assessment of the proposals when considering the aims and objectives of the TPS.

#### **Policy Implications:**

There are no policy implications associated with the amendment as all proposals are considered consistent with relevant policies.

#### **Financial Implications:**

Council is responsible for the costs associated with preparing the relevant documentation. There are no other financial implications associated with this proposal.

#### **Strategic Implications:**

As indicated in the Scheme Amendment report, the proposals are consistent with the goals and objectives of the York Strategic Community Plan.

#### **Site Inspection:**

**Site Inspection Undertaken: Not applicable**

#### **Triple bottom Line Assessment:**

##### **Economic Implications:**

The subject rezoning proposals will provide additional opportunities for retail, mixed use and tourist development in the designated town centre. The locations of the properties provide for a logical expansion of the town centre within the designated boundary, and will not result in fragmentation or dilution of the commercial centre of York. It is anticipated that new business and employment opportunities will arise in the future as a result of the rezoning.

##### **Social Implications:**

There are a number of positive and negative social issues associated with this Amendment, particularly in relation to the Laurelville property at Lots 1 & 2 (18) Panmure Road of which the majority of submissions referred to.

A number of complaints have been received in the past in relation to noise and impact to the surrounding area from the functions held at this property. There has also been a number of issues raised in the objections received in regards to the potential impacts of this rezoning, specifically the addition of 'function centre' as a use in this residential area. These impacts have been carefully considered during this assessment however the landowners are still required to



submit a planning application for the additional listed uses at which stage, the potential impacts will be identified and managed through conditions of consent.

On the contrary, there are also positive social impacts associated with this amendment as the changes will allow for a variety of commercial and business uses which has potential employment opportunities. For example, the additional uses for Laurelville will allow a significant heritage building to continue to operate and attract people to York. From the submissions received, there is an overwhelming support within the community for the use of the property for business and tourism purposes.

**Environmental Implications:**

One property is classified contaminated, which is registered with the Department of Environment and Regulation. The contamination is restricted to the groundwater, which does not affect the rezoning of the property to a less sensitive use i.e. commercial (in fact it could be considered a positive step). The level of contamination and restrictions of use is detailed in the Scheme Amendment report.

There are no environmental implications associated with the rezoning proposals.

**Comment:**

Whilst there are a number of valid concerns raised about the implications of this Amendment on the community, particularly regarding the Laurelville property, there was also an overwhelming response of support.

There were no public submissions relating to the other three (3) properties.

The issues raised in relation to the Laurelville property are of particular concern to surrounding landowners. The concerns are warranted and have been carefully considered in the assessment of this amendment. It has been concluded that the issues can be thoroughly addressed when a planning application is received and can be adequately managed through conditions of consent.

Whilst the Laurelville property has been operating under a temporary planning approval, a full assessment will be conducted when a new application is received taking into consideration the potential impacts on the surrounding area including but not limited to; noise; parking and traffic management; impact on the surrounding amenity; and hours of operation.

**Appendices Attached**

9. MATTERS FOR RESOLUTION  
9.1 DEVELOPMENT SERVICES  
9.1.2 Removing a Caveat on Lot 41 (987) Goldfields Road, Malebelling

FILE NO: GO1.2601  
COUNCIL DATE: 1 September 2014  
REPORT DATE: 15 September 2014  
LOCATION/ADDRESS: Lot 41 (987) Goldfields Road, Malebelling  
APPLICANT: Ronald Bruce  
SENIOR OFFICER: M Keeble, CEO  
AUTHOR: K Strange, PO  
DISCLOSURE OF INTEREST: Nil  
APPENDICES: Nil  
DOCUMENTS TABLED: Nil  
REPORT APPROVED BY THE CEO: Michael Keeble

**RESOLUTION  
040914**

Moved: Cr Boyle

Seconded: Cr Wallace

***“That Council:***

1. Consider the information within this report and give retrospective approval for the Caveat to be removed from the title of Lot 41 (987) Goldfields Road, Malebelling.
2. Confirm that the Shire will submit the documentation to Landgate upon receipt of payment for the associated fees from the applicant, Mr Ron Bruce.”

CARRIED: 6/0

**Voting Requirements:**

**Simple Majority Required: Yes**

**Summary:**

Mr Ron Bruce has requested that the Shire of York remove the Caveat that was placed on his title in 2007 regarding the use of an approved ancillary accommodation at his property at Lot 41 (987) Goldfields Road, York.

Westpac Bank wrote to the Shire on 2 September 2014 outlining the urgency of the removal to take place prior to Council Meeting.

Based on this, Shire President Mr Matthew Reid and Chief Executive Officer Mr Michael Keeble signed and sealed a Form W1: Withdrawal of Caveat. Westpac Bank were notified in writing of this and were informed that the documentation would be lodged with Landgate upon receipt of payment from the applicant Mr Ron Bruce. A copy of this letter as well as the signed Form W1 was forwarded to Mr Bruce for his information.

LATE NOTE: On 5 September 2013, Dorothea Findlay-Cooper came to the Shire and paid the \$160 fee required to lodge the documentation with Landgate.

**Background:**

On 6 March 2007, Mr Ron Bruce received a planning approval for the construction on ancillary accommodation at Lot 41 (987) Goldfields Road, York. The approval was subject to the following conditions;

1. *A building licence being issued for the proposed works;*
2. *Non reflective materials being used;*
3. *The applicant entering into a legal agreement at the applicants cost binding the owner, his/her heirs and successors in title requiring that the sole occupant or occupants are the members of the family and the occupiers of the main dwelling; and*
4. *All stormwater and drainage run off to be contained on site.*

**Advice Notes:**

- a. *This is a Development Approval and it is not a building licence or an approval to commence or carry out development under any other law. It is the responsibility of the applicant to obtain any other necessary approvals, consents and licences required under any other law, and to commence and carry out development in accordance with all relevant laws.*
- b. *In relation to Condition 3, a legal agreement is to be in the form of a Deed and registered on the title as a caveat prior to the issuance of a building licence.*
- c. *Please note that once the Deed is ready, Council will need to consider an agenda item to approve the affixing of the seal.*
- d. *It is noted that the current dwelling located on the property is 60m<sup>2</sup> in area and meets the requirement of the maximum area allowable for ancillary accommodation.*

On 16 July 2007, once the relevant documentation had been prepared, Council resolved for the use of the Common Seal of the Shire of York to be affixed to the Deed of Ancillary Accommodation in accordance with condition 3. The Deed outlined that the accommodation may only be used for the purposes of a single dwelling house with ancillary accommodation and may not be used as two separate private residences.

On 28 August 2007, Mr R J Biddulph of Biddulph & Turley Barristers and Solicitors wrote to the Shire confirming that the relevant documentation had been lodged with landgate.

On 20 August 2014, Mr Bruce wrote to the Shire requesting that the Caveat, as per this planning approval, be removed in order for him to obtain finance with Westpac and renovate the property.

On 2 September 2014, Westpac Bank wrote to the Shire to request that the documentation be prepared as soon as possible as they were guided by a number of time constraints.

**Consultation:**

No consultation is required.

**Statutory Environment:**

Shire of York Town Planning Scheme No. 2.

Lot 41 (987) Goldfields Road is zoned General Agriculture under the Scheme.

In accordance with the Zoning Table in the Scheme, ancillary accommodation is listed as an 'IP' use in the General Agriculture zone which means that the use requires prior planning approval and is to be incidental to the predominant use of the land.

Planning applications are assessed against the objectives of the General Agriculture zone and the merits of the application.

### State Planning Policy 3.1 Residential Design Codes

The Residential Design Codes (R Codes) is a State planning document that applies to all Residential Zoned development within the State. When assessing ancillary accommodation in any other zone, specifically the General Agriculture zone, generally the provisions under the Residential Design Codes are used as a guide when assessing planning applications.

In August of 2013, the State Planning Department released an updated version of the R Codes with some changes. One of the most notable changes was the provision for ancillary accommodation.

Prior to this updated version, ancillary accommodation was restricted to the use of family members of the property only. However the updated version did not include this restriction.

In using this document as a guide, restricting use to family members only may not be necessary for ancillary accommodation (with the exception of a caretakers dwelling). Therefore in this case, removing the caveat to allow for non-family members to occupy the accommodation will not impact the nature of ancillary accommodation as it is currently planned for.

### Development Control Policy 3.4 Subdivision of Rural Land

Another policy that is considered when assessing ancillary accommodation is DCP 3.4. Generally subdivision within a General Agriculture zone is not permitted unless there is reasonable justification in accordance with this policy. Therefore when considering an application for ancillary accommodation, it is generally required that the accommodation be in close proximity (generally <100m) to the existing main dwelling to ensure that it does not facilitate future subdivision.

In this case, the accommodation is in close proximity to the main dwelling and will not compromise the requirements under Development Control Policy 3.4.

#### **Policy Implications:**

There are no policy implications associated with removing this Caveat.

#### **Financial Implications:**

There are no financial implications for the Shire as it is the responsibility of the landowner to cover the cost of lodging Form W1 with Landgate.

#### **Strategic Implications:**

There are no strategic implications associated with removing the Caveat.

#### **Site Inspection:**

**Site Inspection Undertaken:            Not applicable**

#### **Triple bottom Line Assessment:**

##### **Economic Implications:**

There are no economic implications for the Shire associated with this proposal.

##### **Social Implications:**

This retrospective approval should not set a precedent for future however based on the circumstances of this situation, it was necessary to prepare the documentation prior to Council Meeting.

##### **Environmental Implications:**

There are no environmental implications for the Shire associated with this proposal.

**Comment:**

In order for the landowner to obtain finance with Westpac, it is necessary to remove the Caveat on his title. This is a relatively common occurrence for Banks however generally the Caveat is placed back on.

Based on the information provided in this report, it is not necessary in this case to put the Caveat back on the title.

In order to lodge the relevant documents with Landgate, the Common Seal was needed to be affixed to Form W1 as well as be witnessed by the CEO and Shire President.

Retrospective approvals are not a desirable outcome for proper and orderly decision making, however in this case, it is necessary in order to meet time constraints.

9. MATTERS FOR RESOLUTION  
9.1 DEVELOPMENT SERVICES  
9.1.3 Daliak Structure Plan

FILE NO: PS.TPS.24.1  
COUNCIL DATE: 15 September 2014  
REPORT DATE: 1 September 2014  
LOCATION/ADDRESS: Daliak Precinct  
SENIOR OFFICER: M Keeble, CEO  
AUTHOR: K Strange, PO  
DISCLOSURE OF INTEREST: Nil  
APPENDICES: Nil  
DOCUMENTS TABLED: Nil  
REPORT APPROVED BY THE CEO: Michael Keeble

**RESOLUTION  
050914**

Moved: Cr Hooper

Seconded: Cr Boyle

*"That Council:*

*Note this report for information purposes."*

**CARRIED: 6/0**

**Summary:**

The purpose of this report is to inform Council of the current status of the proposed Structure Plan for the Daliak precinct as well as provide a background on the process that has taken place prior to the submission of this Plan.

**Background:**

Proposed development within the Daliak precinct originated back to as early as June 2007 where Council agreed to initiate a Scheme Amendment for a rezoning of the land with the intention of developing Lots 5, 6 and 8 Morris Edwards Drive for a retirement village.

The proposal was subject to the endorsement of the Local Planning Strategy identifying the Daliak area for potential Residential expansion as well as the submission of a Precinct Plan.

However in regards to a plan for the entire Daliak Precinct, Council first resolved at the Ordinary Council Meeting in July of 2008;

*"That upon receipt of a satisfactory Development Plan with comprehensive background data supporting the proposal that Council initiate Scheme Amendment No 29 – Daliak Precinct by amending the scheme maps and scheme text by:*

- a) *Rezone Lots 1 – 6, 8, 11 and 205 Morris Edwards Drive, Lot 2 Cnr of Morris Edwards Drive and Great Southern Highway, Lots 1, 6, 17, 21 – 22, 200 – 201 Great Southern Highway, and lots 340 and 123, Trews Road, from General Agriculture Zone to Residential Zone; and*
- b) *To include the Daliak Residential Precinct bounded by Morris Edwards Drive, Great Southern Highway, Ulster and Forrest Streets in Schedule 13 – Development Control Areas as DA 4 and in Schedule 14 DCA – A.*

*Advice Note:*

*The Scheme Amendment will be advertised for a period of 42 days, after the proposal has been assessed by the Environmental Protection Authority.”*

At the Ordinary Council Meeting in December of 2008 Council resolved to;

- “1. Modify the resolution of the 21<sup>st</sup> July 2008 by deleting the words “Residential Zone” and replacing them with “Special Use Zone”...*
- 2. Adding to Schedule 3, the following:*

**SCHEDULE 3  
SPECIAL USE ZONES**

<b>No.</b>	<b>PARTICULARS OF LAND</b>	<b>SPECIAL USE</b>	<b>CONDITIONS</b>
4	<i>Daliak Precinct Morris Edwards Drive, York as depicted on the Local Planning Strategy Maps (2007).</i>	<i>Residential development with aged persons units, shops and community purposes.</i>	<i>Subdivision and development shall be in accordance with an approved Development Area Plan.</i>

3. *initiates Scheme Amendment 29 to read as follows:*

*That Council initiates Scheme Amendment No 29 – Daliak Precinct by amending the scheme maps and scheme text by:*

- a) *Rezone Lots 1 – 6, 8, 11 and 205 Morris Edwards Drive, Lot 2 Cnr of Morris Edwards Drive and Great Southern Highway, Lots 1, 6, 17, 21 – 22, 200 – 201 Great Southern Highway, and Lots 340 and 123, Trews Road, from General Agriculture Zone to Special Use Zone;*
- b) *Adding to Schedule 3, the following:*

**SCHEDULE 3  
SPECIAL USE ZONES**

<b>No.</b>	<b>PARTICULARS OF LAND</b>	<b>SPECIAL USE</b>	<b>CONDITIONS</b>
4	<i>Daliak Precinct Morris Edwards Drive, York as depicted on the Local Planning Strategy Maps (2007).</i>	<i>Residential development with aged persons units, shops and community purposes.</i>	<i>Subdivision and development shall be in accordance with an approved Development Area Plan.</i>

- c) *To include the Daliak Residential Precinct bounded by Morris Edwards Drive, Great Southern Highway, Ulster and Forrest Streets in Schedule 13 – Development Control Area as DA 4 and in Schedule 14 DCA – A.*

*Advice Note:*

*Council is in receipt of a satisfactory development plan and is prepared to move forward with the Scheme Amendment 29.*

*The Scheme Amendment will be forwarded to the Environmental Protection Authority and once advice is provided the Scheme Amendment will be advertised for a period of 42 days.”*

Following this, consultation took place with the developers, the planning consultants at the time and the Department of Planning and Infrastructure (now the Department of Planning). An Outline Development Plan was submitted by Hames Sharley in July of 2008 and after referring it to the Environmental Protection Authority, the Amendment and the ODP were advertised in December of 2009.

Following this, at its Ordinary Meeting in June of 2010, Council resolved;

*“That Council, pursuant to Part 5 of the Planning and Development Act 2005, in respect to Amendment No. 29 to the Shire of York Town Planning Scheme No. 2, resolves to –*

1. *Adopt, in accordance with Part 5 of the Planning and Development Act 2005, for final approval the proposed amendment with modification by rezoning Lot 11 on Plan D27385 (Ulster Road), Lot 205 on Plan P302210 (Morris Edwards Drive), Lots 1, 2, 3, 4, 5 and 6 on Plan D12822 (Morris Edwards Drive), Lot 8 on Plan P26636 (Morris Edwards Drive), Lot 2 on Plan P844 (Morris Edwards Drive), Lot Y17 on Plan P224223 (Old Trews Road), Lots 21 and 22 on Plan P26564 (Great Southern Highway), Lots 200 and 201 on Plan P300410 (Great Southern Highway), Lot 123 on Plan D5711 (Trews Road), Lot 340 on Plan D60517 (Great Southern Highway), Lot 6 on Plan D52820 (Great Southern Highway) and Lot 1 on Plan D31327 (Old Trews Road) from ‘General Agriculture’ to ‘Special Use Zone’ and rezoning Lot 10 on Plan D27385 (Ulster Road), Reserve 25722 (Avon Locations 28038 and 28629) and Reserve 27341 (Avon Location 28215) from ‘Public Purposes’ to ‘Special Use Zone’ and amend the Scheme Maps accordingly;*
2. *Inserting the following ‘Special Use Zone 4’ into Schedule 3:*

<b>No.</b>	<b>PARTICULARS OF LAND</b>	<b>SPECIAL USE</b>	<b>CONDITIONS</b>
4	<i>Daliak Precinct:            Lot 11 on Plan D27385 (Ulster Road), Lot 205 on Plan P302210 (Morris Edwards Drive), Lots 1, 2, 3, 4, 5 and 6 on Plan D12822 (Morris Edwards Drive), Lot 8 on Plan P26636 (Morris Edwards Drive), Lot 2 on Plan P844 (Morris Edwards Drive), Lot Y17 on Plan P224223 (Old Trews Road), Lots 21 and 22 on Plan P26564 (Great Southern Highway), Lots 200 and 201 on Plan P300410 (Great Southern Highway), Lot 123 on Plan D5711 (Trews Road), Lot 340 on Plan D60517 (Great Southern Highway), Lot 6 on Plan D52820 (Great Southern Highway) and Lot 1 on Plan D31227 (Old Trews Road), Lot 10 on Plan D27385 (Ulster Road), Reserve 25722 (Avon Locations 28038 and 28629) and Reserve 27341 (Avon Location 28215)</i>	<i>Residential, aged or dependant persons’ dwellings, shops and community purposes.</i>	<i>Subdivision and development shall be in accordance with an approved Outline Development Plan.</i>

3. *Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation; and*
4. *Forward Scheme Amendment No. 29 to the Western Australian Planning Commission and the Minister for Planning requesting final approval.”*

However, there were significant delays at the Department of Planning as this Amendment No.29 was delayed by a previous Amendment No. 26 which related to the Local Planning Strategy which would enable provisions for adopting and/or preparing structure plans/ODP’s into the Scheme. Furthermore, Amendment No. 26 was delayed due to delays associated with Amendment No. 20 which was an Amendment with the Shire of Northam. The reason why these two Amendments were related is unclear.



In February of 2011, the Western Australian Planning Commission wrote to the Shire to inform them that the Minister for Planning had decided not to approve the above amendment “until such time as the modifications set out in the attached schedule [were] affected”. These recommendations included 5 points for change, with the most noteworthy change being;

“ ...

2. Insert into 3.1.1 Development Zone

3. Insert column into zoning table for Development Zone. Cross reference with uses to read ‘in accordance with approved outline development plan.’

4. Insert into scheme

4.16 Development Zone

4.16.1. Objectives:

- a) designate land considered to be generally suitable for future development and to prevent such land being used or developed in a manner which could prejudice its possible future use for planned development;
- b) provide for the sustainable development of land in an orderly manner with appropriate levels of physical infrastructure and human services; and
- c) endorsement of an Outline Development Plan in accordance with the provisions of section 5.10 of the Scheme, as a prerequisite to subdivision or development of the land.
- d) Establish zoning and density coding for land in the zone through the adoption of an Outline Development Plan.

4.16.2. Site Requirements:

In accordance with an approved Outline Development Plan.

4.16.3. Development Requirements:

In accordance with an approved Outline Development Plan...”

The WAPC then went on the detail that “the Outlined Development Plan submitted with Amendment 29 [had] not been considered by the WAPC. Prior to subdivision, a revised ODP will need to be prepared that:

- addresses scheme requirements for preparation of structure plans;
- includes a traffic impact assessment, prepared in accordance with WAPC policy, that determines the extent of vegetation buffers and addresses noise impacts;
- includes a Local Water Management Strategy, prepared in accordance with Better Urban Water Management, and is approved by the Department of Water; and
- a landscape management plan that addresses the visual landscape and associated impacts.”

After further consultation and the matters were addressed for Amendment No. 29, the Minister approved the Amendment on 26 May 2011 and was gazetted on 3 June 2011.

At the Ordinary Council Meeting in June of 2011 Council was informed about the gazettal and that ‘Development Zone’ would “enable the development of a variety of mixed use, rural residential and residential lots”. Council resolved to note the report for information purposes.

In accordance with clause 5.10 of the York Town Planning Scheme No. 2, prior to considering a subdivision or development proposal for any area in the Scheme the Local Government may require the preparation of an Outlined Development Plan.

As the site had been zoned ‘Development Zone’, all newly proposed development is put on hold until such time that a Structure Plan is endorsed, approved and gazetted.

In January of 2013, an Outline Development Plan (ODP) was submitted by Whelans Town Planning to the Shire of York and in February 2013, at the Ordinary Council Meeting, a report was put forward detailing this information as well as the process going forward. Council resolved to take note the report for information purposes.

The ODP was advertised in the Avon Valley Gazette and neighbours as well as relevant agencies were directly notified for comment.

In April of 2013, upon completion of advertising, an extensive letter was sent to Whelans requesting further information to address a number of gaps in the ODP. As well as this, a letter was sent to all affected landowners and Councillors informing them that further negotiations with Whelans were occurring predominantly at that stage in regards to traffic management, zoning and R-codes, and development of an Implementation Plan. It was noted that “once the Structure Plan [had] been amended to the satisfaction of all parties, the Plan will be presented to a Council meeting for adoption and then sent to the Minister for Planning for final approval. However if substantial changes [were] made to the Plan, it [would] be readvertised before being presented to Council for adoption.”

After a number of months compiling the relevant information and requirements, Whelans submitted a revised Outline Development Plan in May of 2014. The Plan was forwarded to Western Power, Water Corporation, Main Roads and the Department of Water for their comments. Comments were received from all of these agencies in June of 2014 except for the Department of Water (DoW). However the DoW gave preliminary approval to the original document in April of 2013, subject to the approval of the Shire of York. When speaking with the Department of Water, this same standard advice was given however formal comment has still not been received.

On 7 August 2014, a list of preliminary comments was forwarded to Whelans requesting a number of minor changes be made to the document as well as a number of significant areas that still need to be addressed. The main area that needs to be assessed is the Implementation Plan relating to the stages and costs of relevant and necessary services and infrastructure. On 21 August 2014, quotes for this service were requested from a number of different engineering firms.

The main task that was requested was for a review of the Implementation Plan as well as some minor details including; public open space; maintenance period; pathways, roads etc standards; and street tree planting. However as the Implementation Plan relates to the development of the whole Structure Plan, it is likely that the Engineer will need to be, at least, familiar with the rest of the document in order to gain context and understanding of the site.

As at 4 September 2014, an engineer was yet to provide a quote and/or comments on the Structure Plan.

Once the Shire is satisfied that all of the documentation has been addressed to their satisfaction, any significant changes will be re-advertised to landowners for a minimum period of 14 days.

Once any submissions are received, assessed and addressed, the Plan will be put forward to Council for adoption.

**Consultation:**

The consultation process is described in the Background section of this report.

**Statutory Environment:**

York Town Planning Scheme No. 2

The Daliak Precinct is zoned ‘Development Zone’, therefore is zoned for development subject to the adoption of a structure plan. Currently, in accordance with the Zoning Table under Part III of the York Town Planning Scheme No. 2, Development Zone theoretically does not permit any uses as they are “in accordance with approved outline development plan”. This means that until such time that an ODP (now a structure plan) is received; landowners are unable to apply for new development including subdivision.

Once a structure plan is approved, landowners retain the right to continue using the land as it currently is under Part VII of the York Town Planning Scheme No. 2. Landowners and Councillors are advised to read Part VII of the Scheme relating to Non-Conforming Uses.

**Policy Implications:**

There are no policy implications associated with this proposal. The development of a Structure Plan is consistent with the objectives of the zone.

**Financial Implications:**

The applicant is responsible for the costs associated with the preparation of the Plan.

If the Implementation Plan is at a satisfactory standard then this will determine the costs for the developer going forward. If it is required, a Developer Contributions Plan may be prepared following adoption of the Structure Plan however this would likely involve a Scheme Amendment and is not a preferable option. Either way, the process will ensure that developers equitably contribute to the infrastructure and community facilities required as a result of this development.

In accordance with the Planning and Development Regulations 2007, the cost of specialist services or reports required by the Local Government to adequately assess a scheme amendment or structure plan proposal is payable by the applicant. Therefore costs associated with the review conducted by an engineer or any other suitably qualified person may be the responsibility of the applicant.

Furthermore, the necessity of having the Implementation Plan reviewed by an engineer is essential in ascertaining that any development is cost neutral to the Shire.

**Strategic Implications:**

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

Social

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

Environmental

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

Economic

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

The Daliak Precinct is a significant land development for York that has been planned for, for over 6 years. The area will provide an appropriately planned area for population growth in close proximity to the town centre.

The introduction of a Structure Plan demonstrates that the goals of the Community Plan can be met and that the development will represent good and proper planning.

9. MATTERS FOR RESOLUTION  
9.1 DEVELOPMENT SERVICES  
9.1.4 Variation Of Planning Condition 10 – York Race Track Development

FILE NO: CCP.10  
COUNCIL DATE: 15 September 2014  
REPORT DATE: 10 September 2014  
LOCATION/ADDRESS: Lot 103 Spencers Brook Road  
APPLICANT: York Racing Inc.  
SENIOR OFFICER: M Keeble, CEO  
AUTHOR: G Tester, MHB  
DISCLOSURE OF INTEREST: Cr Matthew Reid - Impartial  
Cr Tony Boyle – Impartial  
APPENDICES: Nil  
DOCUMENTS TABLED: Nil  
REPORT APPROVED BY THE CEO: Michael Keeble

*Cr Boyle declared an Impartiality Interest to this item.*

**RESOLUTION  
060914**

Moved: Cr Hooper

Seconded: Cr Duperouzel

“That Council:

*Allow Cr Boyle to take part in the debate to this item.”*

*Advice Note:*

*Cr Hooper stated that there have been Councillors who were members of York Racing, however they are no longer paid up members of York Racing Inc.*

**CARRIED: 4/0**

**OFFICER RECOMMENDATION**

Moved: Cr Hooper

Seconded: Cr Duperouzel

“That Council:

*Endorse the staffs action in approving a staged building permit (stage 2) for the installation of the concrete slab for the York Racetrack Public Building on the understanding that no further building permits will be issued until such time as the relevant conditions have been completed to Councils satisfaction.”*

**AMENDMENT:**

Moved: Cr Hooper

Seconded: Cr Wallace

“That Council Amend the Officer Recommendation to read:

*1. Endorse the staffs action in approving a staged building permit (stage 2) for the installation of the concrete slab for the York Racetrack Public Building on the understanding that no further building permits will be issued until such time as the relevant conditions have been completed to Councils satisfaction.”*

2. *Planning Officer and associated staff to have a meeting with the race club as soon as possible to discuss the conditions to enable building to commence as quickly as possible.*

CARRIED: 6/0

**RESOLUTION  
070914**

Moved: Cr Hooper

Seconded: Cr Wallace

*The amendment became the motion.*

CARRIED: 6/0

**Voting Requirements:**

**Simple Majority Required:            Yes**

**Summary:**

Due to a number of time constraints, York Racing Club are requesting that their building permit for the installation of the concrete slab be issued prior to submitting their overall drainage management concept plan which contradicts planning condition number 10 of their approval issued 25 October 2011.

After conducting a site visit and completing an assessment, it was concluded that there were no foreseeable impacts associated with issuing a building permit for the concrete slab prior to completing the approval of an overall drainage management concept plan as the intent of the condition is not compromised.

**Background:**

Council, at a meeting held 24 October 2011, resolved the following;

*APPROVE the planning application for demolition of the State Heritage Listed grandstand and redevelopment of the York Racecourse located at Lot 103 Spencers Brook Road, York, subject to the following conditions of consent:*

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 and the application documentation, including schedule of future works.*
3. *Development may take place in stages, subject to the conditions of this consent and the requirements for the issue of the demolition or a building licence. Any modifications will require prior Council consent.*
4. *Prior to the issue of a demolition licence for the grandstand, the applicant is to provide written confirmation showing evidence of consultation with the Heritage Council of WA.*
5. *The development hereby permitted being in accordance with the Shire of York Local Planning Policy for Heritage Places and Precincts and the requirements of the Heritage Council of Western Australia. Colours and materials will be required to be submitted for approval prior to issue of a building licence for the relevant stage.*
6. *Prior to the issue of a demolition or building licence, the application shall submit plans or documentation detailing the reuse of the timber from the grandstand.*
7. *Photographic records of before and after construction must be kept and forwarded to the local government for inclusion in the Municipal Heritage Inventory.*
8. *Disabled access and facilities shall be provided in accordance with the requirements of the Building Code of Australia.*
9. *Car parking shall be provided on site in accordance with the provisions of the York Local Planning Scheme No. 2. A car parking and traffic management plan shall be submitted for approval prior to the construction of the parking.*

10. An overall drainage management concept plan shall be submitted prior to the issue of a building licence for approval by the local government.
11. An Environmental Management Plan must be prepared and approved to the satisfaction of the local government prior to the use of the new horse facilities.
12. Any new advertising signage will require separate planning approval.

*Notes to consent:*

- 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 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 or demolition licence. In accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1960, an application for a building or demolition licence must be submitted to, and approval granted by the local government prior to the commencement of any works within the development hereby permitted.*
- Note 5: Any new crossovers will require prior permission of the Shire of York.*
- Note 6: Any public events, with the exception of horse racing events, will require the submission and approval of a Public Event Management Plan.*
- Note 7: This approval does not include subdivision or convey Council's position on subdivision of any existing parcels.*

On 25 October 2011, an approval was issued to York Racing Club subject to the conditions and advice notes resolved by Council.

On 1 September 2014, York Racing Inc applied for a building permit for the construction of the main under cover area, a 1,368m<sup>2</sup> class 9b building.

At this point, it was identified that a number of conditions relating to the original planning approval were still outstanding however specifically condition number 10;

*"An overall drainage management concept plan shall be submitted prior to the issue of a building licence for approval by the local government"*

The intent of this condition is to detail the existing natural drainage and stormwater on the overall site and the impact of the proposed developments to this including any catchment from the buildings. This condition will ensure that any impacts to the natural stormwater and drainage from the proposed development will be managed to the satisfaction of the local government and will not adversely affect surrounding properties i.e. there will be no changes to the existing drainage and stormwater run-off.

**Consultation:**

Numerous discussions with the applicant, Mr Gordon Tester, and Mr Michael Keeble have taken place regarding this proposal.

**Policy Implications:**

There are no policy implications associated with this proposal.

**Financial Implications:**

There are no financial implications associated with this proposal.

**Strategic Implications:**

There are no strategic implications associated with this proposal.

**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 foreseeable social implications associated with this proposal.

**Environmental Implications:**

There are no foreseeable environmental implications associated with this proposal as the intent of the condition is not compromised. The applicant is still required to submit a drainage management plan which will mitigate and associated impacts.

**Comment:**

The laying of the concrete slab will not significantly compromise the intent of condition 10. However it was concluded that the issuing a building permit for the construction of the shed structure would compromise the intent of the condition as any impacts of the building have not yet been assessed.

Therefore, no further building permits will be issued until such time that the overall drainage management concept plan has been submitted, assessed, and approved to the satisfaction of the local government.

The other outstanding conditions are not yet required to be fulfilled as they do not relate to the proposal that was submitted. However it should be noted that these conditions may require further consultation with a number of authorities including but not limited to, the local government.

9. MATTERS FOR RESOLUTION  
9.2 ADMINISTRATION REPORTS  
9.2.1 Sale of CRC Building

FILE NO: CCP.21  
COUNCIL DATE: 16 September 2014  
REPORT DATE: 3 September 2014  
LOCATION/ADDRESS: 5 Joaquina Street, York  
APPLICANT: Not applicable  
SENIOR OFFICER: M Keeble, CEO  
AUTHOR: G Tester, MHB  
DISCLOSURE OF INTEREST: Nil  
APPENDICES: Aerial Photograph of Site  
DOCUMENTS TABLED: Nil  
REPORT APPROVED BY THE CEO: *Michael Keeble*

**RESOLUTION  
080914**

Moved: Cr Boyle

Seconded: Cr Hooper

*"That Council:*

- 1. Write to the Minister for Planning to request that the proposed rezoning of Lot 7 (5) Joaquina Street be removed from Omnibus Amendment 50 and remain zoned Town Centre. Upon receiving approval, rescind the resolution to demolish the former CRC building situated on Lot 7, 5 Joaquina Street and commence formal procedures to dispose of the building and subdivide the land at Lot 7, 5 Joaquina Street. or;*
- 2. In the event that the Minister does not advise to remove the proposed rezoning, arrange for the demolition of the brick walled, tiled roofed building situated on Lot 7, 5 Joaquina Street York in accordance with the 2014/15 budget allocation of \$20,000.00."*

*CARRIED: 5/1*

*Cr Smythe was recorded as voting against this motion.*

**Voting Requirements:**

**Absolute Majority Required: Yes (4 Votes)**

**Summary:**

Council is requested to consider the merits of subdividing and rezoning a portion of Lot 7, 5 Joaquina Street (former CRC Building) with view to disposing of this property in accordance with the provisions of the Local Government Act 1995.

**Background:**

At Councils ordinary meeting held on 16 December 2013, Council resolved as follows;

*"That Council:*

*Direct staff to arrange for the Demolition of the brick walled, tiled roofed building situated on Lot 7, 5 Joaquina Street York and provides a budget allocation of \$20,000.00 for this purpose in the 2014/15 budget."*



At Council's Ordinary meeting held on 18 August 2014 Council resolved to defer this item pending further investigation into the following matters.

- Confirmation of the intended use of the building such as, House or Combined Office and Caretakers Residence.
- Onsite Parking requirements for the intended use.
- Possible future uses of the site if the building is removed.
- What is the potential use of the site in the event that the building is taken down and removed?

Council staff have contacted the interested party referred to in the 18 August 2014 report who confirmed that it is their long term desire to eventually incorporate aspects of their business in the use of the said building while retaining the ability to inhabit the building.

As the site would be zoned Town Centre, the usual uses permitted in this zoning, in accordance with the Zoning Table in the York Town Planning Scheme No. 2, would be permitted. The area is also located within the Central York Heritage Precinct which means any development, alteration, extension or demolition is subject to a planning approval and assessment against the Heritage Precincts and Places local policy.

Car parking provisions would be required in accordance with the Scheme. On the basis of intent of the interested party, it is likely that the building will require 4 parking bays per consulting room and extensive modifications to make the building habitable.

Should Council wish to impose certain restrictions on the use of the property, then they may need to seek legal advice, specifically for property titles, regarding their options going forward.

Taking down and removing the building and allowing the rezoning of the lot to public purposes will make site available for a variety of purposes such as car parking, future construction of civic buildings such as a library, museum, community art centre, educational facility and the like.

**Consultation:**

In the event that it is Council's desire, after having given due consideration of this matter, to rescind the resolution to demolish the former CRC building situated on Lot 7,5 Joaquina Street, Council will be required to advertise its intention to dispose of this property and to call a public tender in accordance with legislative requirements.

**Statutory Environment:**

Shire of York Town Planning Scheme No. 2

The property is currently zoned Town Centre in accordance with the Scheme, however is proposed to be rezoned to Reserve – Public Purposes in accordance with Scheme Amendment No. 50. Based on the current status of Amendment 50, it is assumed that the latter zoning would apply to this property.

This site must not be rezoned if this proposal is to proceed as a private office/ caretaker's residence as it will be a prohibited use under a Public Purposes zoning.

Should Council wish to subdivide and sell the CRC building, the property will require a rezoning back to its original Town Centre zoning.

Residential development in the Town Centre zoning is generally assessed against the provisions of an R40 property under the Residential Design Codes. The minimum lot area for a battleaxe configuration is 380m<sup>2</sup>.

All other uses in the Town Centre are subject to the permissibility under the Zoning Table in Part III of the Scheme. Further to this, car parking requirements would depend on the proposed use of the property however is measured in accordance with Schedule 4 of the Scheme.

Should Council wish to proceed with selling the former CRC building with certain restriction(s) on the use of the property it is likely that further consultation with a property lawyer may be required. It is likely that a restrictive covenant may need to be placed on the title which would involve the creation of a deed by a suitably qualified person.

Local Planning Policy: Heritage Precincts and Places 2009

The property is located with the Central York Heritage Precinct and is therefore subject to the provisions of Local Planning Policy Heritage Precincts and Places.

All development within a heritage precinct including new development applications and the extension, alteration, addition, modification or demolition of existing building requires planning approval.

In accordance with Clause 6 of the Planning and Development Act 2005, public works do not require planning approval. However consultation with the Local Government is necessary to ensure that the proposal is consistent with the intent of the Scheme as well as the principles of orderly and proper planning.

*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;*

Local Government Act 1995

Disposal of Local Government Property and Tender requirements.

Building Act 2011

The former CRC building will require maintenance and altering by any prospective purchaser as it is not without structural defects and is also lacking the necessary facilities required by the National Construction Code for a dwelling.

**Policy Implications:**

Nil

**Financial Implications:**

At present the scheduled demolition and removal of the former CRC building is estimated to cost in the vicinity of \$20,000.00

Costs involved with preparing this site for sale involve the following;

- Private Valuer
- Surveyor
- Statutory fees – (Subdivision Application)
- Advertising

Collectively these fees may amount to approximately \$10,000.00

**Strategic Implications:**

Councils Strategic Plan in its vision for the Built Environment states that:

Our Town Centre will be vibrant where all community interact and build relationships.

It is also a priority to facilitate provision and availability of local community services and retail services.

**Site Inspection:**

**Site Inspection Undertaken:** Yes

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

Creating an additional Lot in the Town Site will generate additional rates.

Removing the building will result in vacant land that may or may not be of use for public purposes at some time in the future.

**Social Implications:**

Nil

**Environmental Implications:**

Nil

**Officers Comment:**

The CRC building is not without structural problems that would need to be fully understood by any prospective purchaser to avoid any future complaints in regards to the extent of works required on this building.

It may be appropriate to have a Structural Engineers report and a Building Surveyors report compiled for any interested party in the event Council wishes to dispose of this building and associated 380 square metres of land.

By subdividing the front portion of Lot 7, 5 Joaquina Street the rear portion of this Lot will remain in Councils possession for Public Purposes.

It is intended to create a driveway between the Masonic Lodge and the newly created lot.

The CRC building is in its present state unsuitable for use as a house as it lacks basic facilities such as a laundry, kitchen, bathroom or bedrooms and safety equipment such as smoke alarms.

There is potential however, to create either a home business or a business with a caretaker's facility on this site under a Town Centre zoning.

Any potential purchaser of this property should be responsible for the cost of fencing the newly created Lot.

Should Council wish to subdivide and sell this property there is a number of planning matters that must first be resolved?

Regarding the future of Lot 7, Council may wish to write to the Minister for Planning requesting that when he considers Amendment 50 he delete the recommended modification to rezone Lot 7 to Public Purpose Reserve and that it be retained as 'Town Centre'.

Given that the Shire owns Lot 7, and that there were no submissions regarding Lot 7 when Amendment 50 was advertised, a letter to alert the Minister of Council's desire to retain the current zoning would first need to be undertaken.

Resolving this matter would still be dependent on when Amendment 50 is dealt with, but may if the request is supported by the Minister negate the need for any future rezoning etc.

9. MATTERS FOR RESOLUTION  
9.2 ADMINISTRATION  
9.2.2 Workshop – CEO Priorities

FILE NO: OR.MTG  
COUNCIL DATE: 15 September 2014  
REPORT DATE: 11 September 2014  
LOCATION/ADDRESS: N/A  
APPLICANT: M Keeble, CEO  
SENIOR OFFICER: M Keeble, CEO  
AUTHOR: T Cochrane, DCEO  
DISCLOSURE OF INTEREST: Nil  
APPENDICES: Nil  
DOCUMENTS TABLED: Nil  
REPORT APPROVED BY THE CEO: Michael Keeble

**RESOLUTION  
090914**

Moved: Cr Duperouzel

Seconded: Cr Wallace

*“That Council put a side a minimum of three (3) hours to prioritise the workload and expectations of the Chief Executive Officer:*

*23 September at 1pm; or  
24 September at 8 am; or  
24 September at 1pm; or  
25 September at 1pm; or  
26 September at 8am.”*

*CARRIED: 6/0*

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

**Summary:**

Due to the many issues that have arisen since the Chief Executive Officers commencement direction is requested on what is considered the most important areas to focus on.

Items for discussion to be provided prior to the Workshop.

9. MATTERS FOR RESOLUTION  
9.3 WORKS REPORTS  
9.3.1 Henrietta / Balladong Drainage

FILE NO: HE2/UT.DRN.1  
COUNCIL DATE: 15<sup>th</sup> September 2014  
REPORT DATE: 8<sup>th</sup> September 2014  
LOCATION/ADDRESS: Henrietta Street & Balladong Street  
APPLICANT: Porter Consulting Engineers  
SENIOR OFFICER: Keith Dickerson  
AUTHOR: Keith Dickerson  
DISCLOSURE OF INTEREST: Nil  
APPENDICES: Nil  
DOCUMENTS TABLED: - Map: Henrietta - Balladong Drainage Layout  
- Letter: Porter Consulting Engineers  
REPORT APPROVED BY THE CEO: Michael Keeble

OFFICER RECOMMENDATION

Moved: Cr Duperouzel

Seconded: Cr Boyle

*"That Council:*

*Resolve the following:*

- *Is the structure to be constructed as per the design drawing on the road reserve?*
- *If an alternative alignment, e.g. "down the natural water course" is desired, then permission is sought to have the area reassessed and new drawings and specifications drawn up; and*
- *Budget consideration will also be required."*

AMENDMENT:

Moved: Cr Duperouzel

Seconded: Cr Smythe

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

*Refer this matter to the Works Committee and delete the other 3 points.*

CARRIED: 6/0

**RESOLUTION  
100914**

Moved: Cr Duperouzel

Seconded: Cr Smythe

*The amendment became the motion.*

CARRIED: 6/0

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

**Summary:** The Shire of York engaged Porter consulting Engineers several years ago to carry out a drainage study and to produce a hydraulic model. This work has been completed and the map (as tabled) was presented for consideration by council. The design includes 1050mm RCPs to extend from William Street east to the Avon River on the north side of Henrietta Street and Balladong Street road reserves adjacent to a section of concrete footpath and an underground water main.

There are 148 2.4 metre lengths of 1050mm RCPs on hand which will cover a length of 355 metres, and not 520 metres as indicated on the design map.

An estimated project cost from Porter Consulting Engineers was presented to the Shire on 11<sup>th</sup> July 2011 (as tabled) highlighting two design options, as follows:

- Option 1 - \$725,500
- Option 2 - \$1,006,000

The Shire has purchased and paid for the pipes and an additional \$110,000 has been included in the current budget to complete these works, including the cost of additional drainage manholes and grated covers.

There is also confusion in the community and amongst Councillors regarding the alignment of the structure which they believe runs down the natural water course and not on the road reserve.

**Background:**

As outlined in the Summary

**Consultation:**

Porter Consulting Engineers

**Financial Implications:**

- Option 1 - \$725,500
- Option 2 - \$1,006,000

**Site Inspection:**

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

**Comment:**

9. MATTERS FOR RESOLUTION  
9.4 FINANCE REPORTS  
9.4.1 Rates – Transfer Of Land

FILE NO: GR3.2957  
COUNCIL DATE: 15 September 2014  
REPORT DATE: 5 September 2014  
LOCATION/ADDRESS: Lot 13 Greenhills Road, Greenhills  
APPLICANT: Pam Law  
SENIOR OFFICER: Tabitha Bateman  
AUTHOR: Pam Law  
DISCLOSURE OF INTEREST: Nil  
APPENDICES: Nil  
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE CEO: *Michael Keeble*

**RESOLUTION  
110914**

Moved: Cr Hooper

Seconded: Cr Smythe

*"That Council:*

*Pursuant to Section 6.64 (1)(b) of the Local Government Act 1995, proceed to transfer Assessment A2957 into the Shire of York, which has rates and services in arrears for 3 or more years."*

*CARRIED: 6/0*

**Voting Requirements:**  
**Absolute Majority Required: Yes (4 Votes)**

**Summary:**

It is proposed the Council make application to have this land, Assessment 2957 vested in the Shire - and write off the outstanding rates and charges currently outstanding in excess of 3 years, in accordance with Section 6.64 (1)(b) of the Local Government Act 1995.

**Background:**

Land purchased 1993.

GPC attempted to be served for unpaid rates and services in 2000. This could not be served as landowner was deceased. Located second person on title and served GPC on said person.

Said person, in 2003, suggested Council purchase land for sum of \$10.

February 2006 - Pioneer Credit advised by Shire of York to close existing debt recovery file, with aim to sell land once rates and services were three years outstanding.

November 2006 - Outstanding rates and services sent to Austral Mercantile Collections for debt recovery action.

March 2007 - title search revealed ownership in sole name of deceased.



January 2008 - Investigative Solutions reported on attempts to locate beneficiaries of estate. No trace able to be found.

January 2008 - Internal Council memo to close file as all avenues to trace estate had been exhausted. Put Assessment to Council for sale for unpaid rates.

Lot 13 Greenhills Road, Greenhills, is located in an area which has the impediment of not being able to be built upon due to the minimum lot size not conforming with regulations regarding septics and the combined issue regarding the costs of connecting power to the block. It is believed that it would be difficult to secure a buyer for this block and any sale price would not cover the current outstanding rates and services.

Lot 13 Greenhills Road, Greenhills is currently subject to a structural plan which is due to be reviewed during the review of the Local Planning Strategy. The current plan is to move Lot 13 directly between the road and the creek, which places it in the flood plain.

**Consultation:**

AMPAC Debt Recovery  
Price Sierakowski Corporate  
Elders Real Estate

**Statutory Environment:**

Section 6.64 of the Local Government Act 1995 States:

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

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

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

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

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:**

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

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

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

**Financial Implications:**

The transfer of ownership to the Shire of York will reduce the outstanding rates debtors by \$15,740.24 (as at 05/09/14)

Debt recovery action, since handing the file to AMPAC had lead to costs in the vicinity of \$1375.00, which is to be added to the outstanding balance above.

**Strategic Implications:**

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

**Site Inspection:**

**Site Inspection Undertaken: Not applicable**

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

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

The transfer of this land will equate to a decrease in the level of outstanding rates of \$15,740.24 (as at 05/09/14), plus legal fees.

**Social Implications:**

Nil

**Environmental Implications:**

Nil

**Comment:**

Options

Option 1 - Exercise the provisions of Section 6.64 of the Local Government Act 1995  
- given the high level of debt, minimum value of the land, building restrictions and the amount of time that has been afforded in searching for ratepayers to either clear or reduce this debt, it is appropriate to apply the relevant section of the Local Government Act 1995 empowering the sale of land provision in relation to unpaid rates and charges.

Option 2 - Exercise the provision of Section 6.74 of the Local Government Act 1995  
- apply to the Minister to have the land re-vested in the Crown in the right of the State.

Option 3 - Exercise the provisions of Section 6.75 of the Local Government Act 1995  
- given the high level of debt, the minimum value of the land and building restrictions make application for the land to be vested in the local government.

It is suggested that Council apply provisions of Section 6.64 of the Local Government Act 1995 and make application to have the land vested in the Shire of York, as there is no reasonable means of reimbursement for outstanding rates and charges through sale of land.

9. MATTERS FOR RESOLUTION  
9.4 FINANCE REPORTS  
9.4.2 Rates Write Off

FILE NO: FI.DRS.3  
COUNCIL DATE: 15 September 2014  
REPORT DATE: 4 September 2014  
LOCATION/ADDRESS: A2490 - Lot 4 (18) Penny St, Kauring  
APPLICANT: Pam Law  
SENIOR OFFICER: Tabitha Bateman  
AUTHOR: Pam Law  
DISCLOSURE OF INTEREST: None  
APPENDICES: Nil  
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE CEO: *Michael Keeble*

OFFICER RECOMMENDATION

*"That Council:*

- 1. Refund interest charges incurred against A2490 for the financial year 2010/11, upon production of:*
- 2. Refund legal costs charged against A2490 between the years 2006 and 2012 totalling \$2668.49.*
- 3. A signed and witnessed Statutory Declaration outlining the events causing the family to move out of the residence.*
- 4. Copies of documentation to back up claim of events such as police report, medical reports, insurance claims."*

**RESOLUTION  
120914**

Moved: Cr Smythe

Seconded: Cr Duperouzel

*"That Council:*

*Defer this item until the October meeting.*

**CARRIED: 6/0**

**Voting Requirements:**  
**Absolute Majority Required: Yes (4 Votes)**

**Summary:**

This report is submitted at the request of the most previous landowner of Lot 4 (18) Penny Street, Kauring. 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 an 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 incidences. 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. 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 mediation. The fee for this was \$1300 which was added to the rates account. The issue was not resolved under mediation.

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)

#### **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.

#### **Strategic Implications:**

Nil

#### **Site Inspection:**

**Site Inspection Undertaken: Not applicable**

#### **Triple bottom Line Assessment:**

##### **Economic Implications:**

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

##### **Social Implications:**

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

##### **Environmental Implications:**

Nil

#### **Comment:**

The property owner believes that she was entitled to her pension rebate for the 2010/11 financial year as she was forced out of the property due to circumstances out of her control. Under the Rates and Charges (Rebates and Deferments) Act 1992, Section 30, there is allowance for this. The landowner had moved from the property without notifying Council. Once this information had become available the pension rebate was cancelled for the 2010/11 financial year. Shire of York followed due process, holding meetings and answering correspondence. The landowner was requested to provide evidence to validate her claim under Section 30 of the Rates and Charges (Rebates and Deferments) Act 1992.

Had the rebate been granted the rates and ESL portion of the account would have been deferred, as in previous years and interest charges would not have accrued.

This would not have negated the taking of legal action however. As the rates and services had not been paid in full from the time of purchase, the account was in arrears. Under the Local Government Act Section 6.56 these charges were recoverable in a court.

It is unknown what difference, if any, there would have been to the legal charges for the lesser amount of the General Procedure Claim, as these are all fixed charges for each stage of legal proceedings.

It is recommended that Council consider whether the previous land owner to A2490 be refunded interest accrued for the period of time that the pension rebate was not granted in 2010/11, totalling \$375.93 and any of the legal fees charged for debt recovery action taken against her, totalling \$2668.49.

Approval of this claim may set a precedence for further claims.

9. MATTERS FOR RESOLUTION  
 9.4 FINANCE REPORTS  
 9.4.3 Monthly Financial Reports – August 2014

FILE NO: FI.FRP  
 COUNCIL DATE: 15 September 2014  
 REPORT DATE: 1 September 2014  
 AUTHOR: Tabitha Bateman, Financial Controller  
 APPENDICES: Yes – Appendix A as detailed in Summary  
 REPORT APPROVED BY THE CEO: Michael Keeble

**RESOLUTION  
 130914**

Moved: Cr Wallace

Seconded: Cr Hooper

*“That the Council Endorses and Receive the recommendation of the FRAC Committee:*

1. *Receive the Monthly Financial Report for August and ratify payments drawn from the Municipal and Trust accounts for the period ending 31 August 2014:*

	<u>AMOUNT</u>
<u>MUNICIPAL FUND</u>	
Cheque Payments	\$ 0.00
Electronic Funds Payments	\$ 1,117,897.53
Direct Debits Payroll	\$ 252,448.58
Bank Fees	\$ 631.56
Corporate Cards	\$ 6,030.90
Fire Messaging Service	\$ 82.50
TOTAL	<u>\$ 1,377,091.07</u>
<u>TRUST FUND</u>	
Cheque Payments	\$ 0.00
Electronic Funds Payments	\$ 0.00
Direct Debits Licensing	\$ 118,960.75
TOTAL	<u>\$ 118,960.75</u>
<b>TOTAL DISBURSEMENTS</b>	<b><u>\$1,496,051.82”</u></b>

2. *Accept the change in presentation of the financial statements to reflect the Australian Accounting Standards*
3. *Recognise prepaid revenues and expenses on the Statement of Financial Position, subsequently journaling appropriate sums to the Profit/Loss accounts on a monthly basis as appropriate.*

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 31 August 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 31 August 2014 is presented for consideration. Appendix A includes the following:

- Monthly Statements for the period ended 31 August 2014
- Bank Account Reconciliations
- List of Creditors Payments
- Payroll Direct Debits
- 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 \$92,340,641 as estimated at 30 June 2014 to \$92,524,702 which is an increase of \$184,061.

**Pg2. Income and Expenditure Statement by Programme**

- Due to reduced cashflow resources in the previous month efforts were made to keep spending to a minimum where possible. This has resulted in an increase in expenditures for August as some projects were rolled over from July.
- 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.

- 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.
- 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 6.5% on estimated year to date budget due to a number of termination payments processed to date. Further to this, a number of positions provided for in the budget have not yet been filled, softening the impact of these termination payments.
- Materials and Contracts are down on estimated budgets by 38% 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 and bi-annually.
- Insurances are down by 32% 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 31 August 2014 there was an estimated surplus of current assets over current liabilities of \$1,397,199.
- 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.
- 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 \$561,284 in cash from 30 June 2014 to 31 August 2014.

Pg8. Budget Amendments

- Any amendments to the original budget as adopted by Council have been included for information. To date any amendments passed by Council have had a nil effect on the balanced budget.

**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**  
**9.4.4 Investigate Credit Card Usage**

**FILE NO:** FI.BNK  
**COUNCIL DATE:** 8 September 2014  
**REPORT DATE:** 4 September 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  
Summary of Areas of Concern  
Credit Card Policy  
**DOCUMENTS TABLED:** Nil  
**REPORT APPROVED BY THE CEO:** Michael Keeble

**OFFICER RECOMMENDATION**

*"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."*

**RESOLUTION**  
**140914**

Moved: Cr Smythe

Seconded: Cr Boyle

*"That Council:*

*Defer this item until the October meeting.*

**CARRIED: 6/0**

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

**Summary:**  
This is in response to an ongoing investigation.

The report by Macri Partners and in particular the following comments:

- "(2) Checked that all payments made were submitted to the Council for approval. All payments were approved by Council (through minutes of the Council meetings held).

Please note the following:

- (i) There was no documentary evidence to indicate that the former Chief Executive Officer's credit card expenses have been reviewed or authorised by any persons prior to payments being made.

Whilst these two comments conflict with each other the process of authorising payments is in accordance with Council's policies, no payments are authorised in advance except for special circumstances ie. unbudgeted expenditure, tenders etc.

**Background:**

The investigation has been drawn out and requires urgent attention to finalise the matter. Council tried to expedite the investigation, however two Auditing firms did not have the capacity to take it on.

At a Special Meeting of Council held on the 12<sup>th</sup> May 2014 the following was resolved:

***“Authorise the Chief Executive Officer to obtain a quotation and engage its Auditors to undertake an investigation into the use of the Corporate Credit Cards using the following criteria:***

- 1. Compare the date of entry on the Credit Card Statement with the actual purchase dates shown on the receipts.***
- 2. Compare those dates with:***
  - a) Day of the week;***
  - b) Whether or not it was a public holiday;***
  - c) Whether or not Mr R Hooper was on leave.***
- 3. Check the purpose of the purchase and categorise as:***
  - a) Office purchases;***
  - b) YRCC purchases;***
  - c) Library purchases;***
  - d) Fuel purchases;***
  - e) Christmas party purchases;***
  - f) Airfares;***
  - g) Garden and Home Maintenance;***
  - h) Training, Conferences and related Accommodation purchases;***
  - i) Liquor purchases;***
  - j) Dining and Entertainment, and***
  - k) Gifts***
- 4. The Auditors shall submit a report from 1 July 2011 to 30 June 2012, 1 July 2012 to 30 June 2013 and 1 July 2013 to 30 April 2014.***
- 5. The Auditor may be required to continue to investigate for the prior six (6) years.”***

**Consultation:**

Councillors  
Council's Auditors  
Local Government Department  
CCC

**Statutory Environment:**

Local Government Act 1995 section 2.7 (2)(a) and (b)

***“2.7. Role of council***

- (2) Without limiting subsection (1), the council is to —
  - (a) oversee the allocation of the local government’s finances and resources;”

Local Government (Financial Management) Regulations 11 (1)(a)

***“11. Payments, procedures for making etc.***

- (1) A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of —
  - (a) cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained;”

**Policy Implications:**

Financial Management – Corporate Credit Cards – introduced 15<sup>th</sup> February 2010 currently under review.

**Financial Implications:**

This is unbudgeted expenditure, as all monies for the investigation have been depleted. Council needs to determine if this investigation is to continue where the funds will be drawn from.

**Appendices Attached**

9. MATTERS FOR RESOLUTION  
9.4 FINANCE REPORTS  
9.4.5 Monthly Financial Reports – YRCC – August 2014

FILE NO: FI.FRP  
COUNCIL DATE: 15 September 2014  
REPORT DATE: 1 September 2014  
AUTHOR: Tabitha Bateman, Financial Controller  
APPENDICES: Yes – Appendix A as detailed in Summary  
REPORT APPROVED BY THE CEO: Michael Keeble

**RESOLUTION**

**150914**

Moved: Cr Duperouzel

Seconded: Cr Wallace

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

*Receive the Monthly Financial Report for the York Recreation and Convention Centre for the month of August 2014.”*

*CARRIED: 6/0*

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

**Summary:**

The Financial Report for the York Recreation and Convention Centre for the period ending 31 August 2014 is presented for consideration.

**Commentary:**

All reports are currently being reviewed and may be modified for following meetings of Council to give greater clarity.

In the past, a consolidated set of financials for the Shire of York were presented in accordance with the Financial Management Regulations. To provide greater clarity these reports have been broken down by business division. It is requested that the Finance, Risk and Audit Committee approves the revised presentation of these reports.

It is proposed that further reports will be provided in future months incorporating the Residency Museum, Swimming Pool and Police Licensing.

Revenues

Revenues are down 27% on estimated budget for the period ending 31 August 2014.

In particular, income from Bar Sales are down 46% and income from Conferences is down 85%. While these income figures are unattractive, they should be read in conjunction with expenses as most areas of expenditure are also running below budget.

Cost of Sales

Cost of Sales are down 30% on estimated budget for the period ending 31 August 2014.

It should be noted that while Bar expenditure is 93% of associated Bar income the expenditure includes a very large recent order to cater for the upcoming events to be held early September. It is proposed that a stocktake report be included for future months. In addition to the above, extensive works have been undertaken to repair the Bowling Greens for which expenditure has not yet been included.

Gross Profit

Gross Profit is down 2% on estimated budget for the period ending 31 August 2014. While actuals are comparable with the estimated budget the gross profit is only 16% of total revenues. We will endeavour to find industry standards to use for comparable analysis in future months.

Overheads

Overheads are down 37% on estimated budget for the period ending 31 August 2014. While expenditure appears to be down on budgets, overheads account for almost 42% of revenues.

Profit/Loss

The York Recreation and Convention Centre has made a loss of \$15,036 for the period ending 31 August 2014.

**Statutory Environment:**

Australian Accounting Standards have been applied to construct this report.

**9. MATTERS FOR RESOLUTION**

**9.4 FINANCE REPORTS**

**9.4.6 Monthly Financial Reports – Outstanding Rates & Debtors – August 2014**

**FILE NO:** FI.FRP  
**COUNCIL DATE:** 15 September 2014  
**REPORT DATE:** 1 September 2014  
**AUTHOR:** Tabitha Bateman, Financial Controller  
**APPENDICES:** Nil

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

**RESOLUTION**

**160914**

Moved: Cr Hooper

Seconded: Cr Boyle

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

*Receive the Outstanding Rates, Services and Sundry Debtors report for the month of August.”*

*CARRIED: 6/0*

**Voting Requirements:**

**Simple Majority Required: Yes**

**Summary:**

A report detailing outstanding Rates, Services and Sundry Debtors for the period ending 31 August 2014 is presented for consideration.

**Commentary:**

All reports are currently being reviewed and may be modified for following meetings of Council to give greater clarity.

**Outstanding Rates and Services**

Total outstanding rates as at 31 August 2014 are \$5,130,089 compared to \$6,271,267 as at 31 July 2014 which is an increase to cash at bank of \$1,141,178.

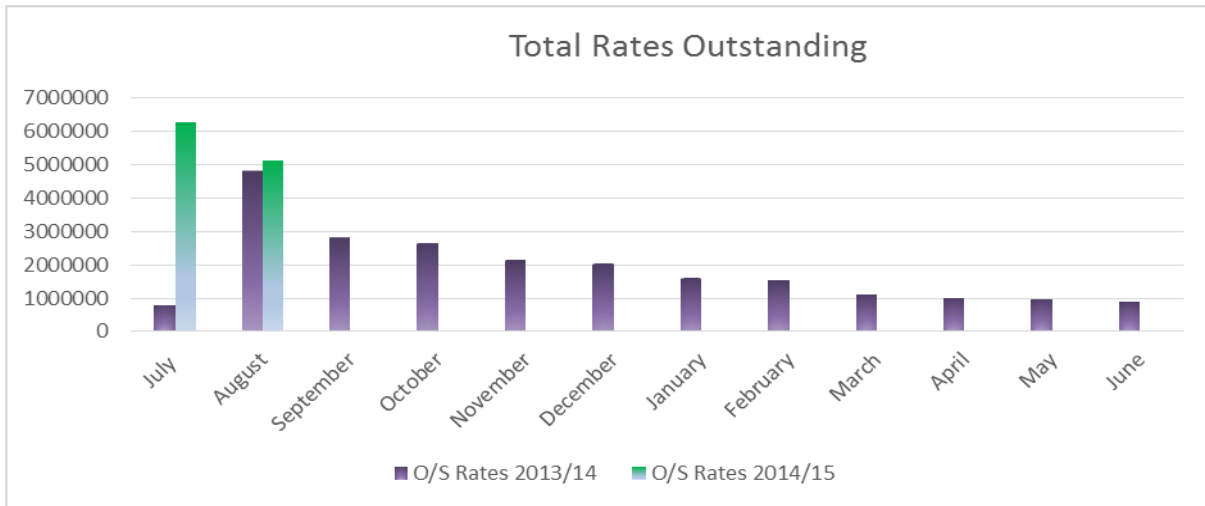
3 Years & over	\$ 380,405	7.42% of rates outstanding
2 Years & over	\$ 218,862	4.27% of rates outstanding
1 Years & over	<u>\$ 281,545</u>	5.49% of rates outstanding
<i>Total Prior Years</i>	<i>\$ 880,812</i>	<i>17.17% of rates outstanding</i>

Current rates \$4,249,277 82.83% of rates outstanding

The total outstanding rates as at 10 September 2014 were \$3,464,035, compared to \$2,830,333 as at 30 September 2013.

It should also be noted that last year there were a total of 525 properties on the instalment option as opposed to 414 to date for the 2014/15 year. This represents a value to be collected through instalments by 17 March 2015 of \$749,480.

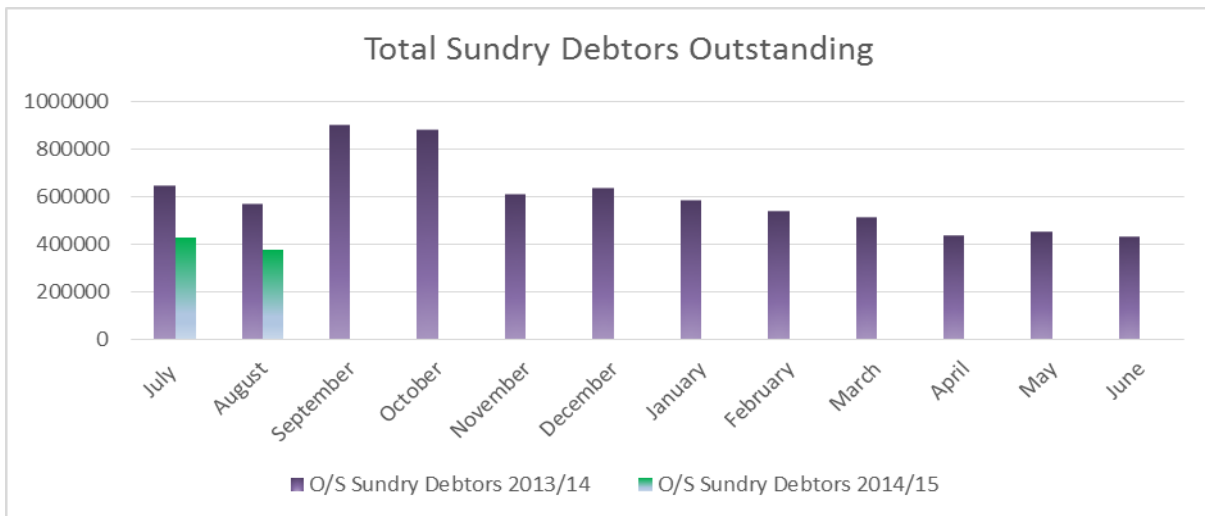




### Outstanding Sundry Debtors

Total outstanding sundry debtors as at 31 August 2014 are \$377,092 compared to \$431,294 as at 31 July 2014 which is an increase to cash at bank of \$54,202.

90 days & over	\$286,809	76.06% of sundry debtors outstanding
60 days & over	\$ 49,876	13.23% of sundry debtors outstanding
30 days & over	\$ 16,105	4.27% of sundry debtors outstanding
Current	\$ 24,302	6.44% of sundry debtors outstanding



Council has engaged the services of AMPAC Pty Ltd to collect outstanding rates and sundry debtors. Of the 54 sundry debtors 3 have set up payment plans, 9 are currently with AMPAC Pty Ltd with the possibility of increasing to 19 in September. The remaining debts are current or awaiting payment.

The due date for rates is 9 September 2014 and those who wish to set up a payment plan prior to this date can make arrangements with the Shire's Rates Officer. All remaining outstanding rates will be forwarded to AMPAC by the 27 September 2014.

### Statutory Environment - This report complies with:

Local Government Act 1995 (As Amended).

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

Australian Accounting Standards.

9. MATTERS FOR RESOLUTION  
9.4 FINANCE REPORTS  
9.4.7 Freedom of Information

FILE NO: AS.RMT.2  
COUNCIL DATE: 15 September 2014  
REPORT DATE: 4 September 2014  
LOCATION/ADDRESS: N/A  
APPLICANT: Shire of York  
SENIOR OFFICER: M Keeble, CEO  
AUTHOR: T Cochrane, DECO  
DISCLOSURE OF INTEREST: Nil  
APPENDICES: Nil  
DOCUMENTS TABLED: Nil  
REPORT APPROVED BY THE CEO: Michael Keeble

OFFICER RECOMMENDATION

*"That the Council Endorse and Receive the Recommendation of the FRAC Committee:*

*"That the Committee considers the impacts of the Freedom of Information legislation and recommends to Council that a budget allocation be made and resourced from projects that are not potentially funded through grants ie. Walk Trail \$110,000 and Road Works.*

*Advice Note:*

*It should be noted that the current workload, if initiated could be a possible \$215,695 per of unbudgeted expenditure, dependant on whether internal and external review rights are exercised."*

**RESOLUTION  
170914**

Moved: Cr Smythe

Seconded: Cr Wallace

*"That Council:*

*Suggest item to be withdrawn."*

*Advice Note: A negotiated settlement resulted in only six (6) files being required.*

**CARRIED: 6/0**

**Voting Requirements:**

**Absolute Majority Required: Yes (4 Votes)**

**Summary:**

Council Staff have on hand 73 FOI's application to deal with

Of the 73 FOI applications received the total number of files to be researched amounts to 160 minimum.

The manual files all need to be cross referenced with the electronic files also.

This brings the time frame to approx. 32 weeks to deal with these applications if one file per day is researched. Note this can either increase or decrease depending on the complexity of the file, however given that most files contain around 50 documents that either need to be read / edited and photocopied the latter seems more appropriate.

Under the FOI Act the Council has 45 days to finalise and issue a Notice of Decision. Special permission to extend the time frame needs to be addressed by the Information Commissioner if Council staff cannot comply with the FOI Act.

The predicted time frame to complete the current FOI's is approx. 32 weeks.

The types of FOI's that are being received are large and complex and divert a substantial and unreasonable portion of staff resources away from other every day operations.

This includes not only staff resources but also finance and equipment.

It should also be noted that the FOI's are not just limited to the FOI Officer who is designated for FOI work, they also impact on the various departments within the Council who are also required to assist the officer completing the application and providing background information.

Every effort is made by Council staff to assist the applicants to reduce the scope of work and to agree to a reasonable outcome and time frame. Council staff where possible also try to assist applicants outside of the FOI process.

Minimum amount of files on current FOI's received that require researching:

Total            160

160@ 1 file per day = 32 weeks

It should be noted that the current applicants have had a large degree of flexibility by being allowed the opportunity to look through files and request copies on most subjects.

A meeting room to be used by staff and the community may be required to be set up within the library on a permanent basis and the existing meeting room will house the new officers.

**Background:**

History of FOI Applications

2012/13

Total 22 FOI applications received

2013/14

Total of 16 FOI applications received

**Consultation:**

Councillors.

**Statutory Environment:**

*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;*

**Financial Implications:**

There are a lot of overheads associated with employment and are all dependent upon the applicants being satisfied that they have received everything, unfortunately Council's history with internal and external reviews have been extremely high.

Ultimately the costs could be reduced by 75% resulting in approximately \$54,000, if everything is satisfied after the 60 days, being 45 days to consider and respond to the application and 15 days to request an internal review.

**\Strategic Implications:**

Not applicable at this time.

**9. MATTERS FOR RESOLUTION**  
**9.4 FINANCE REPORTS**  
**9.4.8 Draft Events Policy**

**FILE NO:** CS.CEV  
**COUNCIL DATE:** 8 September 2014  
**REPORT DATE:** 4 September 2014  
**LOCATION/ADDRESS:** N/A  
**APPLICANT:** Shire of York  
**SENIOR OFFICER:** M Keeble, CEO  
**AUTHOR:** T Cochrane, DECO  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** Nil  
**DOCUMENTS TABLED:** Nil – Provided under separate cover  
**REPORT APPROVED BY THE CEO:** Michael Keeble

**OFFICER RECOMMENDATION**

Moved: Cr Duperouzel

Seconded: Cr Hooper

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

*“That the Committee recommends to Council that the Policy is advertised for public comment for a period of 14 days.”*

**AMENDMENT**

Moved: Cr Smythe

Seconded: Cr Boyle

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

*Advertise the Policy for public comment for a period of 28 days.*

**CARRIED: 6/0**

**RESOLUTION**

**180914**

Moved: Cr Smythe

Seconded: Cr Boyle

*The amendment became the motion.*

**CARRIED: 6/0**

**Voting Requirements:**

**Simple Majority Required: Yes**

**Summary:**

That Council considers the Events Policy, as provided under separate cover.

**Background:**

The Event Policy was under review.

**Consultation:**

Michael Keeble, Gordon Tester

**Statutory Environment:**

Relevant acts and subsidiary legislation.

**Policy Implications:**

Council's policies are all under review and enhancement.

**Financial Implications:**

Unknown at this time.

**Strategic Implications:**

Council's strategic direction is dependent on the supporting policies providing a link between strategic objectives and the operational activities of the Council.

**9. MATTERS FOR RESOLUTION**  
**9.4 FINANCE REPORTS**  
**9.4.9 Sponsorship Processes**

**FILE NO:** FI.DON  
**COUNCIL DATE:** 8 September 2014  
**REPORT DATE:** 4 September 2014  
**LOCATION/ADDRESS:** N/A  
**APPLICANT:** Shire of York  
**SENIOR OFFICER:** M Keeble, CEO  
**AUTHOR:** T Cochrane, DECO  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** Nil  
**DOCUMENTS TABLED:** Examples of Sponsorship Processes of Recognised Organisations ie. Lotterywest  
**REPORT APPROVED BY THE CEO:** Michael Keeble

**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.*

**CARRIED: 6/0**

**Voting Requirements:**

**Simple Majority Required: Yes**

**Summary:**

Each year Council makes a number of contributions by way of donations to various community groups that operate within the York Shire. Some contributions are for ongoing programs that the Shire contributes to each year and others are for “one-off” projects.

To develop a process of advertising and considering applications.

It was considered to utilise the process that other organisations use and that is to have two advertising periods one in Summer and one in Winter to cater for different events, sporting etc, however due to the investigation \$14,000 of sponsorship money has been reallocated from sponsorships to be used on the investigation and it might be prudent to only have one round this year.

Many groups have already put in requests (these will be provided at the meeting) however these should not be considered until such time as the rest of the community have had the chance to submit their requests.

Examples are shown and provided and these have been obtained from RAC and Lotterywest.

**Background:**

The Council at its Ordinary Council meeting resolved as follows:

***“That Council:***

- 1. approves payments to groups that have recurrent funding and mentioned within the budget subject to cashflow;***
- 2. refers the sponsorship process to determine the administering and allocating from within the budget funding pools to the Finance, Risk and Audit Committee; and***
- 3. authorise the advertising of the process and how the sponsorships are going to be dealt with, as soon as the process is determined.***

**Advice Note:**

***Those groups or organisations that have already provided requests will be considered as part of any process implemented.”***

**Consultation**

Various Community Groups

**Statutory Environment**

Financial Regulations

**Financial Implications**

Unknown at this time.



**9. MATTERS FOR RESOLUTION**  
**9.4 FINANCE REPORTS**  
**9.4.10 Tavern Licence**

**FILE NO:**  
**COUNCIL DATE:**  
**REPORT DATE:** 8 September 2014  
**LOCATION/ADDRESS:** N/A  
**APPLICANT:** Shire of York  
**SENIOR OFFICER:** Michael Keeble, CEO  
**AUTHOR:** Michael Keeble, CEO  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** Department of Racing, Gaming & Liquor  
- Application for a Tavern Licence  
- Variation of Trading Conditions  
**DOCUMENTS TABLED:** Nil  
**REPORT APPROVED BY THE CEO:** Michael Keeble

**RESOLUTION**  
**200914**

Moved: Cr Boyle

Seconded: Cr Wallace

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

*“That this Committee instruct the Executive to investigate compliance with the terms and conditions of the Tavern Licence issued to the York Recreation and Convention Centre and report the findings back to the next meeting of this committee.”*

*CARRIED: 6/0*

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

**Background:**

An application for a Tavern Licence was lodged by the Shire with the Department of Racing Gaming and Liquor on 11 November 2011  
Correspondence was received from the Office of Racing, Gaming and Liquor on the 26 October 2012.  
A Tavern Licence was issued to take effect from 5 April 2013 with conditions attached.  
It has been brought to the notice of the executive that there may or may not be operational breaches of this licence.

**Statutory Environment:**

Liquor Control Act 1988 Sections 31,60, 98(1), 116(A), 103(A) and Regulations 18EB and 14AG

**Appendices - Attached**

**9. MATTERS FOR RESOLUTION**

**9.4 FINANCE REPORTS**

**9.4.11 Investments – August 2014**

**FILE NO:** FI.FRP  
**COUNCIL DATE:** 15 September 2014  
**REPORT DATE:** 9 September 2014  
**AUTHOR:** Tabitha Bateman, Financial Controller  
**APPENDICES:** Shire of York Investment Portfolio

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

**RESOLUTION  
210914**

Moved: Cr Smythe

Seconded: Cr Hooper

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

*CARRIED: 6/0*

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

**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.

**Statutory Environment:**  
Local Government Act 1995 (As Amended) 6.10(a), 6.14(1)

**6.10. Financial management regulations**

*Regulations may provide for —*

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

**6.14. Power to invest**

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

Local Government (Financial Management) Regulations 1996 (As Amended) 8.1(a)-(c)

**8. Separate bank etc. accounts required for some moneys**

- (1) *A local government is to maintain a separate account with a bank or other financial institution for each of the following purposes —*
- (a) *money required to be held in the municipal fund (other than money for which an account is to be established under paragraph (c)); and;*
  - (b) *money required to be held in the trust fund; and*
  - (c) *money required to be held in reserve accounts.*

Trustees Act 1962

**18. Investment power of trustees, exercise of**

- (1) *Subject to the instrument creating the trust, a trustee shall, in exercising a power of investment —*
- (a) *if the trustee's profession, business or employment is or includes acting as a trustee or investing money on behalf of other persons, exercise the care, diligence and skill that a prudent person engaged in that profession, business or employment would exercise in managing the affairs of other persons; or*
- (b) *if the trustee is not engaged in such a profession, business or employment, exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.*

Australian Accounting Standards

*AASB 132 – prescribes the financial reporting requirements for financial instruments and the requirements for disclosure concerning financial instruments.*

**Policy Implications:**

In accordance with the Financial Management Investment Policy.

**Financial Implications:**

Credit Ratings

**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 2014.

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

The reporting will be reviewed on an ongoing basis.

**Appendices Attached**

9. MATTERS FOR CONSIDERATION  
9.4 FINANCE REPORTS  
9.4.12 Risk Management Governance Framework

FILE NO:  
COUNCIL DATE:  
REPORT DATE:  
LOCATION/ADDRESS: Shire of York  
APPLICANT: Local Government Insurance Service  
SENIOR OFFICER: M Keeble, CEO  
AUTHOR: T Cochrane, DCEO  
DISCLOSURE OF INTEREST: Nil  
APPENDICES: Risk Management Policy and Risk Management Procedures, Risk Profile Templates and Risk Dashboard Report  
DOCUMENTS TABLED: Nil  
REPORT APPROVED BY THE CEO: Michael Keeble

**RESOLUTION  
220914**

Moved: Cr Hooper

Seconded: Cr Wallace

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

*“That the Finance, Risk and Audit Committee endorses the actions of staff in setting up the Policy and Procedures with the assistance of the Local Government Insurance Service for Risk Management, as attached.”*

*CARRIED: 6/0*

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

**Summary:**

Phase 1 – Group Workshop - Framework (Policy / Procedures)

Going through a template Policy & Procedures for Risk Management. The objectives of the workshop was to;

- customise (where relevant) components of the framework to suit our operations
- gain common understanding of the requirements of a risk management program
- set the scene for the follow up Shire based workshop (Phase 2)

Phase 2 – Shire Based Workshops – Risk Identification & Assessment

As these are Shire specific a workshop is to be run this week in each Shire. The objectives of these workshops will be to;

- Rate Risks (by Risk Theme)
- Identify and rate Controls
- Identify current and potential Key Indicators
- Document and allocate specific actions (treatments) for risk issues

**Background:**

Council is participating in a joint project to deal with Risk Management with the Shires of Beverley, Brookton and Pingelly.

**Consultation:**

LGIS and staff from other Councils.

**Financial Implications:**

Not applicable at this time. Staff time due to requirements.

**Strategic Implications:**

It is expected the Finance, Audit and Risk Committee will provide strategic advice to the Shire Council.

**Appendices Attached**

9. MATTERS FOR RESOLUTION  
9.5 LATE REPORTS  
9.5.1 Crawford Court Precinct – Overall Drainage Plan

FILE NO: PS.TPS.47  
COUNCIL DATE: 15 September 2014  
REPORT DATE: 12 September 2014  
LOCATION/ADDRESS: Crawford Court Precinct  
SENIOR OFFICER: M Keeble, CEO  
AUTHOR: K Strange, PO  
DISCLOSURE OF INTEREST: Cr Denese Smythe - Proximity  
APPENDICES: Nil  
DOCUMENTS TABLED: Nil  
REPORT APPROVED BY THE CEO: *Michael Keeble*

*Cr Smythe declared Proximity and left the meeting at 5.18pm*

**RESOLUTION  
230914**

Moved: Cr Boyle

Seconded: Cr Hooper

*“That Council:*

*Consider covering the initial cost of preparing an overall drainage plan in accordance with Schedule 5 provided that;*

- 1. the cost be recovered over a period of time from landowners as they develop their land; and*
- 2. the appropriate statutory policy and/or procedure can be put in place to recover the cost in stages.”*

**CARRIED: 5/0**

***Cr Smythe returned to the meeting at 5.23pm***

**Voting Requirements:**

**Simple Majority Required: Yes**

**Summary:**

In accordance with Schedule 5 of the York Town Planning Scheme No. 2, the preparation of an overall drainage plan for the Crawford Court Precinct is required prior to any approval for subdivision in the Crawford Court Precinct.

Mrs Kerry Bramley and Mr John Wieske have enquired in relation to the Shire covering the cost of preparing an overall drainage plan for the Crawford Court Precinct.

**Background:**

The Crawford Court Precinct consists of; Lots 1 – 7 Crawford Court; Lots 279 – 282 Herbert Road; Lot 283 Northam-York Road; and Lot 4 Attfield Road York. The total area is approximately 38 hectares.

On 18 January 2013, Scheme Amendment 47 was gazetted for the purposes of rezoning these lots from Rural Residential to Residential R2.5. The Amendment included inserting text in ‘Schedule 5 – Additional Requirements for the Residential Zone’ as follows;

- 3. The Crawford Court residential precinct is to include land bounded by Northam-York Road, Attfield Road, Chandos Road, Herbert Road and Steere Road. In this area the following additional provisions shall apply:*

- a. *An overall drainage plan must be prepared for the precinct prior to subdivision.*
- b. *No additional access shall be permitted onto the Northam-York Road.*
- c. *Where an Outline Development Plan is not required by the Shire of York or Western Australian Planning Commission prior to subdivision of any lot, any subdivision proposals must demonstrate the proposal will not compromise orderly and proper planning principles for the precinct, as expressed in all relevant Western Australian Planning Commission policies.*

Mrs Kerry Bramley and Mr John Wieske are two landowners within the precinct who are intending to develop their properties. Mrs Bramley has submitted an application for subdivision with the WAPC which is on hold until such time that an overall drainage plan is prepared.

As the drainage plan is the responsibility of the landowners and/or developers of the Precinct, Mrs Bramley and Mr Wieske are requesting that this plan be paid for by the Shire and recover the costs as the land is developed, rather than the financial burden laying with a few landowners for the benefit of all of the landowners.

Mr John Rostom from Midas Engineering Group has prepared a quote for the cost of the drainage plan as \$12,000 excluding GST. Based on this figure, it is expected that the cost of preparing this plan is likely to be no more than \$15,000 following request of at least two other comparable quotes. Council needs to investigate whether this cost can be recovered from landowners in stages as they develop their land as well as the most appropriate statutory mechanism to do so.

**Consultation:**

Extensive consultation between past Shire Works Manager Mr Graham Lantzke, Town Planner Mrs Jacky Jurmann, the two landowners (Mrs Bramley and Mr Wieske), and Mr John Rostom from Midas Engineering Group has occurred in relation to what is required within the drainage plan. The Department of Planning have also been involved as facilitators as they are aware of the precinct and the requirements under the Scheme.

**Statutory Environment:**

Shire of York Town Planning Strategy

In accordance with the Strategy, subdivisions that create more than three (3) lots require the preparation of an outline development plan. This may be required for developers within the Crawford Court Precinct and in accordance with Schedule 5.

Shire of York Town Planning Scheme No 2

In accordance with Schedule 5, an overall drainage plan must be prepared for the precinct prior to subdivision. Therefore, until such time that this plan has been produced and approved to the satisfaction of the Local Government, the landowners are unable to subdivide their property.

Local Planning Policy No. 10 – Contributions for Road & Footpath Construction & Upgrading

In accordance with this policy, where there a direct nexus can be established, financial contributions for road and/or footpaths may be required for new development and/or subdivision proposal. This policy is not specific to the Crawford Court Precinct.

**Policy Implications:**

With the exception of Local Planning Policy No. 10, there is no overall policy in relation to developer contributions within the Shire of York. The need for an overall developer contributions policy for the Shire of York is becoming increasingly necessary.

**Financial Implications:**

The preparation of this plan is an unbudgeted item and therefore funds would need to be reallocated from another project should Council agree to cover the cost. It is expected that approximately \$15'000 may be required. Further to this, there may be a cost associated with the preparation of statutory documents to recover this cost from the developing landowners i.e. planning consultants.

**Strategic Implications:**

There are no strategic implications associated with this proposal.

**Site Inspection:**

**Site Inspection Undertaken: Not applicable**

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

The cost of preparing this plan is not expected to be more than \$15,000 however, Council is advised to investigate whether the cost can be recovered from the landowners and the most appropriate way to do this. There is also likely to be a cost involved with receiving advice in relation to this.

**Social Implications:**

Council needs to consider whether a precedent would be set by agreeing to cover the initial cost of preparing the overall drainage plan.

**Environmental Implications:**

There are no environmental implications associated with this proposal.

**Comment:**

There are a number of issues associated with drainage within the Shire of York, specifically the Town Centre.

In accordance with Schedule 5 of the Scheme, an overall drainage plan needs to be prepared prior to permitting and subdivision within the Crawford Court Precinct.

As well as this, as a condition of subdivision in accordance with Schedule 5, an outline development plan may be required from the landowners which will detail issues, including drainage, more specifically for the context of their individual site/lots.

This proposal has raised a number of issues relating to the existing provisions for stormwater and drainage management within the Town Centre.

Further to this, the proposal highlights the increasing need to establish an overall developer contribution policy for the Shire of York.



**9. OFFICER'S REPORTS**

**9.5 LATE REPORTS**

**9.5.2 Ability Focus – Application to be Recognised – Ability Focus**

**FILE NO:** FI.DON  
**COUNCIL DATE:** 15 September 2014  
**REPORT DATE:** 15 September 2014  
**LOCATION/ADDRESS:** Not Applicable  
**APPLICANT:** Julie Solich  
**SENIOR OFFICER:** Michael Keeble, CEO  
**REPORTING OFFICER:** Tyhscha Cochrane, DCEO  
**DISCLOSURE OF INTEREST:** Cr Reid – Impartial  
Cr Smythe - Impartial  
**APPENDICES:** Nil  
**DOCUMENTS TABLED:** Nil

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

*Cr Reid and Cr Smythe declared an Impartiality to this item.*

**RESOLUTION  
240914**

Moved: Cr Wallace

Seconded: Cr Hooper

*“That Council:*

*Accepted Cr Reid and Cr Smythe stay in the room and vote.*

**CARRIED: 6/0**

**RESOLUTION  
250914**

Moved: Cr Hooper

Seconded: Cr Wallace

*“That Council:*

*Recognise Ability Focus as a Community Group for the purpose of waiving fees and charges related to trading in public places and thoroughfares and the use of Council facilities for fundraising activities of benefit to the community.”*

**CARRIED: 6/0**

**Voting Requirements:**

**Simply Majority Required: Yes**

**Summary:**

It is a requirement that Ability Focus makes application to Council to be a recognised Community Group in order to qualify to have fees and charges waived when conducting not for profit fund raising activities in public places and thoroughfares.

**Background:**

On 17 June 2014 Council received an application from Ms Julie Solich seeking Council recognition of Ability Focus as a community group for the purpose of having Council fees and charges waived when conducting not for profit fund raising activities in public places and thoroughfares.

**Consultation:**

Nil

**Statutory Environment:**

Shire of York, Local Law – Trading in Thoroughfares and Public Places.

**Policy Implications:**

Nil

**Financial Implications:**

Council's fees waived.

**Strategic Implications:**

This will encourage community groups to undertake fund raising activities in public places and thoroughfares.

**Site Inspection:**

**Site Inspection Undertaken: Not applicable**

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

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

**Social Implications:**

It is of benefit to enhance relationships between Council and Community Groups by waiving fees and charges for fundraising purposes of community benefit.

**Environmental Implications:** Nil**Comment:**

Ability Focus is a not for profit organisation providing individualised services for individuals and families of a person with a disability. Ability Focus's office is based in York however services are provided over the entire Wheatbelt.

Current copies of Certificates of Incorporation and Public Liability Insurance of \$10,000,000 are to be provided.

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

FILE NO:  
COUNCIL DATE: 15 September 2014  
REPORT DATE: 25 August 2014  
SENIOR OFFICER: Michael Keeble, CEO  
REPORT APPROVED BY THE CEO: Michael Keeble

*Note: The Confidential Report was presented at the end of the meeting as the final item on the Agenda.*

**RESOLUTION  
350914**

Moved: Smythe

Seconded: Cr Wallace

*"That Council:*

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

*Legal advice, which may be obtained."*

**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 —*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*

Note to this Item:

The doors were Closed at 5.55pm

The doors were Opened at 6.30pm

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

FILE NO:  
COUNCIL DATE: 15 September 2014  
REPORT DATE: 25 August 2014  
SENIOR OFFICER: Michael Keeble, CEO  
REPORT APPROVED BY THE CEO: Michael Keeble

**RESOLUTION  
380914**

Moved: Cr Hooper

Seconded: Cr Boyle

*"That Council:*

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

**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 —*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*

Note to this Item:

The doors were Closed at: 5.55pm

The doors were Opened at: 6.30pm

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

**FILE NO:**  
**COUNCIL DATE:** 15 September 2014  
**REPORT DATE:** 10 September 2014  
**SENIOR OFFICER:** Michael Keeble, CEO  
**AUTHOR:** Helen D’Arcy-Walker  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** Minutes of the Finance, Risk & Audit Committee Meeting  
**DOCUMENTS TABLED:** Nil  
**REPORT APPROVED BY THE CEO:** Michael Keeble

**RESOLUTION**  
**260914**

Moved: Cr Wallace

Seconded: Cr Hooper

*“That Council:*

*Receives the Minutes of the Finance, Risk & Audit Committee meeting held on Monday, 8<sup>th</sup> September, 2014.”*

*CARRIED: 6/0*

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

**Summary:**  
The minutes of the Finance, Risk & Audit Committee meeting are provided for Council and Community information.

**Appendices Attached**

**10. COMMITTEES OF COUNCIL**  
**10.2 Works Committee**

**FILE NO:**  
**COUNCIL DATE:** 15 September 2014  
**REPORT DATE:** 10 September 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**  
**270914**

Moved: Cr Boyle

Seconded: Cr Duperouzel

*“That Council:*

*Receives the Minutes of the Works Committee meeting held on Thursday, 4<sup>th</sup> September, 2014.”*

**CARRIED: 6/0**

*Cr Boyle requested that Council add another person onto the Works Committee. CEO to investigate terms of reference*

**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: 15 September 2014  
REPORT DATE: 9 September 2014  
SENIOR OFFICER: Michael Keeble, CEO  
AUTHOR: Helen D’Arcy-Walker  
DISCLOSURE OF INTEREST: Nil  
APPENDICES: Minutes of the Heritage Advisory  
Committee Meeting  
DOCUMENTS TABLED: Nil  
REPORT APPROVED BY THE CEO: Michael Keeble

**RESOLUTION  
280914**

Moved: Cr Smythe

Seconded: Cr Hooper

*“That Council:*

*Receives the Minutes of the Heritage Advisory Committee meeting held on Tuesday,  
2<sup>nd</sup> September, 2014.”*

*CARRIED: 6/0*

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

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

**Appendix Attached**

## 11. EXECUTIVE MANAGEMENT REPORTS

### 11.1 CEO Report

FILE NO: OR.MTG.5  
COUNCIL DATE: 8 September 2014  
REPORT DATE: 15 September 2014  
SENIOR OFFICER: Michael Keeble, CEO  
AUTHOR: Michael Keeble, CEO  
REPORT APPROVED BY THE CEO: Michael Keeble

#### RESOLUTION

290914

Moved: Cr Smythe

Seconded: Cr Boyle

*"That Council:*

*Receive the report."*

*CARRIED: 6/0*

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

#### 1. Vehicles

The Works Manager is in the process of reviewing and drafting a Vehicle Use Policy (and Procedure).

This financial year the following orders have been placed and the combined total is within budget:

Truck  
Sweeper  
4 x 4 Space Cab Ute  
4 x 2 Dual Cab Ute  
Caprice

#### 2. Web Page

The webpage is up and running and now we are looking at getting an intranet up and running.

#### 3. Enterprise Bargaining Agreement

The negotiation process is still proceeding and is expected to be concluded by 30 September 2014, it should be noted that the Union Representative has been on leave.

#### 4. Complaints

Three complaints have been provided to the administration to deal with, dealing with various issues before my time.

#### 5. Finance

Staff continue to develop and implement the new financial reporting system and software.

#### 6. Email and IT

The Councillors (tablets) have arrived and training will be provided and hopefully these will be in use by the October Council meeting.



<b>Matters Requiring Action from Previous Meetings of Council</b>
---

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

Meeting Date	Item	Topic	Next Review	
12-May-14	9.4.1	Investigate Credit Card Usage	30/10/2014	CEO
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/SP
19-May-14	9.2.12	Councillor Email Addresses	30/09/2014	CEO
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 Management	30/09/2014	WM
19-May-14	9.3.4	Town Secondary Water Supply Dam	30/10/2014	WM
19-May-14	9.4.2	Grant ANZAC	30/09/2014	SP
16 June 14	9.4.1.2	Proposed Scheme Amendment No. 53	30/09/2014	PO
16 June 14	9.4.2.3	Lease – Tennis Court Land (sign/lodge Landgate)	30/09/2014	SP/CEO
16 June 14	9.4.4.1	Legal Action – Unpaid Rates	30/09/2014	CEO
23 July 14	9.1.1	Proposed Road Closure – Pownall Street	30/09/2014	PO
23 July 14	9.1.2	Proposed Scheme Amendment No. 53	30/10/2014	PO
23 July 14	9.3.2	Request to Improve School Car Park	30/09/2014	WM
23 July 14	9.3.3	Shire of York Road Hierarchy	30/09/2014	WM
23 July 14	9.3.4	Verge Spraying	30/09/2014	WM
23 July 14	9.4.3	Investigate Credit Card Usage	30/09/2014	CEO
23 July 14	9.4.4	Avon Valley Residents Assoc Inc.		MHB
23 July 14	9.5.1	Councillor IT Solutions	20/10/2014	CEO
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	9.4.2	Trader's Permits – Businesses Conducting Trade on a Portion of a Public Place Adjoining their Normal Place of Business	22/09/2014	MHB
18 August 14	9.4.3	Sponsorships 2014/15 Recurrent/Budgeted and Processes	30/09/2014	DCEO
18 August 14	9.4.4	Talbot Brook Community Group Inc – Waive Fees Associated with Hall		DCEO
18 August 14	9.4.7	YRCC Business Plan	30/10/2014	CEO
18 August 14	9.4.8	Rental Housing – 2 Dinsdale Street York	30/09/2014	CEO
18 August 14	9.4.9	Provision of Audit Services	30/10/2014	CEO
18 August 14	9.5.1	Councillor IT Solutions	30/09/2014	CEO
18 August 14	9.5.2	Change of Auditor	30/10/2014	CEO
18 August 14	9.5.3	Working Party for the Shire of York Strategic Community Plan	01/02/2015	CEO
			6 months	

**Matters Arising from Previous Meetings of the Finance Risk and Audit Committee**

Meeting Date	Item	Topic	Next Review
7 July 2014	070614	Outstanding Rates to be KPI for CEO	30/10/14
7 July 2014	080614	Project plans for 2014/2015	30/07/14
7 July 2014	090614	Use of consultants	30/07/14
7 July 2014	11/06/14	Consolidate reserve accounts	30/10/14
7 July 2014	16/06/14	Status & future of swimming pool	30/10/14
12 August 2014	10.1.3	Rental Housing – 2 Dinsdale St, York	30/10/14
12 August 2014	11.1.1	IT Strategy Plan 2014	01/02/15
12 August 2014	12.1.1	Provision of Audit Services	30/10/14
10 September 2014	10.1.5	FOI Processes	30/09/14
10 September 2014	10.1.6	Events Policy	30/09/14
10 September 2014	10.1.7	Sponsorship	30/09/14
10 September 2014	10.1.8	Tavern Licence – Investigate Conditions	13/10/14
10 September 2014	10.1.9	Risk Procedures & Policies	30/10/14

**Matters Arising from Meetings of the Works Committee**

Meeting Date	Item	Topic	Next Review
4 September 2014	010914	Investigate Free RV Parking and Dump Points	30/10/14
4 September 2014	020914	Investigate Alternative Locations for Markets Peace Park	30/10/14
4 September 2014	030914	Organise a Risk Assessment of the Entire Road Network	01/02/15

**Meetings held from 18 August, 2014 to 11 September, 2014 and proposed to 15 September**

18 August	Gail Maziuk & Tyhscha Cochrane Indoor Equine Arena Meeting Darlene Barratt Council Meeting
19 August	Senior Staff Meeting All Leasing Pam Law
21 August	Dirk Feinaur Barbara Inglis Jenni Law
25 August	Denese Smythe Sandra Clohessy Brian Woolcock
26 August	Senior Staff Meeting Paul West Simon & Heather Saint Mario John Oliver

27 August	Pam Law Kira Strange Darlene Barratt Sandra Paskett Mike Higson
28 August	LGIS – Solicitors
29 August	Tyhshca Pat Hooper & Tony Boyle Lydia – NightSky Barbara Inglis
1 September	Ian Crombie Matthew Reid Matthew Reid & Kira – Site Visit Clare Savage Peter Murray Garry Gregan Heather Saint
2 September	Senior Staff Meeting Tabitha John Oliver Tabitha Heritage Advisory Meeting
3 September	Tanya Richardson Tabitha Darlene Barratt Prof Steed Matthew Reid FOAG
4 September	SEAVROC David Taylor Works Committee Meeting
5 September	Redfish Bob Ellis
8 September	Risk Management Foundations Project – Phase 1 Darlene Barratt Finance, Risk & Audit Committee Meeting
9 September	Senior Staff Meeting White Gum Farm Global Care Richard Anderson
10 September	Risk Management Foundations Project – Phase 2
11 September	Marnie Smith – LGIS Bill Cebula Mike Higson

12 September Tony Brown – WALGA

15 September Simon Saint  
Kylie Coman – LandCorp  
Council Meeting

11. EXECUTIVE MANAGEMENT REPORTS

11.2 Deputy CEO Report

FILE NO: OR.MTG.5  
COUNCIL DATE: 15 September 2014  
REPORT DATE: 10 September 2014  
SENIOR OFFICER: Michael Keeble, CEO  
AUTHOR: Tyhscha Cochrane, DCEO  
APPENDICES: Library Statistics  
Visitor Information Services Visitor Count  
Museum Visitor Figures August 2014  
DOCUMENTS TABLED: Nil  
REPORT APPROVED BY THE CEO: Michael Keeble

**RESOLUTION  
300914**

Moved: Cr Duperouzel

Seconded: Cr Smythe

*“That Council:*

*Receive the report.”*

*CARRIED: 6/0*

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 August 2014**

New Applications Received	1
Applications Carried Forward	2
Applications Closed/Finalised/Process Completed	1
<b>Total Outstanding – August 2014</b>	<b>2</b>

There was one (1) application received in this period and one (1) application finalised.

It should be noted that seventy two (72) applications have also been received, however they remain pending as no payments have been receipted to initiate the commencement of the Freedom of Information processes.

**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 August 2013 - \$449,302  
August 2014 - \$932,540

The significant difference between August 2013 and August 2014 is the due date for rates, a high number of rates have been received in the month of August 2014, as the due date is a lot earlier than the previous year.

NRM Grant received \$50,000 – August 2014  
Financial Assistance Grant received \$361,000 – August 2014

The grants for August 2013 included Main Roads WA \$85,000, Energy Efficiency Grant of \$36,000 and Roads to Recovery of \$31,000.

### 4. **Environmental Protection Officer**

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

Site visits to those landholders who have submitted an Expression of Interest through the Biodiversity Fund Program have been completed and the first lot of assessment of all sites across the 14 participating Shires has commenced.

The seedling suppliers for 2014/15 and 2015/16 have been selected through a tender process this month.

The annual report of activities and milestones required by the Federal Government has been completed and submitted.

The SEAVROC Environment Newsletter was sent out to interested landholders and community members.

General advice on NRM issues such as revegetation, grants, bio-security and native vegetation clearing regulations continued.

Letters of consent and site visits have been organised for a York landholder proposing several kilometres of fence line maintenance bordering on two different nature reserves and a Shire road reserve.

#### **Expressions of Interest - Fencing & Pest Control in 2015 – Closes 19 September 2014.**

Do you have any remnant vegetation that you want to protect?

Do you want assistance for fencing of the vegetation and control of foxes and rabbits?

Fencing and funding for invasive species control will be offered to eligible landholders wishing to protect existing vegetation, and control pest animals in these ecologically important areas.

**Criteria:**

- Your project must protect an area of existing remnant vegetation.
- Participants to carry out work only on land in the Shire of York.
- Priority will be given to land managers that can implement both components of the project: fencing of existing remnant vegetation and control of pest animals.
- Landholders are responsible for erecting of fencing before October 31<sup>st</sup> 2015 and must be prepared to provide fence maintenance for at least 10 years. Invasive species control must be carried out and monitored over 2 years.

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

For the month of July Council collected \$7,549.51 in Commissions for online licensing, which is for 775 transactions.

MDL Commissions for the month of July for ten (10) computerised Theory Tests resulted in Commissions of \$218.52.

**6. Dust of Uruzgan**

Nationally acclaimed Fred Smith and his small entourage entertained an audience of around 60 people in the Town Hall on Monday 25 August. Whilst the attendance was a little disappointing, those that did see the show were treated to a wonderful night of entertainment and perhaps an insight into Australia's military involvement in Afghanistan that they otherwise would not have had.

**7. Bicycling Western Australia – Cyclo Sportif Event**

A very successful event was held on Sunday, 24 August 2014. The organisers expressed their sincere thanks for the support and assistance of the Shire of York. Provided is the following extract from correspondence from the organisers:

*“The initial feedback from our riders has been incredibly positive in regards to the location, road conditions and scenery of the course and the lunch venue at the York Town Hall. This is a testament to the hard work and dedication to your team at the Shire of York and the beautiful setting of York itself.*

*I would like to extend my personal gratitude to the personnel at the Shire of York, liaising with them was always pleasant and they went out of their way to accommodate our needs for traffic management signage when we were let down by our providers a few days out from the event.*

*We strive to ensure our event provide a positive economic impact on areas that we visit and it was great to see so many of our participants and their families supporting the town by staying overnight in local accommodation and frequenting restaurants, cafes and hospitality venues on the day of the event. We trust the local traders enjoyed a busy and lucrative weekend.*

*Once again, thank you for the assistance of the Shire and its staff and we look forward to working with you again in the future.”*

## **8. Recruitment**

The Shire of York is currently seeking suitable applicants for the following vacancies:

- Economic Development Officer – new position
- Casual Museum Assistants - Residency Museum, new positions
- Grader Operator – Depot
- Manager Works and Services

## **9. Employee Movement**

We extend a warm welcome to Kristy Livingstone who joined our Finance team on Monday 18 August. Kristy is an active member of the broad York Community and brings very valuable local knowledge and experience to our team.

Graham Lantzke resigned his position as Engineer Works Management on Monday 11 August. Graham has taken up a position with an Engineering Consultancy company. We would like to extend our thanks for his contribution to our team during his time at the Shire of York and wish him the best in his new career.

## **10. Community Safety Awareness Day**

The date has been set for the 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.

Some of the events planned for the day include:

- A street parade along Avon Terrace featuring Police motorcycles, emergency service vehicles, Police Pipe Band etc.
- Community Safety organisations will set up stalls and displays in Peace Park between 11.00am and 3.00pm
- DFES fire demonstration in car park next to ambulance station.
- Emergency Services victim extraction demonstration from road crash vehicle in Joaquina Street

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 (York and others),  
St Johns Ambulance, RAC, Roadwise and others



## 11. Facilities Hire

Department Information	August	
	2013	2014
<b>Facilities Hire</b>		
Indoor Stadium	76	63
Oval	31	11
Pavilion	2	1
Town Hall	19	18
Old Gym	15	10
Avon Park	0	1
Peace Park	0	1
<b>Gymnasium</b>		
Memberships	18	12
Revenue (no GST)	\$3570	\$2380

## 12. Information Services

The Visitor Count for the month of August is attached for your perusal.

## 13. Residency Museum

The Visitor Count for the month of August is attached for your perusal.

A notable donation, a magnificent leatherbound Bible that once belonged to Resident Magistrate Walkinshaw Cowan and his family, has kindly been formally donated to the Residency Museum by Diana Cowan.

Staff and volunteers at the Museum are currently focussing on the Centenary of Anzac and together with military historian Dr. Mike Galvin, working on a small exhibition to open in April 2015. It will tell the story of a brother and sister, Irwin and Claudia Whitfield of York. Irwin enlisted and was killed, Claudia became 'the brother my father has lost' [her own words] leaving school to run the family farm in Irwin's place. The story will be told through their own correspondence describing life in war and back on the farm, with dioramas.

This mini-exhibition will be a pilot project for a much larger exhibition 'Remembering Them' that will be created as a joint project between the Residency Museum and the WA Museum in 2018. It will be held in the Town Hall and feature WW1 VC winner Dominic McCarthy who was born in York.

The Residency Museum has also just applied for additional funding from the Anzac centenary Arts and Culture fund in order to run a community project to enhance this exhibition. Grant-aid will allow the creation of 100 life size cutout figures that represent York people who were affected by the First World War. A wide range of community groups will be able to get involved in this exciting arts project, so we are hoping that the application will be successful.

## Appendices Attached

**11. EXECUTIVE MANAGEMENT REPORTS**

**11.3 Manager Planning Services Report**

**FILE NO:** OR.MTG.5  
**COUNCIL DATE:** 15 September 2014  
**REPORT DATE:** 9 September 2014  
**SENIOR OFFICER:** M Keeble, CEO  
**AUTHOR:** K Strange, PO  
**APPENDICES:** Nil  
**DOCUMENTS TABLED:** Nil  
**REPORT APPROVED BY THE CEO:** Michael Keeble

**RESOLUTION**  
**310914**

Moved: Cr Duperouzel Seconded: Cr Hooper

*“That Council:*  
*To receive the report.”*

*CARRIED: 6/0*

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.

Table 1 provides an overview of the monthly statistics for August 2014.

<b>Planning Services – August Monthly Statistics</b>			
	<b>1/8/2013 – 31/8/2013</b>	<b>1/8/2014 – 31/8/2014</b>	<b>Trend</b>
<b>Planning</b>			
Applications Received	5	4	↓
Applications Determined	10	0	↓
Time (average)	68 days	n/a	
DAP Applications	0	0	-
Subdivision/Amalgamations	2	0	↓
Subdivision/Amalgamations Processed	1	2	↑
Scheme Amendments	0	0	-

Income derived from applications, scheme amendments and subdivision clearances	\$954.00	\$1,792.25	↑
--	----------	------------	---

### Last Month's Corrections:

There were couple of errors in the report for July in relation to the table as well as the Visitor Numbers explanation. The errors were;

- In Table 1, the title was "June Monthly Statistics" when it was actually July's Monthly Statistics.
- The Museum Attendance numbers showed 272 for August 2013 and 251 for August 2014, which is a decrease, however the arrow pointed upward.
- Likewise with the income derived. The income for August 2013 was \$847.30 and for August 2014 the income was \$788.25. The arrow pointed upward however it should have been pointing downward.
- The explanation under Visitor Numbers stated the following;
  - *"The numbers of visitors to the Museum have increased significantly when compared to the previous year by all groups, with the exception of local visitors that have decreased..."*
- Based on the errors within the statistics table, this paragraph should have read;
  - The numbers of visitors to the Museum have decreased significantly when compared to the previous year by all groups, with the exception of local visitors that have significantly increased. Whilst this overall may be negative, it is very positive that the local numbers have increased as ultimately the local community are the best promoters of local attractions and facilities...

### Town Planning Services:

#### Local Planning Strategy Review

The LPS review has been put temporarily on hold while the Community Strategic Plan is finalised. Upon completion of the Strategic Plan, the Strategy review will recommence.

The review of the Strategy will facilitate the update of the Town Planning Scheme No. 2.

#### SITA Appeal Update

At the joint request of the Applicant (SITA) and the Respondent (JDAP), a directions hearing was held on 22 August 2014 to alter the current programming orders so as to allow time for the DER to reach its conclusions in its consideration of the works licence.

The postponement was allowed for a period of five (5) months for all matters on the existing programming works. Therefore, the final directions hearing is now scheduled for 28, 29, 30 April and 1 May 2015.

Mr Denis McLeod from McLeods Barristers and Solicitors has been providing the Shire with ongoing assistance in this matter. As at 23 August 2014, the following summary of costs was provided to the Shire;

Billed and paid to date:	\$16,848.51
Unbilled time	\$2,776.54
Unbilled cost recoveries	\$26.00
<b>TOTAL</b>	<b>\$19,651.05</b>

### Daliak Structure Plan

The Council is currently seeking the expertise of an engineer to assess the Implementation Plan in relation to the provision of necessary infrastructure and services on the proposed Daliak Structure Plan. As at 4 September 2014, an engineer was yet to provide Council with a cost of works for the review. In accordance with the Planning and Development Regulations 2009, the cost of this review will be payable by the applicant.

Once an assessment of the Structure Plan is complete, it will be put forward to Council for adoption.

### Cultural Interpretation Plan

Claire Savage from Savagely Creative was in York on 1 and 2 September 2014 to meet with a number of people regarding the Cultural Interpretation Plan (CIP). In the coming weeks, Claire will provide the Shire with a preliminary draft of which we will be able to make comments on and make any adjustments required. The draft will be made available to the public for their comment.

### Heritage Committee

The Heritage Committee had their second meeting on 2 September 2014. Claire Savage presented the CIP process to the Committee and asked for their input.

### Trails Master Plan

The Trails Master Plan (TMP) has been completed and is now available at the Shire for viewing. It will also be made available on the Shire website.

**11. EXECUTIVE MANAGEMENT REPORTS**

**11.4 Engineer – Works Managers Report**

**FILE NO:** OR.MTG.5  
**COUNCIL DATE:** 15<sup>th</sup> September  
**REPORT DATE:** 31<sup>st</sup> August 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 - August 2014  
7 - Plant Maint / Servicing - July 2012 to current

**DOCUMENTS TABLED:** Nil

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

**RESOLUTION  
320914**

Moved: Cr Duperouzel

Seconded: Cr Boyle

*“That Council:*

*Receive the report.”*

*CARRIED: 6/0*

**Voting Requirements:  
Simple Majority Required:**

**No**

**Summary:**

This report is a summary of activities of the Works Department for the month of August 2014. Also included in an updated project status report.

**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.

**Consultation:**

Nil

**Statutory Environment:**

Nil



11. EXECUTIVE MANAGEMENT REPORTS  
11.5 Environmental Health & Building Services Managers Report

FILE NO: OR.MTG.5  
COUNCIL DATE: 15 September 2014  
REPORT DATE: 8 September 2014  
SENIOR OFFICER: Michael Keeble  
AUTHOR: Gordon Tester  
APPENDICES: Building, Ranger, Health Reports  
DOCUMENTS TABLED: Nil  
REPORT APPROVED BY THE CEO: Michael Keeble

**RESOLUTION  
330914**

Moved: Cr Hooper

Seconded: Cr Boyle

*"That Council:*

*Receive this report."*

*CARRIED: 6/0*

This report is a summary of issues addressed during the preceding month.

**Budget Report:**

1. Scoping meeting completed with DER for submission of works approvals for installation of additional septage pond.
2. Solar Gain commissioned to undertake installation of photovoltaic cells on both the Shire Office and the York Recreation Centre.
3. Scope of works being collated for tendering purposes for maintenance of PML renovation of depot toilets, and modifications to end of ramp at YRCC adjacent tennis courts oval.
4. Contractor commissioned to undertake modifications to Burgess Road Standpipe regarding installation of swipe card access to this standpipe.

**Legal Action Report**

**Dangerous Dog**

Dangerous dog charges have been heard in the Northam Magistrates Court with the dog owner being found guilty on all charges.

Subsequently the dog owner appealed to the Supreme Court where it was determined that the Northam Magistrate was correct in his judgement effectively dismissing the appeal.

A further appeal to the State Administrative Tribunal against Council's Notice under the Dog Act declaring the dog dangerous, however this has since been withdrawn.

**Failure to Comply with Notice**

A property owner is scheduled to appear in the Northam Magistrates Court on October 14, 2014, appealing to the Magistrate to dismiss all charges for failing to comply with Councils Notices.

Fines in excess of \$80,000.00 have been applied in previous court appearances.

**Building**

See attached Building Approvals for August 2014.

**Ranger**

See attached Ranger activities for August 2014.

**Health**

See attached Health activities for August 2014.

**Appendices Attached**



**12. REPORTS FOR CONSIDERATON**

**12.1 Various Reports**

**FILE NO:**  
**COUNCIL DATE:** 15 September 2014  
**REPORT DATE:** 10 September 2014  
**SENIOR OFFICER:** Michael Keeble, CEO  
**AUTHOR:** Helen D'Arcy-Walker, ESO  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:**  
1. YouCamp – Adventures on Private Land  
2. Asset Management ROMAN II  
RRG Minutes – 28 July 2014  
Local Road Crash Report  
3. SEAVROC – 7 August 2014 Minutes  
4. SEAVROC – Notice Paper & MOU  
Attachment - 4 September 2014  
5. Monthly DFES LG Report  
6. WALGA AGM Minutes – 6 August 2014  
7. Avon-Midland Zone Meeting Minutes –  
20 June 2014 & Attachments  
8. Avon-Midland Zone Meeting Minutes –  
22 August 2014  
9. WALGA – State Council Summary  
Minutes – September 2014

**DOCUMENTS TABLED:** Nil  
**REPORT APPROVED BY THE CEO:** Michael Keeble

**RESOLUTION**

**340914**

Moved: Cr Hooper

Seconded: Cr Duperouzel

*“That Council:*

*Considers the attached reports.”*

*CARRIED:6/0*

*Note: YouCamp – Adventures on Private Land - Cr Boyle requested this be presented as an Agenda Item at the October Council Meeting.*

### 13. NEXT MEETING

#### RESOLUTION

390914

Moved: Cr Hooper

Seconded: Cr Duperouzel

*"That Council:*

*hold the next Ordinary Meeting of the Council on October 20, 2014 at 4.00pm at the Greenhills Hall, Greenhills.*

*CARRIED: 6/0*

#### CLOSURE

*Cr Reid thanked everyone for their attendance and declared the meeting closed at 6.32pm*