



# **CONFIRMED MINUTES**

## **Ordinary Council Meeting Tuesday, 25 August 2020**

**Date: Tuesday, 25 August 2020**

**Time: 5.00pm**

**Location: Council Chambers, York Town Hall, York**

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**MINUTES OF SHIRE OF YORK  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, YORK TOWN HALL, YORK  
ON TUESDAY, 25 AUGUST 2020 AT 5.00PM**

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

**1 OPENING**

1.1 Declaration of Opening

*Cr Denese Smythe, Shire President, declared the meeting open at 5.00pm.*

1.2 Disclaimer

The Shire President advised the following:

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

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

1.3 Standing Orders

*Nil*

1.4 Announcement of Visitors

*Nil*

1.5 Declarations of Interest that Might Cause a Conflict

*Nil*

1.6 Declaration of Financial Interests

*Nil*

1.7 Disclosure of Interests that May Affect Impartiality

*Cr Kevin Trent – SY129-08/20 Request for Funding – Avon Valley Motor Museum*

**2 ATTENDANCE**

2.1 Members

*Cr Denese Smythe, Shire President; Cr Denis Warnick, Deputy Shire President; Cr Ashley Garratt; Cr Pam Heaton; Cr Stephen Muhleisen; Cr Kevin Trent*

2.2 Staff

*Chris Linnell, Chief Executive Officer; Darren Wallace, Executive Manager, Infrastructure & Development Services; Jo Bryant, Acting Manager Community; Tabitha Bateman, Finance Manager; Helen D'Arcy-Walker, Council & Executive Support Officer*

2.3 Apologies

*Nil*

2.4 Leave of Absence Previously Approved

*Nil*

2.5 Number of People in the Gallery at Commencement of Meeting

*There was one person in the Gallery at the commencement of the meeting.*

### 3 QUESTIONS FROM PREVIOUS MEETINGS

3.1 Response to Previous Public Questions Taken on Notice

**Michael Gill**  
**B Eng. Civil Hons**  
**MIE Aust CP Eng. NER 860131**  
**Avon Civil Engineering**

**Question 1:**

My question is to the Shire President

I refer to the 25<sup>th</sup> June 2020 Auditor General's Report 26 2019-20 - Western Australian Public Sector Audit Committees – Better Practice Guide

The report states: "Maintaining a strong ethical organisational culture is important in promoting excellence and efficiency in public service delivery, as well as minimising the risk of fraud and corruption. Failures in governance and integrity are all too common across sectors and jurisdictions, and recent inquiries into the finance sector have highlighted the important role that audit committees play in challenging management and holding them accountable. Poorly governed entities often have common characteristics, including a lack of an accountability culture that can be evident in such areas as long overdue internal and external audit recommendations. By ensuring that management promptly address weaknesses identified in internal and external audits, and by rigorously overseeing internal audit, risk management and compliance functions, audit committees can help to establish the right tone and culture within entities."

"Audit committees will need a level of evidence for assertions made by management, particularly around implementation of audit and review recommendations. They should be prepared to request from management all documentary information that the committee reasonably requires to satisfy themselves that key risks have been appropriately managed. The rigour and openness around evidencing management actions provides the audit committee insight into organisational culture and the commitment to accountability and transparency."

I refer to the Minutes of the June 2020 Finance Risk and Audit Committee Meeting, which lasted for 9 minutes, and note that there appeared to be no discussion regarding the matters relevant to the Audit Committee raised in public question time at the May 2020 OCM.

I refer specifically to the admission by the SOY Senior Executive that they had not acted upon the December 2018 Audit Committee Meeting recommendation to seek legal advice regarding a large road construction project.

This recommendation was endorsed by Council Resolution 161218, point 7. with an absolute majority at the December 2018 OCM. Resolution 161218 directed the CEO to obtain legal advice.

My question is, does the Audit Committee have a Recommendation Register and does it regularly review the progress of recommendations, and does Council have a Resolution Register that is regularly reviewed?

**Response provided by the Chief Executive Officer:**

Yes. Following the Audit Regulation 17 Review conducted in 2017, and in response to recommendations made by the auditors, a Risk Working Group was established. Consisting of employees from across the organisation, the group participated in risk management training with LGIS and a Risk Management Framework and Register was developed. A report was presented to the Audit Committee in December 2017 and subsequently to Council where it was proposed by officers that a Risk Management update is presented on a six-monthly basis. The next review will be presented to the Audit and Risk Committee in September 2020.

The Council is currently setting up a Resolution Register that is within InfoCouncil, the programme that is used to generate the Agenda and Minutes, and will be available very shortly.

**Question 2:**

My question is to the Shire President

I refer to the Auditor General's Report 26 and quote: "State and local government entities in Western Australia are required to establish an audit committee that is independent from management influence, a fundamental element of effective audit committees. If they are not independent, objectivity may be compromised, making it difficult for them to perform their oversight roles."

Is our Audit committee independent from management influence and does it contain members who are independent of both Council and Management?

**Response provided by the Chief Executive Officer:**

Part 7 of the Local Government Act 1995 deals with the Audit of Local Governments, with 7.1A dealing with the establishment of an Audit Committee. The role of management is to prepare reports for consideration by the Audit Committee as well as supporting the Office of the Auditor General during Audit processes. At this time the Shire of York Audit Committee is made up of all Council members with no independent members. The Shire of York is aware of the Office of the Auditor General's Report 26 and will discuss the findings with Council with the possibility of incorporating changes to the Audit Committee structure before December 2020.

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.

Public Question Time Commenced at: 5.02pm.

**4.1 Written Questions – Current Agenda**

Nil

**4.2 Public Question Time**

Nil

As there were no further questions – Public Question Time concluded at: (5.03pm).

**5 APPLICATIONS FOR LEAVE OF ABSENCE**

*Nil*

**6 PRESENTATIONS**

## 6.1 Petitions

*Nil*

## 6.2 Presentations

*Nil*

## 6.3 Deputations

*Nil*

## 6.4 Delegates' reports

*Nil*

**7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

Ordinary Council Meeting - 28 July 2020

Note – Item SY113-07/20 Appendix 2 – Rebranding – Community Feedback – was updated following the 28 July 2020 Ordinary Council Meeting as individuals who responded to the call for feedback and submitted a preference on the concepts were given the option to have their name made public against their comments, or to opt out of having their name made public. In addition, a group submission was recognised as a single submission only from the source submitter.

Special Council Meeting - 4 August 2020

Confirmation

That the minutes of the Ordinary Council Meeting held on 28 July 2020 with the above note and the Special Council Meeting held on 4 August 2020 be confirmed as a correct record of proceedings.

**RESOLUTION  
020820**

**Moved: Cr Kevin Trent**

**Seconded: Cr Pam Heaton**

**That the minutes of the Ordinary Council Meeting held on 28 July 2020 and the Special Council Meeting held on 4 August 2020 be confirmed as a correct record of proceedings.**

***CARRIED: 6/0***

**8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION****8.1 SHIRE PRESIDENTS MEETINGS JULY 2020**

<b>Day</b>	<b>Meeting Description</b>	<b>Venue</b>
5	Planting in Avon Park	Community
6	CEO Meeting	CEO Office
7	Concept Forum	Chambers
10	AROC Presidents	eMeeting
13	CEO Meeting	CEO Office
14	Bypass Site Visit	Meeting
14	Special Council Meeting	Chambers
16	CEO Meeting	CEO Office
17	Hon Kim Beazley AC Governor of WA	Showcase York
20	CEO Meeting	CEO Office
21	Agenda Briefing	Chambers
23	Wheatbelt Business Sundowner with Hon Alannah MacTeirnan MLC	Northam
24	Forget Me Not Café	Visit
24	Webinar Hon Mark Coulton MP	Webinar
27	CEO Meeting	CEO Office
28	Ordinary Council Meeting	Chambers
29	CEO & Ratepayer Meeting	CEO Office
29	LotteryWest	Webinar
30	Facilitating Council Business	Webinar
30	Tree Planting in Avon Park	Community
31	Valuer General	Webinar
31	Australian Citizenship Ceremony	Upstairs Gallery in Town Hall
31	AROC Meeting	eMeeting
31	Whitegum Farm Visit	On-Site

## 9 OFFICER'S REPORTS

### **SY119-08/20 DEVELOPMENT APPLICATION: OVERSIZED & OVERHEIGHT OUTBUILDING AT LOT 283 (2995) NORTHAM-YORK ROAD, YORK**

<b>File Number:</b>	<b>NO1.11510</b>
<b>Author:</b>	<b>Carly Rundle, Senior Planner</b>
<b>Authoriser:</b>	<b>Darren Wallace, Executive Manager, Infrastructure &amp; Development Services</b>
<b>Previously before Council:</b>	<b>Not Applicable</b>
<b>Appendices:</b>	<b>1. Location and Site Plan 2. Site Photos 3. Development Plans</b>

#### **NATURE OF COUNCIL'S ROLE IN THE MATTER**

Quasi-judicial.

#### **PURPOSE OF REPORT**

For Council to make a determination on a development application for an oversized outbuilding (cumulative) at Lot 283 (Hse 2995) Northam-York Road, York.

#### **BACKGROUND**

Lot 283 (Hse 2995) Northam Road, York is 2.4ha in area and contains an existing single house and detached garage of 6m by 6m (36m<sup>2</sup>). The property is zoned Residential with a density of R2.5 and is on the Shire's Heritage List as a Category 1B, with the existing dwelling identified as having significance. The land slopes from the east downwards to Northam-York Road.

A Location and Site Plan and Site Photos is provided in Appendix 1 and Appendix 2 respectively.

A development application has been received which proposed to construct an outbuilding of 262m<sup>2</sup>, with wall heights of 3m and 3.5m and a ridge height of 4.7m from finished floor level and was proposed to be cut into natural ground level by a maximum of 500mm. A sea container was proposed to be located inside the lean to and the building was setback 30m from the southern lot boundary. The plans were referred to neighbours for comments. No submissions were received.

Following discussions with officers, an amended development application was submitted which reduced the area of the outbuilding, involved cutting further into natural ground level, and relocated the outbuilding 5m south to reduce impact on the views of the adjoining landowners dwelling to the south and from Northam-York Road.

The amended development application proposes to construct an outbuilding immediately to the east of existing buildings which will:

- be 20m by 9m (180m<sup>2</sup>), with a 4m by 10m lean to (40m<sup>2</sup>). The cumulative area of the outbuilding proposed is 220m<sup>2</sup>.
- have a 3.5m and 3m wall height, and 4.7m ridge height from finished floor level. On the north and eastern elevations, the shed will be cut into natural ground level at 1m at the highest point to create a level pad, with no change in ground levels at the south western corner. The leftover dirt will then be spread to the south and north of the shed, at a height of less than 200-300mm.

- be constructed of colorbond in woodland grey colour.
- be setback a minimum of 25m to the southern lot boundary and 22m east of the existing garage.
- used to store vehicles for their own personal use/hobby. The owner has provided that the height of the shed is to accommodate a 5<sup>th</sup> wheel caravan.

A copy of the amended development plans is provided in **Appendix 3**.

The application requires development approval because the proposed area and height of the outbuilding exceeds that permitted by Local Planning Policy: Outbuildings in Residential Zones. The application has been presented to Council for determination due to the extent of the variation.

**COMMENTS AND DETAILS**

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

The property is zoned ‘Residential’ with a density code of R2.5 by the Scheme.

An outbuilding is ancillary development to a single house and is permitted development which is exempt from planning consent, except where it requires variation under the Scheme, Residential Design Codes (R-Codes) or Local Planning Policy..

The proposed outbuilding involves variation to the R-Codes and Local Planning Policy because it exceeds the maximum height and maximum area permitted by the policy (refer table below).

Policy Provision	Proposed	Comment	
<b>1 General</b>			
a)	Are not attached to a dwelling	Outbuilding is not attached to dwelling.	Complies.
b)	Are non-habitable or used for commercial and industrial purposes	The applicant has provided that it will be used for storage of personal vehicles,	Complies.
c)	Are not within the primary setback area	Outbuilding is not within primary street setback.	Complies.
d)	Do not reduce the amount of open space required in the R-Codes.	Over 80% of the site is being maintained as open space.	Complies.
e)	Comply with the siting and design requirements of the R-Codes for the dwelling, with the exception of the rear setback requirements	Aside boundary setback of 1.5m is required.  A minimum side setback of 25m is proposed. The rear setback is well over 1.5m.	Complies.
<b>2 Floor Area</b>			
(a) & (b)	Outbuildings on residential lot coded R10 and below that have a combined area not exceeding 100m <sup>2</sup> in area or 10 percent in aggregate of the site area, whichever is the lesser.  A 5% variation is permitted (105m <sup>2</sup> ) provided adjoining landowners have consented to the variation.	There is an existing garage on site which is 36m <sup>2</sup> in area.  The outbuilding is 20m by 9m (180m <sup>2</sup> ) and has a lean to of 4m by 10m (40m <sup>2</sup> ). The cumulative area of the proposed outbuilding is 220m <sup>2</sup> .	Variation proposed.
<b>3 Height</b>			
(a) & (b)	Outbuildings on a residential lot coded R10 and below that has a maximum wall height of 3.5m and ridge height of 4.2m.	The lean-to addition has a wall height of 3.5m and 3m (lean to) and a ridge height of 4.7m from finished floor level. and a ridge height at the higher end to match the wall height of the existing outbuilding, and 3.3m to the lower end.	Variation proposed.

	<p>A 5% variation is permitted (3.675 wall height and 4.41m) provided adjoining landowners have consented to the variation.</p>	<p>On the north and eastern elevations, the shed will be cut into natural ground level at 1m at the highest point to create a level pad, with no change in ground levels at the south western corner. The leftover dirt will then be spread to the south and north of the shed, at a height of less than 200-300mm.</p>	
<p>4 Materials</p>			
<p>b) &amp; (c)</p>	<p>(b) second-hand materials may only be used where the materials are in good condition and are sufficient to provide a consistent appearance to the building. Council's Building Surveyor may request a report from a structural engineer for use of second-hand building materials.</p> <p>(c) Materials of low reflectivity should be used to ensure that the structure does not adversely affect neighbours</p>	<p>Materials and colours are proposed to be colorbond in woodland grey.</p> <p>The applicant has not provided secondhand materials will be used. A condition of approval will confirm Shire approval is required if materials are second hand.</p>	<p>Complies.</p>

In accordance with the Scheme, R-Codes and Policy, variations will be assessed on their merits with consideration given to whether the development meets the following:

- In accordance with clause 9.8.7 of the Scheme the objectives which the policy was designed to achieve and whether the proposal meets the design principles of the R-Codes. The relevant objectives of the Local Planning Policy No. 5 Outbuildings in Residential zones and the R-Codes is as follows:
  - a) *To provide flexibility for outbuilding size, construction and materials to meet the needs of local residents.*
  - b) *To ensure that outbuildings are constructed and located in such a way as to minimise their impact on the amenity of the locality.*

Design principles of the R-Codes are as follows (5.4.3 Outbuildings):

*"Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties".*

- Clause 67 of the Regulations also contains general matters for consideration. Those most relevant to this application are:
  - "m) the compatibility of the development to development on adjoining land or on other land in the locality, including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.*
  - n) *the amenity of the locality including the following –*
    - (i) Environmental impacts of the development;*
    - (ii) The character of the locality;*
    - (iii) Social impacts on the development.*
  - w) the history of the site where the development is to be located.*
  - y) any submissions received on the application".*

- The objectives of the Residential zone which are to:

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

The provisions of the Scheme, Regulations, R-Codes and Policy essentially require the variation be assessed in terms of whether the development will have a detrimental impact on visual amenity or character of locality from the streetscape or adjoining properties or detrimental impact on character of the area.

The outbuilding will be visible from Northam – York Road, although is setback over 50m from the road, is located to the rear of existing structures and the view of the western/northern elevations will partially be obscured due to existing trees, the outbuildings location behind a ridge and it being cut into natural ground level by 1m. The applicant proposes to erect further landscaping on the northern elevation. The outbuilding when viewed from Northam-York Road is not anticipated to impact the amenity of the streetscape.

The outbuilding will be predominantly visible to adjoining properties to the south, although is not anticipated to be out of character with the existing visual amenity because of the following:

- Other outbuildings of similar area have been approved on larger residential lots. This property is over 2ha. It is noted that the property and adjoining lots were rezoned from Rural Residential to Residential R2.5 around 2013 which gives potential for subdivision potential down to a minimum lot size of 4000m<sup>2</sup>, although is still considered that the development will not be out of character with the low density residential future character of the area.
- The outbuilding is cut in at the rear and land slopes upwards to the east. The view from the adjoining dwelling on Lot 282 is not anticipated to be detrimentally impacted by the variation. Landscaping is also proposed to be erected on the eastern side of the outbuilding.
- It is sufficiently setback (over 140m) from higher density residential uses to the east.

It is considered that the development will not have a detrimental impact on the amenity of adjoining landowners or the wider locality and has been designed in a manner to minimise amenity impacts. The proposed development is therefore considered consistent with the design principles of the R-Codes, objectives of the local planning policy: outbuildings in residential zones, objectives of the Residential Zone in the Scheme, and provisions m) and n) of clause 67, matters to be considered of the Regulations.

On this basis it is recommended that the development application for the outbuilding be supported.

**OPTIONS**

The following options are available to Council:

1. Approve the application in accordance with the Recommendation; or
2. Approve the application, subject to alternate or amended conditions; or
3. Refuse the application and list the reasons why in a format similar to the below:

*“That Council refuses the development application for an Oversized & Overheight Outbuilding at Lot 283 (2995) Northam-York Road, York, because of the following reasons:*

1. ....; *and.*
2. ....”

## IMPLICATIONS TO CONSIDER

### Consultative

The application was referred to landowners in proximity to the development for a period of 14 days for comment. No submissions were received.

### Strategic

The Shire of York 2018-2028 Strategic Community Plan provides the following desired outcome for development:

2.10 The scale, form and timing of development (including the release of development stages and the construction of infrastructure) is to an appropriate standard and minimises and avoids adverse effects and costs on the community and the natural and built environment.

### Policy Related

The recommendation does not result in any policy implications for the Shire

### Financial

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

### Legal and Statutory

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

### 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. Standard appeal rights to the State Administrative Tribunal are available to the applicant

### Workforce

There are no workforce implications associated with the officer's recommendation.

## VOTING REQUIREMENTS

**Absolute Majority: No**

At 5:06pm, Cr Denese Smythe left the meeting

Cr Warnick (Deputy President) assumed the role of Presiding Member

### RESOLUTION

**030820**

**Moved: Cr Kevin Trent**

**Seconded: Cr Ashley Garratt**

**That Council approves the development application for an Oversized and Overheight Outbuilding at Lot 283 (2995) Northam-York Road, York, 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. The outbuilding is not to be used for habitable purposes (Advice Note 4).**
- 4. The outbuilding is not to be used for commercial and/or industrial purposes.**
- 5. The use of any second-hand materials in the construction/external appearance of the outbuilding shall be in a good condition to ensure a consistent finish and requires prior approval of the Shire.**

6. All stormwater is to be managed on site by the landowner to the satisfaction of the local government.
7. Landscaping shall be implemented prior to use of the outbuilding hereby approved and shall be maintained for the lifetime of the development.

**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. Note: Non-compliance against CONDITION 3 is an offence against the Public Health Act 1911.
5. 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. Please note any retaining over 0.5m in height will also require a building permit.

***CARRIED: 5/0***

At 5:07pm, Cr Denese Smythe returned to the meeting and resumed the role of Presiding Member.

**SY120-08/20 STATE PLANNING POLICY 7.3: RESIDENTIAL DESIGN CODES - VOLUME 1  
INTERIM REVIEW 2020 - CONSULTATION**

<b>File Number:</b>	<b>PS.GEN.1</b>
<b>Author:</b>	<b>Carly Rundle, Senior Planner</b>
<b>Authoriser:</b>	<b>Darren Wallace, Executive Manager, Infrastructure &amp; Development Services</b>
<b>Previously before Council:</b>	<b>Not Applicable</b>
<b>Appendices:</b>	<b>1. State Planning Policy 7.3: Residential Design Codes Volume 1 2. Fact Sheet and Schedule of Proposed Modifications 3. Submission</b>

**NATURE OF COUNCIL'S ROLE IN THE MATTER**

Advocative.

**PURPOSE OF REPORT**

For Council to endorse the Shire's response to the proposed modifications to State Planning Policy 7.3: Residential Design Codes – Volume 1.

**BACKGROUND**

State Planning Policy 7.3: Residential Design Codes Volume 1 (R-Codes) is state policy adopted under the Planning and Development Act 2005 that sets out the basis of design and assessment for single houses, grouped dwellings and multiple dwellings (less than R40 density) in Western Australia. Generally single houses, ancillary structures such as patios, sheds or carports that meet the deemed to comply provisions of the R-Codes do not require development approval. A copy of the policy is provided at Appendix 1.

A review of the R-Codes is being undertaken as one of the State Government's economic recovery responses to COVID-19. The review is aimed at streamlining the approval process for single houses, grouped dwellings, multiple dwellings (coded less than R40), and ancillary structures through simpler assessment methods, revised standards and clearer phrasing of clauses.

The Department of Planning, Lands and Heritage (DPLH) have released a schedule of proposed modifications for consultation, seeking any submissions be made by the 10 September 2020.

**COMMENTS AND DETAILS**

A fact sheet on the R-Codes review and the schedule of proposed modifications is provided in Appendix 2.

Officers are generally supportive of the modifications because:

- it introduces simplified assessment criteria for lot boundary setbacks and retaining and site works;
- it resolves an area of concern for officers relating to previously permitted setbacks of carports and garages in low density residential areas, and retaining/fill within the street setback area;
- most modifications are minor and are not considered to have a detrimental impact on development within the Shire of York.

Officers have made comments on aspects of the proposed modifications and other sections of the R-Codes, which reflects where further clarification on the effect of the provision is needed, or additional provisions are needed to address development issues identified within the Shire of York.

The DPLH have requested submissions on the review be made using a standardised format, for which a template has been provided.

A copy of officer's submission is provided in Appendix 3, which covers matters including:

- the reduced setback for patios when compared to the setback for an eave of a dwelling;
- Reduction of permitted parapet wall height to less than 3.5m;
- Structures such as outbuildings and ancillary dwellings to be located behind a single house and limiting size of pergolas permitted within front setback areas.

Council is requested to endorse the officer's submission to the R-Codes review, as set out in Appendix 3.

## **OPTIONS**

The following options are also available to Council:

1. Endorse the submission, Appendix 1
2. Endorse the submission with modification; or
3. Not endorse the submission and make no submission.

## **IMPLICATIONS TO CONSIDER**

### **Consultative**

No consultation was undertaken in formulating the submission. The submission has been based on officer's experience with development within the Shire of York.

The R-Codes review is available online for any member of the public to make an individual submission.

### **Strategic**

The Shire of York 2018-2028 Strategic Community Plan identifies the following desired outcome:

"2.10 The scale, form and timing of development (including the release of development stages and the construction of infrastructure) is to an appropriate standard and minimises and avoids adverse effects and costs on the community and the natural and built environment"

Providing a response to the DPLH on the suitability of parcels of land identified for the possible transfer is considered consistent with the above.

### **Policy Related**

There are no other policy related implications associated with the recommendation.

### **Financial**

There are no financial implications for the Shire associated with the officer's recommendation

### **Legal and Statutory**

State Planning Policies are adopted under the *Planning and Development Act 2005*, and development is required to comply with provisions of the R-Codes under the *Planning and Development (Local Planning Schemes) Regulations 2015* and Local Planning Scheme.

### **Risk Related**

The response reduces risk by ensuring the Shire of York's comments are considered at an early stage.

**Workforce**

There are no workforce implications associated with the officer's recommendation.

**VOTING REQUIREMENTS**

**Absolute Majority: No**

**RESOLUTION  
040820**

**Moved: Cr Kevin Trent**

**Seconded: Cr Ashley Garratt**

**That the Council, with respect to review of State Planning Policy 7.3: Residential Design Codes Volume 1, endorse the Submission on behalf of the Shire of York, Appendix 3 and requests the Chief Executive Officer to inform the Department of Planning, Lands and Heritage of the Shire's comments.**

***CARRIED: 6/0***

**SY121-08/20 PROPOSED AMALGAMATION OF LOTS 6, 7, 8 & 9 (13) MAXWELL STREET, YORK**

<b>File Number:</b>	<b>MA9.31760 &amp; CCP.26</b>
<b>Author:</b>	<b>Carly Rundle, Senior Planner</b>
<b>Authoriser:</b>	<b>Darren Wallace, Executive Manager, Infrastructure &amp; Development Services</b>
<b>Previously before Council:</b>	<b>Not Applicable</b>
<b>Appendices:</b>	<b>1. Subdivision Plan</b>

**NATURE OF COUNCIL'S ROLE IN THE MATTER**

Executive.

**PURPOSE OF REPORT**

For Council to resolve to amalgamate Lots 6, 7, 8 and 9 (13) Maxwell Street, York.

**BACKGROUND**

Lots 6, 7, 8 and 9 (13) Maxwell Street, York are in the freehold ownership of the Shire of York and developed for use as a Shire Depot. The site contains various sheds and an office for staff and fronts three roads; Wyborn Street, Maxwell Street and Wheeler Street.

Whilst the land is used as one entity, it is made up of four lots Lot 6 (1425m<sup>2</sup>), Lot 7 (4800m<sup>2</sup>), Lot 8 (2857m<sup>2</sup>) and Lot 9 (3666m<sup>2</sup>). One of the existing buildings is built over a lot boundary.

The Shire is participating in the State Government initiative Container Deposit Scheme – Containers for Change, which is being run by the WA Return Recycle Renew (WARRRL), a not-for-profit company responsible for establishing the collection network and managing its day to day operation. When the scheme commences, Western Australians will be able to take their empty beverage containers to a refund point and receive 10 cents for every eligible container returned.

The Shire is organising with the WARRRL for a refund point to be established at the Shire Depot, enabling an easy location for drop-off for the community and public to be able to participate in the Scheme. The commencement date for the scheme is the 1<sup>st</sup> October 2020.

At the current time the refund point is proposed to involve a building of approximately 16m by 10m being constructed, which will provide for a one-way drive through from Maxwell Street, with drop off and sorting to occur inside the building. An after-hours drop-off point will be made available on the exterior of the building. The Shire's preferred location for the container deposit refund point building is currently sited over both lots 6 and 7.

**COMMENTS AND DETAILS**

The location of buildings/development over lot boundaries is generally not desirable.

Because the Shire Depot is used as one entity with no foreseeable change in the future and it is desirable that buildings are not located over lot boundaries officers are proposing to progress an amalgamation of Lots 6, 7, 8 and 9 (13) Maxwell Street. A site plan/amalgamation plan is provided at Appendix 1.

The Shire anticipates an unconditional subdivision approval (amalgamation) will be issued by the Department of Planning, Lands and Heritage, where a budget of \$5,000 is expected to cover associated costs.

It is recommended that Council resolve to amalgamate lots 6, 7, 8 and 9 (13) Maxwell Street, York and authorise the Chief Executive Officer to execute documents necessary for the amalgamation.

## **OPTIONS**

The following options are available to Council:

1. Resolve to support the officer's recommendation to amalgamate Lots 6, 7, 8 and 9 (13) Maxwell Street, York; or
2. Support the officer's recommendation with modification to authorisations to the CEO or similar; or
3. Not support the amalgamation.

## **IMPLICATIONS TO CONSIDER**

### **Consultative**

Consultation was undertaken with the Department of Planning, Lands and Heritage and Western Power regarding the proposed amalgamation and likely conditions of approval.

### **Strategic**

The Shire of York 2018-2028 Strategic Community Plan identifies the following desired outcome:

*"2.10 The scale, form and timing of development (including the release of development stages and the construction of infrastructure) is to an appropriate standard and minimises and avoids adverse effects and costs on the community and the natural and built environment"*

### **Policy Related**

There are no other policy related implications associated with the recommendation.

### **Financial**

The cost to amalgamate the lots is anticipated to be around \$5,000 for an unconditional approval and can be funded out of the container deposit site budget.

### **Legal and Statutory**

Any alteration of lot boundaries (amalgamation) is considered a subdivision, which requires an application to be made and approved by the DPLH in accordance with provisions of the *Planning and Development Act 2005*.

### **Risk Related**

There is a risk that a subdivision approval could be issued subject to conditions relating to servicing which may increase the cost of the amalgamation.

Should this occur, consideration will be given to the cost implications and whether the additional cost can be funded from the budget allocated to the container deposit site project. If the additional cost is not capable of being funded under the budget allocated to the project, a further report will be presented to Council to consider whether to proceed with the amalgamation.

Based on the Shire's preliminary discussions with Western Power and the DPLH, an unconditional approval is anticipated, and the risk is therefore considered low. Furthermore, the subdivision will be progressed in a staged approach, where the overall costs will be able to be confirmed and considered further once subdivision approval is issued, which at this stage will have incurred no more than \$2,500 expended towards the project

### **Workforce**

There are no workforce implications associated with the officer's recommendation.

**VOTING REQUIREMENTS**

**Absolute Majority: No**

**RESOLUTION  
050820**

**Moved: Cr Kevin Trent**

**Seconded: Cr Stephen Muhleisen**

**That Council amalgamate lots 6, 7, 8 and 9 (13) Maxwell Street, York and authorise the Chief Executive Officer to execute documents necessary for the amalgamation.**

***CARRIED: 6/0***

**SY122-08/20 MAJOR STRATEGIC REVIEW 2020 - ADOPTION OF CORPORATE BUSINESS PLAN**

**File Number:** OR.CMA.2.5  
**Author:** Joanna Bryant, Acting Manager Community  
**Authoriser:** Chris Linnell, Chief Executive Officer  
**Previously before Council:** OCM June 2020  
**Appendices:** 1. Draft CORPORATE BUSINESS PLAN 2020 - 2024

**NATURE OF COUNCIL’S ROLE IN THE MATTER**

Executive

**PURPOSE OF REPORT**

This report presents the Corporate Business Plan which is the final document for adoption as part of the Major Strategic Review 2020. **Appendix 1. Draft CORPORATE BUSINESS PLAN 2020 - 2024**

**COMMENTS AND DETAILS**

All local governments in Western Australia are required to develop a Plan for the Future to incorporate a Strategic Community Plan (SCP) and a Corporate Business Plan (CBP).

The Strategic Community Plan (SCP) provides the long-term view (10 plus year timeframe) for the Shire and sets out the vision, aspirations and objectives of the community.

The Corporate Business Plan (CBP) is responsible for translating the strategic direction of the Shire, articulated within the SCP, into specific priorities and actions at an operational level. The CBP is required to be reviewed annually in line with the budget process to ensure priorities are achievable and effectively timed.

Three major parties are involved in the development of this integrated plan: the local government administration, the Council and the community. Each party has a unique role and responsibilities for effective and sustainable integrated planning and reporting.

An independent, specialist expert was engaged to manage the Major Strategic Review 2020 and provide a robust and positive process and the following timeframe was set by the Consultant.

<b>Timeframe</b>	<b>Description</b>
November 2019	Procurement process in accordance with the Shire’s policy F1.2 Procurement.
December	Award contract and inception meeting. Council workshop.
January 2020	Community engagement plan agreed and approved by Council. Desktop research, review of current documents and planning for and promotion of community engagement opportunities
February	Community engagement and presentation of engagement report
March	First draft Strategic Community Plan and Long Term Financial Plan
April	Second draft SCP and LTFP, First Draft Corporate Business Plan
May	Community consultation on draft SCP and CBP Realignment of informing documents
June	IPR suite of documents adopted by Council.
July 2020	Public notice of adoption of Strategic Community Plan and Corporate Business Plan.

The Strategic Community Plan was presented to Council as planned at the June 2020 Ordinary Council Meeting, and it was resolved that:

*As part of the process of the Major Strategic Review, that Council:*

1. *Notes the community feedback and officer comments to the draft Strategic Community Plan (Appendix 2 and 3).*
2. *Adopts the Strategic Community Plan 2020 – 2030 (Appendix 1).*

COVID-19 was a factor affecting the Consultant's ability to deliver the suite of documents to the planned timeframe. As a result, Officers took the final preparation of the document in house.

Officers now present the Corporate Business Plan 2020 – 2024 for Council adoption. The CBP delivers on the Vision and Aspirations identified in the SCP.

The final part of the review process will include updating the Long-Term Financial Plan, the Workforce Plan and Asset Management Plans.

## **OPTIONS**

Council has the option not to adopt the Corporate Business Plan however the Shire's Integrated Planning & Reporting Framework is a primary source of guidance for the organisation and community and Council has committed to using this Framework to strengthen the linkages between community aspirations, financial capacity and practical service delivery. This framework is required by all Local Government authorities to ensure that priorities and objectives are delivered based on a community established vision for the future.

## **IMPLICATIONS TO CONSIDER**

### **Consultative**

Regulation 19C(9) of the *Local Government (Administration) Regulations 1996*, requires that the electors and ratepayers of the district are consulted during the development of a Strategic Community Plan.

### **Strategic**

*Strong and Effective Leadership*

- 5.1 Effective and Informed governance and decision-making
- 5.4 Open and accountable systems
- 5.5 A strong collective voice
- 5.6 High levels of community engagement

### **Policy Related**

G2.9 Community engagement and consultation

G4.1 Integrated Planning and Reporting (Planning)

### **Financial**

The 2020/21 adopted budget includes an allocation of \$25,000 (GL 41124 Strategic Planning) for the Major Strategic Review.

### **Legal and Statutory**

***Local Government Act 1995***

**5.56. *Planning for the future***

- (1) *A local government is to plan for the future of the district.*
- (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

*[Section 5.56 inserted by No. 49 of 2004 s. 42(6).]*

## **LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS 1996 - REG 19DA**

### **19DA. Corporate business plans, requirements for (Act s. 5.56)**

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
  - (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
  - (3) *A corporate business plan for a district is to —*
    - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
    - (b) *govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
    - (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long term financial planning.*
  - (4) *A local government is to review the current corporate business plan for its district every year.*
  - (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
  - (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.*
- \*Absolute majority required.*
- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

*[Regulation 19DA inserted: Gazette 26 Aug 2011 p. 3484-5.]*

### **Risk Related**

Having adopted the Strategic Community Plan there is very low risk associated with adopting the Corporate Business Plan, as it has been driven by aspirations identified by the community in the Strategic Community Plan.

### **Workforce**

The Shire has engaged a suitably qualified and experienced specialist to assist the Shire with its Major Strategic Review.

**VOTING REQUIREMENTS**

**Absolute Majority: Yes**

**RESOLUTION**

**060820**

**Moved: Cr Kevin Trent**

**Seconded: Cr Denis Warnick**

**That, as part of the process of the Major Strategic Review, Council:**

- 1. Adopts the Corporate Business Plan 2020 - 2024 as attached to this report.**
- 2. Permits the Chief Executive Officer to make minor formatting and word adjustments prior to public notice of the document.**
- 3. Requests the Chief Executive Officer to give public notice of the adoption in accordance with Regulation 19D of the Local Government (Administration) Regulations 1996.**

***CARRIED BY ABSOLUTE MAJORITY: 6/0***

**SY123-08/20 REVIEW OF POLICY - G2.9 COMMUNITY ENGAGEMENT AND CONSULTATION**

**File Number:** OR.CMA.4

**Author:** Natasha Brennan, Administration and Governance Coordinator

**Authoriser:** Chris Linnell, Chief Executive Officer

**Previously before Council:** 25 November 2019

**Appendices:** 1. Amended Policy - G2.9 Community Engagement and Consultation

**NATURE OF COUNCIL'S ROLE IN THE MATTER**

Legislative  
Review

**PURPOSE OF REPORT**

It is important that Council policies are kept up to date and are reviewed on a regular basis under the direction of the Chief Executive Officer. If any changes or amendments are required these are brought to Council for endorsement.

The development and management of Council policy is an ongoing process.

**BACKGROUND**

Staff have undertaken a minor review on Policy G2.9 Community Engagement and Consultation.

The amendments proposed for Council's consideration refer to submissions and how the Shire of York will deal with the privacy of personal information.

**COMMENTS AND DETAILS**

In reviewing the current policy, officers contacted numerous local governments, to obtain guidelines and standards on how each Council deals with personal information attached to submissions and petitions.

Of the Councils who responded, each had similar views on how they treat personal details as part of the submission process, for example:

- Most Councils redacted some form of personal information from submissions. In some cases, they also redacted details within the submission which could allow identification of the person making the submission.
- There may also be some instances where it is important to release some details contained as part of submissions to assist with the decision-making process.
- Some Councils have developed a separate privacy policy. Council could develop a separate policy in relation to privacy and the collection of personal information as a future option.

WALGA & the Department of Local Government do not have specific, current guidance on methods / standards for Community Consultation and Engagement and generally refer to the IAP2 framework for this purpose, which the Council has already adopted within the current policy.

Officers are recommending that the following two (2) clauses, detailing privacy requirements and group submissions, be incorporated into the existing policy.

**3.5 Privacy Requirements**

The Shire of York values the privacy of residents, customers and stakeholders. In an effort to improve transparency in decision making, when submissions are provided as part of a report (or an attachment to a report) that is presented to Council, the following will apply:

- The name of the submitter will be published, unless otherwise requested by the submitter.
- Personal information such as phone numbers, addresses, email addresses and signatures will be redacted.
- For a submission to be considered complete / valid, minimum information is required ie: name, address, date & signature must be supplied. (It is noted that emailed submissions do not always contain electronic signatures).
- When advertising for public submissions, the Shire of York will refer to these privacy requirements and advise that information may be made public in relation to submissions (as directed by this policy).

### 3.6 Group Submissions

- If a group submission is received, it will be treated as one (1) submission.  
Eg: submissions containing 25 signatures on it will be treated as 1 submission signed by 25 people.

Under Section 5.1 of the policy, an annual report will be provided to Council on the consultation and engagement activity undertaken in the previous year. This information will be included in the 2019/20 Shire of York Annual Report.

The policy does not apply to formal notification, consultation and decision notices under the *Planning and Development Act 2005*.

## OPTIONS

1. Adopt the amended Policy G2.9 Community Engagement and Consultation highlighted in Appendix 1. This will ensure the effectiveness and efficiency of the Shire's operations whilst remaining accountable to Council and acknowledging that policy review is ongoing.
2. Council could choose not to adopt the proposed amendments.

## IMPLICATIONS TO CONSIDER

### Consultative

Department of Local Government, Sport and Cultural Industries  
Western Australian Local Government Association  
LG Professional Governance Network

### 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.
- 5.4 Open and accountable systems
- 5.5 Open, smart communication between Shire and community.

**Policy Related**

CP1.5 Compliance

G2.9 Community Engagement and Consultation

G4.6 Risk Assessment and Management

**Financial**

Nil.

**Legal and Statutory***Local Government Act 1995, Part 2, Division 2 'Role of Council'***2.7. Role of council**(1) *The council —*(a) *governs 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.***Risk Related**

There is a moderate risk to the Council if it does not regularly review its Policies.

**Workforce**

Nil.

**VOTING REQUIREMENTS****Absolute Majority: Yes****RESOLUTION****070820****Moved: Cr Ashley Garratt****Seconded: Cr Kevin Trent****That Council:**

- 1. Adopts amended Policy G2.9 Community Engagement and Consultation, attached to this report;**
- 2. Authorises the Chief Executive officer to make any necessary minor typographical changes prior to publication.**

***CARRIED BY ABSOLUTE MAJORITY: 6/0***

**SY124-08/20 CHANGES TO PLAQUE ON GRANITE MONUMENT, WONGBOREL/MT BROWN**

<b>File Number:</b>	<b>OR.GEN.1</b>
<b>Author:</b>	<b>Carol Littlefair, Arts and Cultural Heritage Officer</b>
<b>Authoriser:</b>	<b>Chris Linnell, Chief Executive Officer</b>
<b>Previously before Council:</b>	<b>Not applicable</b>
<b>Appendices:</b>	<b>1. Existing Plaque Wongborel-Mt Brown 2. New wording for Plaques Wongborel- Mt Brown</b>

**NATURE OF COUNCIL'S ROLE IN THE MATTER**

Executive

**PURPOSE OF REPORT**

To inform Council of the request by local Noongar Elders to change existing plaque on granite monument on Wongborel /Mt. Brown and seek approval for proposed two new plaques.

**BACKGROUND**

In April 2020 a request was made to the Executive Manager Infrastructure and Development by local Ballardong Noongar Elder Mr Phillip Bateman, to have the sign [illustrated in Appendix 1] removed from the granite column on Wongborel/ Mt Brown. On behalf of local Ballardong residents, he objects to the sign which describes the Avon Valley as 'discovered' in 1830. There have been Indigenous people in the area for tens of thousands of years before 1830 and the present sign ignores and does not acknowledge their existence. This attitude commonly occurred in the 1960s when it is believed the plaque was installed but is not acceptable today.

On researching the details on the plaque, Officers discovered that the existing plaque is factually incorrect. The Avon Valley was not first sighted from Cave Hill [or Mt Brown, if the wording could be construed as meaning that] but from a point much further towards Northam, which is commemorated by a marker stone on the Spencers Brook Road. This incorrect information alone would be a valid reason to replace the plaque.

**COMMENTS AND DETAILS**

Officers believe the request is valid and a change should be made in good faith, especially bearing in mind that:

- A Noongar cultural heritage survey of this Reserve will be undertaken once the South West Aboriginal Land and Sea Council/Shire of York Noongar Standard Heritage Agreement is finalised.
- There is a separate sign that describes the cultural significance of the two mountains in a specific traditional story but it is poorly sited, in very poor condition and is in urgent need of replacement once the Shire's new branding has been finalised.
- In due course it is hoped that trails development with interpretation of Indigenous, natural and historic cultural heritage will be undertaken for this area, with appropriate consultation with all parties. This will be a key factor in tourism development for the Shire.
- A Shire of York Reconciliation Action Plan will be developed during 2020/21 to formally start a consultation and reconciliation process with local Ballardong Noongar residents.

Officers consider the most appropriate way to respectfully honour both Indigenous and settler heritage is to replace the existing plaque with two separate plaques, one to be placed in the existing

position and the other on the opposite side of the column. It is considered more tactful and diplomatic to separate the Noongar heritage from the story of Ensign Robert Dale, as Dale is most well-known for taking Yagan's head back to England in 1833. The suggested wording is shown as Appendix 2. This is of great importance as a goodwill gesture in the lead up to the abovementioned longer-term projects and processes.

## **OPTIONS**

1. Accept the replacement of the existing plaque with two new plaques as described in Appendix 2.
2. Not accept the replacement of the existing plaque.
3. Request further changes to the wording of plaques.

Officers are recommending option 1.

## **IMPLICATIONS TO CONSIDER**

### **Consultative**

At present there is no formal consultative group dealing with Shire of York Indigenous cultural matters. The Shire Arts and Cultural Heritage Officer undertakes consultation whenever any interpretation of, or matter of concern regarding Ballardong cultural heritage may be required. Information is circulated to a group of 20 Elders and local Noongar residents in writing by email or hand delivered letters, or by post. Records are kept of this correspondence. The consultation process, although not through a formal group, is underpinned by the United Nations Declaration on the Rights of Indigenous Peoples (2007) which includes the:

- Right to self-determination.
- Right to full and fair participation in processes, projects and activities that impact on or portray them.
- Right to control, maintain and celebrate culture, heritage and identity.

The suggested wording was circulated to the 20 Elders and residents on 10 June 2020. A meeting was held with one Ballardong Noongar resident and the Arts and Cultural Heritage Officer on 11 June 2020 to discuss aspects of concern, which were resolved at that meeting. Following feedback, the original suggested wording was slightly modified to clarify meaning.

The collective review of the final wording was a positive collaboration and a step towards strengthening the relationship between the local Ballardong Noongar people and the Shire of York in the recognition of cultural heritage.

### **Strategic**

The Shire Strategic Community Plan has one of the community's core vision elements as:

- weaving of the culture and history of the Ballardong people as an integral part of life and the future; further described within the 'Community Vision' as:
- The natural environment replenishes the soul and we embrace the culture and history of the Ballardong people as an integral part of life and the future

Within Goal 1 The Place to Be

is the Objective

- Ballardong culture is a respected and valued part of community life.

Within Goal 2 Driving the Economy Forward

Is the specific Priority 2.1 Support tourism and business development  
which details:

- Work with local Ballardong people to develop cultural tourism opportunities in partnership with Bilya Koort Boodja, the South West Land and Sea Aboriginal Council, Regional Development Australia, Wheatbelt Development Commission, and others with the objective by June 2030 that:
- Ballardong culture is respected and integrated into the town's experiences

### Policy Related

There are no Shire of York policies at present which relate to these matters. However, the following local, State and National guiding documents are adhered to in any consultation and/or interpretation of Ballardong Noongar cultural heritage:

- National Trust (WA) publication 'We're a Dreaming Country' Guidelines for Interpretation of Aboriginal Heritage (2012)
- Australia Council 'Protocols for producing Indigenous Australian Visual Arts' (2007)
- 'Continuous Cultures, Ongoing Responsibilities', Museums Australia Inc. (2005),
- 'Sharing Our Stories - Guidelines for Heritage Interpretation' (2007) The National Trust of Australia (WA) & Museums Australia (WA) in partnership with Lotterywest.
- A number of publications including 'Ballardong Noongar Budjar 'Healthy Country – Healthy People', published by Wheatbelt Natural Resource Management.

### Financial

This request has not been budgeted for in the coming 2020/21 Financial Year, however, adjustment can be made within the next FACR. It is likely to be in the region of \$2000 for brass or cast bronze.

### Legal and Statutory

N/A.

### Risk Related

There is a Medium reputational risk of alienating the Ballardong Noongar community if due consideration is not given to this request.

### Workforce

The removal and installation can be achieved as part of normal work programme for the Shire Works Dept, with administration by the Arts & Cultural Heritage Officer.

### VOTING REQUIREMENTS

**Absolute Majority: No**

#### RESOLUTION

**080820**

**Moved: Cr Denis Warnick**

**Seconded: Cr Kevin Trent**

**That, with regard to Changes to Plaque on granite monument, Wongborel/Mt Brown, Council:**

- 1. Resolves to accept the replacement of the existing plaque with two new plaques as described in Appendix 2.**

**CARRIED: 6/0**

**SY125-08/20 VOTING DELEGATES - 2020 ANNUAL GENERAL MEETING OF WALGA**

**File Number:** OR.IGR.5  
**Author:** Helen D'Arcy -Walker, Council and Executive Support Officer  
**Authoriser:** Chris Linnell, Chief Executive Officer  
**Previously before Council:** 27 May 2019  
**Appendices:** Nil

**NATURE OF COUNCIL'S ROLE IN THE MATTER**

Executive

**PURPOSE OF REPORT**

To enable the appointment of voting delegates for the Annual General Meeting for the Western Australian Local Government Association (WALGA). All Member Councils are entitled to be represented by two voting delegates.

**BACKGROUND**

The Annual General Meeting of WALGA will be held from 1.30pm on Friday, 25 September 2020. This event should be attended by delegates from all Member Local Governments.

**COMMENTS AND DETAILS**

Only registered delegates or proxy registered delegates will be permitted to exercise voting entitlements on behalf of Member Councils. Delegates may be Elected Members or serving officers.

**OPTIONS**

1. Two Delegates be appointed for the Shire of York to be represented at the Annual General Meeting of WALGA.
2. Council not to be represented at the Annual General Meeting of WALGA.

**IMPLICATIONS TO CONSIDER****Consultative**

Nil

**Strategic**

Nil

**Policy Related**

G 1.4 – Council Delegates: Roles and Responsibilities

**Financial**

Attendance at the Annual General Meeting is free of charge to all Member Local Governments, lunch is not provided.

**Legal and Statutory**

Nil

**Risk Related**

Nil

**Workforce**

The Chief Executive Officer is proposing to attend the 2020 Political Forum presented by WALGA to be held prior to the Annual General Meeting.

**VOTING REQUIREMENTS****Absolute Majority: No****RESOLUTION****090820****Moved: Cr Ashley Garratt****Seconded: Cr Pam Heaton**

**That Council appoints the following two delegates to vote on behalf of the Shire of York at the Annual General Meeting for the Western Australian Local Government Association (WALGA).**

- **Cr Denese Smythe**
- **Cr Kevin Trent**

***CARRIED: 6/0***

**SY126-08/20 TRAINING UNDERTAKEN BY ELECTED MEMBERS IN THE FINANCIAL YEAR 1 JULY 2019 - 30 JUNE 2020**

**File Number:** OR.CLR.2

**Author:** Helen D'Arcy -Walker, Council and Executive Support Officer

**Authoriser:** Chris Linnell, Chief Executive Officer

**Previously before Council:** Nil

**Appendices:** 1. Councillor Training

**NATURE OF COUNCIL'S ROLE IN THE MATTER**

Review

**PURPOSE OF REPORT**

The intent for this report is for the Local Government to report back to the community on what training Councillors have undertaken in the financial year 1 July 2019 to 30 June 2020.

**BACKGROUND**

With the introduction of new provisions contained within the *Local Government Legislation Amendment Act 2019*, Local Governments must prepare a report for each financial year on the training completed by elected members in that financial year.

Section 5.127 of the Act states the following:

*5.127. Report on training*

- (1) *A local government must prepare a report for each financial year on the training completed by council members in the financial year.*
- (2) *The CEO must publish the report on the local government's official website within 1 month after the end of the financial year to which the report relates.*

**COMMENTS AND DETAILS**

All local governments will be undertaking their first reports since the new provisions contained within the *Local Government Legislation Amendment Act 2019* came into effect.

The four (4) Councillors elected at the October 2019 election were the first to be required to undertake the compulsory 'Council Member Essential' training. These five modules are required to be completed within 12 months of the election. The final course 'Understanding Financial Reports and Budgets' is scheduled to be held on-line during August 2020.

**OPTIONS**

1. Councillors can reject the report
2. Councillors can accept the report

**IMPLICATIONS TO CONSIDER****Consultative**

Local Government Professionals Australia WA

WALGA

**Strategic**

Nil

**Policy Related**

G 1.2 – Councillors: Professional Development

**Financial**

In accordance with Policy G 1.2 – Councillors: Professional Development and as part of the annual budget process, an allocation of \$3,000 per Councillor will be made for professional development during that financial year. In the event training costs exceed the individual Councillor's budget, these costs will be borne by the individual Councillor.

**Legal and Statutory**

Nil

**Risk Related**

Nil

**Workforce**

Nil

**VOTING REQUIREMENTS****Absolute Majority: No****RESOLUTION  
100820****Moved: Cr Kevin Trent****Seconded: Cr Ashley Garratt****That, with regard to the annual elected member training requirements, Council:**

- 1. Receives the training schedule as detailed in Appendix 1 and request the CEO to publish the report on the Shire's website.**

**CARRIED: 6/0**

Note: Cr Warnick is not required to have completed the 'Council Member Essential Training' at this time as he was not elected/re-elected at the October 2019 Election.

**SY127-08/20 REQUEST FOR FUNDING - YORK CHRISTMAS FESTIVAL**

**File Number:** FI.DON

**Author:** Esmeralda Harmer, Events and Economic Development Officer

**Authoriser:** Chris Linnell, Chief Executive Officer

**Previously before Council:** Not Applicable

**Appendices:**

1. 2019 Christmas Festival Acquittal
2. Letter of Request - York Christmas Festival Inc

**NATURE OF COUNCIL’S ROLE IN THE MATTER**

Executive

**PURPOSE OF REPORT**

This report presents a request received from the Christmas Festival Inc for sponsorship to support the 2020 Christmas Festival.

**BACKGROUND**

The York Christmas Festival, formerly known as the York Christmas Children’s Party, is held annually in December for the York community. The event is valued by the community and has gradually increased in popularity over time to attract visitors and regional families to attend.

The Christmas Festival Inc is a not-for-profit organisation consisting of several volunteers and local organisations who support and deliver the event. Historically, Council has provided a mixture of in kind and cash sponsorship to the group including waiver of park hire, traffic management assistance, additional rubbish bins and amenity cleaning and in recent years cash sponsorship of \$12,000 through its Community Funding; Grants & Sponsorship round.

In May 2019, Council considered item SY066-05/19 Community Funding Applications where Council resolved:

*That Council:*

1. Approves the following funding requests as cash contributions as part of the 2019/20 financial year:

York Veteran Car Club	\$6,000
York True Country Scooters	\$500
Talbot Brook Community Group	\$948
York Christmas Festival	\$12,000
York Friendship Club	\$5,000
Triumph Riders Group	\$1,500
York Boot Scooters	\$1,500
Wheatbelt Endurance Riders	\$1,000

2. Notes all activities funded will be delivered after July 1, 2019;
3. Requests the Chief Executive Officer to negotiate the terms of the cash & in-kind balances with applicants where required.

In April 2020 the COVID-19 pandemic impacted the Shire’s ability to open the April funding round for application. Event organisers were uncertain when restrictions regarding mass gatherings and events would be lifted and this has affected programming of events during this period of time.

The Christmas Festival has sought funding assistance to deliver the Christmas Festival event in December. The next round of Community Funding opens in September and would not allow adequate planning time should the group wait until the next round of funding offered. The Christmas Festival committee is requesting Council to consider funding for the event outside the usual funding round application period.

## COMMENTS AND DETAILS

The Christmas Festival is seeking \$12,750 in cash sponsorship to support the delivery of the event. The 2019 York Christmas Festival Acquittal is attached as **Appendix 1** to this report detailing how the funds supported for the 2019 event were spent.

A letter of funding request for the 2020 Christmas Festival is included as **Appendix 2** for Council's consideration.

This funding requested could be considered from GL132150 Festivals Assistance which has an available budget of \$12,000 to support the event. The additional \$750 could be sourced from GL132145 Area Promotion which has an available budget to support area promotional activities such as a Residential Lights Competition as detailed in the request attached as **Appendix 2**.

The 2020 Christmas Festival program of events is proposed to include:

- Turning on the lights of the Community Christmas Tree, historically located at the Courthouse alcove.
- A number of free family friendly activities located in the park for community enjoyment.
- Avon Terrace from South Street to McCartney Street road closures to allow footfall traffic only along the main street.
- Stallholders and local business late night trading along Avon Terrace.

In addition to the event, the Christmas Festival Inc has traditionally run the residential lights competition with the Shire delivering the Best Decorated Business Competition. Nominations are open in November encouraging residents to decorate their property with Christmas lights and submit a nomination for judging inclusion.

In 2019 the residential lights competition winners were drawn at the Christmas Festival held on the first Saturday of December. There has been some conjecture that drawing the residential lights competition winners early in December limits opportunity for residents to decorate their homes and nominate their properties prior to the judging and finalist presentations.

Officers propose that the finalists of both the Residential and Business light competitions be drawn at Council's December Ordinary Meeting. This could allow additional time and opportunity for businesses and residents to enter the competitions and decorate their respective businesses/properties.

Further to this, Officers propose the Best Decorated Business Competition be facilitated by the newly developed York Business Association (YBA). The YBA represents local business operators and could be a good fit to increase business engagement in the competition.

The Christmas Festival is a popular community driven event and its successful history has made it popular with families and community members. Officers support the proposal received and believe the event aligns well with the Shire's COVID-19 response strategy aims to reconnect the community in civic life following post COVID restrictions and cancellation of other 2020 annual events.

## OPTIONS

1. Council fund the York Christmas Festival the amount of \$12,750 as a cash contribution from GL132150 Festivals Assistance to support the 2020 York Christmas Festival.

2. Council could choose not to fund the event. Officers are not recommending this option in consideration of its adopted COVID response strategy and its aims to support the community to re-engage in civic life.
3. Could choose to support the event for a lesser or higher amount than recommended. This approach would require further investigation into budgets available to consider the differing amount proposed.

Officers are recommending option 1.

## **IMPLICATIONS TO CONSIDER**

### **Consultative**

Should Council support the request received, further consultation to include a public notice of road closure for community and business awareness will be prepared and advertised at least 21 days prior to the event occurring.

The Christmas Festival will still need to provide an event application and be assessed in accordance with the events approvals process to include how consultation with local businesses regarding the road closures will be undertaken.

### **Strategic**

Strategic Community Plan 2020 – 2030

*Priorities;*

- *Supporting community – led development*
- *Engage children and young people in their place and future*

### **Policy Related**

C1.3 Community Funding; Grants & Sponsorship Policy

Clause 3.1 *The Council will consider applications made under the following general headings for projects which:*

- *encourage general involvement in local activities including sport.*
- *assist a community group to expand their ability to provide support for community and individual health and wellbeing.*
- *events which have been developed for local community enjoyment. Note: these are events not developed to leverage tourism or economic development benefit but having more of a purely community enjoyment focus*

### **Financial**

This request can be considered under the Shire's adopted COVID response strategy from GL132150 Festivals Assistance which has an available budget of \$12,000 to support recovery events such as the 2020 Christmas Festival. The remaining amount of \$750 can be sourced from GL132145 Area Promotion.

### **Legal and Statutory**

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

### **Risk Related**

Should Council decide not to support the officer recommendation, there is a potential reputational risk to the Shire and its strategic intentions to be a place which assists events which have been developed for local community enjoyment. Officers rate this risk as low due to the number of events and ongoing support the Shire provides to its community.

**Workforce**

This request can be managed in house utilising existing resources.

**VOTING REQUIREMENTS**

**Absolute Majority: No**

**RESOLUTION  
110820**

**Moved: Cr Kevin Trent**

**Seconded: Cr Pam Heaton**

**That Council;**

- 1. Receives the 2019 Christmas Festival Acquittal as attached as Appendix 1 to this report.**
- 2. Approves a cash sponsorship of \$12,750 (ex GST) to support the delivery of the 2020 Christmas Festival as detailed in this report.**
- 3. Requests the applicant to provide an acquittal in accordance with the C1.3 Community Funding Policy, within three months of the event taking place.**

***CARRIED: 6/0***

**SY128-08/20 REQUEST FOR FUNDING - WESTCYCLE**

<b>File Number:</b>	<b>FI.DON</b>
<b>Author:</b>	<b>Esmeralda Harmer, Events and Economic Development Officer</b>
<b>Authoriser:</b>	<b>Chris Linnell, Chief Executive Officer</b>
<b>Previously before Council:</b>	<b>Not Applicable</b>
<b>Appendices:</b>	<b>1. Festival of Cycling Acquittal 2. Westcycle Request for Funding</b>

**NATURE OF COUNCIL'S ROLE IN THE MATTER**

Executive

**PURPOSE OF REPORT**

This report presents Council with the 2019 Festival of Cycling Acquittal and West Cycle's request to support a smaller scale event in September 2020.

**BACKGROUND**

In March 2019, Council considered Item SY030-03/19 2019 Festival of Cycling Proposal where Council resolved;

*That Council*

- 1. Receives the acquittal document for the 2018 Festival of Cycling as presented by WestCycle and its associated event partners*
- 2. Approves the 2019 Festival of Cycling which includes the following events and activities;*
  - a. WA Gravity Endurance event on Sunday 9 June 2019*
  - b. Perth Mountain Bike event on Sunday 7 July 2019*
  - c. Festival of Cycling on Saturday 24 & Sunday 25 August 2019*

*Subject to the following to be addressed as route and road closure details are finalised prior to the issue of the final event approvals:*

- (i) The impact of road closures on businesses is minimised as much as possible*
- (ii) No parts of the event occur on the steps and paths descending from the summit of Mt Brown*
- (iii) The use of Mongers Reserve is not exclusive and therefore does not restrict the use of the location as a dog exercise area.*

*3. Approves a maximum of \$5,000 as a cash contribution from GL132150 Festivals Assistance to WA Gravity Enduro and WestCycle to assist deliver the elements of the Cyclocross event and WA Gravity Enduro event as detailed in this report.*

*4. Approves an amount of \$15,000 as a cash contribution to support the 2019 Festival of Cycling on Saturday 24 & Sunday 25 August 2019 and requests the Chief Executive Officer to include this allocation in the draft 2019/20 financial year budget process.*

Since this time the 2019 Acquittal has been received for the event and is included at **Appendix 1** for Council's review. In debrief discussions with Westcycle it was noted that road race disciplines worked well for York, however the criterium racing could require further development to improve business engagement and visitor attraction of these events.

## COMMENTS AND DETAILS

In March 2020, Officers began preliminary conversations with Westcycle to discuss plans for the 2020 Festival of Cycling to help determine budgeting processes for the 20/21 financial year. Shortly after this time the coronavirus was declared a pandemic, and Westcycle postponed all events until COVID-19 restrictions were eased.

In late July Westcycle contacted the Shire to seek approval and financial assistance to deliver two (2) road race events in September of this year. Both these events have previously been included in the Festival of Cycling event weekend and received favourably.

A formal request for assistance is attached as **Appendix 2** for Council's consideration.

Event details proposed including officer comments are outlined below;

- Hosting one "recreational" road racing event titled the "Canola Classic", Sunday 13 September on Knotts Road, Talbot Road, Talbot Road West and Qualen West Road. There are two competition options for riders being a 52km and 93km route
- Hosting the State Masters and Open Road Championships on the same day (Sunday 13 September) and race route as the Canola Classic. The road championships brings the best riders across the state to compete against each other for state selection as opposed to the recreational Canola Classic.
- Westcycle is requesting approval to use the Recreation Centre as a rider village for rider parking, registration, briefings and warm up prior to the racing commencing. Westcycle are requesting the Recreation centre as a rider village in an effort to avoid congestion and road closures anticipated on the day due to the York Motor Show event occurring in the town CBD.

Officers agree the location proposed minimises anticipated congestion within the CBD and does provide closer proximity to the Knotts road starting point for competitors. Officers also propose that Westcycle indicate within their risk management plan, appropriate risk controls they will be implemented to manage competitor safety and the number of vehicles expected to visit York on the day.

- Westcycle are requesting a cash contribution of \$5,000 from the Shire to support traffic management planning and delivery for the event. Council could consider this request from GL132150 Festivals Assistance which includes a budget allocation for the 2020 Festival of Cycling event.
- Roads under traffic management control. Roads are not proposed to be closed for the event/s to occur however will have traffic marshals stopping vehicles if riders are approaching. Appropriate traffic management plans and event approvals processes will still be required to formalise the request should Council support the event proposed.

Officers acknowledge the event is proposed to occur on a particularly busy weekend for York and have suggested to Westcycle to consider Saturday of this weekend as an alternative date. Westcycle believe moving the cycle event to a Saturday would impact competitor numbers and not attract the high competitor numbers anticipated. Officers believe the risk associated with hosting multiple same day events could be managed through early consultation with other event organisers and appropriate risk control processes.

In previous years, the Canola Classic has proved popular with recreational riders and attracts approx. 150 competitors. Although the State Masters isn't likely to attract high competitor numbers (estimated at 50-70), it does profile York as a cycle sport destination for the elite cyclist's market. With metropolitan roads becoming increasingly busy, York is positioned well to continue to attract elite cyclists to train and compete for state, national and international events within proximity to Perth and its metropolitan area.

Maintaining an ongoing relationship with Westcycle is seen as important in ensuring advocacy of York as a cycling destination and access points with the wider cycling community engagement continues.

Westcycle are requesting cash sponsorship of \$5,000 to enable the Canola Classic and State Championships to occur in York. Considering the success of these event disciplines in previous years and increased attraction York has received from the recreational riding community, Officers are recommending the financial support for this event be considered favourably.

## **OPTIONS**

Council could;

1. Choose not to support the event in consideration of its existing financial contribution to the Motor Show event occurring on the same weekend. Officers are not recommending this option as it does not give equal consideration to Westcycle or the reputational risk to the relationship built between the Shire and Westcycle over the past three years.
2. Choose to support the event subject to the event occurring on a different weekend. Officers believe this option would require further investigation and potentially further financial support.
3. Choose to support the request for cash sponsorship received as detailed in this report.

Officers are recommending Option 3

## **IMPLICATIONS TO CONSIDER**

### **Consultative**

Should Council approve the request received and in accordance with Council's *C1.5 Public Events in York Policy*, Westcycle will be required to undertake further consultation with York Motor Show organisers and provide a public notification of the roads intended to be under traffic control for the event.

### **Strategic**

*Strategic Community Plan 2020 – 2030;*

*Goal 2: Driving the York Economy Forward*

*Priorities: 2.1; Support tourism and business development*

### **Policy Related**

*C1.5 Public Events in York*

*C1.3 Community Funding; Grants & Sponsorship*

### **Financial**

The request for sponsorship of \$5,000 could be considered from GL132150 Festivals Assistance which has available funds to consider the request received.

Acquittal documentation in accordance with the Shire's C1.3 Community Funding; Grants & Sponsorship Policy will also be required should Council support the funding request received.

### **Legal and Statutory**

The event will be assessed against any statutory policies and legislations as part of the approvals process.



**Disclosure of Interest – Cr Trent – Impartial – I am a member of the Veteran Car Club**

Cr Trent read the Impartiality Declaration - ... With regard to request for funding for Avon Valley Motor Museum the matter in Item SY129-08/20. I disclose that I have an association with the applicant (or person seeking a decision). The association I am a member of the Veteran Car Club. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.

**SY129-08/20 REQUEST FOR FUNDING - AVON VALLEY MOTOR MUSEUM**

<b>File Number:</b>	<b>FI.DON</b>
<b>Author:</b>	<b>Esmeralda Harmer, Events and Economic Development Officer</b>
<b>Authoriser:</b>	<b>Chris Linnell, Chief Executive Officer</b>
<b>Previously before Council:</b>	<b>SY063-06/17</b>
<b>Appendices:</b>	<b>1. 2019 AVMMA Financial Acquittal 2. Letter of Request to Extend Funding Agreement</b>

**NATURE OF COUNCIL'S ROLE IN THE MATTER**

Executive

**PURPOSE OF REPORT**

This report presents Council with the acquittal from the final year of the three year funding agreement between the Shire of York and Avon Valley Motor Museum Association (AVMMA).

This report also requests Council consider AVMMA's letter of request to extend financial support to include funding in the 2020/21 financial year.

**BACKGROUND**

The Avon Valley Motor Museum Association (AVMMA) is an incorporated not for profit entity formed to assist purchase the York Motor Museum and manage its operations. The York Motor Museum is financed through a mixture of grant funds and ticketed entry and managed by a board of volunteers and community members.

AVMMA wrote to the Shire in 2017 requesting a multiyear agreement with the Shire to assist support the Motor Museum operations. At Council's June 2017 Ordinary Council Meeting, Council considered item SY063-06/17 – *Avon Valley Motor Museum Association – Potential Three-Year Funding Agreement* where Council resolved;

*That Council:*

- 1. Agrees in principle to provide \$18,000 per annum to the Avon Valley Motor Museum Association for three years commencing in the 2017/18 financial year subject to the following conditions:
  - a. A detailed Business Plan being prepared which includes marketing strategies, management model, financial budgets and initiatives all of which lead to improved visitor numbers and experiences.*
  - b. Details on annual reporting obligations which are expected to include annual financial acquittals and visitor numbers.*
  - c. The development of a Collection Policy and an Interpretation Plan.**
- 2. Requests the Chief Executive Officer to negotiate a funding agreement between Avon Valley Motor Museum Association and the Shire to this effect for Council's consideration*
- 3. Requests the Chief Executive Officer to investigate options for funding this contribution and present this for Council consideration when considering the Funding Agreement."*

AVMMA have provided audited financial statements annually to the Shire however the business plan and collections policy have only been recently received for review and considered draft documents.

Officers have attached as **Appendix 1** to this report the recent 2019 audited financial statement received from AVMMA for Council's review. Further to this Officers note the final year of funding was the 2019/20 financial year and last payment made to AVMMA under this agreement was in January of this year.

## COMMENTS AND DETAILS

In May, Officers received a letter from AVMMA outlining their intention to become a sustainable entity following the conclusion of the multiyear agreement in the 2019/20 financial year, however the impacts of the COVID-19 pandemic on the Museum have made this difficult to achieve.

The letter includes a request to extend the funding agreement into the 2020/21 financial year and seeks a further \$18,000 in funding to support Museum operations. Officers have attached the letter received as **Appendix 2** for Councils consideration.

Officers consider the York Motor Museum to be a key attraction adding to the tourism experience in York and believe the efforts being made by the AVMMA to operate the museum in these difficult times are commendable.

However, there are a number of conditions Officers would like to see further explored if a further year of funding is provided to ensure that details provided are similar to what is requested other multiyear agreements held between the Shire and event organisations or entities. These include:

- Detailed Business Plans that include marketing strategies, budgets, management models and/or initiatives; all of which lead to the improved visitor numbers and experiences.
- Details on annual reporting obligations which are expected to include financial acquittals and numbers of visitors either per year or quarter.

Furthermore, Officers consider the long-term sustainability of the York Motor Museum is directly linked to the retention, interpretation, management and development of the collection. Given the importance of this not only for the financial sustainability of the museum but also as an attraction for the town, Officers are also recommending that the extended funding be subject to:

- the development and implementation of a Collection Policy and an Interpretation Plan. This will ensure guidelines are in place surrounding the acquiring, interpretation and management of the collection as is common place in most museum operations.

A Collection and Interpretation Plan could also assist the Museum to attract new revenue streams such as aligning to the school curricular, TAFE incursions and standardises how objects are acquired and/or loaned.

Officers understand most of the collection is owned by Peter Briggs. Although the AVMMA has advised there is a verbal agreement for use of the collection there is no formal agreement for this continuing into the future. Officers also understand that AVMMA is in discussions with WA Museum to explore agreements to display cars.

It would be expected that the Collection Policy and Interpretation Plan detail any formal agreements that exist or are planned to be developed over the life of the agreement with external institutions to secure and build upon the collection.

The ongoing nature of the York Motor Museum is a major heritage tourism drawcard and is listed in the Cultural Heritage Interpretation Master Plan as a major attraction for the town.

On this basis Officers are recommending Council supports the request and asks the Chief Executive Officer to prepare a one-year funding agreement between the AVMMA and the Shire which incorporates the conditions detailed in this report.

**IMPLICATIONS TO CONSIDER****OPTIONS**

1. Council could choose not to provide further funding support to AVMMA. Officers are not recommending this option in consideration of its adopted COVID response strategy and its aims to support the community to re-engage in civic life.
2. Council could choose to support the event for a lesser or higher amount than recommended. This approach would require further investigation into budgets available to consider the differing amount proposed.
3. Council could approve the funding requested subject to AVMMA developing and implementing a Collection Policy and Interpretation Plan.

Officers are recommending option 3

**Consultative**

Consultation on the development of this report has only been between the Shire and representatives from AVMMA at this stage.

**Strategic**

Strategic Community Plan 2020-2030

Priorities;

- Support Community led development

**Policy Related**

C1.3 Community Funding; Grants & Sponsorship

**Financial**

In previous years Council has provided support of the multiyear funding agreement from GL138150 Economic Development Projects, however Council does not have an allocation in this budget to consider this request.

Under the COVID Recovery Strategy, GL132150 Festivals Assistance has provision to support this request utilising funds allocated to support COVID recovery events and initiatives. Officers acknowledge however that funding the request from this budget will impact Councils ability to fund other events and activities, including available budgets for the next Community Funding round due to open for application in October.

Acquittal documentation and reporting as in previous years will still be required.

**Legal and Statutory**

The agreement template used is consistent with existing multiyear funding agreements.

**Risk Related**

The support provided of this nature represents a relatively low risk to the Shire and Officers believe adequate controls are in place to manage the inherent risks noted. The main risk is that the association folds or the York Motor Museum closes due to the impacts and ongoing uncertainty of the COVID-19 pandemic.

In an attempt to mitigate this, Officers have encouraged AVMMA to prepare a collection policy and interpretation plan to ensure the collection remains consistent with contemporary practices and aligns to visitor expectations.

The Shire have also requested annual reporting and audited financial statements. Analysis of these will enable the Shire to identify any issues regarding governance and financial sustainability and raise any issues with AVMMA.

Officers consider the requirement for audited financial statements is commensurate with the importance of the Motor Museum to York from a tourism perspective and the implications its closure would have on businesses and the main street.

However, Council needs to be aware that it could allocate these funds and the association could close regardless or the AVMMA could come back to Council seeking further operating subsidy.

### **Workforce**

The agreement will need to be engrossed by the Chief Executive Officer and Shire President and can be managed in house utilising existing resources.

### **VOTING REQUIREMENTS**

**Absolute Majority: No**

#### **RESOLUTION**

**130820**

**Moved: Cr Stephen Muhleisen**

**Seconded: Cr Ashley Garratt**

**That Council**

- 1. Receives the 2019 AVMMA Acquittal and audited financial statements as attached to this report**
- 2. Agrees to a further one-year funding agreement between the Shire of York and Avon Valley Motor Museum Association**
- 3. Approves cash sponsorship funding of \$18,000 from GL132150 Festivals Assistance subject to;**
  - Reival of a detailed Business Plan that includes marketing strategies, budgets, management models, initiatives all of which lead to the improved visitor numbers and experiences.**
  - Reival of financial acquittals and numbers of visitors for the 2020/21 financial year**
  - the development and implementation of a Collection Policy and an Interpretation Plan**
- 4. Authorises the Shire President and Chief Executive Officer to engross the agreement on behalf of the Shire of York**

***CARRIED: 6/0***

**SY130-08/20 DEED OF VARIATION - LOCAL GOVERNMENT HOUSE TRUST**

<b>File Number:</b>	<b>OR.IGR.5, LE.CNT</b>
<b>Author:</b>	<b>Tabitha Bateman, Finance Manager</b>
<b>Authoriser:</b>	<b>Chris Linnell, Chief Executive Officer</b>
<b>Previously before Council:</b>	<b>Not Applicable</b>
<b>Appendices:</b>	<b>1. Deed of Variation 2020 - Local Government House Trust - Confidential</b> <b>2. Deed of Trust 2002 - Local Government House Trust - Confidential</b>

**NATURE OF COUNCIL'S ROLE IN THE MATTER**

Executive

**PURPOSE OF REPORT**

This report presents the proposed Deed of Variation to the Trust Deed for the Local Government House Trust for Council's consideration and endorsement.

**BACKGROUND**

The Local Government House Trust (the Trust) is a unit trust created for the purpose of providing building accommodation for WALGA.

The Trust's Board of Management is seeking a Variation to the Trust Deed in order to assist the Trust's income tax exempt status. As stipulated by the Deed, the Trust requires consent of at least 75 percent of all beneficiaries in order to execute the Deed of Variation.

The Shire of York is a unit holder and beneficiary to the Trust and as a beneficiary, is requested to consent to the proposed Deed of Variation by a resolution of Council.

The current Trust Deed (as shown in confidential attachment 2 of this report) commenced in 1993 and was amended in 2002 to reflect the merger of the metropolitan and country associations into WALGA. The current Trust Deed pronounces WALGA as Trustee and unit holders as Beneficiaries, with the Trustee holding property and associated monies "upon Trust" and in proportion to the units provided.

The Trust is exempt from income tax on the basis of being a State/Territory Body (STB) pursuant to Division 1AB of the *Income Tax Assessment Act 1936*.

**COMMENTS AND DETAILS**

The Western Australian Local Government Association (WALGA) has formally written to the Shire of York seeking consent to a variation to the Trust Deed for the Local Government House Trust.

The proposed Deed of Variation is presented to Council for consideration and is recommended that the Council consent to the proposed variation as shown in confidential Attachment 1 of this report. These minor variations are intended to strengthen WALGA's position as an income tax exempt Trust by reinforcing its position as a State/Territory Body.

The Chief Executive Officer of WALGA, Nick Sloan, has provided the following advice in relation to the proposed variation to the Trust Deed;

“Trust Deed amendments set out in the Deed of Variation are based on legal advice and are intended to assist the Trust’s income tax exempt status by strengthening the position that the Trust is a State/Territory Body (STB).

Legal advice identified that the Trustee’s ability to retire and appoint a new Trustee might affect the Trust’s classification as a State or Territory Body (STB). This view, while based upon highly technical grounds, is a risk, nonetheless.

Subsequently, the Deed of Variation aims to strengthen the position that the Trust is a STB through the following amendments:

1. removing the existing Trustee’s power to retire and appoint a new Trustee (Clause 2.1 and 2.2 (22.3) of the Deed of Variation)
2. enabling the beneficiaries to appoint and remove a Trustee (Clause 2.2 (22.4) of the Deed of Variation), and
3. ensuring that the Board of Management is the ‘governing body’ of the Trust (Clause 2.3 of the Deed of Variation)

The three proposed amendments when applied to the relevant clauses inserted by the Deed of Variation dated 5 June 2002 will subsequently read as follows;

1. Variation 2.1 amends clause 22.1 to point to additional clause:

22.1 Any Trustee of the Trust may retire as Trustee of the Trust. ~~The~~ Subject to clause 22.3, the right to appoint any new or additional trustee or trustees of the Trust is hereby vested in the retiring or continuing trustee. A corporation or incorporated association may be appointed as Trustee of the Trust.

2. Variation 2.2 inserts two new clauses:

22.3 The retiring or continuing trustee shall only be entitled to appoint any new or additional trustee of the Trust with the consent of not less than 75% of the Beneficiaries.

22.4 The Beneficiaries may at any time by Special Resolution:

- (a) remove a Trustee from the office as Trustee of the Trust; and
- (b) appoint such new or additional Trustee.

3. Variation 2.3 insert a new clause 13A

13A Delegation to the Board of Management

Unless the Beneficiaries otherwise direct (such direction to be given by not less than 75% of the Beneficiaries), the Trustees shall delegate all of the powers, authorities and discretions contained in subclauses (a) to (x) of clause 12 to the Board of Management. The Trustees shall, at the direction of the Board of Management, do such things as may be necessary to give effect to the exercise of a power, authority or discretion by the Board of Management.”

The first two amendments outlined above remove powers granted to the Trustee in the 2002 Deed Variation resulting from the merger to a single Association representing WA Local Governments. These amendments which previously facilitated the transfer of trusteeship to the then new Western Australian Local Government Association are removed, but with the clarification that any appointment must be with the consent of the beneficiaries.

The final amendment intends to confirm that power rests with the Board of Management. As the Board of Management comprises Local Governments, this satisfies the requirements of a STB for

tax purposes. This amendment reflects the actual operation of the Trustee in implementing the decisions of the Board of Management whilst retaining sufficient operational discretion to place and renew investments and pay suppliers.

These amendments provide greater power to beneficiaries through the Board of Management, and as such it is anticipated they will be considered acceptable.

## **OPTIONS**

Council has the option to agree or not agree, however the reason for the changes are based on legal advice and are intended to assist the Trust's income tax exempt status by strengthening the position that the Trust is a State/Territory Body (STB). Council could decide not to consent to the deed of variation, however the variation can only proceed if 75 per cent of the beneficiaries consent.

## **IMPLICATIONS TO CONSIDER**

### **Consultative**

WALGA

### **Strategic**

There are no strategic implications resulting from the recommendation of this report

### **Financial**

There are no financial implications resulting from the recommendation of this report.

### **Legal and Statutory**

Not Applicable

### **Risk Related**

Officers have considered the proposed amendments to the Trust Deed and do not believe the variation will have any impact or pose any risk to the Shire and therefore have recommended that Council consent the proposed Deed of Variation as shown in Attachment 1.

### **Workforce**

Not Applicable

## **VOTING REQUIREMENTS**

**Absolute Majority: No**

### **RESOLUTION 140820**

**Moved: Cr Kevin Trent**

**Seconded: Cr Ashley Garratt**

**That Council consent to the proposed amendments as outlined in Confidential Appendix 1 "Deed of Variation 2020 - Local Government House Trust" as attached to this report.**

***CARRIED: 6/0***

**SY131-08/20 FINANCIAL REPORT FOR JULY 2020**

<b>File Number:</b>	<b>FI.FRP</b>
<b>Author:</b>	<b>Tabitha Bateman, Finance Manager</b>
<b>Authoriser:</b>	<b>Chris Linnell, Chief Executive Officer</b>
<b>Previously before Council:</b>	<b>Not Applicable</b>
<b>Appendices:</b>	<b>1. Monthly Financial Statements - July 2020</b> <b>2. Creditors Payments Listing - July 2020</b> <b>3. Business Card Summary and Statement - June 2020</b>

**NATURE OF COUNCIL'S ROLE IN THE MATTER**

- Legislative
- Review

**PURPOSE OF 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 2019/20 figures reflected in the following reports are an estimate of the end of year position only and are subject to audit adjustments for the 2019/20 Annual Financial Report.

**COMMENTS AND DETAILS**

The Financial Report for the period ending 31 July 2020 is presented for Council's consideration and includes the following;

- Monthly Statements for the period ended 31 July 2020
- List of Creditor Payments
- Business Card Statement and Transaction Summary

The following information provides balances for key financial areas for the Shire of York's financial position as at 31 July 2020;

**Outstanding Rates and Services**

The total outstanding rates balance at the end of July was \$7,949,123. The 2020/21 budget was adopted by Council on 14 July 2020 and rates were raised during July. The first due date for payment is 14 September 2020.

Current Year	Properties	31/07/2020	%	Properties	31/07/2019	%
3 years and over	90	\$ 524,515.20	7%	99	\$ 557,598.31	8%
2 years and over	113	\$ 226,528.62	3%	117	\$ 220,075.50	3%
1 year and over	496	\$ 419,090.43	5%	447	\$ 390,964.13	5%
<b>Total Prior Years outstanding</b>		<u>\$ 1,170,134.25</u>	15%		<u>\$ 1,168,637.94</u>	16%
Current Rates	2658	<u>\$ 6,778,989.06</u>	85%	2436	<u>\$ 6,208,526.50</u>	84%
<b>Total Rates Outstanding</b>		<u><b>\$ 7,949,123.31</b></u>			<u><b>\$ 7,377,164.44</b></u>	

In addition to the impacts of COVID-19, the significant variance between years may be due to the timing of issuing the rates notices. For the 2019/20 financial year, rates notices were issued in July and as a result, the Shire receipted over \$220,000 in rates last July. Rates notices were issued in August for the 2020/21 financial year. The total rates payments receipted as at 31 July 2020 was \$33,834.

Considering the additional financial difficulties experienced in the community as a result of COVID-19, the above results are not unexpected. Officers continue to administer payment arrangements outside of the ordinary payment options which can be requested and are presented to Council from time to time. Post-COVID-19, it is anticipated that debt collection will resume to attend to overdue balances.

#### COVID-19 Response Update – rates payment incentives and local stimulus

Council acknowledges the difficult times the community has experienced as a result of COVID-19. Consequently, Council allocated funds within the 2020/21 annual budget to provide economic stimulus via the rates payment incentive scheme as follows;

- All ratepayers who pay current and outstanding rates in full on or before 14 September 2020 to qualify for the 1.5% discount applicable to the rates component only, and;
- All ratepayers who pay current and outstanding rates in full on or before 14 September 2020 to qualify for \$50 York Dollars.
- All ratepayers who pay the first instalment including any arrears in full on or before 14 September 2020 to qualify for \$20 York Dollars

Discounts applied to date - \$6,416

York Dollars issued to date – no vouchers were issued prior to 31 July 2020

Hardship Policy applications received to date – 0

#### Outstanding Sundry Debtors

Total outstanding sundry debtors as at 31 July 2020 were \$424,699 compared to \$509,216 as at 30 June 2020. Included in these balances, is the funding for the completed Skate Park project of \$350,000 which officers expect will be paid in August 2020.

Current Year	31/07/2020	%	31/07/2019	%
90 days and over	\$223,177.75	53%	\$18,267.73	9%
60 days and over	\$2,059.27	0%	\$270.10	0%
30 days and over	\$30,745.93	7%	\$171,279.97	86%
Current	<u>\$168,715.75</u>	40%	<u>\$9,510.95</u>	5%
<b>Total Debtors Outstanding</b>	<u><b>\$424,698.70</b></u>		<u><b>\$199,328.75</b></u>	

**OPTIONS**

Not applicable.

**IMPLICATIONS TO CONSIDER****Consultative**

Not applicable.

**Strategic**

Theme 5: Strong and Effective Leadership

5.1 Effective and informed governance and decision-making

5.3 A financially sustainable Shire

5.4 Open and accountable systems

**Policy Related**

Policy F1.2 Procurement

Policy F1.6 Credit Cards

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

DE 3.1 Authority to make Payments from Trust and Municipal Funds

**Financial**

This report and its appendices provide a summary of the financial position of the Shire at the end of the reporting period.

**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**

13. *Payments from municipal fund or trust fund by CEO (Act s. 6.10)*

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
  - (a) *the payee's name; and*
  - (b) *the amount of the payment; and*
  - (c) *the date of the payment; and*
  - (d) *sufficient information to identify the transaction.*

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.*

### **Risk Related**

It is a requirement of the *Local Government (Financial Management) Regulations 1996* that local governments prepare a Statement of Financial Activity within two months after the end of the reporting period. This report mitigates the risk of non-compliance with the regulations.

### **Workforce**

Not applicable.

### **VOTING REQUIREMENTS**

**Absolute Majority: No**

**RESOLUTION  
150820**

**Moved: Cr Kevin Trent**

**Seconded: Cr Pam Heaton**

**That Council receives the Monthly Financial Report and the list of payments drawn from the Municipal and Trust accounts for the period ending 31 July 2020 as summarised below:**

**Jul-20**

<b>MUNICIPAL FUND</b>	<b>AMOUNT</b>
<b>Cheque Payments</b>	<b>2,783.56</b>
<b>Payroll Debits</b>	<b>186,031.92</b>
<b>Electronic Funds Payments</b>	<b>1,521,203.86</b>
<b>Payroll Debits - Superannuation</b>	<b>41,249.51</b>
<b>Bank Fees</b>	<b>676.00</b>
<b>Corporate Cards</b>	<b>399.00</b>
<b>Exetel NBN Fees</b>	<b>396.00</b>
<b>Fuji Xerox Equipment Rental</b>	<b>236.62</b>
<b>Fire Messaging Service</b>	<b>175.78</b>
<b>Sub total - Municipal</b>	<b>1,753,152.25</b>
<b>TRUST FUND</b>	
<b>Electronic Funds Payments</b>	<b>2,517.50</b>
<b>Direct Debits Licensing</b>	<b>103,568.65</b>
<b>Sub total - Trust</b>	<b>106,086.15</b>
<b>TOTAL DISBURSEMENTS</b>	<b>1,859,238.40</b>

***CARRIED: 6/0***

**SY132-08/20 INVESTMENTS - JULY 2020**

<b>File Number:</b>	<b>FI.FRP</b>
<b>Author:</b>	<b>Tabitha Bateman, Finance Manager</b>
<b>Authoriser:</b>	<b>Chris Linnell, Chief Executive Officer</b>
<b>Previously before Council:</b>	<b>Not applicable</b>
<b>Appendices:</b>	<b>1. Investment Register July 2020</b>

**NATURE OF COUNCIL'S ROLE IN THE MATTER**

- Legislative
- Review

**PURPOSE OF REPORT**

To report to Council the balance and distribution of investments held by the Shire of York as at 31 July 2020.

**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 31 July 2020
- b) Application of Investment Funds
- c) Investment Performance

**OPTIONS**

Not applicable.

**IMPLICATIONS TO CONSIDER****Consultative**

Standard and Poor's Australia - Global ratings  
Financial institutions

**Strategic**

Not applicable.

**Policy Related**

Policy F1.4 *Investment*  
DE 3-2 Invest Money Held in Municipal and Trust Funds

## Financial

Revenue from investments is a funding source for the Shire and assists in maintaining the value of reserve funds. Policies and procedures are in place to ensure appropriate, responsible and accountable measures are in place to protect the Shire's funds.

## 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.*

**Risk Related**

Funds are invested with various financial institutions in accordance with the global credit framework outlined in the Shire's investment policy to reduce risk.

**Workforce**

Not applicable.

**VOTING REQUIREMENTS**

**Absolute Majority: No**

**RESOLUTION**

**160820**

**Moved: Cr Denis Warnick**

**Seconded: Cr Kevin Trent**

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

***CARRIED: 6/0***

**10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

*Nil*

**11 QUESTIONS FROM MEMBERS WITHOUT NOTICE**

*Nil*

**12 BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING****RESOLUTION****170820****Moved: Cr Ashley Garratt****Seconded: Cr Kevin Trent****That Council agrees to accept and consider the Late Report - SY001-08/20 - Local Government Review Panel Final Report.****CARRIED: 6/0****SY001-08/20 LOCAL GOVERNMENT REVIEW PANEL FINAL REPORT**

*NOTE: ADJUSTMENT MADE TO APPENDIX 3 OF THIS ITEM AS PER THE RESOLUTION FOLLOWING THE AUGUST ORDINARY COUNCIL MEETING.*

**File Number: LE.ACT.1****Author: Joanna Bryant, Acting Manager Community****Authoriser: Chris Linnell, Chief Executive Officer****Previously before Council: Not Applicable****Appendices:**

- 1. LG Review Panel Report**
- 2. WALGA - Item 5.5 Local Government Review Panel Final Report (Amended)**
- 3. Shire of York Response**

**NATURE OF COUNCIL'S ROLE IN THE MATTER**

Executive

**PURPOSE OF REPORT**

This report details the Shire of York comments to be submitted to WALGA in response to the Local Government Review Panel's recommendations relating to the review of the *Local Government Act 1995*.

**BACKGROUND**

In 2017 the State Government announced a review of the *Local Government Act 1995*.

Western Australia's local government system is unique in Australia and reflects the State's colonial heritage through the establishment of roads boards as some of the State's first forms of European municipal government.

While the Western Australian Constitution Act 1889 provides for a system of local government throughout the State, the powers and functions of local governments are conferred by the *Local Government Act 1995* (the Act).

The Department of Local Government carried out a consultation process in 2018/19 where over 3,000 submissions were received. The Minister for Local Government appointed an Independent Panel to consider these submissions and the Panel's report has made 65 recommendations.

**COMMENTS AND DETAILS**

The Minister for Local Government has not considered the Panel's recommendations at this stage and has not requested a consultation process on the report however, WALGA is taking the opportunity to obtain a sector opinion on the recommendations to provide to the Minister.

**OPTIONS**

Option 1 – Council can accept the officer's recommendation and provide feedback to the WALGA State Council.

Option 2 – Council not to accept the officer's recommendation

**IMPLICATIONS TO CONSIDER****Consultative**

Council

**Strategic****GOAL 5: STRONG LEADERSHIP AND GOVERNANCE**

To have effective and responsive leadership and governance, where a sense of collective purpose and shared direction combine to work together.

**5.3 Continuous improvement of governance****Policy Related**

N/A

**Financial**

There are no financial implications associated with this report.

**Legal and Statutory****Western Australia Constitution Act 1889**

Part IIIB — Local Government

*[Heading inserted: No. 88 of 1979 s. 3.]*

**52. Elected local governing bodies**

- (1) The Legislature shall maintain a system of local governing bodies elected and constituted in such manner as the Legislature may from time to time provide.
- (2) Each elected local governing body shall have such powers as the Legislature may from time to time provide being such powers as the Legislature considers necessary for the better government of the area in respect of which the body is constituted.

*[Section 52 inserted: No. 88 of 1979 s. 3.]*

**Risk Related**

N/A

**Workforce**

N/A

**VOTING REQUIREMENTS**

**Absolute Majority: No**

**RECOMMENDATION**

That, with regard to the Local Government Act Review Panel Final Report, Council;

1. Notes the Local Government Act Review Panel recommendation and the Western Australia Local Government Association (WALGA) responses to the recommendations.
2. Request the CEO to provide the Shire of York's comments on both sets of recommendations to WALGA prior to the State Council meeting on the 2 September outlined in Appendix 3.
3. Authorises the CEO to make any final adjustments to Appendix 3 as requested by Council.

**SUSPENSION OF STANDING ORDERS****RESOLUTION****180820****Moved: Cr Ashley Garratt****Seconded: Cr Kevin Trent**

**A motion was moved that Council suspend standing orders at 5:25pm.**

***CARRIED: 6/0*****RESUMPTION OF STANDING ORDERS****RESOLUTION****190820****Moved: Cr Ashley Garratt****Seconded: Cr Kevin Trent**

**A motion was moved that Council resume standing orders at 5:46pm.**

***CARRIED: 6/0*****RESOLUTION****200820****Moved: Cr Kevin Trent****Seconded: Cr Denis Warnick**

**That, with regard to the Local Government Act Review Panel Final Report, Council;**

1. **Notes the Local Government Act Review Panel recommendation and the Western Australia Local Government Association (WALGA) responses to the recommendations.**
2. **Request the CEO to provide the Shire of York's comments on both sets of recommendations to WALGA prior to the State Council meeting on the 2 September outlined in Appendix 3.**
3. **Authorises the CEO to make any final adjustments to Appendix 3 as requested by Council.**

***CARRIED: 6/0***

**13 MEETING CLOSED TO THE PUBLIC**

13.1 Matters for which the Meeting may be closed

*Nil*

13.2 Public Reading of resolutions to be made public

*Nil*

**14 CLOSURE**

*The Shire President thanked everyone for their attendance and closed the meeting at 5:48pm.*

*The minutes were confirmed by the Council as a true and accurate record at the Council Meeting held on 29 September 2020.*

\_\_\_\_\_  
*SHIRE PRESIDENT*