



SHIRE OF YORK

**MINUTES OF THE ORDINARY
MEETING OF THE COUNCIL
HELD ON 21 SEPTMBER 2015
COMMENCING AT 5.15pm
IN THE LESSER HALL,
YORK TOWN HALL, YORK**

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SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL
HELD ON MONDAY, 21ST SEPTEMBER, 2015, COMMENCING
AT 5.15PM IN THE LESSER HALL, YORK TOWN HALL, YORK

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

1. OPENING

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.

- 1.1 Declaration of Opening
Cr Matthew Reid, Shire President, declared the meeting open at 5.15pm.
- 1.2 Disclaimer
Not Read
- 1.3 Standing Orders
Clause 3.2 – Order of Business

RESOLUTION 010915

Moved: Cr Reid

Seconded: Cr Smythe

“That Council:

Set aside Clause 3.2 – Order of Business for today’s meeting”.

CARRIED: 3/0

- 1.4 Announcement of Visitors
Nil
- 1.5 Declarations of Interest that Might Cause a Conflict

Financial Interests

Nil

Disclosure of Interest that May Affect Impartiality

Nil

2. ATTENDANCE

2.1 Members

*Cr Matthew Reid, Shire President; Cr Denese Smythe, Deputy Shire President;
Cr David Wallace*

2.2 Mentoring/Monitoring Panel

*Ms Jenni Law, Department of Local Government & Communities; Cr Karen Chappel,
Shire President – Morawa; Mr Michael Parker, CEO Shire of Harvey*

2.3 Staff

*Graeme Simpson, Acting Chief Executive Officer; Mark Dacombe, Governance –
Consultant, Director of Localise; Allan Rourke, Manager Works & Services, Gail Maziuk,
Compliance/Human Resources; Gordon Tester, Manager Development Services; Colleen
Thompson, GHD – Consultant Planner; Helen D’Arcy-Walker, Executive Support Officer*

2.4 Apologies

Nil

2.5 Leave of Absence Previously Approved

Cr Pat Hooper

2.6 Number of People in Gallery at Commencement of Meeting

There were 30 people in the Gallery at the commencement of the meeting

3. PETITIONS / PRESENTATIONS / DEPUTATIONS

Mr Mario Ameduri

*Mr Ameduri gave a presentation outlining his dissatisfaction of the Shire regarding his
restaurant – Bella Cucina – in particular the footpath and alfresco area.*

*Mr Ameduri also stated he had submitted a letter to administration after the July meeting
outlining corruption which he requested to be fixed by the October meeting.*

*The Shire President queried Mr Ameduri - had he given a copy of the letter to the
administration? Mr Ameduri replied yes he had and Mr Simpson had replied saying he
would look at it and as yet he had heard nothing further. The Shire President asked
Councillors if they needed any further clarification, the reply was no.*

Mr Julian Krieg

*Mr Krieg gave a presentation requesting the York Shire Council for a formal investigation
of past practices. Mr Krieg has expressed his concerns to the Commissioner of Police ...
My concern is that the council’s detailed and well prepared response to the Minister’s show
cause notice of 18 November 2014 and the timeline document of 5 December 2014
demonstrated clearly very significant factual errors in the show cause and timeline
documents that were not only incorrect but in my opinion defamatory. A more alarming
concern to me is the failure, so far, for anyone to initiate an investigation into what appears
to be illegal financial practice detailed and highlighted in the documentation supplied to
the Minister as part of the response to the show cause notice.*

*On the 3 July 2015 the Major Fraud Squad replied that ...further to our preliminary
discussions on the matter, I also confirm that issues you have raised may constitute
criminality, potentially requiring police investigation. In order to properly assess your
concerns this office will require detailed evidence identifying specific financial anomalies
along with copies of relevant documentation. However as the concerns relate to the
finances of the Shire of York it would be more appropriate for the required material to be
forwarded to this office by the Shire, rather than a concerned resident or ratepayer.*

Mr Krieg then forwarded the documentation he was aware of to the major fraud squad.

On the 21 August 2015 the Major Fraud Squad replied ... In summary the allegations in the main relate to credit card use, allowances and other claimed benefits paid by the Shire. The Corruption and Crime Commission (CCC) and the Department of Local Government (DLG) have both examined a number of issues of concern. The CCC determined to neither undertake an investigation nor refer any matters to WA police for investigation. It is understood the DLG has taken steps to remedy deficiencies in the financial practices within the Shire. In normal circumstances any potential police investigation would be depend on the Shire of York as the 'complainant' party for any offence arising from misuse of its funds. No such complaint has been received.

Mr Julian Krieg put three questions and requests to the Shire Council:

Question:

Can you confirm that the DLG has taken the steps needed to remedy deficiencies in the financial practices within the Shire.

Response:

The Shire President stated that he was unable to answer that on behalf of the DLG, but would like to say that the Council auditors have raised concerns in their Interim Management Letter. Concerns have been raised in previous audits which remain concerns and have not been addressed.

Question:

Also has the DLG taken appropriate steps to rectify and correct the mistakes of the past?

Response:

The Shire President replied that he cannot answer on the behalf of the DLG. What he can say is that the current Council, in particular since it has been reinstated, have done everything possible to address the mistakes of the past and deal with the legacy issues. Unfortunately their attempts have been thwarted at every turn.

Request:

Given that the Major Fraud Squad appear willing to investigate these matters, if referred to them for investigation by the Shire, will the Council formally seek an assessment of this documentation and accusations by the Major Fraud Squad on behalf of the ratepayers?

Response:

The Shire President stated he would be happy to put it to Council for a vote.

**RESOLUTION
020915**

Moved: Cr Smythe

Seconded: Cr Wallace

"That Council:

Formally request a formal assessment of the documentation by the Major Fraud Squad on behalf of the ratepayers and York Shire Council.

CARRIED: 3/0

4. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President, Cr Matthew Reid, gave formal notification of his resignation from his position as Shire President and Councillor of the York Shire Council effective 17th October, 2015. Cr Reid read his letter of resignation and tabled it for publication in the Minutes.

“Please accept this letter as formal notification that I am resigning from my position as Shire President and Councillor, York Shire Council, effective 17th October, 2015.

I was elected on a platform of open and accountable local government with transparency, community consultation and collaboration. Every decision I have made and every action I have undertaken has been with the aim of honouring these commitments. Unfortunately I do not believe the current council administration or the Department of Local Government have the same commitment or desire to bring about the changes that I believe are necessary to deliver open and accountable governance at the Shire of York.

From time to time I have faced the dilemma that as Shire President I am compelled to express views, provide answers to questions and make statements that have not necessarily been in line with my own views, beliefs and understanding of events.

To fulfil the role of Shire President in York, because of the ongoing unresolved issues, requires a full time commitment, a commitment that I am simply unable to continue. I am not prepared to undertake the role of Shire President or Councillor without being able to make this commitment required to bring about the changes needed.

My commitment, and that of the two remaining councillors has not been able to bring about the level of accountability and transparency that I believe is not only appropriate in any publicly accountable and responsible organisation but also rightly demanded by the ratepayers of the Shire. As a consequence of this resistance to change the processes and accountability I have decided to resign and allow another person the opportunity to lead our community, a person that hopefully has the capacity to devote the time, effort and wisdom the position requires and deserves.

I would like to publicly thank Hon Tony Simpson for his personal support during my tenure as Shire President. It is important for the York Community to appreciate that the Minister of Local Government and Community, Honourable Tony Simpson has been a strong supporter of me, the current elected members and the York Community. Minister Simpson has made himself available both by telephone and face to face meetings as and when I needed his support and guidance. For this I thank him.

During my last four weeks, I will continue to do everything possible to fulfil my duties and assist, mentor and train other councillors. Please let me know if there is anything else I can do to aid Council and the Shire Administration during the transition.

I would like to thank the York Community for their overwhelming support during my tenure and the privilege to serve them. I am saddened that I have not been able to achieve for York what I believe is needed for sound governance and a healthy vibrant community.

As always, I wish the Shire and members of this wonderful community of York a successful future.”

**RESOLUTION
030915**

Moved: Cr Smythe

Seconded: Cr Wallace

“That Council:

Adjourn the meeting at 5.46pm for a short break.”

CARRIED: 3/0

**RESOLUTION
040915**

Moved: Cr Smythe

Seconded: Cr Wallace

“That Council:

Reopen the meeting at 5.53pm.”

CARRIED: 3/0

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

5.1 Previous Public Questions Taken on Notice

Public Question Time - 24 August 2015

Ms Tricia Walters

Question 3:

In May and July 2015 the Shire paid a total of \$54,016.45 for Legal Expenses – Admin. What happened in admin that necessitated expenditure of this kind? For the period ending 31 May \$46,885.32.

Response:

The amounts referred to in your question are:

Dog Matters	\$3,237
SITA Application	19,766
Daliak Structure Plan	7,185
Administrative Advice	28,804

	\$58,992

Ms Jane Ferro

Question 2:

Does the Shire of York have a duty of care toward their ratepayers in genuine financial straits regarding paying their rates?

Response:

The Acting CEO wrote - There is information printed on the Shire Rate Notice encouraging ratepayers in genuine financial difficulties to contact the office and make an arrangement for a payment plan. The 'Duty of Care' is to ensure that the agreed payments pay off the amount within the financial year and not allow increasing debt to accrue.

Mr Simon Saint

Question 2:

I have written to the administration department twice now requesting where I might be able to view the Shire's 'record keeping plan' and whether it can be found on the Shire's website. I have had no acknowledgement or response to my enquiry.

Response:

The copy of the Record Keeping Plan has been supplied.

Mr Mike Gill

Question 1:

Has the Shire conducted risk assessment of the road network that was recommended by the Works Committee?

Response:

The Acting CEO wrote - The risk assessment has not been conducted as yet, there are other immediate priorities to consider.

Question 2:

Has the Shire prepared a 5 year Works Programme that will address the risks identified by the Risk Assessment?

Response:

The 5 year Works Programme has not been finalised, it is still a work in progress.

6. PUBLIC QUESTION TIME

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

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

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

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

Procedures

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

PRESIDING OFFICER

21 October 2013

6.1 Written Questions – Current Agenda

Public Question Time commenced at 5.54pm

Bowling Investments Pty Ltd

Lot 5113 Great Southern Highway, Daliak – Avon Waste

Question 1a:

Does Council realise that a development which will introduce the entry of rubbish trucks into Ashworth Road is not compatible with facilities for tourists?

Response:

The GHD, Consultant Planner stated the planning assessment has identified that the length of Ashworth Road proposed to be used to access the Transport Depot is minimal, reflecting the first crossover from the highway. The time and frequency of truck movements – 11 movements in the morning and afternoon as they leave and return to the depot, are unlikely to coincide with significant tourist movements. Based on this, the planning assessment does not anticipate significant opportunity for tourist traffic to come across large numbers of truck movements associated with the transport depot.

Question 1b:

Does Council realise that the proposed development will adversely affect the ambience of this attractive tourist road, which is therefore contrary to an expressly stated objective of the General Agriculture Zone which is to “encourage...the retention and expansion of agricultural activities”, “to allow for facilities for tourists” and only to consider non rural uses that “benefit... the district”?

Response:

The GHD, Consultant Planner stated a Transport Depot is classified as an “SA” use in the General Agriculture Zone, therefore is considered capable of approval, subject to meeting scheme and policy requirements regarding the protection of amenity. The planning assessment has determined that the proposed transport depot will not result in unacceptable impacts to amenity, with conditions recommended to manage visual screening, noise and environment.

Question 2:

Does the Council realise that the mere relocation of an existing business does not provide any extra employment and does not provide a benefit to the district?

Response:

The GHD, Consultant Planner stated development applications are considered against the statutory planning framework for the subject land. Considering relocation of businesses from other locations is generally outside the matters that can be considered. The planning assessment has determined that a transport depot on the subject land provides local employment opportunities and will support local waste management services.

Mr Guy Bessell-Brown

Question 1:

Does the council think that the York Community would want Industrial zone activities such as a Rubbish Truck Depot on the main road into an attractive tourist town like York?

Response:

The GHD, Consultant Planner stated the development applications are considered against the statutory planning framework for the subject land. A Transport Depot is classified as an “SA” use in the General Agriculture Zone, therefore is considered capable of approval, subject to meeting scheme and policy requirements regarding the protection of amenity. The scheme does not differentiate between types of transport depots, and does not consider a waste management transport depot separate to a depot for agricultural uses.

Question 2:

With the new Town Planning Scheme nearly completed does the Council consider it premature to approve an application such as this?

Response:

The GHD, Consultant Planner stated the development applications are considered against the statutory planning framework for the subject land. Review of the local planning strategy and scheme, this does not change the land use permissibility of the subject land at this time, nor does it facilitate the deferral of planning decisions.

Question 3:

Does the Council consider, that as long as it approves this type of application, there will be no inducement to solve the Industrial land shortage, especially as agricultural land is cheaper than Industrial Zoned land?

Response:

The GHD, Consultant Planner stated the availability of industrial zoned land in York will be considered in the review of the local planning strategy.

Mr Simon Saint

Question (Received 21 September, 2015 at 8.52):

Section 18 of the *Interpretation Act* 1984 (WA) requires preference to be given to the construction of a written law that would promote the purpose or object underlying that law to a construction that would not promote that purpose or object. The object of Regulation 7 (3) & (4)(a) of the Local Government (Administration) Regulations 1996 is to ensure that each member of the public who wishes to ask a question at a meeting is to be given the opportunity; and is entitled to ask a question and receive a response on any matter which affects the Local Government. The ACEO's response to me dated 18 September was deliberately evasive and failed to address the questions I raised on 17 September regarding what questions members of the public are permitted to ask at public question time, those questions were:

- What legislation allows the ACEO to not accept questions relating to operational and administrative matters relating to the function of Local Government or a matter which affects Local Government?
- What legislation allows the ACEO to only allow questions relating to the governance function of Council?
- Is it not up to the discretion of the presiding person whether questions are answered as the presiding person has the authority under the legislation to determine the procedures for the asking and responding to questions which includes the discretion on whether or not to accept questions that are considered to be inappropriate due to the nature of the question i.e. defamatory, derogatory, offensive or confidential matters?

Will the ACEO please respond to the questions and not circumvent them?

Will the ACEO concede that he is fundamentally wrong in that his interpretation of the law concerning what questions members of the public are permitted to ask at public question time is flawed?

Response:

The Acting CEO stated he would take the question on notice

Question (Received 21 September, 2015 at 2.16pm):

I fail to see the relevance of Regulations 5, 6 and 7 in the context of public question time preceding discussion on matters requiring a decision.

If there are difficulties with public question time, then you need to consider why? You will recall that recently I wrote to you and your administration department seeking information regarding the Shire of York Record Keeping Plan and elected members declared interests prior to meetings. I sent four (4) emails on each matter over a period of one month, I received no acknowledgement let alone a response, consequently, I had no alternative other than to raise the matter at public question time.

The same applies to the question I have been asking since 26 June 2015 regarding the town square plan, which affects me as an adjoining landowner. It took you three (3) months to respond to me and this is unacceptable.

Then there is the matter of Hooper's defamatory letter, a matter which has been inflamed by your habitual reluctance to deal with any contentious issue.

Incidentally, in your email, you refer to a “restriction” regarding public question time. It may interest you to know that such a “restriction” already exists in LG Administration Regulation 7(4).

I suggest that it is you who should seek to have Western Australian statute changed regarding public question time.

Response:

The Acting CEO stated he would take the question on notice

Mr Greg Browne

Lot 5113 Great Southern Highway, Daliak – Avon Waste

Question 1a:

This is more than a Transport depot – it is an industrial sized fuel depot, a large commercial office, an industrial waste bin & truck cleaning operation, a service business and a workshop of significant industrial size, (even larger than most metropolitan operations of this type) is not just incidental to the transport depot but actually stand alone and materially commercial operations in their own right and which are not permitted under the General Agricultural Zoning legislation?

Response:

The GHD, Consultant Planner stated the definition of "Transport Depot" under the scheme includes the maintenance, management and repair of those vehicles. Incidental uses proposed as part of the depot, therefore, are considered within the use class of transport depot.

Question 1b:

In consequence, does the Council realize that the proposed development will adversely affect the ambience of this attractive tourist road, which is therefore contrary to an expressly stated objective of the General Agriculture zone which is to "encourage ...the retention and expansion of agricultural activities" ,“to allow for facilities for tourists” and only to consider non rural uses that “benefit ...the district”?

Response:

The GHD, Consultant Planner stated a Transport Depot is classified as an "SA" use in the General Agriculture Zone, therefore is considered capable of approval, subject to meeting scheme and policy requirements regarding the protection of amenity. The planning assessment has determined that the proposed transport depot will not result in unacceptable impacts to amenity, with conditions recommended to manage visual screening, noise and environment.

Question 2:

Before making a decision on this proposal, has the council properly sought legal advice on the legal position of endorsing this proposal to use Agricultural Land for industrial purposes? In particular I refer to the case *Minister for Immigration v Lii [2013] HCA 18 [23]*. The expressly stated purpose of the Planning Scheme in relation to the General Agriculture zone is to “encourage agricultural activities” and allow for “facilities for tourism.”

Response:

The GHD, Consultant Planner stated a Transport Depot is classified as an "SA" use in the General Agriculture Zone, therefore is considered capable of approval, subject to meeting scheme and policy requirements regarding the protection of amenity.

The scheme and relevant local planning policy do not differentiate between different types of transport depot. Therefore, a depot for the purposes of waste management is not considered differently to a depot for the purposes of agricultural or other uses.

I note the case precedent referred to in the question is not a determination under the Planning and Development Act.

Question 3:

This proposal is in my view the “thin edge of the wedge” for a major waste depot to be established at the entrance to York in the heart of the agricultural and tourist hub on Ashworth Road. Having followed this proposal from the beginning I have noted that little effort has been made by council to ensure that the York community as a whole and in particular those directly impacted in the locality of the proposal, have had the opportunity to understand the full extent of this proposal and sufficient time to participate and comment on the approval process.

In light of the recent fiasco with the SITA proposal and the similarities of the way this Avon Waste proposal is being pushed ahead, is the council satisfied that the whole York community has been extended the proper opportunity to:

- be aware of what this proposal means to the tourists and agricultural sectors;
- had sufficient notice and the opportunity to attend the council briefing session last week including sufficient time to read the DA assessment prior to that meeting;
- is fully informed on the long term plans for this site including the possibility that it could ultimately become a waste recycling plant and a waste transfer depot

Is council satisfied that all reasonable efforts have been made to fully engage not just the local residents on this proposal but the entire community on each of these points?

Response:

The GHD, Consultant Planner stated the application for a transport depot on the site was advertised in accordance with the Shire of York scheme (clause 8.3).

Question 4

Has the council any knowledge that this Avon Waste Proposal is linked to the SITA proposal and by virtue of that is part of a larger concept to develop York and its surrounds as an integral Waste transfer, recycling and disposal hub for the state?

Response:

Taken on Notice

Question 5:

Is council satisfied that the Ashworth Road entrance is the only option for this proposal to access Great Southern Highway, were the alternatives explored in depth? In considering this question:

1. Is the golf club road that was rejected actually the proper gazetted roadway for that access road or is the gazetted area actually on the land holding that this development is proposed – i.e. has that gazetted road actually be made as yet?
2. Has the option of Avon Waste putting their own crossover and access to the highway been properly assessed and considered by the council?

Response:

Taken on Notice

Question 6:

Has the council considered the impact of an operation that will start at 3am in the morning and end late at night 7 days a week will have on the tourist potential of Ashworth Road and on the lives of the residents on the 100 acre lifestyle agricultural properties in and around Ashworth Road?

Response:

Taken on Notice

Question 7:

Why hasn't council done what a reasonable resident would expect of its council and taken this proposal and realized that York needs a larger industrial Area and taken steps to facilitate such an industrial area to put this development where it properly belongs rather than avoid the need and try and put it onto agricultural land where it doesn't belong?

Response:

Taken on Notice

Mr Simon Saint

Question 1 (Received on 8 September, 2015 at 2.29pm)

Reference questions asked and responses given at the July OCM.

Does Councils response to question 1 refer to the Shires Briefing Note 17 April 2015, in which it stated: "*On 02 April 2014 Former CEO Hooper wrote to Mr Saint a defamatory letter headed smear and innuendo campaign*"?

Councils response to question 2 that "*the letter is what it is, a personal expression*", is both supercilious and flawed, if Council refers to CEO Hooper's memo 11 April 2014, paragraph two, you will notice that in regard to his letter 2 April 2014, Hooper stated that: *My position on any matters relating to Mr Saint is not and never has been at the personal level as his petty actions are considered immaterial at the personal level. If these were concerns they would be dealt with me as a citizen and not in my role at the Shire of York*". CEO Hooper goes on to state: "*Quite literally I could not care if Mr Saint lives or dies at the personal level, as I do not and will not engage with him outside of my workplace*". CEO Hooper made it abundantly clear that the letter was not a personal one, yet Council continues to insist that the letter was simply a 'personal expression'. Please explain why the letter which Council has already conceded is "defamatory", is a now, in Councils opinion nothing more than 'personal expression'?

Presumably in the context of Council's answer to question 3, "charged" means to formally accuse. In which case I would like to remind Council that on 4 April 2014, I lodged a formal complaint with the Shire of York 'accusing' CEO Hooper of breaching certain sections of the Shire of York Code of Conduct. The former CEO was given a right of reply which he did with gusto in his memo dated 11 April 2014. What is Council talking about when it stated; 'there is no charge as such or the right of reply'?

Does Council realise that its response to question 4, directly contradicts the response it provide to Ms Christmas some 5 minutes earlier which related to exactly the same matter?

In a recent letter, the CEO has confirmed he has no "corporate knowledge" this being the case, who exactly is researching the questions and providing responses?

Question (Received 8 September 2015 at 2.42pm):

Prior to 8 January 2013, did the Shire of York receive any complaints or notifications of any sort regarding compliance matters for 87 Avon Terrace ,York (Saints Diner former)?

Question (Received 8 September 2015 at 6.27pm)

Please explain to me how Hooper's 'defamatory' letter of 2 April 2014 is "intertwined" with any claim?

When exactly did Hooper's letter become a matter which involved Lloyd Martin from LGIS or Simon Hubbard from DLA Piper?

Why is the CEO acting contrary to legal advice provided to the Shire of York regarding a 'special regime' between the Shire of York and LGIS by excluding Councillors from the decision making process?

Does Council understand that it cannot simply abrogate its powers?

Note: As I've previously mentioned, the question is only being asked as a direct result of the actions by the Shire of York.

Response:

The Shire President stated that he has been instructed by the Shires Solicitors that he is not allowed to answer these questions. Mr Denis McLeod attended Council and this is what he instructed.

All matters will be Taken on Notice due to legal advice.

Question:

How is the 'Town Square Plan' progressing? When do you expect the draft copy to be available to the public?

Response:

The Acting CEO replied the Shire has not budgeted any funds to develop plans for a town square and it is not proposed to use in-house resources to start planning.

The acquisition of land (Chalkies carpark) was a long term vision of the Commissioner.

Public Question Time

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.

Mr Simon Saint

Question 1:

On a letter head from Minister Simpson in October 2013, any complaints about the CEO must go to the Shire President. What is in this question that can not be answered?

Response:

The Shire President replied that the Acting CEO is waiting for a response from Mr Denis McLeod.

Mr Saint replied – after 18 months?

The Shire President replied – Mr Saint I have done everything possible, I have done all I can to resolve this matter.

Question 2:

How does the administration expect the new Council to function when they are so far apart?

Response:

The Acting CEO responded that certainly there will be difficulties but with the resources and help on hand we will have to be diligent.

Ms Tricia Walters**Question:**

At the last Council meeting I asked a question about the Recreation Centre finances. This project was to cost \$4.4M in 2008. Looking at the Shire of York Annual Budget figures since 2008 expenditure is approximately \$18.5M and revenue is approximately \$16M. Actual is approximately \$3M.

Why are the Shire of York steadfastly refusing to provide a Profit and Loss Account and Income & Expenditure Account for the Sports & Recreation Centre? I believe the ratepayers have a right to this information.

Response:

The Acting CEO replied that we are currently preparing a proforma setting out a profit and loss statement.

Mrs Roma Paton**Question 1:**

If PPR contributed to and authored the Voice of York, then what possible commercially sensitive reason can there be to refuse access to PPR's invoices?

Response:

The Acting CEO stated that PPR are a private business. Information, for example charge rates, on invoices are commercially sensitive.

Question 2:

Why did the Acting CEO specifically choose PPR in the first place, was it recommended to him by Commissioner Best?

Response:

The Acting CEO replied that Commissioner Best did provide the name of PPR, however the Acting CEO did realise later he knew the Principal of the firm and he negotiated the PPR contract.

Ms Jane Ferro**Question 1:**

At the last Council Meeting a request was made for the Shire to sponsor a 'Meet the Candidates' meeting. What plans are being made for such a meeting? If no plans are being made, why not?

Response:

The Shire President replied that under advice from the Mentors the Shire will not be providing such an event.

Question 2:

Is there any reason?

Response:

The Shire President stated that it was deemed not appropriate.

Question 3:

Item 9.5.1 – Application for Planning Consent – will Council defer or delay any decision and allow the newly elected Council to consider all aspects of this proposal, especially considering there is an urgent need to first address the shortage of available industrial land that could be used instead of a farming property situated at the gateway to York and along a road frequented by tourists?

Response:

The Shire President stated that he could not pre-empt what the Council will decide, however there is a possibility that this may occur.

Mr Guy Bessell-Browne**Question 1:**

Is Council aware that it is reported in the Opus report that no road counts have been carried out for Ashworth Road?

Response:

The Works Manager replied that he has not been approached for a road count by Opus, road counts have been undertaken, however he has not been approached for them.

Mr Ray Hameister**Question 1:**

Do Avon Waste propose to use Loc. 5113 Great Southern Highway eventually as a recycling plant?

Response:

The Shire President stated that Council is not aware that Avon Waste wish to do that.

Question 2:

What guarantee do we have that this will not happen? Would it be possible for them to do this in the future?

Response:

The GDH Consultant Planner stated that the Scheme does not define a waste management or recycling facility as a use permissible in the General Agriculture Zone. Land uses permissible on a site are set by the Scheme and cannot be varied by individual planning consents. This is a rule that is within the Scheme.

Mr Greg Browne**Question 8:**

Has the Council considered the safety aspect of this volume of trucks going up and down Ashworth Road and its potential for fatalities on this road – which may be myself or my family or our neighbors? And if it has - Why hasn't the council included a requirement that all trucks must access the highway and not use the Northern access of Ashworth Road?

Response:

The GDH Consultant Planner replied it is not anticipated that trucks would utilise the northern access of Ashworth Road past the access point to the subject land. A restriction can be placed as a condition of subsequent development consent.

Question 9:

What is the incremental benefit to the community that must be shown for the Council to approve this development?

Response:

The GDH Consultant Planner replied development applications are considered against the statutory planning framework for the subject land. Considering relocation of businesses from other locations is generally outside the matters that can be considered.

Ms Darlene Barratt**Question 1:**

In relations to correspondence regarding operations questions asked at Ordinary Council Meetings, will Council be instructing the Acting CEO to rescind the letter ?

Response:

The Shire President replied that he will recommend to the incoming Council that they review and develop the Public Question Time Policy and procedures as a priority.

Question 2:

Letter is incorrect.

Response:

The Shire President stated he understood from Mr Simpson that it was a request not a direction.

Question 3:

Why has the Acting CEO produced documents to Council to rescind (Resolution 111014 of the Ordinary Council Meeting held on 20th October, 2014) without supporting evidence?

Response:

The Acting CEO stated that the summary answer is 'at the end of the day when the question was taken into account the bank accepted the legal fees charged were reasonable,' that is the end of the payments.

Ms Barratt said – the bank said she could have the money, the Minister said she could have the money ...

Question 4:

Does the Acting CEO consider himself above the Principal Grant Officer, the Ombudsman Office, Minister Tony Simpson, etc.

Response:

The Acting CEO does not think he is above these people.

The Shire President said it is an administrative matter not a Council matter.

Ms Barratt has read the letter from the CCC, the DLG is unable to pursue this ...

The Shire President said he recognised this, Council has provided clear direction and the administration refuses to follow the resolution.

The Shire President requested Ms Barratt to sit down.

Dr James Plumridge

Question 1:

I submitted questions on notice for today's meeting regarding Commissioner Best and the community visioning programme. I have received a reply to the questions submitted and I have concerns regarding the tone of the letter. Who actually wrote the letter?

Response:

The Acting CEO replied that he wrote the letter.

Question 2:

We have been promised the fact sheet on the YRCC. When will this fact sheet be available?

Response:

The Shire President has seen a draft of the fact sheet and it does not have the information requested. It will be up to the new Council to release it.

Question 3:

In the Minutes of the 27 July 2015 it is stated by the Shire President that it is not appropriate to pass judgement on the previous Council

Response:

The Shire President responded that the answer given was provided to him by the Mentoring Panel in the belief that it would help to calm an inflamed and frustrated York community. Sometimes he is required to make statements that are not of his belief.

Mr John Oliver

Question 1:

Is there any action that the residents and ratepayers of York could receive on behalf of the Minister to offer good Governance for York and not actions of support?

Response:

The Shire President responded that Minister Simpson is a good man and he has provided the Shire President with his personal support and guidance whenever it was requested. Unfortunately there are some members of the Department that have not been supportive. I have at recent meeting with the department been bullied by Mr Brad Jolly and felt intimidated and unsupported.

The challenges ahead require the community to be united and have clear goals. The Shire President recommended a petition be raised and signed by every ratepayer that lays out the community's expectations, aspirations and goals.

Mr Richard Gardner

Question 1:

With regards to Avon Waste and Ashworth Road – why was not industrial area in Northam used for this project instead of agriculture land in York?

Response:

The Shire President stated he was unable to answer that question. It is a question for the owners of Avon Waste. It is appropriate that businesses feel free to apply to Council do what they want to do and it is appropriate for residents of Ashworth Road to disagree. It is Councils responsibility to find the middle path.

Ms Rebecca Hameister

Question 1:

Re: Lot 5113 Great Southern Highway, Daliak – Multiple 7 metre high by 32 metre wide sheds are planned to be constructed along the border of the Golf Course Road and adjacent the York Golf Course, an important local community sporting facility, how can the scenic values of the golf course possibly be preserved and has the negative impact on patronage of the York Golf Club been considered?

Response:

The GHD Planning Consultant replied that it is considered that the proposed depot can be shielded from public vantage points using natural landform of the site and screening vegetation.

Question 2:

What sort of visual screen will be large enough to cover the sheds?

Response:

The GHD Consultant Planner replied natural landform of the site and screening vegetation can assist in screening. The location of the depot within the site has not been finalised. Recommended conditions would require the preparation of a detailed site plan to be prepared as part of a subsequent planning approval that identifies the most appropriate location on the site to manage visual amenity and provide the most appropriate screening.

Mr Mike Gill

Question 1:

I draw your attention to the Minutes of the Shire of York Works Committee September 2014. In particular resolution WC 030914 which states “That the Works Committee request that the CEO and Works Manager organise a Risk Assessment of the Shire of York’s entire road network and present the report to the Works Committee meeting to be held February 2015”. My question to Council is, what are the immediate priorities that the administration has deemed to be of greater priority, than this risk assessment that was recommended and carried 8/0 12 months ago by the Works Committee, which at that time consisted of four elected members of Council?

Response:

The Acting CEO replied that at the moment the priority is to establish the hierarchy of RAV 3 and RAV 4 roads and the school bus routes. Have not carried out risk assessments right across the Shire. Risk assessments on Shire’s local roads will be carried out as part of operational practices.

Question 2:

Will Council consider rescinding Resolution 140714 passed at the August 2015 (should read 2014) OCM until a full and complete risk assessment can be produced for those roads now being upgraded, as it is imperative that Council be able to demonstrate that it has considered the potential risks, and has a documented plan in place to manage the risk created by the increase in truck size on our road network infrastructure.

Response:

Taken on Notice

Ms Sandra Paskett**Question:**

Re: Item 9.2.3, York Skate Park – the Officer Recommendation reads – “That Council refers the Site Selection Report to the Community Strategic Plan Working Party for its consideration ...” What is the Community Strategic Plan Working Party and what is there deliverable and when?

Response:

The Shire President replied the members of the working party are 3 elected members, John Oliver, Marion Bateman, Fiona Bush and Kira Strange. The Working Party was charged with the responsibility to work with Hames Sharley to move the strategic planning process through the required steps. The deliverables are around the Hames Sharley letter of engagement. It is expected to be delivered within 10 months.

Mrs Heather Saint**Question:**

I had questions taken on notice at the July Council meeting, why haven't they been answered?

Response:

The Acting CEO stated that they had been pulled aside by the Shire President. The Acting CEO will speak with the Shire President regarding this.

Ms Jane Ferro**Question 4:**

Did the Acting CEO raise the purchase order to employ James Best as a consultant for the sum of \$39,000, and who authorised payment of the account?

Response:

The Acting CEO replied that he authorised payment of the account.

Ms Darlene Barratt**Question 1:**

How come the visioning programme was able to go ahead but my payment does not go ahead?

Response:

The Acting CEO stated that payment is for legal fees – you did not pay any money.

The Shire President said he understood Ms Barratt's frustration however this was not the forum for the debate.

Ms Barratt replied it has to be the forum, you are employing the CEO. This is the only forum I can bring it to.

The Shire President stated that Council has made a decision on the matter and given clear direction to the CEO and there is a Resolution on the books.

Ms Barratt asked – why has the CEO got more power than Council.

The Shire President replied that the administration is refusing to take direction from Council.

The Shire President then requested Ms Barratt to sit down.

Mr Greg Browne

Question 10:

Has the council assessed the environmental impact of this dust cloud on the agricultural uses and the residents that live in Ashworth road that are going to be exposed to this dust cloud? Or are there any plans to seal Ashworth Road and address the dust and safety issues prior to it being used by Avon Waste?

Response:

The GHD Planning Consultant stated that it has not been anticipated that trucks will use the northern portion of the road. A restriction can be placed on this.

Public Question Time concluded at 7.22pm

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS & NOTES OF THE AGENDA SETTLEMENT BRIEFING

8.1 Minutes of the Special Council Meeting held August 17, 2015

Corrections

Confirmation

RESOLUTION 050915

Moved: Cr Smythe

Seconded: Cr Wallace

“That the minutes of the Special Council Meeting held August 17, 2015 be confirmed as a correct record of proceedings.”

CARRIED: 3/0

8.2 Minutes of the Ordinary Council Meeting held August 24, 2015

Corrections

Confirmation

**RESOLUTION
060915**

Moved: Cr Smythe

Seconded: Cr Wallace

“That Council approve the Minutes of the Ordinary Council Meeting held on 24 August 2015 subject to the answers taken on notice at the July meeting be reviewed and resubmitted at the next Ordinary Council meeting for confirmation.”

CARRIED: 3/0

8.3 Notes of the Agenda Settlement Briefing – September 14, 2015

Councillors reviewed reports to be considered at the September Ordinary Council Meeting at the Agenda Settlement Briefing held on September 14, 2015.

Recommendation:

**RESOLUTION
070915**

Moved: Cr Wallace

Seconded: Cr Smythe

“That the notes of the Agenda Settlement Briefing held on September 14, 2015 be noted.”

CARRIED: 3/0

9. OFFICER’S REPORTS

9.1 Development Services

9. OFFICER'S REPORTS

9.1 DEVELOPMENT REPORTS

9.1.1 Trews Road Re-Alignment

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

FILE NO:	TR1
COUNCIL DATE:	21 September 2015
REPORT DATE:	08 September 2015
LOCATION/ADDRESS:	Trews Road, York WA
APPLICANT:	Shire of York
SENIOR OFFICER:	Graeme Simpson, ACEO
REPORTING OFFICER:	Anneke Birleson, DSO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Map of Trews Road Proposal
TABLED DOCUMENTS:	Nil

REPORT APPROVED BY THE ACEO: *Graeme Simpson*

Summary:

The purpose of this report is:

To formally dedicate the portion of the Hospital Reserve as public road according to Section 56 of the *Land Administration Act 1997*, for the purpose of road-widening.

To formally close a portion of Trews Road in accordance with Section 58 of the *Land Administration Act 1997*, for amalgamation into School Reserve 25722.

To formally permit taking of portion of Lot 10 Trews Road, owned by the Shire of York.

To formally dedicate the taken land as public road in accordance with Section 56 of the *Land Administration Act 1997*.

Indemnify the State and Minister for Lands against any claims for compensation and costs that may arise from the development.

Background:

Trews Road was re-aligned in 2008, as a joint funded project under the State Black Spot Project to provide a greater separation of the intersections of Trews Road and South Street with Forrest Street and to address safety and parking issues at the school.

Council Resolution on 12 May 2008:

“That Council:

- 1. accede to the proposed road closure of a portion of Trews Road, York, as shown on the map, tabled for information, for the purpose of facilitating public advertising in accordance with Section 58 of the Land Administration Act 1997 (as amended); and*
- 2. in the event that no adverse submissions are received during the advertising period, delegate authority to the Chief Executive Officer to finalise the road closure.*
- 3. Support the inclusion of the closed portion of Trews Road into Reserve 25727/28038 so it becomes part of the school property.”*

This resolution was rescinded at Council Meeting 16th November 2009 due to excessive costs to relocate power infrastructure.

It has since been established that the infrastructure can remain providing there is an easement in the new proposed reserve and that Western Power have appropriate access to it.

Consultation:

Department of Lands
Department for Planning and Infrastructure – State Land Service
York District High School
York District High School Parents & Citizens Association
Education Department
Public Transport Authority
Water Corporation
Telstra
Western Power

Statutory Environment:

Lands Administration Act 1997
Part 9 (Compulsory acquisition of interests in land)
Section 56 (Dedication of land as road)
Section 58 (Closing Roads)

Land Administration Regulations 1998, Part 2 – General, Regulation 8 and 9.

Policy Implications:

Nil

Financial Implications:

Amalgamation of closed road area into School Reserve 25722, will remove responsibility of costs for maintenance from the Shire of York to the School.

Strategic Implications:

Nil

Voting Requirements:

Absolute Majority Requires: No

Site Inspection:

Site Inspection Undertaken: Various

Triple bottom Line Assessment:

Economic Implications:

If the Minister agrees to the closure, the road reserve becomes Crown Land.

The Shire of York is to indemnify the State and Minister of Lands against any claims for compensation and costs that may arise from the proposed actions.

Social Implications:

The finalisation of the re-alignment impacts upon the Daliak Estate Development, but does not appear to affect any other future developments within the area. However, the advertising period will allow for any concerns to be raised.

The new alignment will provide for a safer route for those using Trews Road, in particular, residents, and users of the School and Hospital.

Environmental Implications:

Nil at this stage.

Officer Comment:

If the recommendation is accepted, resolution of this matter will enable fulfilment of requirements of the *Land Administration Act 1997*.

ASB Comment

A request was made for the map of the Trews Road Proposal be attached as an appendix.

RESOLUTION

080915

Moved: Cr Wallace

Seconded: Cr Smythe

That Council:

1. **Agree to (as shown on the tabled map [F.R.Rodda & Co., Drawing No. 2477R, January 2009]):**
 - (a) **dedicate the portion of the Hospital Reserve as public road according to Section 56 of the *Land Administration Act 1997*;**
 - (b) **close a portion of Trews Road in accordance with Section 58 of the *Land Administration Act 1997*, for amalgamation into School Reserve 25722;**
 - (c) **permit taking of portion of Lot 10 Trews Road, owned by the Shire of York;**
 - (d) **dedicate the taken land as public road in accordance with Section 56 of the *Land Administration Act 1997*.**
 - (e) **indemnify the State and Minister for Lands against any claims for compensation and costs that may arise from the development.**

for the purpose of facilitating true and correct proceedings in accordance with *the Land Administration Act 1997*.

2. **in the event that no adverse submissions are received during the advertising period, delegate authority to the Acting Chief Executive Officer to finalise proceedings including submitting required documentation to the Minister of Lands.”**

CARRIED: 3/0

9.2 Administration Reports

9. OFFICER'S REPORTS 9.2 ADMINISTRATION REPORTS

*Disclosure of Interest: Cr Matthew Reid – Proximity Interest –
The Shire President, Cr Matthew Reid advised he had a Proximity Interest to this item due to an associated entity owning Lot 6 Howick Street, York*

9.2.1 Dedication of Road – Reserve 39603 Lot 5001 (25) Howick Street, York

FILE NO: AV1.6659
COUNCIL DATE: 21 September 2015
REPORT DATE: 28 August 2015
LOCATION/ADDRESS: Reserve 39603 Lot 5001 Howick Street, York
APPLICANT: Helena Gibbs / Shire of York
SENIOR OFFICER: Graeme Simpson, CEO
REPORTING OFFICER: Keith Burgemeister, Town Planner
DISCLOSURE OF INTEREST: Cr Matthew Reid – Proximity Interest
APPENDICES:
1 – Aerial photo
2 – Certificate of Title – DP59742
3 – Certificate of Title – DP 57508 (survey plan)
4 – E-mails I145950 and I149315
5 – Advice from the Department of Lands
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE A/CEO: Graeme Simpson

This item has been withdrawn until the October Ordinary Council Meeting as a Declaration of Interest has been made and as a consequence there would be a lack of a quorum for the item to be considered.

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.2 Appointment of FESA Representative

FILE NO:
COUNCIL DATE: 21 September 2015
REPORT DATE: 7 September 2015
LOCATION/ADDRESS: N/A
APPLICANT: Shire of York
SENIOR OFFICER: G K Simpson, A/CEO
REPORTING OFFICER: G K Simpson, A/CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE A/CEO: *Graeme Simpson*

Summary: Council

The Department of Fire and Emergency Services (FESA) has advised that:

1. The District Emergency Management Committee (DEMC) representative is Cr Pollard, President of the Shire of Northam.
2. It is appropriate for Council to appoint the Chief Executive Officer as the Local Emergency Recovery Co-Ordinator.

Background:

Council's decision of 24 August 2015 was based on previous arrangements. The FESA administration has clarified that the DEMC representation now rests with Northam.

Consultation:

Officers of the Department of Fire and Emergency Services

Statutory Environment:

Fire and Emergency Services Act

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

The Shire has a local role to play but at the District level the President of the Shire of Northam is the participating representative.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not Applicable

Triple bottom Line Assessment:

Economic Implications:

Not Applicable

Social Implications:

Nil

Environmental Implications:

Nil

Officer Comment:

The proposal to nominate the Shire President as the District Emergency Management Committee (DEMC) representative was not appropriate.

ASB Comment

No further clarification was required to this item.

OFFICER RECOMMENDATION

“That the advice from the Department of Fire and Emergency Services that:

1. *the Shire of Northam President, Cr Pollard, is the DEMC representative for this region and the resolution 150815 (2) delete reference to Cr Reid.*
2. *the advice in respect to 150815 (3) be noted.”*

RESOLUTION

090915

Moved: Cr Smythe

Seconded: Cr Wallace

“That Council:

Notes that the Shire of Northam President, Cr Pollard, is the DEMC representative for this region.”

CARRIED: 3/0

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.3 York Skate Park

FILE NO:
COUNCIL DATE: 21 September 2015
REPORT DATE: 9 September 2015
LOCATION/ADDRESS: Avon Park Cnr South Street & Lowe Street
APPLICANT: York Youth Precinct Group
SENIOR OFFICER: G K Simpson, A/CEO
REPORTING OFFICER: G K Simpson, A/CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Site Selection Report
Community Consultation & Design Proposal
Map of Services
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE A/CEO: *Graeme Simpson*

Summary: Council

The Community Resource Centre, acting as a facilitator for the York Youth Precinct Group, has consulted with the community (particularly youth groups) and compiled a report titled Site Selection Report.

Background:

The Working Group has submitted a comprehensive report on the selection of the preferred site on the corner of South Street and Lowe Street in Avon Park. Other sites considered were:

- Existing Skate Park location
- Land adjacent to Joanna Whitely Park
- Candice Bateman Park

Consultation:

The report has not specified the consultation details but 196 people have signed the petition supporting the upgrade of the Skate facilities. The Consultation and Design Proposal budget allows for \$4,000 for future community consultation.

Statutory Environment:

An application of this nature needs to be referred to the Shire for planning consent, building permission and Council approval to proceed beyond this stage.

Policy Implications:

Nil

Financial Implications:

There has not been any request for financial assistance but it is likely that there will be a request for a capital contribution and for Shire staff to maintain the surrounds.

Strategic Implications:

The location of a new skateboard facility will present an opportunity for the Shire to re-position its 'Public Wifi Facility'.

Voting Requirements:
Absolute Majority Required: No

Site Inspection:
Site Inspection Undertaken: Working Group

Triple bottom Line Assessment:
Economic Implications:
N/A

Social Implications:

The building of the new skate park in the central business district will have a large social implication. The number of youths gathering in the CBD will increase but the location will be suitable and the facility will be used.

Environmental Implications:

Nil

Officer Comment:

The Working Group is seeking Council's endorsement for the chosen location to enable it to proceed with the planning of the project.

ASB Comment

The representative of the York Youth Precinct Working Group, Esmeralda Harmer, gave a presentation to Council outlining the background to the upgrading or relocation of the current skate park. As the current skate park would be difficult to upgrade the working group looked at various locations in town where a skate park could be relocated. A site selection report has been undertaken and the preferred site is Avon Park. The working group is asking for Council endorsement of the preferred location and financial contribution to assist with the next phase of the community consultation and design proposal.

The Officer Recommendation to be amended to reflect discussion, and the inclusion of the Site Selection Report and the Consultation and Design Proposal Report to be included with the report.

OFFICER RECOMMENDATION

"That Council refer the Site Selection Report to:

- 1. The Community Strategic Plan Working Party for its consideration.*
- 2. The Shire's Planning Officer for comment on the choice of sites."*

**RESOLUTION
100915**

Moved: Cr Wallace

Seconded: Cr Smythe

"That Council:

Refer the Site Selection Report to the Community Strategic Plan Working Party for its consideration.

CARRIED: 3/0

9.3 Works Reports

9. OFFICER'S REPORTS

9.3 WORKS REPORTS

9.3.1 Tender 01-2015/16 Supply and Application of Bituminous Surfaces

FILE NO: AS.TEN.047
COUNCIL DATE: 21 September 2015
REPORT DATE: 1 September 2015
LOCATION/ADDRESS: Shire of York
APPLICANT: Not applicable
SENIOR OFFICER: Graeme Simpson (ACEO)
REPORTING OFFICER: Allan Rourke (MWS)
DISCLOSURE OF INTEREST: Nil
APPENDICES: Price Schedule
Criteria Scores & Total Costs Spreadsheet
(Appendices are Confidential and for Councillors Only)
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE A/CEO: *Graeme Simpson*

Summary:

To consider tenders received for the supply and application of bituminous surfaces for 2015/16 financial year.

Background:

Tenders for the supply and application of bituminous surfaces were recently called with five tenders being received.

The tender was advertised in the West Australian on Saturday the 1st August 2015, TenderLink and the Shire of York website. Tenders closed at 4.00pm on Friday 21st August 2015.

Five complying tenders were received from four companies. (Bitutek submitted Two Tenders)

- Bitutek Pty Ltd
- Downer EDI Works Pty Ltd
- Colas West Australian Pty Ltd
- Fulton Hogan

Council has approximately 43,300m² of primerseal and 100,267m² of reseal and final seal in the 2015 – 16 financial year.

All Tenderers appear to be well equipped and well experienced in the type of work that was tendered and as such the decision has come down to price.

Prices tendered are rated 1 to 5, 1 being the lowest tendered price and 5 being the highest tendered price.

They are as follows:

1. Bitutek Pty Ltd (a)
2. Colas West Australian Pty Ltd
3. Bitutek Pty Ltd (b)
4. Downer EDI Works Pty Ltd
5. Fulton Hogan

A selection criteria was included in the Tender document and is as follows:
Tenders should be assessed using a point scoring system with scores being awarded for each selection criteria and sub-criteria. Each criterion is weighted to reflect its relative importance. Weighted scores are then summed to yield the total score.

The maximum weighted score for each criteria is as follows:

- Methodology 20
- Experience on similar work 30
- Capacity 30
- Management system 20
- 100

The scores, representing the value of the Tenders to the Principal, are compared with Tender prices to arrive at the best value for money Tender.

Consultation:

Department of Local Government and Communities.
Macri Partners.

Statutory Environment:

Part 4 of the Local Government (Functions and General) Regulations 1996, section 3.57 of the Local Government Act 1995

Policy Implications:

In accordance with the Shire of York Purchasing Policy.

Financial Implications:

In Accordance with the Shire of York Adopted Annual Budget 2015/16

Strategic Implications:

Nil

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Yes

Triple bottom Line Assessment:

Not Applicable

Economic Implications:

Nil

Social Implications:

To extend, preserve road infrastructure and provide safer roads for all road users within the Shire of York.

Environmental Implications:

Nil

Officer Comment:

Bitutek Pty Ltd (a) have tendered the lowest price and would appear to be suitably qualified to complete the projects to Councils standards and specifications as set out in Tender 01-15/16.

As mentioned all tenderers appear to be suitably qualified and equipped to carry out the contract. Therefore, best value for money dictates that the Tender be awarded to Bitutek Pty Ltd (a).

ASB Comment

No further clarification was required to this item.

RESOLUTION

110915

Moved: Cr Wallace

Seconded: Cr Smythe

“That Council:

Award the tender 01-15/16 submitted by Bitutek Pty Ltd (a) for the Supply and Application of Bituminous Surfaces.”

CARRIED: 3/0

9.4 Financial Reports

9. OFFICER'S REPORTS

9.4 FINANCE REPORTS

9.4.1 Monthly Financial Reports – August 2015

FILE NO: FI.FRP
COUNCIL DATE: 21 September 2015
REPORT DATE: 1 September 2015
LOCATION/ADDRESS: Not Applicable
APPLICANT: Not Applicable
SENIOR OFFICER: Graeme Simpson, Acting CEO
REPORTING OFFICER: Tabitha Bateman, Financial Controller
DISCLOSURE OF INTEREST: Nil
APPENDICES: Yes – Appendix A as detailed in Summary
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE A/CEO: Graeme Simpson

Summary:

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

Appendix A includes the following:

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

Statutory Environment:

Local Government Act 1995 (As Amended).

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

Australian Accounting Standards.

Financial Implications:

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

Outstanding Rates and Services

Total outstanding rates as at 31 August 2015 are \$3,180,144 compared to \$5,610,482 as at 31 July.

3 Years & over	\$ 263,736	8.29% of rates outstanding
2 Years & over	\$ 119,464	3.76% of rates outstanding
1 Years & over	<u>\$ 264,436</u>	8.32% of rates outstanding
<i>Total Prior Years</i>	<i>\$ 647,636</i>	<i>20.36% of rates outstanding</i>

Current rates \$ 2,532,508 79.64% of rates outstanding

Outstanding Sundry Debtors

Total outstanding sundry debtors as at 31 August 2015 are \$394,437 compared to \$390,811 as at 31 July 2015.

90 days & over	\$307,309	77.91% of sundry debtors outstanding
60 days & over	\$ 2,708	0.69% of sundry debtors outstanding
30 days & over	\$ 60,384	15.31% of sundry debtors outstanding
Current	\$ 24,036	6.10% of sundry debtors outstanding

Strategic Implications:

Nil

Voting Requirements:

Simple Majority Required – Yes

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

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

Social Implications:

Not applicable.

Environmental Implications:

Not applicable.

Comment:

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

ASB Comment

No further clarification was required to this item.

**RESOLUTION
120915**

Moved: Cr Smythe

Seconded: Cr Wallace

“That Council:

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

	<u>AMOUNT</u>
<u>MUNICIPAL FUND</u>	
Cheque Payments	\$ 29,389.41
Electronic Funds Payments	\$ 2,947,824.73
Direct Debits Payroll	\$ 240,531.43
Bank Fees	\$ 1,766.16
Corporate Cards	\$ 5,467.11
Fire Messaging Service	\$ 82.50
TOTAL	<u>\$3,225,073.84</u>
<u>TRUST FUND</u>	
Cheque Payments	\$ 40.00
Electronic Funds Payments	\$ 1,309.15
Direct Debits Licensing	\$ 98,996.05
TOTAL	<u>\$ 100,345.20</u>
TOTAL DISBURSEMENTS	<u>\$3,325,419.04”</u>

CARRIED: 3/0

9. OFFICER'S REPORTS
9.4 FINANCE REPORTS
9.4.2 Investments – August 2015

FILE NO: FI.FRP
COUNCIL DATE: 21 September 2015
REPORT DATE: 1 September 2015
SENIOR OFFICER: Graeme Simpson, Acting CEO
AUTHOR: Tabitha Bateman, Financial Controller
APPENDICES: Shire of York Investment Portfolio

REPORT APPROVED BY THE CEO: *Graeme Simpson*

Summary:

That Council consider the investment portfolio as attached.

Background:

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

Consultation:

Auditors

Statutory Environment:

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

6.10. Financial management regulations

Regulations may provide for —

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

6.14. Power to invest

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

Policy Implications:

In accordance with the Financial Management Investment Policy.

Financial Implications:

Credit Ratings

Voting Requirements:

Simple Majority Required: Yes

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 2015.

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

ASB Comment

No further clarification was required to this item.

**RESOLUTION
130915**

Moved: Cr Wallace

Seconded: Cr Smythe

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

CARRIED: 3/0

9.5 Late Reports

9. MATTERS FOR RESOLUTION 9.5 DEVELOPMENT SERVICES 9.5.1 Application for Planning Consent –

FILE NO: GR2.41
COUNCIL DATE: 21 September 2015
REPORT DATE: 14 September 2015
LOCATION/ADDRESS: Lot 5113 Great Southern Highway, Daliak
APPLICANT: Avon Waste
SENIOR OFFICER: G Simpson, A/CEO
AUTHOR: C Thompson, Consultant Planner
DISCLOSURE OF INTEREST: Nil
APPENDICES: Appendix 1 – Indicative site plans and elevations
Appendix 2 – Traffic Impact Statement
Appendix 3 – Planning Report
Appendix 4 – DA Assessment Report
Appendix 5 – Schedule of Submissions

DOCUMENTS TABLED:

REPORT APPROVED BY THE CEO: Graeme Simpson

Summary:

An application for planning consent to develop a transport depot at Lot 5113 Great Southern Highway, Daliak is presented for consideration in accordance with clause 8.11 of the Shire of York Town Planning Scheme No. 2 (TPS2).

Key planning issues that have been raised during the assessment relate to the consistency of the land use in the general agriculture zone, future expansion of the proposed development, visual impact, environmental impacts and traffic impacts. These are discussed in the comments section of this report.

Matters subject to later approval of details include siting, access and environmental matters. These are also discussed in the comment section of this report.

Background:

An application for planning consent to develop a transport depot at Lot 5113 Great Southern Highway, Daliak was received on 8 July 2015. The site is located on the corner of Ashworth Road and Great Southern Highway, Daliak, and is zoned "General Agriculture" under the Shire of York Town Planning Scheme No. 2.

The applicant has requested that the application be progressed in accordance with clause 8.11 of the Shire of York Town Planning Scheme No. 2 (TPS2), which enables approval subject to later approval of details. Clause 8.11 states that;

'Approval subject to later approval of details

8.11.1 *Where an application is for a development that includes the carrying out of any building or works, the local government may grant approval subject to matters requiring the subsequent planning consent of the local government. These matters may include the siting, design, external appearance of the buildings, means of access, landscaping, and such other matters as the local government thinks fit.*

- 8.11.2 *In respect of an approval requiring subsequent planning consent, the local government may require such further details as it thinks fit prior to considering the application.*
- 8.11.3 *Where the local government has granted approval subject to matters requiring the later planning consent of the local government, an application for approval of those matters must be made not later than 2 years after the date of the determination of the first approval, or such other period as is specified in the approval.'*

The application is supported by information that illustrates the likely scale and nature of the operation, with detailed site, access, and building plans to be provided as a subsequent application for planning consent.

Supporting information includes:

- A general development envelope location
- A general development site plan
- Indicative elevations/perspectives for structures
- A Traffic Impact Statement
- A Planning Report

These documents are provided in Appendix 1.

Consultation:

The application was advertised between 10 July and 27 July 2015.

Seventeen (17) submissions were received in relation to the application, eleven (11) from State Government agencies and six (6) from landowners.

A schedule of submissions is provided in Appendix 6.

Statutory Environment:

Shire of York Town Planning Scheme No. 2

Policy Implications:

The following policies are applicable to this application:

- Local planning policy 10 - Contributions for Road and Footpath Construction and Upgrading
- Local planning policy – Advertising Signage

Financial Implications:

There are no financial implications for the Shire as a result of this application.

Strategic Implications:

The Shire's Strategic Community includes the following objectives relevant to this application:

- *Ensure Access to Services as Needs Change within the Community*
- *Protect and Enhance Our Rural Land and Spaces*
- *Develop Commercial and Economic Viability to Support Growth Capacity*
- *Facilitate Commercial and Service Industry Growth*

Voting Requirements:

Simple Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Yes

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

The local business provides local employment opportunities for the Shire.

Social Implications:

There are no social implications as a result of this application.

Environmental Implications:

Environmental risk of the proposed application are manageable, and can be adequately through management plans for stormwater and wastewater management.

Officer Comment:

The applicant has requested that this proposal be considered under clause 8.11 of the TPS2. The consideration of applications under this clause is for approval subject to the provision of additional information to be provided at a later date.

Appendix 5 provides the officer's DA assessment report. Key planning issues that have been noted are outlined below.

Land use

The proposed use reflects the land use "Transport Depot" as defined by the TPS2. The definition of transport depot includes the maintenance, management and repair of the vehicles used in the transport depot. As a result, the ancillary components including the workshop, wash bay, spray booth, fuel supply and storage, can be accommodated within the definition of 'transport depot'.

If ancillary components, such as workshop areas, were to operate independently of the primary transport depot use, they would require separate development approval, and be subject to the land use permissibility of those individual uses

The land use definition of transport depot does not differentiate between the nature of the transport depot, nor its relationship to other uses permitted in the zone. Transport Depot is a 'SA' use in the General Agriculture Zone. This means the use is capable of approval if it meets the objectives and requirements of the zone.

The application is generally consistent with the objectives of the General Agriculture Zone, as they relate to non-rural uses. The proposal will not prevent the continuation of broad-hectare agriculture in the district and will enable the remainder of the site to be used for general agricultural purposes. Environmental matters can be managed through stormwater and wastewater management plans and restricting removal of vegetation. The proposal provides local employment opportunities and local waste management services, providing a benefit to the district. The proposal is not a tourist operation and does not interface with a residential zone.

The land use is consistent with the General Agriculture zone. Other planning matters considered under the scheme can be managed through the application of planning conditions where the application does not provide detail at this time, in accordance with Clause 8.11 of the scheme.

Rural character and visual impacts

The general location of the development envelope is shown on a site plan, with the proposed development envelope set back from public viewpoints (on roads). A site visit identified that the natural landforms will shield and minimise visibility from local roads.

CI 8.11 of the scheme allows Council to grant approval for a use, subject to the subsequent planning consent of Council for other matters. This includes siting, design, external appearance of buildings, means of access, landscaping, and such other matters. This scheme provision can be used to require subsequent planning consent for the siting and design of the development envelope and all structures to be located such as to minimise visibility from Great Southern Highway and Ashworth Road.

A detailed site and building plan, prepared and approved in a subsequent planning consent, will ensure the development will not have a detrimental effect on the rural character of the locality.

Traffic and Access

A TIS was prepared by Opus. The TIS recommends that the local road network has sufficient capacity to manage traffic associated with the development. The TIS makes recommendations for access to the new development:

- *'Would be best positioned in Ashworth Road at the crest in the road approximately 30 metres south of the existing crossover*
- *The access to be designed and constructed for a design Semi trailer vehicle to a sealed standard with suitable strength pavement*
- *Widening of Ashworth Road is not required*
- *Upgrading of the intersection of Ashworth Road and the York-Chidlow Road is not required'*

Main Roads WA have requested that swept path diagrams for Great Southern Highway and Ashworth Road intersection to ensure there is sufficient turning room for waste trucks. In addition a detailed site plan for the property entry on Ashworth Road would manage potential impacts on the adjacent property access and the surrounding established vegetation. As provided by CI 8.11 of the scheme, these items can be confirmed in a subsequent planning consent.

Future Expansion

The applicant has noted that they have plans to expand the facility. Any expansion of the facility (including additional trucks, increased areas for wash bays, storage, maintenance, increased fuel tank size and any development or activity likely to result in modifications to the traffic movements or structures on site) from that approved by this – and a subsequent planning consent for details - would require a separate planning approval at the time of expansion. This would consider management of any amenity and traffic impacts arising from expansion at that time.

Environmental Considerations

The proposed development includes areas for maintenance, wash down, refuelling and storage. There are potential environmental risks associated with these components of the development in relation to contamination of ground water and stormwater. The scale of the operation makes risk of environmental impacts low, and manageable through stormwater and wastewater management plans. These plans can be developed, assessed, and approved on the advice of Department of Water and Department of Health as part of subsequent planning approval.

Consideration of a detailed site plan, through subsequent planning consent, showing the location of the transport depot, internal access ways and all existing development and significant features on the site, can ensure any impacts on vegetation are managed.

ASB Comment

Mr Fisher Snr gave a presentation to Council outlining the background to Avon Waste and its expansion to servicing other Councils in the region. As they are outgrowing their current location they have been looking to purchase a larger site for a number of years. Avon Waste wants the new facility to be a show case, not an eye sore to the surrounding area. Mr Fisher also noted that

the report stated that the depot could not operate before 7.30am. Currently Avon Waste trucks are commencing at 3.30am and work 7 days per week.

The Shire President requested the Consultant Planner give advice to Council prior to the September Ordinary Council Meeting.

Mr Greg Browne of Ashworth Road gave a deputation to Council – the primary concern to the residents of Ashworth Road is that the proposal to move a major waste company to a tourist area and the front door to York needs a great deal of consideration and they consider the time scale has been too short.

The Shire President clarified that Council are the decision making body, and items on the agenda is progressed by administration. Council will make the decision purely on planning law.

OFFICER RECOMMENDATION

“That Council:

Pursuant to clause 8.11 of the Shire of York Town Planning Scheme No. 2 GRANT approval subject to later approval of details for a Transport Depot at Lot 5113 Great Southern Highway, Daliak, subject to the following conditions:

- 1. An application for approval of details to be made no later than 12 months from the date of determination, to include:
 - A scaled, detailed site plan for the depot area and access ways, to include the scaled location of all structures, pavement areas, storage areas, and landscape areas (Note 6).
 - Siting of the depot area and access ways to minimise visibility from Ashworth Road and Great Southern Highway, and provide a minimum 200 metre setback for the transport depot site from Ashworth Road, Great Southern Highway, and the northern (rear) boundary.
 - Details of chemical storage and management.
 - Swept path diagrams for the intersection of Great Southern Highway and Ashworth Road.
 - The crossing place to the property, internal access road and turning areas are to be designed for a 4 axel articulated truck and trailer.
 - Stormwater management plan and wastewater management plan (Note 7).
 - A landscape plan detailing screening of the development from public roads and neighbouring properties where the development will be visible.*
- 2. The portion of Lot 5113 Great Southern Highway, Daliak used and developed as a transport depot must not occupy an area greater than 4 hectares (excluding access).*
- 3. No waste shall be stored, transported or processed on the site.*
- 4. No vegetation shall be removed as a result of this application.*
- 5. Operation of the transport depot shall not commence prior to 7:30am and shall cease by 5:00pm from Monday to Friday, unless otherwise approved by the Shire of York.*
- 6. No expansion to the transport depot shall be undertaken without the planning consent of the Shire of York.*

ADVICE NOTES:

Note 1: Development approval is being granted subject to further details being approved later. As a result, no development may commence on the site until such time that subsequent planning approval is obtained.

Note 2: If planning consent as required by Condition 1 is not obtained within 12 months of the date of determination, the approval will lapse and be of no further effect.

Note 3: 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 4: 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 5: This approval is not a building permit. In accordance with the provisions of the Building Act 2011, an application for a building permit must be submitted to, and approval granted by the local government prior to any change of classification or prior to the commencement of any structural works within the development hereby permitted.

Note 6: The application for approval of details are to include scaled plans, elevations, and all matters as set out in the Shire of York planning application checklist.

Note 7: The stormwater management plan is to be prepared in accordance with Stormwater Management Manual for Western Australia (DoW 2004) to ensure stormwater is appropriately managed on site. The plan will be referred to and approved by the Department of Water as part of subsequent planning approval.

The wastewater management plan will be referred to and approved by the Department of Health.”

**RESOLUTION
140915**

Moved: Cr Smythe

Seconded: Cr Wallace

“That Council:

- 1. Defers the item to the October 2015 Ordinary Council Meeting.**
- 2. Requests the applicant for agreement in writing for further time for determination of the application in accordance with Clause 8.12.2 of the Shire of York Town Planning Scheme No. 2.”**

CARRIED: 3/0

The amendment to the Officer Recommendation will allow for community consultation.

9. OFFICER'S REPORTS
9.5 LATE REPORTS
9.5.2 Swearing In Ceremony

FILE NO:
COUNCIL DATE: 21 September 2015
REPORT DATE: 17 September 2015
LOCATION/ADDRESS: Shire of York
APPLICANT: G K Simpson, A/CEO
SENIOR OFFICER: G K Simpson, A/CEO
REPORTING OFFICER: G K Simpson, A/CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE A/CEO: *Graeme Simpson*

Summary:

The proposal submitted for Councils consideration is as follows:

1. Elections held on third Saturday in October set by statute
2. Agenda Settlement reports to be distributed to newly elected members on Saturday evening
3. Swearing In ceremony to be conducted at 10.00am on Monday, 19 October, 2015
4. Agenda Settlement Briefing on Monday, 19 October, 2015 at 5.00pm
5. October Council Meeting in Greenhills on Monday, 26 October, 2015

Background:

The traditional arrangement for swearing in of newly elected Councillors and the holding of the October Council Meeting is for the election to be held on the third Saturday, the swearing in ceremony on the following Monday morning and a Council meeting in the afternoon.

Consultation:

Mrs D'Arcy-Walker, ESO

Statutory Environment:

Local Government Act 1995

Local Government (Constitution) Regulations 1998 (r.13(1)(c))

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not Applicable

Triple bottom Line Assessment:

Economic Implications:

Not Applicable

Social Implications:

The holding of the Swearing In ceremony on Monday morning will allow elected members and support persons to celebrate the election.

Environmental Implications:

Nil

Officers Comment:

The distribution of the Agenda Settlement Papers on the Saturday evening will allow time prior to the Briefing for elected members to familiarise themselves with the issues and a full week to consider the Council Meeting Agenda.

ASB Comment

Not Applicable

OFFICER RECOMMENDATION

“That Council:

1. *Conduct the Swearing In Ceremony at 10.00am on Monday, 19th October, 2015.*
2. *The Shire President be requested to arrange for a Justice of the Peace or other suitably qualified person to perform the Ceremony.*
3. *The Agenda Settlement Briefing be held at 5.00pm on Monday, 19th October, 2015.*
4. *The Council Meeting be held in Greenhills at 5.00pm on Monday, 26th October, 2015.”*

RESOLUTION

150915

Moved: Cr Smythe

Seconded: Cr Wallace

“That Council:

1. ***Conduct the Swearing In Ceremony at 10.00am on Monday, 19th October, 2015, followed by an induction programme, which will conclude at approximately 3.00pm.***
2. ***The Agenda Settlement Briefing is to be held at 5.00pm on Wednesday, 21st October, 2015.***
3. ***The Acting Chief Executive Officer advises all candidates of the proposed arrangements for the Swearing In, Induction and Agenda Settlement Briefing.”***

CARRIED: 3/0

9. OFFICER'S REPORTS
9.5 LATE REPORTS
9.5.3 Audit Committee Meeting – 14 September 2015

FILE NO:
COUNCIL DATE: 21 September 2015
REPORT DATE: 18 September 2015
LOCATION/ADDRESS: Shire of York
APPLICANT: NA
SENIOR OFFICER: G K Simpson, A/CEO
REPORTING OFFICER: T Bateman, Financial Controller
DISCLOSURE OF INTEREST: Nil
APPENDICES: Minutes - Audit Committee Meeting
14 September 2015
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE A/CEO: *Graeme Simpson*

Summary:

Council's auditors Macri Partners completed an interim audit of the Shire's accounts for the 2014/15 financial year earlier this year and provided an interim report. The Audit Committee met on 14 September 2015 to discuss the Interim Audit Management letter.

Background:

The Local Government Act and Regulations provide for the accounts and annual financial report to be audited each year. As part of the process it is usual for the auditors to conduct an interim audit in which they examine the accounts, checking transactions and the Council's financial processes to ensure they are in accordance with accounting standards, local government regulations and reflect good practice to minimise the risk of inappropriate or illegal practices occurring.

The interim report provides the opportunity for changes to be implemented or explanation given prior to the final audit taking place. With the final audit the Auditor will give an audit report outlining the scope of the audit and an opinion as to the validity of the accounts and whether they comply with accounting requirements and organisations as well as a management letter outlining any unresolved issues, concerns or improvements that can be made. Copies of the Auditor's management letter and the detail of any actions taken in response are forwarded to the Department.

Consultation:

Macri Partners

Statutory Environment:

Local Government Act 1995, Local Government (Financial Management) Regulations 1996, Local Government (Audit) Regulations 1996.

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Voting Requirements:
Absolute Majority Required: No

Site Inspection:
Site Inspection Undertaken: Not Applicable

Triple bottom Line Assessment:
Economic Implications:
Not Applicable

Social Implications:
Nil

Environmental Implications:
Nil

Comment:
From the Auditor's interim report a number of the matters raised were minor procedural matters that have been addressed by changing the procedures and practices to comply with the Auditor's suggestions. It is also acknowledged that amendments are required to Council's Purchasing and Payments policy as a result of the auditor's findings.

ASB Comment
Not Applicable

AUDIT COMMITTEE RECOMMENDATION TO COUNCIL:

"That Council:

Receives the minutes of the Audit Committee meeting held on 14 September 2015 incorporating the Interim Audit Management Letter."

**RESOLUTION
160915**

Moved: Cr Reid

Seconded: Cr Smythe

"That Council:

Requests the Acting Chief Executive Officer liaise with Mr Anthony Macri, Shire Auditor, to produce an Interim Management Audit letter that meets the privacy requirements to ensure that ratepayers personal details are private but that also ensures that the overall intent and integrity of the Interim Audit Management letter and the response provided by the administration are kept intact and is made publically available."

CARRIED: 3/0

9.6 Confidential Reports

Nil

10.NEXT MEETING

“That Council:

holds the Agenda Settlement Briefing on Monday, October 19, 2015 at 5.00pm in the Lesser Hall, York Town Hall, York and the next Ordinary Meeting of the Council on Monday, October 26, 2015 at 4.00pm at Greenhills Hall, Greenhills.”

**RESOLUTION
170915**

Moved: Cr Wallace

Seconded: Cr Smythe

“That Council:

holds the Agenda Settlement Briefing on Wednesday, October 21, 2015 at 5.00pm in the Lesser Hall, York Town Hall, York and the next Ordinary Meeting of the Council on Monday, October 26, 2015 at 5.00pm at Greenhills Hall, Greenhills.”

CARRIED: 3/0

11.CLOSURE

The Shire President thanked everyone for their attendance and closed the meeting at 7.43pm.