



SHIRE OF YORK

NOTICE OF MEETING

Dear Councillors

I respectfully advise that the ORDINARY COUNCIL MEETING will be held in Council Chambers, York Town Hall, York on Monday, 23 July 2018, commencing at 5.00pm.

MEETING AGENDA ATTACHED

Paul Martin

PAUL MARTIN
CHIEF EXECUTIVE OFFICER
Date: 13 July 2018

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MISSION STATEMENT
"Building on our history to create our future"

Local Government Act 1995 (as amended)

Part 1 Introductory Matters

1.3. Content and intent

- (1) This Act provides for a system of local government by —
 - (a) providing for the constitution of elected local governments in the State;
 - (b) describing the functions of local governments;
 - (c) providing for the conduct of elections and other polls; and
 - (d) providing a framework for the administration and financial management of local governments and for the scrutiny of their affairs.
- (2) This Act is intended to result in —
 - (a) better decision-making by local governments;
 - (b) greater community participation in the decisions and affairs of local governments;
 - (c) greater accountability of local governments to their communities; and
 - (d) more efficient and effective local government.
- (3) In carrying out its functions a local government is to use its best endeavours to meet the needs of the current and future generations through an integration of environmental protection, social advancement and economic prosperity.

Part 2 Constitution of Local Government

Division 2 Local Governments and Councils of Local Governments

2.7 The Role of Council

- (1) The Council —
 - (a) directs and controls the Local Government's affairs; and
 - (b) is responsible for the performance of the Local Government's functions.
- (2) Without limiting subsection (1), the Council is to —
 - (a) oversee the allocation of the Local Government's finances and resources;and
 - (b) determine the Local Government's policies.

Meetings generally open to the public

- 5.1.** (1) Subject to subsection (2), the following are to be open to members of the public —
- (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1) (b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
- (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (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;
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;

- (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
 - (g) information which is the subject of a direction given under section 23 (1a) of the *Parliamentary Commissioner Act 1971*; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.



Shire of York

G 2.6 PUBLIC QUESTION TIME

Policy Statement

- 1.0 “Public Question Time” will be limited to 15 minutes*. The Council may exercise a discretion to extend the time by resolution if required. If there are questions remaining unasked at the expiration of the time allotted members of the public will be asked to submit their questions in writing to the Chief Executive Officer who will provide a written reply with the response placed in the Agenda of the next Ordinary Meeting of the Council.

** A minimum of 15 minutes is provided by Regulation 6(1) of the Local Government (Administration) Regulations 1996 (S.5.24 of the Local Government Act 1995)*
- 2.0 Questions may be asked at the Ordinary Council Meeting and any Committee meeting on any matter affecting the Council and the Shire’s operations. Questions submitted to Special Meetings of the Council will be restricted to the subject matter of the meeting.
- 3.0 Each questioner will be limited to two (2) questions. Statements or long preamble are not permitted.
- 4.0 People wishing to ask questions will be encouraged to put their questions in writing or in a prescribed form and submit them to the Chief Executive Officer prior to 10 am on the day of the meeting. This allows for an informed response to be given at the meeting. Oral questions are permitted.
- 5.0 Priority will be given to questions about matters on the agenda for the meeting and which are submitted in accordance with 4.0 above.
- 6.0 Every person who wishes to ask a question must identify themselves and register with a Council Officer immediately prior to the meeting. Subject to 5.0 above questions will be taken in the order in which people register.
- 7.0 Questions containing offensive remarks, reference to the personal affairs or actions of Elected Members or staff, or which relate to confidential matters or legal action will not be accepted. Questions that the Presiding Member considers have been answered by earlier questions at the meeting or earlier meetings may not be accepted.
- 8.0 On receipt of a question the Presiding Member may answer the question or direct it to the Chief Executive Officer to answer. If the question is of a technical nature the Chief Executive Officer may direct the question to a senior technical officer present. If the question requires research it will be taken on notice.
- 9.0 There will be no debate on the answers to questions.

- 10.0 A summary of the question and the answer will be recorded in the minutes of the Council meeting at which the question was asked.
- 11.0 Public Question Time guidelines incorporating this policy are being prepared and will include information on the other methods of enquiry that are available to members of the public to obtain information from the Shire.

Adopted 21 October 2013

Amended 17 September 2015

Amended 23 November 2015

Reviewed 24 October 2016

PUBLIC QUESTION TIME PROFORMA

CONTINUED

Question(s)

Please ensure that your question complies with the Public Question Time Policy Statement as published in the Council Agenda and stated as per the attached

Name: _____

Residential Address: _____
(Required if written response requested)

Organization Name: _____
(If presenting on behalf of)

Council Meeting Date: _____

Item No. Referred To:
(If Applicable) _____

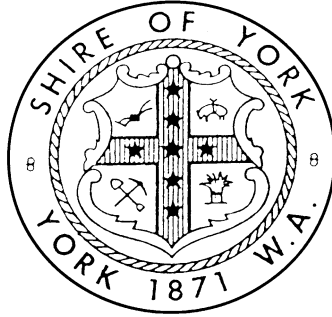
Write your question(s) as clearly and concisely as possible – lengthy questions may be paraphrased.

Note: To provide equal opportunity for all in attendance to ask questions, a limit of two (2) questions at a time from any one person is imposed.

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SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL WILL BE
HELD ON MONDAY, 23 JULY 2018, COMMENCING AT
5.00PM IN COUNCIL CHAMBERS, YORK TOWN HALL, YORK

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

1 OPENING

1.1 Declaration of Opening

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 Standing Orders

1.4 Announcement of Visitors

1.5 Declarations of Interest that Might Cause a Conflict

Councillors/Staff are reminded of the requirements of s5.65 of the Local Government Act 1995, to disclose any interest during the meeting when the matter is discussed and also of the requirement to disclose an interest affecting impartiality under the Shire of York's Code of Conduct.

Name	Item No & title	Nature of Interest (and extent, where appropriate)

1.6 Declarations of Financial Interests

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision making procedure relating to the matter the subject of the declaration

Other members may allow participation of the declarant if the member further discloses the extent of the interest and the other members decide that the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.

Name	Item No & title	Nature of Interest (and extent, where appropriate)

1.7 Disclosure of Interest that May Affect Impartiality

Councillors and staff are required (Code of Conduct), in addition to declaring any financial interest, to declare any interest that might cause a conflict. The member/employee is also encouraged to disclose the nature of the interest. The member/employee must consider the nature and extent of the interest and whether it will affect their impartiality. If the member/employee declares that their impartiality will not be affected then they may participate in the decision making process.

Name	Item No & Title

2 ATTENDANCE

- 2.1 Members
- 2.2 Staff
- 2.3 Apologies
- 2.4 Leave of Absence Previously Approved – *Cr Heaton 21 to 30 July 2018 Inclusive*
- 2.5 Number of People in the Gallery at Commencement of the Meeting

3 QUESTIONS FROM PREVIOUS MEETINGS

- 3.1 Response to previous public questions taken on notice

Mr Mike Gill
On Behalf of Avon Civil Engineering

Question 1:

My question is to the CEO Paul Martin

Via Freedom of Information it has been discovered that on Friday the 26th of August 2016 you sent an email to all councillors and some senior staff under the subject heading of 'Draft 10 Year Road Program', in this email you state "We have engaged Bret Howson who is a well regarded local government engineering consultant to develop the draft plan". Can you tell me precisely what engineering qualifications Bret Howson has and can you confirm that he completed this Draft 10 Year Road Program and does this program contain a risk assessment of the road network.

Response provided by the Chief Executive Officer:

Bret Howson is the Managing Director of Howson Management T/A Howson Technical. Howson Technical was engaged to undertake this work for the Shire of York. Details regarding Howson Management capability and experience can be located at www.howson.com.au.

The draft 10 year works program was distributed to Councillors on 26 August 2016.

The methodology used for the preparation of the 10 year works program was:

1. Preparation of the 10 year works program from ROMMAN (RAMM) software
2. Integrate ROMAN program with existing Shire program
3. Carry out field validation for all roads on draft program and adjust as required.
4. Adjust the works program to Regional Road Group and funding
5. Adjust program to suit Roads to Recovery funding
6. Adjust projects to ensure 70% capital works and 30% maintenance works, to ensure wages and plant costs are recoverable.
7. Adjust works program increase municipal spending by \$300,000 each year. For 3 years to achieve \$1,000,000 per year, municipal funding.

Officers have sought advice from the Regional Manager Wheatbelt Main Roads WA on this matter. He has advised the Shire that this is a sound and appropriate methodology and congratulated the Shire on preparing such a plan.

Question 2:

My question is to the Shire President David Wallace

On October 24th 2016 Council endorsed the advertising of Tenders and the Selection Criteria for Civil Construction Works under SY118-10/18. Inspection of Tender Document 01-1617 identifies Appendix G – RC 4 Talbot Road SLK 4.4 to SLK 5.9 which clearly describes the scope of the works to be ‘Design and Construct to arrb Guidelines. Plus ‘Design and Construct Drainage to suit.’ How do you now explain the fact that Howson Management carried out the Geometric Road Design for Talbot Road given that ‘Stabilised Pavements of Australia’ were awarded the Talbot Road component of Tender 01-1617.

Response provided by the Shire President

The Chief Executive Officer, assisted by the Executive Manager Corporate Services, is currently investigating and reviewing this tender. The Chief Executive Officer provided a preliminary briefing to the Audit Committee on 2 July 2018 regarding the review to date and will present a detailed report to a future meeting of the Audit Committee and then Council for consideration. I have asked the Chief Executive Officer to respond to this question.

Response provided by the Chief Executive Officer:

Tender 01-16/17 undertaken during the 2016/17 financial year was for a large scope of works including Reseals, Asphalt, Construction and Upgrade, Gravel Re-sheeting and works resulting from Storm Damage.

The construction and upgrade works required the tenderers to undertake a design and construct process to upgrade the following sections of roads to ARRB standards:

- Talbot Hall Road – slk 4.40 to 5.90
- Cut Hill Road – slk 0.10 to 1.08
- Quellington Road – slk 3.60 to 5.60
- Spencers Brook Road – slk 0.00 to 1.60
- Top Beverley Road. – 9.78 to 11.78
- Intersection of Berry Bow Road and Great Eastern Highway

Based upon the tenders received, Officers determined that the design of the roads should be undertaken by the Shire not by the tenderers. The Shire then engaged Howson Technical to prepare the design.

This decision made by Officers for the Shire to be responsible for the design elements of these roads was presented to Council as part of the recommendation report for the tender award.

Question 3:

My question is to the CEO Paul Martin

I draw your attention to The Commonwealth Procurement Rules found under section 105B(1) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act). The Commonwealth Procurement Rules are the keystone of the Government's procurement policy framework. In particular I reference Clause 6 Ethical Behaviour which states: '6.6 In particular, officials undertaking procurement must act ethically throughout the procurement. Ethical behaviour includes: a. recognising and dealing with actual, potential and perceived conflicts of interest' Do you believe that by engaging Bret Howson to carry out the Design Component of Tender 01-1617 you have satisfied these procurement rules given that he had previously been engaged as an Independent Consulting Engineer to act on the Tender Assessment Panel for Tender 01-1617.

Response provided by the Chief Executive Officer:

Officers have obtained advice from the Department of Local Government on this matter and have been informed that The Commonwealth Procurement Rules do not apply to Local Government in WA.

Notwithstanding this I am currently investigating and reviewing this tender as part of which I have sought advice from the Public Sector Commission and WALGA. I have briefed the Audit Committee on my preliminary findings to date and I will be presenting a report to a future Audit Committee meeting on this matter so would prefer to provide a response to your question at that time.

I do acknowledge however that based upon my preliminary findings the organisation could have managed this tender better and I will outline this in my report to the Audit Committee for their consideration.

Question 4:

My question is to the CEO Paul Martin

In the SOY financial report of March 2017 I note that Howson Technical is paid \$1828.75 for a Site Visit and Draft Design Drawings for Talbot Road. I then note that in the April 2017 financial report Howson Technical is paid \$1985.50 for a Site Visit and Finalise Drawings. Can you explain why you have been unable to locate any final drawings and can you only provide under FOI a set of Draft not for construction drawings that are incorrectly titled Talbot Hall Road.

Response provide by the Chief Executive Officer:

Unfortunately, I am not able to explain this as the staff involved no longer work for the Shire and there are limited records regarding this matter.

- 3.2 Response to unasked questions from the previous meeting
Nil

4 PUBLIC QUESTION TIME

Public Question Time is conducted in accordance with the Act and Regulations. In addition to this the Shire's Council Meetings Local Law 2016 states –

6.7 Other procedures for question time for the public

- (1) *A member of the public who wishes to ask a question during question time must identify themselves and register with a Council Officer immediately prior to the meeting.*
- (2) *A question may be taken on notice by the Council for later response.*
- (3) *When a question is taken on notice the CEO is to ensure that—*
 - (a) *a response is given to the member of the public in writing; and*
 - (b) *a summary of the response is included in the agenda of the next meeting of the Council.*
- (4) *Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to—*
 - (a) *declare that he or she has an interest in the matter; and*
 - (b) *allow another person to respond to the question.*
- (5) *Each member of the public with a question is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions.*
- (6) *Where a member of the public provides written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.*
- (7) *The Presiding Member may decide that a public question shall not be responded to where—*
 - (a) *the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;*
 - (b) *the member of the public uses public question time to make a statement, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or*
 - (c) *the member of the public asks a question that is offensive or defamatory in nature, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.*
- (8) *A member of the public shall have 2 minutes to submit a question.*
- (9) *The Council, by resolution, may agree to extend public question time.*
- (10) *Where any questions remain unasked at the end of public question time they may be submitted to the CEO who will reply in writing and include the questions and answers in the agenda for the next ordinary Council meeting.*
- (11) *Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.*

4.1 Written Questions – Current Agenda

4.2 Public Question Time

5 APPLICATIONS FOR LEAVE OF ABSENCE

6 PRESENTATIONS

6.1 Petitions

6.2 Presentations

6.3 Deputations

6.4 Delegates reports

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Minutes of the Ordinary Council Meeting held 25 June 2018

Confirmation

“That the minutes of the Ordinary Council Meeting held 25 June 2018 be confirmed as a correct record of proceedings.”

7.2 Minutes of the Special Council Meeting held 9 July 2018

Confirmation

“That the minutes of the Special Council Meeting held 9 July 2018 be confirmed as a correct record of proceedings.”

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

9 OFFICER’S REPORTS

SY084-07/18 – Development Application: Verandah Addition on Heritage Listed Building: Lot 7 (95) Avon Terrace, York (Castle Hotel)

FILE REFERENCE: AV1.5860
APPLICANT OR PROPONENT(S): Peter Bowman
AUTHORS NAME & POSITION: Carly Rundle, Senior Planner
RESPONSIBLE OFFICER: Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL: No
DISCLOSURE OF INTEREST: Nil
APPENDICES: A – Site Plan
B – Development Plans

Nature of Council’s Role in the Matter:

- Quasi-judicial

Purpose of the Report:

To request Council to make a determination on a development application received for a new verandah addition to a Heritage Listed Building (Castle Hotel) at Lot 7 (95) Avon Terrace, York.

Background:

The Castle Hotel is located at Lot 7 (95) Avon Terrace, York, and Lot 75 South Street, York. Although the proposed new verandah addition is located on the Avon Terrace frontage, and is wholly within the boundaries of Lot 7 and the adjoining Road Reserve (refer Appendix A – Site Plan).

The property is zoned ‘town centre’ by Shire of York Town Planning Scheme No.2, is listed on the Shire of York’s Heritage List as a ‘Category 1B’ building and is also located within York Central Heritage Precinct.

The development application submitted proposes to erect a new verandah addition on the Avon Terrace frontage over a currently uncovered area which will extend over the footpath into the Road Reserve. The verandah addition will match in style, colour and design of the existing verandah to the north, which was issued development approval 15 July 2002 (and amended design approved 30 August 2002), with minor amendments such as wider spacing of poles.

A copy of the development plans is provided in **Appendix B**.

Comments and details:

The application is required to be assessed in accordance with the Shire of York’s Town Planning Scheme No. 2 (Scheme) and the *Planning and Development (Local Planning Schemes) Regulations 2015* – Schedule 2 Deemed Provisions.

Shire of York Town Planning Scheme No.2

The property is zoned ‘town centre’ by Shire of York Town Planning Scheme No. 2 (Scheme). The building is currently used as a ‘Hotel’ containing bar, tavern, accommodation, restaurant and drive through bottle-shop uses. A ‘Hotel’ is ‘AA’ use in the ‘town centre’ zone, which means that the use may be permitted at the discretion of Council. The use is already in operation and a Hotel in this location is appropriate.

The objectives for the ‘town centre’ zone are:

- a) to retain the town centre of York as the principal place for retail, commercial, civic, and tourist-oriented uses in the District*

- b) *to preserve the unique qualities of the town centre as a heritage place, including the conservation of existing heritage buildings, and to avoid development which will detract from those qualities.*
- c) *to ensure development complies with Design Guidelines adopted by the local government for the town centre.*
- d) *to encourage a high standard of development of commercial facilities to service the residents, the farming sector, tourists, and travellers.*
- e) *to encourage a high standard of landscaping in and around the town centre; the local government will undertake planting of shade trees in road reserves and public car parks where appropriate.*
- f) *to encourage a high standard of residential and residential mixed-use development in appropriate locations that contribute to the amenity, security and economic sustainability of the town centre.*

Other relevant provisions of the Scheme include clauses 4.9.3 development requirements and 5.1 relating to heritage – precincts and places of cultural significance (discussed further below).

Development requirements listed in the Scheme applicable to the Town Centre zone require the local government in consideration of an application for planning consent to have regard to:

- design guidelines adopted by the local government;
- colour and texture of external building materials;
- building size, height, bulk, roof pitch;
- setback and location of the building on its lot;
- architectural style and design details of the building;
- function of the building;
- the relationship to surrounding development having particular regard to any impact upon the heritage significance of the York townscape, its streetscapes, and any Heritage Place of Heritage Precinct;
- other characteristics considered to be relevant; and
- landscaping to complement the appearance of the proposed development and town centre.

The proposed new verandah will provide a cover over an area currently used for outdoor alfresco dining within Lot 7. The use of this alfresco area will not be altered by the verandah, which is being provided to facilitate use of this area for alfresco dining purposes by providing shade and shelter to customers. The location of the verandah over the footpath is also beneficial providing shade and shelters to pedestrians using the footpath. The proposed verandah addition is consistent and compatible with existing uses on the property.

In terms of visual appearance, the verandah addition will match in colour, style, scale, height and architectural design that of the existing verandah which it will adjoin to the north approved in 2002, and is compatible with the surrounding development context consisting of buildings built up to the road reserve, with awnings extending over the footpath. The proposed verandah is generally considered consistent with development requirements of the Scheme, and will not impact existing bins, servicing poles or street trees located immediately in front of the building.

Clause 67 – Matters for Consideration (Regulations)

Local government is to give due regard to Clause 67 in the consideration of any development application. The following are those most relevant to the application and require consideration:

(c) Any approved State planning policy, (k) the building heritage conservation of any place that is of cultural significance & (za) the comments or submissions received from any authority consulted under clause 66

The building, known as the Castle Hotel is located within the 'Central York Heritage Precinct' and is listed on the Shire's Heritage List as a 'Category 1B', which means that it is:

"It is a place of considerable significance which is very important to the locality and has a high degree of integrity/authenticity. The recommendation of the heritage list is that the place be retained and conserved, and the desired outcome is that conservation of the place is highly desirable, and any alterations or extensions should reinforce the significance of the place".

The Regulations, Scheme, Local Planning Policy No.3 Heritage Precincts and Places and State Planning Policy 3.5 Historic Heritage Conservation generally set out that development should conserve and protect the cultural heritage significance and not detract from its heritage significance and should be compatible with the siting, architectural style and form, materials and external finishes of the place.

The Castle Hotel is a two storey and iron Federation Filigree style hotel with wooden verandah and balconies facing Avon Terrace and South Street. Brickwork on these two faces is of a later date than that of the other two sides. The building is historically important as one of the oldest hotels in Western Australia and is well preserved.

To advise on impacts to the heritage values of the building, the application was referred to the Shire's Heritage Advisor, Heritage Intelligence who advised that:

- *the proposed verandah replicates in form, size, materials and details and is proposed to adjoin, the existing veranda that was constructed in 2002;*
- *there is currently no roof over the proposed verandah area, nor has there ever been a roof in that location*

In considering the objectives of Section 4.2 of the Heritage Precincts and Places Policy, relating to commercial development my response is:

"in my opinion the proposed continuation of the existing verandah is the most appropriate response with minimal physical or aesthetic impact to the subject building and minimal impact on the Avon Terrace streetscape vistas. I have a vested interest, as I was involved in achieving the existing awning design when that verandah was proposed in 2002 during which time I was the Heritage Advisor for the Shire of York. It could be beneficial to consider some clear sheets in the roofing to allow light into the ground floor areas".

The Heritage Council was also referred the application, as the place is listed to be assessed for potential inclusion on the State Heritage Register. A response was provided as follows:

"The Heritage Council's Register Committee has previously identified both these places as warranting assessment for possible entry in the State Heritage Register of Heritage Places; however, a full assessment of their cultural heritage significance has not yet been undertaken. We thank you for forwarding information on the proposed development, which will assist with the future assessment of the place for the State Register. We note that the works involve the construction of an awning addition between the original Hotel building and an existing awning addition at the North end of the Avon Terrace façade. It would be good conservation practice for the proposed new structure to be detailed to be freestanding and physically separate from the Hotel building and its verandahs."

It is considered that whilst the verandah will create an awning structure over an area which has previously been uncovered, it will have minimal impact on the heritage significance of the precinct and building and is generally supported by the Heritage Advisor and Heritage Council. The erection of the verandah will involve bolting of the trusses to the western façade which is mostly constructed of metal columns on the ground floor, and wood beams on the upper floor

balcony. Metal columns are unlikely to be original fabric and bolts to wooden beams will mimic that which has already been undertaken for the verandah constructed in 2002. The proposed verandah will not be bolted to the wooden façade and on the southern side which is anticipated to be original fabric. In this regard the proposed alterations and attachments to the existing building are considered acceptable.

(g) any local planning policy for the Scheme area & (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located

The property is located within the Shire of York Cultural Heritage Precinct and is surrounded by similarly listed properties on the Heritage List. Guidelines for development in the York Central Heritage Precinct are set out in Local Planning Policy No. 3 Heritage Precincts and Places (LPP3). Provisions of the policy applicable to this development include:

Section	Provision	Comment
4.4.2 Form	<p>General Guidelines</p> <p>All commercial development shall respect and maintain the traditional pattern and appearance of commercial buildings in the Central York Precinct and shall achieve the following criteria:</p> <p>e) New commercial developments should be simply treated, well-proportioned and detailed, though should not endeavour to copy history types in general.</p> <p><u>Verandahs and Awnings</u></p> <p>New commercial development shall have a verandah or awning over the public footpath of sufficient dimensions so as to provide effective weather protection for pedestrians. The awning should be located at first floor height, and not at any level above. The awning should be simple in design and should line through with any existing awnings on adjacent development.</p> <p>Awnings should preferably extend for the full width of the building to allow continuous weather protection of the footpath below. Awnings supported by verandah posts are acceptable.</p> <p>The requirement for an awning over the public footpath may be waived in locations where there is no continuous current or proposed streetscape. For existing buildings, the reinstatement of verandahs with verandah posts located on the public footpath will normally be permitted, provided it can be demonstrated that such a verandah would be consistent with the original form and design of the building and its heritage integrity. Verandahs should only be reinstated where there is good evidence of their original existence and must take into account modern standards for public safety.</p> <ul style="list-style-type: none"> • Restoration or reinstatement of traditional verandahs or awnings should be based on archival evidence; • Buildings constructed without an awning or verandah should not have a traditional awning or verandah constructed; • A simple contemporary awning or canopy may be permitted on any building, provided it does not detract from the significance of the place. In particular, it should not introduce undue separation of the ground floor from the upper levels. <p><u>Compatibility of Building Forms</u></p> <p>The design of all commercial development shall consider the horizontal alignments of principal levels for over-pavement awnings, canopies, parapet tops, window heads and sills, wherever practicable, with the adjoining</p>	<p>Complies with provisions.</p> <p>Verandah design is simple and modern, and matches in design and style the existing verandah to the north.</p> <p>The height of the verandah is compatible with surrounding structures and extends the full width of the building supported by posts.</p> <p>The verandah is not a reinstatement as there has not previously been a verandah in this location and is a simple contemporary awning which is not anticipated to detract from the significance of the place (refer comments above).</p> <p>The verandah has a pitch of 9.8 degrees to match the adjoining verandah to the north.</p>

	<p>development in a streetscape. All commercial development shall respond to and reinforce the existing characteristics of rooflines in the Central York Precinct, as follows:</p> <ul style="list-style-type: none"> b) Plate and wall heights, roof form, ridge lines, roof slopes and parapet lines shall be consistent with the neighbouring buildings in the streetscape. c) All verandahs shall have a minimum pitch of 10 degrees. 	
<p>4.4.4 Materials and Colours</p>	<p>The acceptable materials for new commercial buildings and additions, retaining walls, extensions or modifications to existing commercial buildings are as follows:</p> <p><u>Roofs</u> Roofing materials are mostly concealed behind parapets, but there are instances of clay tiles and custom orb profile steel sheeting being exposed to view, particularly on corner sites. Preferred roofing materials include:</p> <ul style="list-style-type: none"> • Custom orb profile sheeting. Preferred sheeting is galvanised, although zincalume or Colorbond in an appropriate colour are acceptable. • Galvanised sheeting is generally required for buildings listed in the State Register of Heritage Places. • Clay tiles, if appropriate to the location. <p>Where roofing can be viewed from the street and surrounding area, large scale and large profile roofing is not acceptable. Roofing materials must not be used in large quantities as façade treatments</p> <p><u>Gutters</u></p> <ul style="list-style-type: none"> • Half round galvanised gutters for places pre-1890. • Ogee and colonial profile or quad for heritage places. • Quad or half round for new places. <p><u>Colours</u> The colours to be used in all commercial development will have regard to the following criteria:</p> <ul style="list-style-type: none"> a) The colours used in an existing building and in neighbouring properties in the streetscape. Colours should respond to the original colours used or a contemporary interpretation of those colours; b) Colours selected from heritage ranges will be acceptable. Guidance may be taken from the colour palette available for viewing at the Shire of York offices; c) For new buildings, sympathetic modern colours may be acceptable; d) Colours which take their inspiration from local, natural elements such as tree leaves, bark and soils may also be appropriate; e) The use of bright or garish colours in large areas visible from the street is not permitted. f) Feature brickwork should not be painted. g) Colour schemes should include a range of tones of varying intensity to complement and enhance the complexity of architectural detail and decoration of the existing buildings. h) Monochromatic schemes are not appropriate on heritage buildings in the Central York Precinct and should be avoided. i) The application to new and existing buildings of "Corporate Standard" colour schemes or materials that are not sympathetic to the character of the Central York Precinct will not be supported. 	<p>Materials proposed for the verandah are colorbond roof, trusses to match the existing verandah to the north (albeit smaller to provide clearance underneath).</p> <p>Posts to be used in the footpath will be steel beams, whilst posts on the existing verandah to the north are wooden. The beams will be painted, and steel is a common material for new verandahs constructed along Avon Terrace. Given that the appearance will match once painted it is considered that the use of steel beams as opposed to wood is acceptable.</p> <p>Colours, finishes and gutters will match the existing verandah to the north, which is white posts, red colorbond roof, and dark green gutters.</p> <p>Colours are compatible with heritage precinct requirements and comply with policy and will be confirmed as a condition of approval.</p>

	<p>The colours to be used in heritage places, including places on the State Register of Heritage Places, the Shire of York Municipal Inventory of Heritage Places or any Heritage List of a Town Planning Scheme, should be based on the original colours used in the building, which can usually be determined by paint scrapings.</p>	
4.4.5 Detailing	<p><u>Verandahs</u> The style of a replacement verandah roof, posts and decoration should be appropriate to the style of an existing building. In the absence of any documentary evidence regarding the original verandah, a simple replacement verandah without elaborate decoration should be used. Reinstatement of missing decorative detailing on existing buildings is encouraged.</p> <p><u>Street Facades</u> Alterations to the main street façade of heritage dwellings should be minimised. The original pattern of the façade, the relationship of windows and walls and any architectural design or patterns, shall be retained. Facades of new buildings, even though they may be of contemporary design and materials, should reflect, or be derived from, the articulation of the facades of the existing significant buildings. There shall be a visual harmony between the new façade and the existing street elevation. New buildings should never copy traditional decorative elements. If decoration is required, it should be appropriate for the date of construction of the building.</p> <p><u>Lighting</u> External lighting of a commercial building must be designed to be in keeping with the character of the street, to light the building effectively without drawing undue attention to it, and to provide an effective level of public amenity along the footpath. Lighting from the underside of awnings and verandahs is acceptable. Low key lighting to facades from verandahs and canopies is also acceptable.</p> <p><u>Paved Areas & Levels</u> Footpaths and paved areas in commercial projects, other than rear car parks, are to be brick paved, paved in red asphalt with a laterite aggregate or imprinted concrete in appropriate colours & designs. Tessellated tiles may be appropriate for commercial building in-goes (recessed door entries). Rear car parks not visible from Avon Terrace may be laid in normal hot mix with a grey finish.</p>	<p>A simple verandah is proposed to match the existing verandah to the north (constructed in 2002).</p> <p>The verandah construction is an alternation to the original main façade, as the verandah addition is new. Refer above regarding comments on impact of heritage significance of property.</p> <p>The verandah addition will be compatible with heritage precinct and streetscape elevation.</p> <p>Details of lighting (if any proposed) have not been provided. A condition of approval will be included requiring details of lighting (if new lighting is proposed) to be provided for Shire for prior approval.</p> <p>Paving is not proposed to be altered as a result of this development. The construction of the new posts and any drainage to support the verandah in the footpath will require minor alteration and reinstatement. A condition of approval will require reinstatement to the Shire's satisfaction, and bond taken against footpath being adequately repaired on completion of works.</p>

n) the amenity of the locality including the following –

- (i) the environmental impacts of the development;*
- (ii) the character of the locality;*
- (iii) social impacts of the development*

The proposed development is not anticipated to have a detrimental impact on the amenity of the locality and will have a benefit to pedestrians by providing shade and shelter over the footpath.

(o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource & p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved

There are no adverse impacts on the environment anticipated. Downpipes will need to be adequately conveyed or connected to the stormwater system and will be conditional on approval.

s) *the adequacy of –*

(i) *the proposed means of access to and egress from the site; and*

(ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles &*

t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probably effect on traffic flow and safety*

The application is for a new verandah which does not change the operation or use of the property or require a re-assessment of access and egress from the site, or vehicular parking.

u) *the availability and adequacy for the development of the following –*

(i) *public transport services;*

(ii) *public utility services;*

(iii) *storage, management and collection of waste;*

(iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*

(v) *access by older people and people with disability;*

Utility services, public transport services, storage and collection waste are not required for the proposed verandah addition. There is existing access for pedestrians and the public and the application is for a new verandah which does not change the operation or use of the property requiring a re-assessment of disability or older persons access to and from the property. The proposed verandah will be in close proximity to the power pole, and is likely to require consultation with Western Power as part of the building permit application.

(zb) *any other planning consideration the local government considers appropriate.*

The *Local Government (Uniform Local Provisions) Regulations 1996*, Reg 17 provides detail on private works, on, or under public places. This requires the Local Government's written permission and the ability to impose conditions relating to the structure, placement, buildings and material waste, a charge for any damage to the public thoroughfare as a result of works, and a bond to cover the cost of potential damage if damage is not made good by the applicant and insurance requirements.

Conditions of approval will require a bond against damage to the footpath and kerb, safety of the public and insurance to be maintained for the structure.

A hoarder's permit will also be required, should obstruction of the footpath be proposed during construction works.

Options:

Should Council disagree with the officer's recommendation, the following options are available:

1. Refuse the application and list reasons; or
2. Approve the application, with modified conditions.

Implications to consider:

- **Consultative**

The application was publicly advertised in the Avon Valley Gazette, placed on the website and a copy made available at the front counter. No public submissions were received. The application was referred to the Shire's Heritage Advisor and Heritage Council of Western Australia. Responses received are discussed above.

- **Strategic**
The proposal is generally considered consistent with the Shire of York's 2018-2028 Strategic Community Plan.
- **Policy related**
There are no other policy implications associated with the proposal for the Shire.
- **Financial**
There are no known financial implications associated with the proposal for the Shire.
- **Legal and Statutory**
Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulation 2015
Local Government (Uniform Local Provisions) Regulations 1996
- **Risk related**
A risk assessment of the proposal has been undertaken, and there were no medium to high risks identified with the proposal that warrant further discussion.
- **Workforce Implications**
There are no workforce implications associated with the officer's recommendation

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION:

“That Council approves the planning application for a Verandah Addition on Heritage Listed Building at Lot 7 (95) Avon Terrace, York (Castle Hotel), subject to the following conditions:

- 1. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.***
- 2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plan(s) (enclosed), including any notes placed thereon in red by the Shire and except as may be modified by the following conditions.***
- 3. At all times during construction where there may be a danger of falling materials or unsafe walkway over/on a public thoroughfare, the area of construction shall be fenced or adequate provisions put in place to restrict public access (Advice Note 7).***
- 4. Materials used in the construction of the verandah addition hereby permitted, shall match in type and colour that use on the adjoining verandah to the north.***
- 5. Stormwater from the verandah shall be conveyed to the Shire’s drainage network to the satisfaction of the Shire.***
- 6. A Lighting Plan (if lighting proposed) shall be submitted to the Shire and approved prior to installation (Advice Note 4).***
- 7. A current public liability/products insurance policy shall be taken out and maintained for the lifetime of the awning from an insurance company (at the applicants expense) for the amount of \$20,000,000 indemnifying the Shire of York for any one claim relating to the verandah on Avon Terrace as approved by the Shire.***
- 8. The development hereby approved, or any works required to implement the development, shall not commence until the following bonds have been paid to the Shire (Advice Notes 5, 6 & 7):***
 - (a) A Maintenance Bond to the value of \$2,760 to repair any damage to the public thoroughfare resulting from construction to the satisfaction of the Chief Executive Officer.***

Advice Notes:

- 1. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.***
- 2. Where an approval has lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained. Should the approval period lapse, a new planning application with relevant retrospective fees may be required by the Shire of York.***

- 3. If the applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.**
- 4. Lighting shall be in accordance with the Shire of York Local Planning Policy No. 3 – Heritage Precincts and Places.**
- 5. The Bond may be in the form of cash, cheque or direct deposit.**
- 6. The bond amount is calculated based on the area of footpath and kerbing which could potentially be damaged from construction. The bond will be held until the works in the road reserve have been completed or the approval lapses. Following completion of works within the road reserve, a written request shall be submitted to the Shire advising that the works have been completed. An inspection will then be undertaken by the Shire. Should the Shire be satisfied that no damage has occurred, the bond will be returned in full to the payee. Should any damage have occurred to the public thoroughfare, the Shire will provide a specified timeframe to the owner to undertake repair works, and in the absence of the works being undertaken, use the bond to undertake the repairs.**
- 7. In respect to Condition 8(a), the bond amount will be upgraded in line with the Local Government Cost Index on 30 June each year. The fee applicable will be determined at the time of payment and may therefore vary from the quoted figure.**
- 8. In accordance with the provisions of the Building Act 2011, and Building Regulations 2012, an application for a building permit must be submitted to, and approval granted by the Shire, prior to the commencement of the development hereby permitted. A hoarders permit may also be required for any obstruction of the thoroughfare for construction works.”**

SY085-07/18 – Minutes of Audit Committee Meeting held 5 June 2018

FILE REFERENCE: FI.FRP.6
APPLICANT OR PROPONENT(S): Shire of York
AUTHORS NAME & POSITION: Suzie Haslehurst, Executive Manager Corporate and Community Services
RESPONSIBLE OFFICER: Suzie Haslehurst, Executive Manager Corporate and Community Services
PREVIOUSLY BEFORE COUNCIL: No
DISCLOSURE OF INTEREST: Nil
APPENDICES: A. Audit Committee Meeting Minutes 5 June 2018

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

To receive the minutes and endorse the recommendations of the Audit Committee Meeting held on Tuesday 5 June 2018.

Background:

The minutes of the Audit Committee meetings are provided for Council and community information.

Comments and details:

At the meeting of the Audit Committee held on 5 June 2018, the following items were considered:

- Fraud and Error Assessment
- Findings of the Interim Audit 2017/18
- Proposed Amended Investment Policy

Options

Not applicable.

Implications to consider:

- **Consultative**
Nil
- **Strategic**
Theme 5: Strong Leadership and Governance
5.1 The Council supported by the administration of the Shire of York, is effective and informed in its decision-making and exhibits good practice in its governance role.
5.3 The Shire's finances are sustainable in the short and long-term.
5.4 There is a major focus on systems which improve and maintain accountability and transparency.
- **Policy related**
G4.6 *Risk Assessment and Management*
G4.7 *Internal Control*
G4.8 *Legislative Compliance*

- **Financial**

Nil

- **Legal and Statutory**

Local Government (Audit) Regulations 1996

16. *Audit committee, functions of*

An audit committee —

(a) *is to provide guidance and assistance to the local government —*

(i) *as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and*

(ii) *as to the development of a process to be used to select and appoint a person to be an auditor;*

and

(b) *may provide guidance and assistance to the local government as to —*

(i) *matters to be audited; and*

(ii) *the scope of audits; and*

(iii) *its functions under Part 6 of the Act; and*

(iv) *the carrying out of its functions relating to other audits and other matters related to financial management; and*

(c) *is to review a report given to it by the CEO under regulation 17(3) (the **CEO's report**) and is to —*

(i) *report to the council the results of that review; and*

(ii) *give a copy of the CEO's report to the council.*

- **Risk related**

Nil

Voting Requirements:

Absolute Majority Required: Yes

OFFICER RECOMMENDATION

“That Council receives the Minutes of the Audit Committee meeting held on 5 June 2018 and adopts the recommendations of the Audit Committee as follows:

- 1. Adopts the minutes of the Audit Committee meeting held 12 February 2018 as a true and correct record.***
- 2. Notes the Fraud and Error Assessment by the Chief Executive Officer as attached to this report.***
- 3. Approves the Fraud and Error Assessment by the Audit Committee as attached to this report.***
- 4. Requests the Shire President to sign the Fraud and Error Assessment on behalf of the Audit Committee.***
- 5. Receives the findings of the Interim Audit for 2017/18 and notes the management responses to the issues identified by the auditors.***
- 6. Approves the revised Investment Policy to reflect the amendment to Regulation 19C of the Local Government (Financial Management) Regulations 1996.***
- 7. Requests the Chief Executive Officer to update the Shire of York Policy Manual accordingly.”***

SY086-07/18 – Minutes of Audit Committee Meeting held 2 July 2018

FILE REFERENCE:	FI.FRP.6
APPLICANT OR PROPONENT(S):	Shire of York
AUTHORS NAME & POSITION:	Suzie Haslehurst, Executive Manager Corporate and Community Services
RESPONSIBLE OFFICER:	Suzie Haslehurst, Executive Manager Corporate and Community Services
PREVIOUSLY BEFORE COUNCIL:	No
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	A. Audit Committee Meeting Minutes 2 July 2018

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

To receive the minutes and endorse the recommendations of the Audit Committee Meeting held on Monday 2 July 2018.

Background:

The minutes of the Audit Committee meetings are provided for Council and community information.

Comments and details:

At the meeting of the Audit Committee held on 2 July 2018, the following items were considered:

- Risk Management Update
- Timely Payments Focus Audit

Options

Not applicable.

Implications to consider:

- **Consultative**
Nil
- **Strategic**
Theme 5: Strong Leadership and Governance
5.1 The Council supported by the administration of the Shire of York, is effective and informed in its decision-making and exhibits good practice in its governance role.
5.3 The Shire's finances are sustainable in the short and long-term.
5.4 There is a major focus on systems which improve and maintain accountability and transparency.
- **Policy related**
G4.6 *Risk Assessment and Management*
G4.7 *Internal Control*
G4.8 *Legislative Compliance*
- **Financial**
Nil

- **Legal and Statutory**

- **Local Government (Audit) Regulations 1996**

16. *Audit committee, functions of*

An audit committee —

(a) *is to provide guidance and assistance to the local government —*

(i) *as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and*

(ii) *as to the development of a process to be used to select and appoint a person to be an auditor;*

and

(b) *may provide guidance and assistance to the local government as to —*

(i) *matters to be audited; and*

(ii) *the scope of audits; and*

(iii) *its functions under Part 6 of the Act; and*

(iv) *the carrying out of its functions relating to other audits and other matters related to financial management; and*

(c) *is to review a report given to it by the CEO under regulation 17(3) (the **CEO's report**) and is to —*

(i) *report to the council the results of that review; and*

(ii) *give a copy of the CEO's report to the council.*

- **Risk related**

Nil

Voting Requirements:

Absolute Majority Required: Yes

OFFICER RECOMMENDATION

“That Council receives the Minutes of the Audit Committee meeting held on 2 July 2018 and adopts the recommendations of the Audit Committee as follows:

- 1. Adopts the minutes of the Audit Committee meeting held on 5 June 2018 as a true and correct record.***
- 2. Receives the Risk Improvement Progress Report as attached at Appendix A to this report.***
- 3. Notes the progress made to date regarding the Risk Improvement Implementation Plan endorsed by Council in August 2017 including the establishment of an organisation-wide Risk Register as summarised at Appendix B to this report.***
- 4. Receives the Timely Payments Focus Audit Management Letter as attached to this report and acknowledges the final report as tabled in Parliament on 13 June 2018.***
- 5. Notes the operational improvements implemented as a result of the Timely Payments Focus Audit.”***

SY087-07/18 – Award of RFT 04/1718 Replacement of Synthetic Grass for the Northern Bowling Green at the Forrest Oval Sports Precinct

FILE REFERENCE: AS.TEN.63
APPLICANT OR PROPONENT(S): Shire of York
AUTHORS NAME & POSITION: Andrew Crotty – Asset Management Officer
Suzie Haslehurst – Executive Manager,
Corporate & Community Services
RESPONSIBLE OFFICER: Paul Martin – Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL: No
DISCLOSURE OF INTEREST: Nil
APPENDICES: Confidential Attachment A – Recommendation Report

Attachment A is confidential under Section 5.23 - 2(c) of the Local Government Act 1995 in that it deals with "a contract entered into or which may be entered into, by the local government".

Copies have been provided to Councillors, the Chief Executive Officer and Executive Managers Only.

Nature of Council’s Role in the Matter:

- Executive

Purpose of the Report:

Council is requested to consider the tenders received in response to Request for Tender RFT04/1718 for the *Replacement of Synthetic Grass for the Northern Bowling Green at the Forrest Oval Sports Precinct*. The tender has now closed and tender submissions have been received and evaluated.

This report summarises the submissions received and recommends that Council awards RFT04/1718 for the *Replacement of Synthetic Grass for the Northern Bowling Green at the Forrest Oval Sports Precinct* to Evergreen Synthetic Grass for their “Dry Max Pro” Synthetic turf in accordance with the tender evaluation panel recommendation.

Background:

The Shire of York sought tenders from suitably qualified Tenderers to remove and supply and install Synthetic Turf on the damaged northern bowling green at the Forrest Oval Sporting Complex in York.

The synthetic turf was a replacement item for damaged turf and as such is an insurance item so sub-base or base course construction was required as well as drainage the extent of which will be confirmed upon construction. All sub-base, base course and drainage work has been covered in the scope of works as part of the tender.

Tenderers were asked to provide the following scope of works:

- Full specification on the product including;
 - type of secondary backing and its thickness;
 - thickness of stitch at the back of the product;
 - methodology of application of the secondary backing;
 - amount of curing time allowed after the application of the secondary backing; and
 - if the backing makes use of an aerated latex.

- Full specification on the installation including;
 - methodology of removal of existing turf and storage at the Shire depot.
 - methodology of sub soil drainage installation
 - installers experience;
 - methodology of laying;
 - the amount of adhesive being used (if any);
 - optimum weather conditions for laying the material (manufacturers guide)
 - a methodology in sand application and grooming.
- Warranty and guarantee on both the synthetic material being purchased and the installation method.
- A comprehensive maintenance manual.

The successful tenderer will be reporting to the Executive Manager of Infrastructure and Development Services to fulfil the requirements as described in this report.

Comments and details:

The Tenders were evaluated by Shire officers and the Recommendation Report including an assessment of the qualitative and price considerations has been included as a confidential attachment at Appendix A.

Tender documents were issued to 9 Tenderers, and the Shire of York received 3 Tenders by the closing date at 4pm on 5 June 2018. One tender was received late and was not considered.

A copy of all documentation was provided to each member of the tender review panel for assessment. The tender documentation provided for the evaluation process to include, among other considerations, the following methodology:

- Tenders were evaluated using the tendered prices, information provided by tenderers in response to the qualitative criteria specified in the tender documents and such other information the Shire considers necessary in order to evaluate the tenders against the selection criteria.
- A scoring and weighting system was used as part of the assessment of the tendered prices and qualitative criteria, with the objective to allocate points and weightings in accordance with the relative degree of importance that the Shire places on price and each of the qualitative criteria. The extent to which a tender demonstrated greater satisfaction of each of these qualitative criteria resulted in a greater score.
- The tendered prices were then assessed together with the weighted qualitative criteria and the tenders scored and ranked to determine the most advantageous outcome to the Shire of York. The Shire has adopted a best value for money approach to this Request for Tender which means that, although price will be a consideration, the tender containing the lowest price will not necessarily be accepted, nor will the tender ranked the highest on the qualitative criteria.
- The tender required applicants to address specific selection criteria and complete a pricing schedule for the contract. The following weightings applied to the qualitative criteria and price:

○ Value for Money	60%
○ Relevant Experience	20%
○ Key Personal skills and experience	10%
○ Demonstrated Understanding and Resources	10%

The tender evaluation was conducted in accordance with the requirements of the tender documents (including the above) and resulted in the tender from Evergreen Synthetic Grass being ranked as the preferred tender.

The attached confidential Tender Evaluation and Recommendation report (Attachment A) provides the detailed evaluation outcome.

Implications to consider:

- **Consultative**

The Advertising of RFT 04/1718 for the Replacement of Synthetic Grass for the Northern Bowling Green at the Forrest Oval Sports Precinct was included in the West Australian Newspaper (19 May 2018).

- **Policy related**

The review process will, as a minimum, have regard for the following Policies of Council;

- F 1.2 Procurement
- G 2.9 Community Engagement and Consultation
- G 4.3 Financial Planning and Sustainability
- G 4.5 Asset Management
- G 4.6 Risk Assessment and Management

- **Financial**

Officers received notification from LGIS on 20 June 2018 indicating the Shire's Property Insurance Policy would respond to the claim for the replacement and as such the expense has no financial implications for the Shire other than the excess payment of \$1,000. The Shire will however, be responsible for full payment to the successful tenderer and will be required to claim the reimbursement from LGIS. This has been reflected in the 2018/19 Budget adopted by Council.

- **Legal and Statutory**

- Section 3.57 of *Local Government Act 1995* requires "A local government to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods and services".
- Part 4 (Tenders) of the *Local Government (Functions and General) Regulations 1996* require that tenders be publicly invited for such contracts where the estimated cost of providing the total service exceeds \$150,000.
- Compliance with the *Local Government Act 1995* section 3.57 is required in the issuing and tendering of contracts.

- **Risk related**

Outlined below are the identified risks related to the Officer recommendations contained in this report.

Identified Risk	Risk type	Level of Risk	Mitigation
Contractual variations	Budget	Low	Tender Documents are thorough, specification and Administration of the contract will be undertaken in accordance with Local Government standards.
Material or installation failure	Contractual	Medium	The Contract documents and specification has requested all tenders provide a warrantee on both the material used and the installation of the material. In the Preferred option the warrantee on the installation is 5 years and the product material is 7 years
Maintenance of the material not done to standard voiding warrantee	Contractual	Medium	The Shire has written into the contract that Tenderers will provide a full maintenance manual and onsite training. This will guarantee the contractors product is being maintained to the standard they recommend for their material.
Sub surface damage	Physical construction	Medium	All sub-surface work including drainage is covered in the scope of works as part of the tender

- **Options**

The Council may consider the following alternate options:

- The Council chooses not to accept the Officers Recommendation and award the Tender to an alternative tenderer. In the view of the Officers this could result in a Tender being awarded to a tenderer that is not most advantageous to the Shire.
- The Council may choose not to accept the Officers Recommendation and not award the tender. This would mean going back out to tender, resulting in significant delays to the contract award and significant delays to re-opening the Bowling Green to the Community.

- **Timeline for implementation of Officers Recommendation**

Once Council has endorsed the Officers Recommendation, it will take Officers approximately 1 week to formalise and award the Contract. The preferred Tenderer has advised an implementation program will be established that suits the Shire of York.

Voting Requirements:

Absolute Majority Required: Yes

OFFICER RECOMMENDATION

“That Council:

- 1. Adopts the outcome of the tender evaluation panel’s assessment and awards RFT 04/1718 Replacement of Synthetic Grass for the Northern Bowling Green at the Forrest Oval Sports Precinct to Evergreen Synthetic Grass for their “Dry Max Pro” Synthetic turf for a price of \$222,979 (Incl GST).***
- 2. Delegates authority to the Chief Executive Officer to enter into a contract with Evergreen Synthetic Grass to replace the green with their “Dry Max Pro” Synthetic turf product.***
- 3. Allocates the payment of \$222,979 from GL 113331 – Forrest Oval Precinct Infrastructure and the associated insurance reimbursement to GL 113223 – Reimbursements as reflected in the 2018/19 Draft Budget.”***

SY088-07/18 – Trading in Public Places – Avon Valley Motor Museum Association (Inc) Horse Drawn Carriage Rides

FILE REFERENCE: HS.ITL.5
APPLICANT OR PROPONENT(S): Avon Valley Motor Museum Association (Inc)
AUTHORS NAME & POSITION: George Johnson, Environmental Health Officer
RESPONSIBLE OFFICER: Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL: N/A
DISCLOSURE OF INTEREST: N/A
APPENDICES: A – Site 1 – 116 - 122 Avon Terrace, York
B – Photos of Carriage

Nature of Council’s Role in the Matter:

- Quasi-judicial

Purpose of the Report:

Avon Valley Motor Museum Association (Inc) (the applicant) has submitted a request to the Shire of York to operate a commercial business, being that of horse drawn carriage rides around town, from two (2) designated parking bays on Avon Terrace in the Town Centre.

Council is requested to consider the application as proposed and Officers are recommending the application be advertised for a period of 4 weeks.

Background:

Avon Valley Motor Museum Association (Inc) has submitted an application to the Shire of York to operate a commercial business, consisting of a local horse drawn carriage ride, from two (2) designated parking bays on Avon Terrace, York.

The applicant proposes to pick up tourists and locals from a designated area in the town centre, and undertake guided tours around York, focusing on tourist and heritage sites as areas of interest. The horse drawn carriage proposed to be used by the applicant is a total length of 6m including the horse and can hold up to ten (10) passengers.

The applicant has advised that the preferred location for pick-up and drop-off for the carriage rides is to be located at the front of the Motor Museum (Lot 13 & 17 (116 - 122) Avon Terrace, York) which is a location highly visible to tourists and locals.

It has been proposed by the applicant that they will require two (2) parking bays between the hours of operation on Saturday afternoons from 1.00pm until 4.00pm, Sundays from 10.00am until 4.00pm and Public Holidays between 10.00am until 3.00pm.

Comments and details:

The operation of the proposed use requires the issuing of a permit in accordance with the *Shire of York Activities on Thoroughfares and Trading Thoroughfares and Public Places Local Law* (referred herein as the Local Law).

The proposed use reasonably falls within the definition of ‘Trading’ and subsequently requires the issue of a Traders permit under the Local Law to operate in a thoroughfare. Section 6.5 of the Local Law outlines relevant considerations in determining an application for a permit and requires local government to give regard to the following:

(a) any relevant policies of the local government;

The location of the proposed use in front of the Motor Museum (see Site Plan in Appendix A) is located within the 'Parking Region' and also subject to the *Shire of York Parking and Parking Facilities* Local Law.

The applicant's preferred parking bays in front of the Motor Museum are parallel parking bays of 6.6/6.7m long. The parking bays along Avon Terrace, within the Parking Region (bound by South Street to the south) have been designated by the Shire via signposting to allow 2hr parking from 8am to 5pm Monday to Friday, and 8am to 12pm Saturdays.

There are no restrictions on the applicant parking within the bays under the *Parking and Parking Facilities* Local Law, provided that the parking of the vehicle can comply with the provisions of the *Parking and Parking Facilities* Local Law (and subject to approval to trade in that location). In this regard, it requires a person parking a vehicle to park so that it:

- is entirely within the confines of any parking stall marked on the carriageway;
- is not less than 1.2m from any other vehicle, except a motorcycle without a trailer, or a bicycle in accordance with this Local Law;
- does not exceed the time limitation as signposted.

The applicant has provided that the carriage is 6m long including horse and approximately 1.7m wide. The on-street bays are designed in accordance with Australian Standard AS2890.5 – 1993, which recommends a length of 6 - 6.7m depending on parking turnover and traffic volume. A high parking volume is recommended to have a space length of up to 8m. The bays along Avon Terrace are representative of medium turnover at 6.6/6.7m and based on a vehicle of up to 5.2m in length.

The applicant will be able to fit the horse drawn carriage of 6m in length within two (2) bays of 6.6m/6.7m each.

The proposed times for the trader's permit may overlap with times where signposting applies only on Public Holidays. The time of parking is calculated based on the time period a vehicle is parked for, and the vehicle must be removed from the thoroughfare for a period of two hours before this restarts. Therefore, the use of the bay is likely to exceed the 2hr time restriction if it operated all day. The blocking of the bays with witch's hats is also an obstruction of the bay, and, although not covered by time restrictions of parking, this is dealt with by the *Thoroughfares* Local Law, and requires a permit to be issued to obstruct a thoroughfare.

(b) the desirability of the proposed activity;

The proposed business will provide a service for tourists and locals that is not currently available, will not detract from the operation of other businesses located in the town centre, and has potential to positively promote heritage, as well as encouraging tourism to the town. It is considered this is a desirable activity, and is therefore supported by officers.

(c) the location of the proposed activity;

Officers consider the proposed location in front of the Motor Museum to be an appropriate location as it would complement the applicant's business being the Motor Museum.

Other locations considered by Officers included at the front of the Visitor Centre or in front of the CRC.

Options

Officers are recommending that the application be advertised for a period of 4 weeks to provide an opportunity for comment from businesses and community members particularly in regards to location.

However, Council could if it wanted approve the application without undertaking the advertising process if it deemed appropriate. This could either be in the location requested or in an alternative location as deemed appropriate.

Implications to consider:

- **Consultative**

Officers are recommending that the application be advertised for a period of 4 weeks to provide an opportunity for comment from the community and businesses.

The WA Police Department has advised that there are no restrictions on the use of a horse and carriage as long as they obey all of the road rules.

- **Strategic**

Supporting the proposal is consistent with the Shire of York's 2016-2026 Strategic Community Plan, and in particular

- Theme 2: A leader in Cultural Heritage and Environment

2.2 Public and privately-owned heritage buildings are adequately maintained and protected for the future and the Shire leads the way in innovative promotion of the historic character.

- Theme 3: Driving the York Economy Forward

3.1 Visitor based economic activity is flexible, self-supporting, resilient, innovative and growing.

- **Policy related**

The application has been considered in accordance with the Shire of York *Parking and Parking Facilities Local Law*, and Shire of York *Activities on Thoroughfares and Trading Thoroughfares and Public Places Local Law*.

- **Financial**

An application generally incurs an application fee of \$44, and application fees of \$11 per day, \$60 per week, \$122 per month or \$1,214 per year.

- **Legal and Statutory**

The recommendation is consistent with the provisions of the Shire of York *Thoroughfares Local Law and Parking and Parking Facilities Local Law*.

Should Council approve the application, a traders permit will be issued under delegation DE2-10.

- **Risk related**

A risk assessment of the proposal has been undertaken, and there was no medium to high risks identified with the proposal that warrant further discussion. As this is a relatively new proposal, and different to those usually received Council could issue an approval for a 'trial' for twelve months, so that a review can occur, and any unanticipated issues addressed prior to renewal. There may be a slight disruption to traffic when the horse and carriage are in progress through the streets due to a reduced speed of the horse and carriage. The 2 parking bays will not affect the alfresco dining on the east side of Avon Terrace, the closest alfresco dining is

4 bays away. There is alfresco dining opposite the 2 parking bays on the west side of Avon Terrace, however this should not be affected.

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION

“That Council requests the Chief Executive Officer to:

- 1. Advertise for a period of four weeks the application from Avon Valley Motor Museum Association to operate horse drawn carriage rides in Avon Terrace in front of their premises on Saturdays from 1pm to 4pm, Sundays from 10am to 4pm and any Public Holidays from 10am to 3pm.*
- 2. Present a report to Council following the advertising period with any submissions received for consideration.”*

SY089-07/18 – St John Ambulance Temporary Use of Peace Park Carpark During Construction

FILE REFERENCE: JO1.A12190 / A12191 A31661
APPLICANT OR PROPONENT(S): St John Ambulance - York
AUTHORS NAME & POSITION: Natasha Brennan, Governance & Administration
Coordinator
RESPONSIBLE OFFICER: Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL: 23 April 2018
DISCLOSURE OF INTEREST: Nil
APPENDICES: A. Confidential – Draft Lease Document

Appendix A is confidential under Section 5.23 – (c) of the Local Government Act 1995 in that it deals with “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting”

Copies have been provided to Councillor’s, the Chief Executive Officer and Executive Managers only.

Nature of Council’s Role in the Matter:

- Executive

Purpose of the Report:

This report presents to Council the proposed lease between the Shire of York and the St John Ambulance, York for consideration.

Background:

Council considered a report on 23 April 2018 (SY041-04/18) in relation to the York St John Ambulance temporarily utilising an area of Peace Park Carpark during the rebuilding of its new sub centre building.

In this report (Resolution No: 060418 Item 1) Council resolved to request the Chief Executive Officer to negotiate a 9 month lease with St John Ambulance for part of the carpark at Peace Park to be used as a site office and lay down area during the period of redevelopment and present the draft lease to Council for approval.

A draft lease was presented to the York St John Ambulance. St John Ambulance has confirmed acceptance of the proposed terms. Council is now requested to consider the lease for approval.

Comments and details:

The proposal is to lease a portion of carpark land (Peace Park) to the York St John Ambulance for a nine (9) month period. The essential lease terms are outlined below:

- A term of nine (9) months commencing on date of execution of lease. This will provide flexibility on the commencement date;
- Permitted purpose to be used as a temporary construction site & lay down area and uses reasonably ancillary thereto;
- Public Liability Insurance of not less than twenty million dollars (\$20,000,000) to be the responsibility of the Lessee; and
- Rent not applicable

Options:

Council could choose to amend the essential lease terms, however these have been developed in accordance with the information previously provided and agreed upon by York St John Ambulance.

Implications to consider:

- **Consultative**
Representatives from the York St John Ambulance
Regular Peace Park users have been consulted on this matter however no feedback was received.

- **Strategic**
Theme 5: Strong Leadership and Governance
5.1 The Council supported by the administration of the Shire of York is effective and informed in its decision making and exhibits good practice in its governance role.

- **Policy related**
CP1.1 Execution of Documents and Execution of the Common Seal
CP1.5 Compliance
G2.9 Community Engagement and Consultation
G4.6 Risk Assessment and Management

- **Financial**
There may be a legal cost involved in having the lease reviewed by the Shire's solicitors. This typically costs between \$500-\$1,000.

It is not proposed to charge St John Ambulance for the land during the period of the lease or any legal costs associated with the lease and thereby recommended as a contribution to the project.

- **Legal and Statutory**
Clause 61 of the Schedule 2 Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* exempts temporary works which in are in existence for less than 48 hours, or a longer period agreed by the Local Government in any 12-month period. Officers consider that if Council grants St John Ambulance a licence for this area for a 9-month period, then it is exempt from Planning Approval.

When the building contract is awarded by St John Ambulance, the contractor will need to liaise with the Shire's Building Surveyor to determine if any building licences are required. The approval of the lease will not impact upon this statutory responsibility.

If Council wants to approve this request from St John Ambulance, Officers are recommending it be undertaken as a lease for a period of 9 months. This however would be considered a disposal in accordance with the Section 3.58 of the *Local Government Act 1995*.

Regulation 30 of the *Local Government (Functions and General) Regulations 1996* identifies which disposals of property are excluded from the requirements of Section 3.58 of the *Local Government Act 1995* outlined as follows:

30. Dispositions of property excluded from Act s. 3.58

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if —
 - (a) the land is disposed of to an owner of adjoining land (in this paragraph called the **transferee**) and —
 - (i) its market value is less than \$5 000; and
 - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;or
 - (b) the land is disposed of to a body, whether incorporated or not —
 - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
 - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;or
 - (c) the land is disposed of to —
 - (i) the Crown in right of the State or the Commonwealth; or
 - (ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or
 - (iii) another local government or a regional local government;or
 - (d) it is the leasing of land to an employee of the local government for use as the employee's residence; or
 - (e) it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land; or
 - (f) it is the leasing of land to a person registered under the Health Practitioner Regulation National Law (Western Australia) in the medical profession to be used for carrying on his or her medical practice; or
 - (g) it is the leasing of residential property to a person.
- (2a) A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been —
 - (a) put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government; or
 - (b) the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable; or
 - (c) the subject of Statewide public notice under section 3.59(4) of the Act, and if the business plan referred to in that notice described the property concerned and gave details of the proposed disposition including —
 - (i) the names of all other parties concerned; and
 - (ii) the consideration to be received by the local government for the disposition; and

- (iii) *the market value of the disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition.*
- (2b) *Details (see section 3.58(4) of the Act) of a disposition of property under subregulation (2a) must be made available for public inspection for at least 12 months from the initial auction or tender, as the case requires.*
- (3) *A disposition of property other than land is an exempt disposition if —*
 - (a) *its market value is less than \$20 000; or*
 - (b) *the entire consideration received by the local government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than \$75 000.*

[Regulation 30 amended in Gazette 25 Feb 2000 p. 974-5; 28 Apr 2000 p. 2041; 31 Mar 2005 p. 1055-6; 27 Sep 2011 p. 3846; 18 Sep 2015 p. 3812.]

Officers consider that the provision of a 9-month lease to St John Ambulance for exclusive use of this area is an exempt disposition because St John Ambulance is a not-for-profit organisation in accordance with Section 2 (b) (i) above.

- **Risk related**

Delays in the construction program of St John Ambulance could impact upon the length of time the area of land is required. If this was to exceed 12 months, planning approval would be required. If any delays required the area to be used for more than 2 years, the Regulation 30 exemption could not be used and Council would need to undertake a disposal process in accordance with Section 3.58 of the *Local Government Act 1995*.

- **Workforce Implications**

This lease can be accommodated within the current workforce capacity.

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION:

“That Council:

1. ***Agrees to the lease with the York St John Ambulance (the Lessee) as attached to this report, for the land at Lot 24 No. 12 Joaquina Street, York, in accordance with the following essential lease terms:***
 - ***A term of nine (9) months, commencing on the date of execution of the lease;***
 - ***Permitted purpose to be used as a temporary construction site & lay down area and uses reasonably ancillary thereto;***
 - ***Public Liability Insurance of not less than twenty million dollars (\$20,000,000) to be the responsibility of the Lessee; and***
 - ***Rent not applicable.***
2. ***Agrees the Shire will fund the legal fees and any other costs associated with the preparation of the lease which are to be recognised as a Shire contribution towards the redevelopment.***
3. ***Authorises the Shire President and Chief Executive Officer to engross the lease documentation as per the terms and condition of the lease.”***

SY090-07/18 – Evaluation and Acquittal of the 2018 York Motorcycle Festival

FILE REFERENCE: CS.CEV.19
APPLICANT OR PROPONENT(S): Premiere Events
AUTHORS NAME & POSITION: Esmeralda Harmer, Events & Economic Development Officer
RESPONSIBLE OFFICER: Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL: No
DISCLOSURE OF INTEREST: Nil
APPENDICES:
A. Premiere Events 2018 York Motorcycle Festival Acquittal
B. Shire of York Acquittal Documents

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

This report presents Council with the 2018 York Motorcycle Festival Acquittal as presented by Premiere Events and considers the evaluation of the Shire supported festival extensions included in the 2018 event.

This report also requests Council to consider negotiating a multiyear agreement with Premiere Events to deliver the 2019 - 2021 York Motorcycle Festivals and recommends improved financial acquittal requirements going forward.

Background:

In February 2018 Council considered item ***SY010-02/18 – York Motorcycle Festival Multi-Year Funding Proposal*** where Council resolved the following:

“That Council;

- 1. Receives the acquittal of the 2017 York Motorcycle Festival.*
- 2. Allocates \$5,000 from GL132150 Festivals Assistance for cash and in-kind support of the 2018 Triumph Motorcycle Club ride on Saturday 7 April 2018.*
- 3. Notes the Wheatbelt Development Commission funding received will be utilised by the Shire to extend Saturday components of the York Motorcycle Festival as detailed in this report*
- 4. Requests the Chief Executive Officer to negotiate a draft Three Year Funding Agreement with the organisers of the York Motorcycle Festival subject to the following conditions:*
 - (a) a maximum of \$20,000 per annum to be provided as a cash contribution to the Festival;*
 - (b) permits and fees related to the Festival be charged separately;*
 - (c) agreement to work with existing partners to incorporate programmed activities into current and future York Motorcycle Festival programs*
 - (d) makes provisions to accept additional funding received by either party for the York Motorcycle Festival*
 - (e) clarity of roles and responsibilities including insurance liabilities*
 - (f) promotion and acknowledgement of the Shire's contribution; and*

(g) provision of acquittal requirements as per the C1.3 Community Funding: Donations, Grants, Sponsorship, and Waiver of fees Policy.

5. Requests the Chief Executive Officer to present the draft Agreement to Council for consideration prior to execution.”

Although a proposed three-year funding agreement was initially suggested, Officers indicated in the report that the outcome of a three-year grant proposal submitted to Tourism WA – Regional Events Scheme (RES) had not been received at the time item **SY010-02/18 – York Motorcycle Festival Multi-Year Funding Proposal** was considered. Premiere Events and Officers agreed a new event scope would need consideration once these funding outcomes were known.

In March 2018 Officers presented item **SY030-03/18 York Motorcycle Festival Funding Agreement** where Council approved a one-year funding agreement with Premiere Events. Council also accepted the Mt Brown Hill climb as a new component of the York Motorcycle Festival, acknowledging a detailed risk management plan, in consultation with the Shire’s insurer, LGIS would be undertaken.

Shire officers met with Premiere Events to engross the funding agreement and further develop the plans for the 2018 Festival. Both parties agreed Saturday components of the Motorcycle Festival would be managed and coordinated by the Shire, with existing Sunday activities remaining under the direction of Premiere Events as in previous years.

This approach provided greater clarity of roles and responsibilities and enabled the Shire to lead the risk management planning required for the Mt Brown Hill Climb event.

Officers now present the Acquittal of the 2018 York Motorcycle Festival received from Premiere Events as attached at **Appendix A** and include an evaluation below of the Shire managed inclusions programmed into the Festival for Council’s consideration.

Comments and details:

Program Extension

Previously a one-day event, funding received from the Wheatbelt Development Commission enabled the Shire to program additional activities to occur on the Saturday of the 2018 York Motorcycle Festival. Funds were granted to support the following:

- Encourage overnight stays and re-visitation numbers
- Include new elements to the Festival Program
- Encourage multiple opportunities for business participation

The activities programmed for the Saturday of the Festival included:

- Mt Brown Hill Climb; timed vintage motorcycle races along Pioneer Drive
- Production of a festival program and map
- Street music and family inclusive entertainment along Avon Terrace
- Show and Shine in the Town Hall
- Extended camping options at the Recreation Centre
- Free Community Shuttle Bus between activated venues

These activities were well received by visitors and the community, particularly the inclusion of street music and family related entertainment. Although the town centre was not as busy as the Sunday program, feedback received indicated the street music markets, animal farm and face painting created a vibrant family atmosphere, which had not occurred in previous years of the Festival.

The Saturday program also attracted interest from the Ulysses Club of WA who conducted road rides from York to surrounding areas such as Merredin, Beverley and Toodyay. Approximately 200 riders participated in the three back road rides offered and returned to York staying overnight to attend the Sunday Festival activities.

Challenges

As the Saturday elements were new to the Festival programming, Officers invested a lot of time scoping the activities and conceptualising how these components could be programmed into the Festival successfully, particularly the Vintage Hill Climb on Mt Brown.

Officers undertook an internal risk assessment and site visit of Mt Brown with the Hill Climb event organisers. Of the \$10,000 available to support the Saturday elements, Officers initially identified a budget estimate of \$3,000 to fund safety improvements for the Vintage Hill Climb activity. These costs took into consideration traffic management planning and road sweeping requirements to enable the hill climb racing to occur safely.

Officers sought event approval from the Shire's insurer LGIS, who requested a more detailed risk analysis and report be undertaken. The following risks were identified through this process and appropriate mitigation strategies implemented. These included:

- Improving the condition of the roads proposed for the hill climb activity prior to the event
- Purchase of isolation and barrier delineators to ensure spectators walking along Mt Brown would have separated accessways to the Shuttle Bus and competitor areas
- Provision of emergency services on site for accidents or incidents

Of the \$3,000 allocated in the budget for the safety improvements for the Vintage Hill Climb, an additional \$6,385 was spent implementing the scope of works identified to meet the risk management strategies required by LGIS for the site the Hill Climb was taking place. This was due to the shoulder upgrades and works completed along Pioneer Drive and Steere Road and the purchase of appropriate traffic management delineators.

Although not considered high risk in relation to the race activity occurring, the culverts and undulating surfaces posed imminent high risk to spectators and trail walkers accessing these areas. The works undertaken improved the road and pedestrian accessways, however these also contributed to the additional expenditure identified above.

The works undertaken to address the risk issues identified by LGIS were considered improvements to a Shire asset, and as such could not be absorbed through the grant funding received. These expenditure costs were considered at the midyear budget review and allocated to Mt Brown Improvements and Maintenance in consideration of the asset improvements made through the works undertaken.

Officers acknowledge that for future events, early involvement and consultation regarding technical specialities and more detailed risk management strategies would significantly reduce the challenges faced delivering the Mt Brown Hill Climb.

Event Evaluation

In summary, the two-day program, increased event exposure, inclusion of new event components and increase in business participation all contributed to the Festival increasing in size and attendance numbers for the 2018 event.

The acquittal received from Premier Events attached at Appendix A in accordance with the current requirements of the policy. Over time Officers are proposing to increase the level of detail provided in acquittals for sponsorships over \$10,000 including as a first stage, greater financial accountability including the requirement for audited financial statements. In time, this is expected to include other aspects.

York Motorcycle Festival is now the only motorcycle specific show in WA and as such is likely to continue to grow in size over the coming years. York's visibility as an events town also aids this growth and Officers acknowledge future external funding support will be required should Council wish to continue to build and promote the event as a two-day Motorcycle Festival.

Officers are recommending Council requests the Chief Executive Officer to negotiate a draft three-year funding agreement with Premiere Events for the York Motorcycle Festival once external grant submissions are known and present these to Council for consideration.

Implications to consider:

- **Consultative**
In accordance with Council's *G2.9 Community Engagement and Consultation Policy*.
- **Strategic**
Nil
- **Policy related**
In accordance with *Council's C1.3 Community Funding: Donations, Grants, Sponsorship and Waiver of fees Policy Clause 8, Acquittal*
- **Financial**
The 2018 York Motorcycle Festival was delivered utilising a mixture of municipal and external grant funds. In item **SY030-03/18 York Motorcycle Festival Funding Agreement** Council resolved to provide \$20,000 from GL 132150 Festivals Assistance to Premiere Events to deliver the 2018 York Motorcycle Festival.

Furthermore, an event budget breakdown as provided by Premiere Events, has been included as attached at **Appendix A** for Council's consideration. Since the receipt of the acquittal received, Officers have standardised the acquittal documents to include a higher level of detail regarding the income and expenditure reporting required.

For future events considered under the Shire's *C1.4 Sponsorship of Tourism Events*, the improved acquittal documents will be required to be submitted as part of the acquitting process. These documents have been attached as **Appendix B** for Council's review.

As detailed in this report funds received from the Wheatbelt Development Commission of \$10,000 were utilised to support the Saturday components of the York Motorcycle Festival as per the funding guidelines of the grant received. These funds have been acquitted in accordance with the Shire's *G4.4 External Grants: Procurement and Management Policy*.

An over expenditure of \$6,385 is noted and attributed to the shoulder improvements and maintenance undertaken on Mt Brown and Steere Rd to address risk issues associated with the Vintage Hill Climb. These costs have been allocated Shire's Mt Brown Maintenance and Improvements.

- **Risk related**

This year a greater focus was placed upon managing risk associated with the event. The risk management plan provided by Premier events was provided to LGIS for approval.

Given the Shire coordinated activities on the Saturday including the Mount Brown a risk management plan was prepared and approved by LGIS. Although the organisers of the Mount Brown Hill Climb had insurance for the event itself, the Shire was required to implement strategies to ensure the safety of the site. The lesson here was that implementation of the risk management plan to the satisfaction of LGIS cost more than Officers had budgeted. Going forward Officers will engage earlier with LGIS on matters associated with risk management for this and other events.

- **Workforce Implications**

Nil

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION

“That Council;

- 1. Receives the acquittal of the 2018 York Motorcycle Festival as presented by Premiere Events.*
- 2. Notes the Wheatbelt Development Commission funding received was utilised by the Shire to extend Saturday components of the York Motorcycle Festival as detailed in this report.*
- 3. Requests the Chief Executive Officer to negotiate a draft Three - Year Funding Agreement with the organisers of the York Motorcycle Festival subject to the following conditions:*
 - (a) a maximum of \$20,000 per annum to be provided as a cash contribution to the Festival;*
 - (b) permits and fees related to the Festival to be charged separately;*
 - (c) agreement to work with existing partners to incorporate programmed activities into current and future York Motorcycle Festival programs;*
 - (d) provisions to accept additional funding received by either parties for the York Motorcycle Festival;*
 - (e) clarity of roles and responsibilities including insurance liabilities*
 - (f) promotion and acknowledgement of the Shire’s contribution; and*
 - (g) provision of acquittal requirements as per the C1.3 Community Funding: Donations, Grants, Sponsorship, and Waiver of fees Policy;*
 - (h) Event organisers to complete the new acquittal template attached at Appendix B to this report*
- 4. Requests the Chief Executive Officer to present the draft Agreement to Council for consideration prior to execution.”*

SY091-07/18 – 2017 Festival of Cycling Acquittal & 2018 Festival of Cycling Event Proposals

FILE REFERENCE:	FI.DON.2
APPLICANT OR PROPONENT(S):	Various
AUTHORS NAME & POSITION:	Esmeralda Harmer, Events Economic Development Officer
RESPONSIBLE OFFICER:	Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL:	N/A
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	A – 2017 West Cycle Family Festival of Cycling Acquittal B – WA Gravity Enduro Event Proposal C - 2018 York Cyclo – cross Proposal D – Shire of York Acquittal Documents

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

This report presents Council with the 2017 York Family Festival of Cycling acquittal and requests Council considers the cycling proposals received from Perth Mountain Bike Club and WA Gravity Enduro.

This report also details the cycling proposals received from these organisations and requests Council consider the benefits of these activities occurring in conjunction with the proposed 2018 Festival of Cycling event.

Background:

At Council's 2017 February meeting ***Item SY010-02/17 Priorities for Events in York*** was presented to Council where Council requested the Chief Executive Officer work with potential partners to investigate establishing a Music festival and Cycling Event in York and report to Council when appropriate.

Officers continued to develop components of these recommendations with identified stakeholders and received renewed concept proposals from WestCycle – WA's peak body for cycling. The proposal details were then presented to Council in ***Item SY049-05/17 Applications for Sponsorship of Tourism Events***. This report included West Cycle's intentions to deliver a two-day cycling event in York, with components of the event occurring throughout York's CBD. Council approved \$15,000 of funding to co-host the 2017 Festival of Cycling and requested the Chief Executive Officer to include the funding amount in the draft 2017/18 budgeting process.

Officers then undertook further event development of the Festival of Cycling including:

- Consultation with the York Agricultural Society to discuss how the two separate events (cycling event and York Show) held on the same weekend could be cross promoted.
- Development of a marketing plan to attract and stimulate visitation and competitor interest pre, during and post event.
- Consultation with residents regarding the road closures intended.
- Race plans and local business involvement.
- Event approvals process.
- Each party's role and responsibilities.

Key marketing strategies were identified with corflute signage placed in York, Greenmount and Leederville locations. A Festival of Cycling webpage was created and managed by WestCycle which promoted registration links, event information and included a show reel of York specific accommodations, attractions and ride route visuals.

Multiple site visits to Mt Brown, Avon Terrace and Knotts Rd were undertaken and race details examined by the Shire's insurers LGIS to determine if the activities and their associated inclusions were considered safe for competition.

Following the delivery of the WestCycle event, a debrief between event organisers and Shire staff was undertaken. The key learnings discussed included:

- Corflute marketing signage and location placements provided good visual coverage of the event
- Cycle competitors were satisfied with the race venue, race difficulty and racing disciplines offered over the two-day event
- Pairing the event to occur over the same weekend as a community event (the York Agricultural Show) was beneficial to both events, with 150 complimentary gate passes offered to registered cycle competitors by the York Agricultural Society and 102 of those passes being utilised.
- Some local businesses extended their trading hours to cater for the visitation numbers experienced, particularly on the Sunday of the event when Avon Terrace was closed to traffic.
- Criterium racing and the little critters novelty races on Avon Terrace on the Sunday of the event received the highest community engagement, spectator and participation numbers due to the nature of the activities. WestCycle has indicated these elements would be built onto to encourage more recreational riders to attend in future years.

Officers have included the 2017 York Family Festival of Cycling received from WestCycle as attached at **Appendix A**.

Since this time, Officers have met with WestCycle representatives on numerous occasions to discuss the future of cycling related events in York. Both parties agreed the Festival of Cycling was a success however also acknowledged further work would be required to develop York's position as a cyclist friendly destination. Limited re-visitation numbers from the cycling community since the event was noted. This could be attributed to the level of racing offered at the Festival of Cycling event, attracting riders of the elite athlete level. This indirectly limited access points available for recreational riders to compete and engage in the overall event.

Event organisers agreed to grow York's cycle sport interest base in York, the introduction of cycle elements such as mountain bike trail and off-road based competitions would be a good fit for York and align with Council's desire to grow mountain biking in York. These disciplines have a higher 'recreational' rider base and the disciplines offered align best with York's aspirations to make use of the Shire's natural and built environments.

Comments and details:

The following are the details of the new cycle event proposals received to potentially include in the 2018 Festival of Cycling for Council's consideration.

Program Extensions/Additions for the 2018 event

Officers acknowledge that supporting new elements to the Festival of Cycling event, work to incorporate these components into the existing event program would need consideration. Through WestCycle's involvement as the peak body for cycle sport in Western Australia, market research was undertaken to gauge the recreational riding community's appetite for cycle sport events in York. These conversations yielded positive responses with Officers receiving interest from multiple groups including:

Perth Mountain Bike Club (WA Cyclocross) – Cyclocross consists of many laps of a short (2.5–3.5 km) timed course featuring pavement, wooded trails, grass, steep hills and obstacles requiring the rider to quickly dismount, carry the bike while navigating the obstruction and remount. Races for advanced categories are generally between 30 minutes and an hour long, with the distance varying depending on the ground conditions.

The group is proposing a road closure for the race event to occur on Sunday 19 August, however race marking and practice sessions on the Mongers reserve location would occur on Saturday 18 August. The Mongers reserve area and adjoining roads are proposed as the ride route for this event to occur and would involve a mixture of gravel, dirt and bitumised roads.

Competitor numbers are predicted at between 80-130 riders with rider ages varying between 30-40 years old of both sexes. Categories for young people to ride and compete are also being explored. Although no cash contribution is requested by the Club to undertake the event, in kind support to deliver the road closure and traffic management required for the event has been requested as part of the event application received.

Further details regarding the Club's risk management plan, proposed race map and race locations have been included as **Appendix C York Cyclocross Event Proposal** for Council's consideration.

WA Gravity Enduro (WAGE) - Gravity Enduro is the cycle racing discipline of a multi-staged racing event where riders ride varying trail distances and trail grades, usually 4-6 stages in one event. Descents are timed and the climbs/connection to other stages are untimed. WAGE is proposing York as the destination to host its 2018 National Gravity Enduro Cup. The event would involve use of six of Mt Brown's descending trails for the event competition on Saturday 25 & Sunday 26 August

Trail marking, and bunting is proposed to occur on the weekend prior to this date in conjunction with the York Cyclocross event proposed. Competitor numbers are predicted at between 200 – 300 entrants. Categories for young people to compete are also offered and no specialised equipment is needed for recreational riders to become involved. WAGE intends to setup a rider village at Avon Park, providing a centralised location for riders to leave and return to following their timed descents across the six trails.

Community consultation sessions to provide information on the event, locations of the trails proposed for use and the groups environmental management strategies have been occurring throughout July 2018.

Although no cash contribution has been requested to enable this event to be delivered in York, Officers have identified an in-kind contribution from the Shire will be required to improve trail markings on some of the trails proposed and to enable exclusive use of Avon Park as the 'rider village' location and associated additional cleaning of toilets.

Officers also note that the date proposed for the WAGE event coincides with the York Motor Show, which occurs along Avon Terrace and Lowe Street. Although no impact or conflict is envisaged should both events occur during this time, Officers have notified the York Motor Show event organisers of the cycle event proposal.

Further details regarding WAGE and the proposed event have been included as **Appendix B. WA Gravity Enduro Event Proposal** for Council's consideration.

Penny Farthing Novelty Race – Local enthusiasts have approached Officers to program a Penny Farthing street race to occur in conjunction with the Festival of Cycling should the event occur again in 2018. Local enthusiasts have obtained three Penny Farthing bicycles which they would like to use to provide an exhibition style race along Avon Terrace. The event could occur as part of the Festival of Cycling as the roads would be closed to traffic during this time. Officers have introduced West Cycle to the local enthusiasts and indicated their support of the novelty event to occur in conjunction with the usual event programming.

No cash contribution or in-kind support has been requested for this activity to occur, however further details and development to promote the novelty event will be undertaken between WestCycle and the local enthusiasts.

WestCycle Family Festival of Cycling - Officers note no new elements (excluding the Penny Farthing Novelty event) are proposed for the 2018 Festival of Cycling Event. Through the evaluation of the 2017 event discussions, WestCycle has indicated their interest in presenting the same event in the 2018 year, with advertising of the date and competitor registrations already in circulation. The date proposed for the 2018 event is Saturday 1 & Sunday 2 September. Road racing is planned for the Saturday component of the event and criterium racing along Avon Terrace on the Sunday. Early registration numbers indicate the event is likely to attract significant numbers. Officers also predict the cycle events proposed to occur ahead of the Festival of Cycling are likely to aid the increase in professional riders attending the event.

Summary

In summary, Officers see merit in developing the Festival of Cycling into a multidiscipline event to occur over a three-weekend period from August to September 2018. The benefits that can be realised from the new elements proposed enable Council to explore existing trail networks and their development in conjunction with event partners who have skills and knowledge to share in these areas. Furthermore, Officers see the Shire's existing relationship with WestCycle as an imperative part of this process, providing access points for wider engagement with the cycling community.

WestCycle has requested cash sponsorship funding of \$15,000 to enable the Festival of Cycling event to occur in York. Considering the success of last year's event and the ongoing commitment from WestCycle to involve new cycle disciplines to be considered under the Festival umbrella and little or no cost, Officers are recommending the financial support of this event be approved. However, Officers are keen to increase the level of financial accountability for funding provided to large events and are therefore proposing additional reporting and auditing requirements for this year's event.

Implications to consider:

- **Consultative**

Officers have workshopped concepts with applicants to gain a clear understanding of the proponent's expectations of support for each proposal. Pending Council's resolution, Officers will continue to work closely with all applicants to determine the appropriate level of support from local groups, voluntary associations, assess promotional capabilities and to ensure a robust delivery of activity is achievable.

In addition to this consultation, WA Gravity Enduro have held two community drop in sessions over the July 2018 period to share the event details and plans developed for the Mountain Bike event. These include their environment impact and management plan, risk management and trail networks the group has identified.

Event applications, including relevant fees for each event under the Festival of Cycling umbrella would still need to be processed and assessed against its individual merits as part of the event application process.

- **Strategic**

Building tourism around York's natural and built environment and the opportunity to gauge the community's appetite for cycle and walk trail related events are identified as aspirations in the Shire's Strategic Community Plan

All applications received meet identified actions in the Corporate Business Plan to;

- Fund from existing budgets, economic development including tourism, marketing, and events.
- Continually develop positive partnerships between the Shire and external stakeholders
- Strengthen the capacity of the Shire administration to undertake and deliver projects, work collaboratively with the community, and understand and meet strategic issues and challenges.

- **Policy related**

In accordance with Council's *C1.4 Sponsorship of Tourism Events Policy and G2.9 Community Engagement and Consultation Policy*

- **Risk related**

Each event will be required to complete their own risk assessment and submit it to the Shire. The Shire will provide these risk plans to our insurers for comment and feedback which will be provided to the applicants prior to final approval being issued.

As with the Hill Climb event the courses will also be assessed for risk.

- **Financial**

Council is requested to Consider the following funding amounts and GL accounts to support each event to occur in the 2018/19 financial year:

Event	Funding Allocation	Purpose	Proposed GL Account
York Cyclocross Event	5,000 of in kind	Delivery of the Traffic Management Plan for the event	GL 132150 Festival Assistance
WA Gravity Enduro National Cup	1,000 of in kind	Improve trail marking, Park hire and additional cleaning of toilets	GL 132150 Festival Assistance
Family Festival of Cycling	15,000 cash	Assistance to undertake the two-day event in York	GL 132150 Festival Assistance

Furthermore, an event budget breakdown as provided by WestCycle, has been included as attached at **Appendix A** for Council's consideration. Since the receipt of the acquittal received, Officers have standardised the acquittal documents to include a higher level of detail regarding the income and expenditure reporting required.

For future events considered under the Shire's *C1.4 Sponsorship of Tourism Events*, the improved acquittal documents will be required to be submitted as part of the acquitting process. These documents have been attached as **Appendix D** for Council's review.

- **Legal and Statutory**

All Council supported events would still need to comply and be assessed against any statutory policies and legislation.

- **Workforce Implications**

Nil

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION:

“That Council:

- 1. Receives the acquittal of the 2017 Family Festival of Cycling as presented by WestCycle.*
- 2. Approves the 2018 Family Festival of Cycling which includes the following events and activities;*
 - a. York Cyclocross event on Sunday 19 August 2018*
 - b. WA Gravity Enduro National Cup on Saturday 25 & Sunday 26 August 2018*
 - c. Family Festival of Cycling on Saturday 1 & Sunday 2 September 2018*
- 3. Approves a maximum of \$15,000 as a cash contribution from GL 132150 Festivals Assistance to WestCycle for the 2018 Family Festival of Cycling.*
- 4. Approves a maximum of \$6,000 from GL132150 Festivals Assistance as an in-kind contribution to assist deliver elements of the York Cyclocross and WA Gravity Enduro National Cup events as detailed in this report.*
- 5. Requires Cycle West to complete the acquittal template attached at Appendix D to this report for the 2018 event.”*

SY092-07/18 – 2018 YORKids Event Acquittal

FILE REFERENCE:	FI.DON.1
APPLICANT OR PROPONENT(S):	Various
AUTHORS NAME & POSITION:	Esmeralda Harmer, Events Economic Development Officer
RESPONSIBLE OFFICER:	Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL:	N/A
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	A – Nature Play WA Mud Monsters Ball YORKids Acquittal

Nature of Council’s Role in the Matter:

- Executive

Purpose of the Report:

This report presents Council with the acquittal report from Nature Play WA for the 2018 YORKids Mud Monsters Ball event and also requests Council to consider the evaluation presented of the YORKids event.

Background:

At Council’s 2018 February meeting ***Item SY100-02/18 York Winter Weekend Event Proposal*** was presented to Council where Council approved the Winter in York event program and acknowledged the event would occur in conjunction with event partner Nature Play WA, over the 2018 June long weekend. Council also approved the re-allocation of funds held for the 2018 Jazz Festival to the Winter in York event.

To increase the budget available to support the two-day event, grant applications to the Department of Local Government & Communities were sought and presented to Council in ***Item SY089-07/17 Acceptance of Youth Activities Grant Funds for Nature Play WA Festival***.

A successful grant application of \$15,000 was received from Healthway to support the Winter in York proposal. This funding was received through the mid-year budget review process and allocated to support the Winter in York event as per the grant application submitted.

As part of the sponsorship agreement, a sponsorship leveraging plan was developed in conjunction with Heathway and the brand YORKids – A Winter Adventure was confirmed as the official event title for the two-day program.

With a small marketing budget available for the YORKids event, Officers concentrated the marketing rollout to occur four weeks prior to the event, with an increase in advertising intensity planned in the final weeks leading up to the event.

A mixture of paid and unpaid online advertising listings that provided best value for spend were identified, particularly social media influencers that had large family audiences. Perth and Metropolitan areas became the key target locations to saturate with marketing influence due to the high number of families in these areas and in a deliberate effort to position York as a proximity option for families to visit.

Throughout March and April, consultation with local businesses, youth facilitators, educators and interested groups was undertaken with the following trends emerging:

- Difficulty securing indoor venues to program activities which could accommodate large numbers of people.
- Of the youth consulted, a majority preferred outdoor activities and roving performers.
- Engagement from visiting friends and relatives was high, with multiple activity registrations and enquiries received

Officers now present the evaluation of the 2018 YORKids event for Council's consideration.

Comments and details:

Event Marketing

The aim of the logo and branding was to produce an identity that was fun and family friendly whilst maintaining strong links to York and the winter theme pitched for the event. YORKids – A Winter Adventure was selected as the event name as it best represented all of these aspects.

Marketing collateral produced under the YORKids branding included roadside banners, corflute signage, street pole bollard wraps and programs. The bollard wraps received the highest engagement feedback, with visitors stating the visual branding and program information available on the panels as the main reasons.

Feedback on the printed programs and banners placed on Greenmount and Great Eastern Highway suggests more detailed information was needed, particularly specific activity locations. The early release of the printed programs and banners allowed the event to be marketed over a longer duration of time, however did not equally give sufficient venue details for patrons prior to the event.

The release of a festival 'map' closer to the event would address this issue. The map could provide specific locations and activity times and would be designed to complement the marketing collateral already in circulation.

Officers also acknowledge the online advertising campaign worked well. Key social media advertising to the Perth family market included Buggy Buddys, Kids around Perth, Weekend Notes and Kidspot. Through advertising on these platforms, the following data was collected:

- The YORKids event page created through the Shire's facebook page reached 32,000 people organically (excluding paid or push promotion advertising methods). This number counts the number of people who viewed, liked posts, shared articles or clicked 'interested' in YORKids activities.
- The highest engagement numbers received for individual posts were for the Zap Circus entertainment and Mud Monsters Ball activities. These articles received 4,900 views each and resulted in viewers clicking through to view other activities and the Shire's website pages.
- The Mud Monsters Ball Nature Play App engaged 3,909 users over the YORKids weekend and attracted more than 1,859 registrations to attend the Sunday event nature-based activities.

Further details regarding YORKids market reach, unique views and online presence is attached as ***Appendix A Nature Play WA's Mud Monsters Ball Acquittal Report***.

In the development of the marketing strategy, Officers opted to utilise the Shire's existing social media pages to engage the YORKids audience instead of creating separate facebook pages specifically for the event. This was largely due to the costs associated with managing an external event page and available resources to support this method.

This did result in event saturated information on the Shire's page however, the benefits of utilising the Shire's facebook page meant post event 'followers' were retained as members. This has increased the Shire's direct and indirect online engagement and allowed these new members to experience ongoing interaction with the Shire and York specific events long after the event has concluded.

Officers believe this enduring exposure supports York's position as an events town and continues to grow York's engagement with the Perth and Metropolitan markets.

Engagement

Although the YORKids event was designed to attract families to York over the quieter winter months and showcase York as a great place for young families, Officers note the local engagement was significantly higher than other Shire managed or supported events.

The higher levels of local engagement can be attributed to:

- Higher numbers of visiting friends and relatives attending YORKids than other events offered in York
- More generalised interest in the activities offered, particularly the Ghost Tours, Campfire Cooking and Light Projections.
- An increase in local youth assistance to facilitate some of the activities.
- Community ownership of the event through active involvement

Officers did however experience some difficulty engaging local businesses in the YORKids event. Individual visits to engage businesses along Avon Terrace were undertaken in an attempt to;

- Raise awareness of the YORKids event and its aims
- Indicate programming opportunities available
- Share the expected visitor numbers
- Develop experiences businesses could offer to complement the YORKids event
- Encourage extended food service operating hours to cater to the overnight visitor expectations and meet peak demands

Early activity registrations and numerous Visitor Centre enquiries received indicated that large numbers of families were likely to attend and stay at least one night over the long weekend. With check in times available at most accommodations from 2pm onwards, Officer recognised the importance of tailoring food and attraction experiences to accommodate this market, particularly between the 2-6pm timeframe.

Through the event survey results received, Officers note that the challenges faced by visitors included:

- Long queues to purchase food and beverages and limited supply
- Food availability, particularly after 2pm each day was limited
- Attractions and experiences did not cater to the overnight market

Officers acknowledge additional work to improve these outcomes is required and recommend the feedback received be shared within the local business community to encourage improvement discussions and strategies to implement for future events of this nature.

Closing Comments

YORKids proved successful in its aim to attract families to York over the traditionally quiet winter period. The success of the event is attributed to the identified need for free family friendly activities over the winter period and sound marketing strategies used to promote York as a destination and place of activity.

YORKids has also provided an ongoing platform of local community engagement and discussion. This is evident in the number of youth projects pitched in the recent round of community funding, ongoing performer enquiries received from local groups and increase in revisitation numbers through the York Visitors Centre since the June event.

Officers recommend Council considers YORKids as an annual event and seek Council's support to consider financial sponsorship of the event through the 2018/19 budgeting process.

Implications to consider:

- **Consultative**

As detailed in this report and in accordance with Council's *G2.9 Community Engagement and Consultation policy* the following strategies were utilised to inform, consult and collaborate with residents, businesses and community groups:

- Information on the event disseminated through the Shire and Visitor Centre websites and social media pages
- articles included in the local newspaper pre and post event
- active engagement with Early Years Network, York High School, York Child Care and York Community Resource to program art workshops to produce works for the light projection activities in the lead up to the event
- utilising the attendees of the art workshops to develop and influence activities inclusions
- targeted feedback sought from local businesses about programmed activity and promotional opportunities
- public feedback and analysis on the YORKids event sought through post evaluation surveys and group discussions

- **Strategic**

YORKids met identified actions in the Corporate Business Plan to;

- Fund from existing budgets, economic development including tourism, marketing, and events.
- Continually develop positive working partnerships between the Shire and the community built around particular projects
- Strengthen the capacity of the Shire administration to undertake and deliver projects, work collaboratively with the community, and understand and meet strategic issues and challenges.

- **Policy related**

YORKids was developed and delivered in accordance with the following Council Policies:

C1.4 Sponsorship of Tourism Events, F1.2 Procurement Policy, G2.9 Community Engagement and Consultation, G4.4 External Grants: Procurement & Management and G4.6 Risk Assessment and Management

- **Risk related**

Officers have not identified any risks associated with presentation of this report for Council

- **Financial**

YORKids was delivered utilising a mixture of municipal and external grant funds. Council approved \$23,500 of funds held in GL 132150 to support the YORKids event.

These funds were leveraged to attract additional funding of \$5,000 from the Department of Local Government and Communities and \$15,000 from Healthway's Act Belong Commit program.

A detailed budget is provided below of the expenditure made utilising these funds:

ITEM	INCOME	EXPENSE	SURPLUS/DEFICIT
Healthway	15,000		
Dept Local Government Communities	5,000		
Shire Funds	23,500		
Venue Hire		844	
Performers & Facilitators		29,330	
Marketing & Paid Advertising		6,400	
Shire in - kind costs - temporary fencing - site preparation - additional amenity cleaning		4,000	
	43,500	40,574	2,926 Surplus

The total event expenditure was \$2,926 under the predicted budget forecasted for the YORKids event. External Grant Acquittals have been submitted in accordance with the Shire's *G4.4 External Grants: Procurement and Management Policy*

- **Legal and Statutory**
Nil
- **Workforce Implications**
Nil

Voting Requirements:
Absolute Majority Required: No

OFFICER RECOMMENDATION:

"That Council:

- 1. Receives the acquittal of the 2018 YORKids event including the Acquittal from Nature Play WA.***
- 2. Notes the success of the 2018 YORKids event and the key learnings taken from the event.***
- 3. Agrees to the YORKids event concept becoming a Shire supported annual event.***
- 4. Requests the Chief Executive Officer to work with stakeholders to develop the concept for the 2019 YORKids event and present this to Council for consideration."***

SY093-07/18 – York Arts & Events – Request to Use Mount Brown

FILE REFERENCE: FI.DON / CS.CEV
APPLICANT OR PROPONENT(S): York Arts & Events
AUTHORS NAME & POSITION: Esmeralda Harmer – Community & Economic Development Officer
RESPONSIBLE OFFICER: Paul Martin – Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL: Nil
DISCLOSURE OF INTEREST: Nil
APPENDICES: A – York Arts & Events; Fervour on Mount Brown Request

Nature of Council’s Role in the Matter:

- Executive

Purpose of the Report:

This report seeks Council’s consideration of York Arts & Events request to hire Mount Brown for two long table dining experiences in March 2019.

Background:

In April 2018 Officers received an enquiry from York Arts & Events to hire Mount Brown to program an event in early 2019.

As no hire fee currently exists for Mount Brown, Officers met with representatives from York Arts & Events to discuss the proposed program, event date/s and what opportunities may exist for local primary producers and businesses.

Fervour on Mount Brown is proposed to include two long table dinners held on top of Mount Brown on Friday 1 and Saturday 2 March 2019. The long table dinners are designed to showcase locally sourced produce and native ingredients in an outdoor dining atmosphere and will accommodate up to forty guests per evening.

Further details regarding the event and its inclusions are attached as a confidential report at **Appendix A** for Council’s review.

Comments and details:

With the capacity to seat up to forty guests each evening, Officers acknowledge adequate provisions to cater to these numbers will need consideration should Council approve the hire request received. These include;

- Suitable parking areas for up to forty guests not including service vehicles
- Traffic Management to manage public vehicle access to the area
- Adequate rubbish bins onsite and supplied by hirer
- Portable toilet amenities
- Portable furniture to accommodate the expected numbers
- Suitable lighting on walkways, amenities and dining areas
- Power generation
- Evidence of cultural and community consultation undertaken prior to the event occurring
- Adequate insurances and risk management plans are included in the event application

Officers note the usage dates requested coincide with a public holiday long weekend . An increase in visitors to the town over this period is likely which could impact visitaton access to Mt Brown and its surrounds.

Through meetings with York Arts & Events, exclusive use of the Mt Brown area is not likely to be required to run the event successfully, however confirmation of this at the time of writing this report had not been received.

Officers recommend further consultation regarding the event logistics be undertaken should the proposal receive the support from Council. Officers suggest York Arts & Events include strategies to address how they will manage:

- Vehicle access and traffic management by the public to Mt Brown
- Securing areas specifically setup for Fervour on Mt Brown
- Disseminating information to residents and visitors of the event
- Visitors accessing walk trails that surround Mt Brown

Officers are recommending Council considers granting in kind use of Mount Brown for the dates requested on condition the considerations detailed in this report are addressed in the event application when submitted to the Shire.

Implications to consider:

- **Consultative**
Should Council support this request, Officers will continue to liaise with York Arts & Events throughout the event approval process including how the event will be promoted in accordance with Council's *G2.9 Community Engagement and Consultation Policy*
- **Strategic**
Supporting the community and its businesses to establish and market events to encourage visitors to York aligns to the Shire's Strategic Community and Corporate Business Plans.
- **Policy related**
Although no fee or charge exists for the exclusive hire of Mount Brown, this proposal can be considered under Policy; *C1.3 Community Funding; Grants & Sponsorship*
- **Financial**
Although no hire fee exists for Mount Brown, event application fees of \$250.00 will still be payable before the event can proceed to the approval process.
- **Risk related**
Nil

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION

“That Council;

- 1. *Notes the application received requesting hire of Mt Brown has no current fee or charge available to consider and therefore use of Mt Brown for this event will be free of charge to the applicant.***
- 2. *Approves the use of Mount Brown public use areas by York Arts & Events on Friday 1 & Saturday 2 March 2019 with the following conditions met to the satisfaction of the Chief Executive Officer:***
 - suitable parking areas are provided***
 - suitable traffic management plans are provided***
 - adequate rubbish bins are provided***
 - sufficient toilet amenities are provided for both hire dates***
 - portable furniture to accommodate the expected numbers***
 - suitable lighting on walkways, amenities and dining areas***
 - adequate insurances and risk management plans are included in the event application***
 - evidence of cultural and community consultation undertaken prior to the event occurring.***
- 3. *Notes that event application fee of up to \$250.00 will be applicable for the event application to be processed.”***

SY094-07/18 – Outstanding Rates and Charges – Payment Agreements

FILE REFERENCE: FI.DRS.3.1
APPLICANT OR PROPONENT(S): VARIOUS
AUTHORS NAME & POSITION: Anneke Birleson, Finance Officer
RESPONSIBLE OFFICER: Suzie Haslehurst, Executive Manager Corporate & Community Services
PREVIOUSLY BEFORE COUNCIL: 25 June 2018
DISCLOSURE OF INTEREST: Nil
APPENDICES: A – Table of Application Details (Confidential)

The appendix of this item is confidential in accordance with Section 5.23(2)(b) of the Local Government Act 1995 as it contains information regarding the personal affairs of a person and Section 5.23(2)(e)(iii) as it deals with a matter that if disclosed, would reveal the financial affairs of a person.

Copies have been provided to Councillors, the Chief Executive Officer and Executive Managers only.

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

The purpose of this report is to provide Council with details regarding payment arrangement applications that the Shire has received, that do not qualify under Delegation DE3-3.

This reports seeks Council's approval to accept the officer recommendations regarding the proposed arrangements as detailed in Confidential Appendix A.

Background:

At the Ordinary Council Meeting held on 27 November 2017, Council resolved to accept a revised Finance Policy F1.1 Revenue Collection.

The policy and Delegation 3-3 authorises the Chief Executive Officer to accept payment arrangements where there are no arrears and the balance will be paid in full by 30 June of the relevant financial year. Any applications outside this scope must be presented to Council for review and acceptance or rejection.

Comments and details:

At the ordinary Council Meeting held on 25 June 2018, Council considered four (4) applications for the 2018/19 financial year.

The Shire has since received a further application that does not qualify under DE3-3 and therefore, requires Council consideration.

The applicant was referred for debt collection in November 2017 resulting in a General Procedure Claim being lodged and served in early 2018. The proposed payments will clear the outstanding balance and the estimated rates and charges for 2018/19. However, the presence of arrears prevents the CEO from authorising the application.

Confidential Appendix A details the current debt and a brief reason why the ratepayer cannot meet the requirements of a standard payment arrangement. The table also provides an officer recommendation for the application.

Applications are assessed on a case by case basis, taking into consideration people's circumstances, in accordance with policy F1.1 Principle (c).

Any application that is approved is subject to the condition where any default will result in legal action for debt recovery without further notice. Debtors (excluding pensioners) are also made aware that interest continues to accrue.

Options:

Council could elect to approve or reject the officer recommendations. Officers have worked with the applicants regarding their current financial circumstances and ability to pay. One of the principles of the revenue collection policy is that people's circumstances are taken into account.

Implications to consider:

- **Consultative**
Officers have liaised with the applicants.

- **Strategic**
Theme 5: Strong Leadership and Governance
5.3 The Shire's public finances are sustainable in the short and long-term.

- **Policy related**
F1.1 Revenue Collection
DE3-3 Agreement as to Payment of Rates and Service Charges

- **Financial**
The total debt associated with the payment arrangements as at 2 July 2018 is \$3,540.05.

This represents approximately 0.3% of the current outstanding debt.

- **Legal and Statutory**

Local Government Act 1995

6.49. Agreement as to payment of rates and service charges

A local government may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.

Shire of York Finance Policy F1.1 Revenue Collection

Principles

- a) *the Shire's cashflow is optimised and bad debts minimised by ensuring timely collection of all revenue owing to the Shire.*
- b) *the recovery of the Shire's revenue is clear, equitable, consistent and transparent.*
- c) *that account is taken of the circumstances of people with debt owing to the Shire.*
- d) *all reasonable action be undertaken to recover revenue before the debt is written off.*
- e) *debt collection activities are in accordance with relevant legislation and standards and credit controls are monitored to minimise potential financial loss.*

- **Risk related**
The Financial Risk is Minor (2).
The Likelihood of occurrence is Likely (4).
The overall risk rating is Moderate (8).

The risk can be considered acceptable as there is a policy in place to control and manage the risk. Should any of the debtors default on their arrangement, legal action can be taken to recover the due amounts.

- **Workforce Implications**

The scope of this report will have a minor impact on the workforce, relating to ongoing monitoring of payments.

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION:

“That Council:

- 1. Approves the application for a payment agreement as detailed within Confidential Appendix A, with the condition that any default will result in legal action.*
- 2. Requests the Chief Executive Officer to report back to Council regarding progress after 30 June 2019.”*

SY095-07/18 – Financial Report for June 2018

FILE REFERENCE:	FI.FRP
APPLICANT OR PROPONENT(S):	Not Applicable
AUTHORS NAME & POSITION:	Tabitha Bateman, Finance Manager
RESPONSIBLE OFFICER:	Suzie Haslehurst, Executive Manager Corporate and Community Services
PREVIOUSLY BEFORE COUNCIL:	No
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	A. Monthly Statements
	B. List of Creditors Payments
	C. Corporate Credit Card Transaction Listing

Nature of Council's Role in the Matter:

- Legislative
- Review

Purpose of the Report:

The purpose of financial reporting and the preparation of monthly financial statements is to communicate information about the financial position and operating results of the Shire of York to Councillors and the community and monitors the local government's performance against budgets.

Background:

Local governments are required to prepare general purpose financial reports in accordance with the *Local Government Act 1995*, the *Local Government (Financial Management) Regulations 1996* and the *Australian Accounting Standards*.

A statement of financial activity and any accompanying documents are to be presented to the Council at an ordinary meeting of the Council within two months after the end of the month to which the statement relates. The Statement of Financial Activity summarises the Shire's operating activities and non-operating activities.

It should be noted that the figures reflected in the following reports are an estimate of the end of year position only and are subject to audit adjustments for the 2017/18 Annual Financial Report.

Comments and details:

The Financial Report for the period ending 30 June 2018 is presented for Council's consideration and includes the following;

- Monthly Statements for the period ended 30 June 2018
- List of Creditor's Payments
- Corporate Credit Card Transaction Listing

The following information provides balances for key financial areas for the Shire of York's financial position as at 30 June 2018;

Outstanding Rates and Services

The total outstanding rates as at 30 June 2018 were \$1,169,920 compared to \$1,252,628 as at 31 May 2018.

Current Year	30/06/2018	%	30/06/2017	%
3 years and over	\$252,214.81	22%	\$172,902.86	16%
2 years and over	\$235,184.72	20%	\$127,008.66	12%
1 year and over	\$275,476.86	24%	\$302,543.18	28%
<u>Total Prior Years outstanding</u>	<u>\$762,876.39</u>	65%	<u>\$602,454.70</u>	56%
Current Rates	\$407,043.22	35%	\$467,634.18	44%
<u>Total Rates Outstanding</u>	<u>\$1,169,919.61</u>		<u>\$1,070,088.88</u>	

Outstanding Sundry Debtors

Total outstanding sundry debtors as at 30 June 2018 were \$331,021 compared to \$321,283 as at 31 May 2018.

Current Year	30/06/2018	%	30/06/2017	%
90 days and over	\$271,770.62	82%	\$296,190.86	54%
60 days and over	\$24,093.19	7%	\$3,932.29	1%
30 days and over	\$5,060.76	2%	\$5,543.98	1%
Current	\$30,096.04	9%	\$243,353.81	44%
<u>Total Debtors Outstanding</u>	<u>\$331,020.61</u>		<u>\$549,020.94</u>	

Council is currently in the process of finalising a number of large long-standing debts contained within the above balances. As a risk mitigation strategy, a contingent liability has been included in the Balance Sheet.

Implications to consider:

- **Legal and Statutory**

Local Government Act 1995

6.10. *Financial Management Regulations may provide for —*

- (a) *the security and banking of money received by a local government; and*
- (b) *the keeping of financial records by a local government; and*
- (c) *the management by a local government of its assets, liabilities and revenue; and (d) the general management of, and the authorisation of payments out of —*
 - (i) *the municipal fund; and (ii) the trust fund, of a local government.*

Local Government (Financial Management) Regulations 1996

34. Financial activity statement required each month (Act s. 6.4)

(1A) *In this regulation —*

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

- (1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —*
 - (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*
 - (b) *budget estimates to the end of the month to which the statement relates; and*
 - (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*
 - (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - (e) *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing —*
 - (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and*
 - (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
 - (c) *such other supporting information as is considered relevant by the local government.*
- (3) *The information in a statement of financial activity may be shown —*
 - (a) *according to nature and type classification; or*
 - (b) *by program; or*
 - (c) *by business unit.*
- (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —*
 - (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
 - (b) *recorded in the minutes of the meeting at which it is presented.*
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

[Regulation 34 inserted in Gazette 31 Mar 2005 p. 1049-50; amended in Gazette 20 Jun 2008 p. 2724.]

- **Policy**

Policy F1.2 Procurement

Policy F1.5 Authority to make payments from Trust and Municipal Funds

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION

“That Council receives the Monthly Financial Report and the list of payments drawn from the Municipal and Trust accounts for the period ending 30 June 2018 as summarised below:

Jun-18	
MUNICIPAL FUND	AMOUNT
Cheque Payments	56,030.43
Electronic Funds Payments	845,901.07
Payroll Debits	171,455.26
Payroll Debits - Superannuation	37,262.40
Bank Fees	655.47
Corporate Cards	1,599.90
Fuji Xerox Equipment Rental	161.41
Fire Messaging Service	247.50
TOTAL	1,113,313.44
TRUST FUND	
Electronic Funds Payments	4,410.74
Cheque Payments	141,198.60
Direct Debits Licensing	0.00
TOTAL	145,609.34
TOTAL DISBURSEMENTS	1,258,922.78

”

SY096-07/18 – Investments – June 2018

FILE REFERENCE:	FI.FRP
APPLICANT OR PROPONENT(S):	Not Applicable
AUTHORS NAME & POSITION:	Tabitha Bateman, Finance Manager
RESPONSIBLE OFFICER:	Suzie Haslehurst, Executive Manager Corporate and Community Services
PREVIOUSLY BEFORE COUNCIL:	No
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	A. Investment Portfolio

Nature of Council's Role in the Matter:

- Legislative
- Review

Purpose of the Report:

To report to Council the balance of investments held by the Shire of York as at 30 June 2018.

Background:

Council's policy F1.4 - *Investment* requires Council to review the performance of its investments on a monthly basis. 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.

Comments and details:

The Shire of York Investment Portfolio includes the following items that highlight Council's investment portfolio performance:

- a) Council's Investments as at 30 June 2018
- b) Application of Investment Funds
- c) Investment Performance

Implications to consider:

- **Legal and Statutory**

Local Government Act 1995

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.*
- (2A) *A local government is to comply with the regulations when investing money referred to in subsection (1).*
- (2) *Regulations in relation to investments by local governments may —*
 - (a) *make provision in respect of the investment of money referred to in subsection (1); and*
 - [(b) deleted]*
 - (c) *prescribe circumstances in which a local government is required to invest money held by it; and*
 - (d) *provide for the application of investment earnings; and*
 - (e) *generally provide for the management of those investments.*

Local Government (Financial Management) Regulations 1996

19. Investments, control procedures for

- (1) A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.
- (2) The control procedures are to enable the identification of —
 - (a) the nature and location of all investments; and
 - (b) the transactions related to each investment.

19C. Investment of money, restrictions on (Act s. 6.14(2)(a))

- (1) In this regulation —

authorised institution means —

 - (a) an authorised deposit-taking institution as defined in the Banking Act 1959 (Commonwealth) section 5; or
 - (b) the Western Australian Treasury Corporation established by the Western Australian Treasury Corporation Act 1986;

foreign currency means a currency except the currency of Australia.
- (2) When investing money under section 6.14(1), a local government may not do any of the following —
 - (a) deposit with an institution except an authorised institution;
 - (b) deposit for a fixed term of more than 3 years;
 - (c) invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
 - (d) invest in bonds with a term to maturity of more than 3 years;
 - (e) invest in a foreign currency.

- **Policy**

Policy F1.4 Investment

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION

“That Council receives and notes the Shire of York Investment Portfolio attached to this report.”

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11 QUESTIONS FROM MEMBERS WITHOUT NOTICE

12 BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

13 MEETING CLOSED TO THE PUBLIC

13.1 Matters for which the meeting may be closed

***SY097-07/18 – Unauthorised Placement of Waste Materials on Lot 76
(2118) Top Beverley Road, Mount Hardey***

Public reading of resolutions to be made public

14 NEXT MEETING

The next Ordinary Meeting of Council will be held on Monday, 27 August 2018 at 5.00pm in Council Chambers, York Town Hall, York.

15 CLOSURE