



MINUTES

Ordinary Council Meeting

Monday, 25 February 2019

Date: Monday, 25 February 2019

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 MONDAY, 25 FEBRUARY 2019 AT 5.00PM**

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

1 OPENING

1.1 Declaration of Opening

Cr David Wallace, 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

Mr Gordon Marwick - Freeman of the Shire

1.5 Declarations of Interest that Might Cause a Conflict

SY015-02/19 – Fixed Standpipe Review – Cr David Wallace - Proximity

1.6 Declaration of Financial Interests

SY002-02/19 – Development Application – Single House Extension and Over Height Outbuilding at Lot 206 (125) Attfield Road, York - Cr Denese Smythe

SY015-02/19 – Fixed Standpipe Review – Cr David Wallace

1.7 Disclosure of Interests that May Affect Impartiality

Nil

2 ATTENDANCE

2.1 Members

Cr David Wallace, Shire President; Cr Kevin Trent, Deputy Shire President; Cr Jane Ferro; Cr Pam Heaton; Cr Heather Saint; Cr Denese Smythe

2.2 Staff

Paul Martin, Chief Executive Officer; Suzie Haslehurst, Executive Manager, Corporate & Community Services; Darren Wallace, Executive Manager, Infrastructure & Development Services; Helen D'Arcy-Walker, Council & Executive Support Officer

2.3 Apologies

Cr Denis Warnick

2.4 Leave of Absence Previously Approved

Nil

2.5 Number of People in the Gallery at Commencement of Meeting

There were 20 people in the Gallery at the commencement of the meeting.

3 QUESTIONS FROM PREVIOUS MEETINGS

3.1 Response to Previous Questions Taken on Notice

Nil

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 5.03pm.

4.1 Written Questions – Current Agenda

Mr John Weeks

Question 1:

My question relates to the proposed funding/loan for the YRCC.

The Council has in the Agenda a proposed grant over three years to the Motor Cycle Festive of \$75,000. Over a period it has given large grants to the Motor Museum, Japanese Straw Statues, a Toodyay Arts person and an enormous amount of money on an unusable caravan facility with much more to be spent, amongst many smaller grants. Will the Shire invest in the future of the sporting groups at the YRCC who are ratepayers that work and play in York, access to the same grants and benefits that the Shire affords to these other groups? The Shire expects to sell the tennis club asset that was relinquished by that Club to write down debt at the YRCC. Surely the money raised should be given to assist the YRCC instead of a paltry \$30,000 loan. Because if you only wish to rid yourselves of the license and kitchen I believe that money would achieve that aim.

Response provided by the Shire President:

The sporting clubs in town have the same opportunity to apply for the grants that festivals and other activities have. Council will not turn its back on sporting clubs. The Council's role is to supply playing fields for sporting clubs. It is not a core business of the Shire to run the kitchen and bar at the YRCC. It is still a work in progress with the Committee as to what is going to happen in regards to the running of the YRCC bar and kitchen. No decision has been made as yet. Basically, the Shire will not neglect sporting clubs as sport is the hub of country towns. There will be a further report next month, the amount of money may change from week to week, depending on how the negotiations go.

4.2 Public Question Time

Mrs Melanie Van de Pol**Question 1:**

The three Jacaranda trees on Joaquina Street, is the large Jacaranda going to be chopped down?

Response provided by the Executive Manager Infrastructure & Development Services:

The large tree is being investigated to see if it can be retained. Although it was planned to remove it because of damage to the footpath and the hazards that it presents. That is why another tree has been planted next to it.

Question 2:

I have a solution.

Response provided by the Chief Executive Officer

If you have a solution please contact the office to make an appointment to meet with Officer's to discuss.

Mr Nigel Spencer**Question 1:**

I moved here about 8 years ago and I made a mistake by buying next door to CBH as the corellas are making a mess of my property. After 8 years nothing has been done about the corellas.

Response provided the Chief Executive Officer:

I met with Mr Spencer 2-3 weeks ago. A report will be presented to Council at the March Ordinary Council Meeting for a direction from Council on what can be done regarding corellas in town.

Response provided by the Shire President:

Corellas are a problem in the town. However there are people in the town who do not wish for them to be harmed. All options will be considered.

Mrs Melanie Van de Pol**Question 3:**

There are rumours that the old Tennis Club has been sold.

Response provided by the Chief Executive Officer:

Following a consultation process, Council has resolved to sell the Tennis Courts. The tender for disposal of the old Tennis Courts was advertised in last Saturday's West Australian. Further advertisements will be placed in the local press. The tender process will be open for a period of 5 weeks.

Question 4:

Can we save the grape vines at the old Tennis Courts?

Response provided by the Chief Executive Officer:

It has been indicated in the tender documents that the grape vine has importance. Council has resolved to take cuttings for the community to access for free. A nursery will also be engaged to assist growing cuttings.

Public Question Time Concluded at 5.16pm.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 PRESENTATIONS

6.1 Petitions

Nil

6.2 Presentations

Nil

6.3 Deputations

Mr Joe Algeri, Director, Altus Planning

Attending today to speak in support of the Officer Recommendations for the two items before Council regarding the White Gum Air Park.

There were no questions of Mr Algeri.

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

**RESOLUTION
010219**

Moved: Cr Kevin Trent

Seconded: Cr Jane Ferro

That the minutes of the Ordinary Council Meeting held on 17 December 2018 be confirmed.

CARRIED: 6/0

**RESOLUTION
020219**

Moved: Cr Heather Saint

Seconded: Cr Kevin Trent

That the minutes of the Annual Electors Meeting held on 6 February 2019 be confirmed.

CARRIED: 6/0

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

9 REPORTS OF COMMITTEES

Nil

10 OFFICER'S REPORTS

SY001-02/19 DEVELOPMENT APPLICATION: SEA CONTAINER AND ROOF COVER WITH SIDE SETBACK VARIATION: LOT 119 SCOTT STREET, MOUNT HARDEY

File Number:	SC3.60577
Author:	Carly Rundle, Senior Planner
Authoriser:	Darren Wallace, Executive Manager, Infrastructure & Development Services
Previously before Council:	Not Applicable.
Appendices:	<ol style="list-style-type: none">1. Location Plan2. Site Plan3. Site Photos4. Development Plans

NATURE OF COUNCIL'S ROLE IN THE MATTER

Quasi-judicial.

PURPOSE OF REPORT

Council is requested to consider a development application received for a sea container and roof cover with side setback variation at Lot 119 Scott Street, Mount Hardey.

BACKGROUND

Lot 119 Scott Street, Mount Hardey is 2,027m² in area, zoned 'Rural Townsite' by Shire of York Town Planning Scheme No. 2 and located within the Mount Hardey townsite. The property currently contains an existing single house, outbuilding and carport.

A Location Plan and Site Plan is provided at Appendix 1 and 2 respectively. Site Photos are provided in Appendix 3.

A development application was submitted proposing to place a 20ft sea container on the property. The sea container is proposed to be used for storage ancillary to the residential use of the property, will be located to the west of the Single House on the property, setback 3m from the side lot boundary and has dimensions of 6m by 2.4m (14.4m²). The proposed setback of 3m from the side lot boundary involves a variation to the 7.5m permitted ('deemed to comply') by the Residential Design Codes.

In accordance with the Residential Design Codes and Local Planning Policy No. 2 Sea Containers, the application was advertised by way of referral to adjoining landowners for a period of 22 days ending on the 2 January 2019. One submission was received during the advertising period which objected to the proposed development. In accordance with the Shire of York Register of Delegated Authority, the application has been referred to Council for determination.

Amended development plans (Appendix 4) were submitted 21 January 2019, which also proposed a roof cover of 5.4m by 6m, extending from the dwelling over the sea container, which the applicant has provided will shelter the sea container and provide additional area for rainwater collection. The roof cover will be setback the same as the sea container (3m) and the wall and apex height from natural ground level will match that of the existing dwelling, 2.8m wall height, and 3.2m to the apex. The addition of the roof cover is considered a minor amendment, which can be considered as part of the development application.

COMMENTS AND DETAILS

Development applications are required to be assessed in accordance with the Shire of York Town Planning Scheme No. 2 (TPS 2) and Deemed Provisions for Schemes as set out in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The property is zoned 'Rural Townsite' with a density coding of R2.5 annotated on the Scheme Maps. The use of sea container for storage ancillary to the residential use of the property is permitted by the Regulations and Scheme. Clause 4.11.2 in the Scheme specifies the following for development in the Rural Townsite Zone

'4.11.2 Site Requirements

In accordance with the R-Codes.'

An assessment against the R-Codes has been undertaken below.

Planning and Development (Local Planning Schemes) Regulations 2015 – Clause 67 Matters for Consideration (Deemed Provisions)

In considering an application for development approval the Shire is required to have due regard to the following matters to the extent that, in the opinion of the Shire those matters are relevant to the application. The following are those considered relevant to the application.

- *Any approved State Planning Policy (cl67(c))*

State Planning Policy 3.1 Residential Design Codes (R-Codes)

In accordance with clause 4.11.2 of the Scheme, site requirements of the R-Codes at a density of R2.5 applies to the development. The proposed development complies with relevant provisions of the R-Codes, although seeks a variation to deemed to comply provisions of section 5.13 Lot Boundary Setbacks which requires buildings to be setback from lot boundaries in accordance with Table 1. Table 1 specifies a minimum side and rear setback of 7.5m as 'deemed to comply'. A side setback of 3m is proposed which represents a variation to the 'deemed to comply' provisions and is to be considered on its merits against the relevant design principles. Design Principles are listed as:

P3.1 Buildings setback from lot boundaries so as to:

- *Reduce impacts of building bulk on adjoining properties;*
- *Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and*
- *Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.*

The setback variation is to the western lot boundary which adjoins Lot 500 and abuts an area used as a driveway/parking for the dwelling setback approximately 6-7m from Lot 119. The sea container and roof cover will be visible from the entry to the dwelling and northern verandah of the dwelling on Lot 500.

The impact of building bulk from a reduced side setback on adjoining Lot 500 is anticipated to be minimal given the structure is only 6m in length, and it is considered that any amenity impacts from building bulk could be ameliorated by the provision of landscaping on the western side of the sea container which can be conditioned on approval. It is also noted that the density coding of R2.5 which applies would normally apply to properties with a minimum site area of 4,000m². Most properties within the Mt Hardey townsite (including Lot 119) are approximately 2,000m² in area, where an R5 density would normally apply based on site area. The permitted side setback for an R5 coded lot is based on the buildings wall height and wall length, which for the proposed development would be 1m.

Officers consider that subject to conditions being implemented requiring landscaping being implemented on the western side of the development, that the setback complies with the design principles.

The proposed sea container is not anticipated to have a detrimental impact on the availability of direct sun and ventilation of the site or adjoining properties and does not result in overlooking or loss of privacy as a result of the reduced setback.

- Any local planning policy for the Scheme area (cl67(g));

Shire of York Local Planning Policy 2: Sea Containers

The policy applies to all land within the Shire of York. Its objectives is to regulate the use of sea containers within the Shire of York so as to ensure they do not detract from the amenity of the area. Sea Containers shall comply with the following general conditions and requirements:

Policy Provision	Officer Comment
6.1.2 The policy is based on sea containers up to 6m (20 feet) in length for Rural Townsite Zones	Complies – proposed sea container is 20ft (6m in length).
6.3 Rural Residential, Rural Smallholding and Rural Townsite Zone Conditions and Requirements	
6.3.1 Containers may only be used for the purpose of storage of approved materials in Rural Residential, Rural Smallholding and Rural Townsite areas. 6.3.3 The use of the container(s) shall relate directly to, and be ancillary to, the predominant use of the property as approved by Council.	Complies – proposed sea container will be used for storage of materials ancillary to residential use of the property.
6.3.2 Container(s) shall be suitably screened and/or fenced from the road frontage and be situated at the rear of the property unless otherwise determined by Council.	The sea container is setback in line with the single house on the property and will be visible from Scott Street, which is a no through road. The sea container is located to the rear of other structures on the property including an existing outbuilding and carport. The application proposes to clad the sea container in new custom orb sheeting to match the existing dwelling on the property. Officers consider that the sea container is located to the rear of existing development on the property and the provision of cladding or painting of the sea container will appropriately address any amenity issues from Scott Street and will be conditional on approval.
6.3.4 Container(s) are not to be located over septic tanks and/or leach drains or utilities.	Complies. The proposed sea container is not located over utilities and maintains the necessary setbacks to septic tanks and/or leach drains.
6.3.5 In Rural Residential, Rural smallholding and Rural Townsite areas, a maximum of two (2) containers will be permitted per property.	Complies – application proposes to place one sea container on the property.
6.3.6 Council may request additional works or measures other than those already mentioned to properly address any amenity issues arising from the location of the sea container.	Landscaping will be conditioned to be implemented on the western side of the sea container to reduce any impacts of building bulk from the reduced setback.

- *The compatibility of the development with its setting including the relationship 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 (cl67(m));*

Local Planning Policy 2 allows for two sea containers to be placed on a property zoned 'Rural Townsite' subject to compliance with the policy above. The bulk, scale and size of the sea container is compatible with existing development within the locality and the use for storage ancillary to the residential use of the property is permitted. Conditions relating to screening and landscaping as referred above will be implemented to address any amenity issues that may arise from the appearance of the sea container.

- *The likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource (cl67(o)); whether adequate provision has been made for the landscaping of the land, and whether any trees or other vegetation on the land should be preserved (cl67(p));*

The proposed sea container will be located in a cleared area that does not result in the removal of any vegetation. Management of stormwater within the property will be conditional on approval. Landscaping to the western side of the sea container will be conditioned on approval.

- *Any submissions received on the application (cl67(y));*

The proposed development was advertised by way of referral to adjoining landowners for a period of 22 days ending on the 2 January 2019.

One submission was received from the landowners of Lot 120 (adjoining Lot 119 to the west) which expressed concern with the application and placement of sea containers within the Mt Hardey townsite due to:

- Negative effect on property values for reasons listed below;
- Unsightly appearance of sea containers;
- That sea containers placed in the townsite are not being used for storage. The submission indicates they are being used for habitable purposes or for cover for generators as there is no reticulated electricity supply available to the townsite and many properties are not installing solar panels as a power supply.

Officers are of the opinion that the placement of the sea container subject to conditions being implemented relating to screening or fencing from Scott Street, and landscaping adequately address any amenity issues, and the sea container will be compatible with existing development on the site and locality.

The concerns raised in the submission regarding the placement and use of containers on other properties in the Mt Hardey townsite is noted and will be investigated by officers. However, in relation to this application the sea container is ancillary to a single house on the property and should the use of the sea container involve the storage or keeping of a generator in it, this would be consistent with the proposed use of storage which is ancillary to a residential use on the property. Noise emissions from generators are required to comply with the standards as prescribed in the *Environmental Protection (Noise) Regulations 1997*.

OPTIONS

Officers consider that subject to appropriate conditions being implemented, the proposal is consistent with the Shire of York Town Planning Scheme No.2 and Planning and Development (Local Planning Schemes) Regulations 2015 and have recommended that Council approves the application subject to conditions. Should Council disagree with the officer's recommendation, the following options are available:

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

IMPLICATIONS TO CONSIDER**Consultative**

Advertising of the application was undertaken in accordance with requirements of the Shire of York Town Planning Scheme No. 2 and Planning and Development (Local Planning Scheme) Regulations 2015.

Strategic

The 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

There are no policy related implications associated with consideration of the subject proposal other than those discussed above.

Financial

There are no financial related implications associated with consideration of the subject proposal.

Legal and Statutory

The proposal has been assessed in accordance with the statutory requirements of the Shire of York Town Planning Scheme No. 2 and the Planning and Development (Local Planning Schemes) Regulations 2015.

Risk Related

There are no significant risk related considerations relevant to the consideration of the subject proposal.

Workforce

Nil.

VOTING REQUIREMENTS

Absolute Majority: No

**RESOLUTION
030219****Moved: Cr Kevin Trent****Seconded: Cr Jane Ferro****That Council:****Approves the Development Application for Sea Container and Roof Cover with Side Setback Variation at Lot 119 Scott Street, Mount Hardey 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 container is not to be used for habitable purposes.**
- 4. The container is not to be used for commercial and/or industrial purposes.**
- 5. Stormwater is to be managed on site by the landowner to the satisfaction of the local government.**
- 6. The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the Shire's Planning department and have been approved in writing:**
 - (a) A Landscape Plan to the satisfaction of the Shire, which identifies planting of vegetation to be undertaken to provide screening of the sea container from adjoining Lot 500 (5638) Quairading-York Road, Mount Hardey (Advice Note 4).**
- 7. Within one month from the date of the sea container being placed onsite (or as otherwise agreed with the local government), all works required by condition 6 shall be implemented and the sea container shall be painted a colour or clad in materials to match existing buildings on site to the satisfaction of the local government.**
- 8. The works undertaken to satisfy Condition(s) 2, 5, 6 and 7 shall be subsequently maintained for the life of the development.**

ADVICE NOTES:

- 1. 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.**
- 2. 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.**
- 3. 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.**
- 4. The Landscaping Plan shall show the type, number and spacing of species to be planted and specify anticipated height at maturity.**

.CARRIED: 6/0

Disclosure of Interest – Cr Denese Smythe – Financial – Close family friend and sons fiancé works for applicant

At 5.26pm, Cr Denese Smythe left the meeting.

SY002-02/19 DEVELOPMENT APPLICATION: SINGLE HOUSE EXTENSION AND OVERHEIGHT OUTBUILDING AT LOT 206 (125) ATTFIELD ROAD, YORK

File Number:	AT1.4190
Author:	Carly Rundle, Senior Planner
Authoriser:	Darren Wallace, Executive Manager, Infrastructure & Development Services
Previously before Council:	Not Applicable
Appendices:	1. Location Plan 2. Site Plan 3. Development Plans 4. Submissions Received

NATURE OF COUNCIL'S ROLE IN THE MATTER

Quasi-judicial.

PURPOSE OF REPORT

For Council to make a determination on a development application for a single house extension and overheight outbuilding at Lot 206 (Hse 125) Attfield Road, York.

BACKGROUND

Lot 206 (Hse 125) Attfield Road, York is 2.02ha in area and contains an existing Single House. The property is zoned Rural Residential, located within the Mount Brown Rural Residential precinct, and surrounded by similarly zoned properties, with the exception of Reserve 6915 (Mt Brown) to the west of the property via Attfield Road, which is reserved for Recreation and Open Space purposes.

A Location Plan and Site Plan is provided in **Appendices 1 and 2**.

A development application was submitted proposing:

1. The renovation and extension of the existing Single House on the property.
2. The erection of an outbuilding on the property setback 15.41m from Attfield Road and 11.08m from the southern lot boundary. The proposed outbuilding:
 - has dimensions of 19.91m by 9.49m (188.95m²);
 - is to be of skillion roof design with wall heights of 4.7m at the lower point (western elevation), and 5.59m (eastern elevation) which is also the ridge height.
 - involves site works to create a level pad, including 'cut' of 0.6m and maximum fill of 0.2m on the eastern side. From natural ground level a wall height of 4.19m (western elevation) and ridge/wall height of 5.79m (eastern elevation) was proposed;
 - will be constructed of external materials of zincalume.
 - A derelict railway carriage is shown as proposed to be removed from the site. A site visit confirmed that this has already been demolished.

The extensions to the single house are not exempt from development approval, and the proposed outbuilding involves a variation to the height permitted by Local Planning Policy – Outbuildings in Residential Zones. The application was referred to landowners in proximity to the property for comment. Two submissions were received objecting to the proposed outbuilding.

Following the referral period ending, the applicant submitted amended plans in response to objections received regarding the outbuilding. The revised plans involve the following modifications:

- To relocate the outbuilding further east, setback 25m from Attfield Road, and setback 11.8m from the rear lot boundary.
- An outbuilding of the same dimensions and skillion roof design, although the wall height has been reduced to 3.62m on the western elevation, and wall height/ridge height has been reduced to 4.2m on the eastern elevation. The new location has resulted in the site works now only proposed to ‘cut’ into the natural ground level by a maximum of 1.65m. The wall height of the outbuilding from natural ground level will be 2.02m on the western elevation and wall/ridge height from natural ground level will be 4.2m on the eastern elevation.

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

As objections were received during the referral period, the application is presented to Council to determine in accordance with the Shire of York Register of Delegated Authority.

COMMENTS AND DETAILS

The application is required to be assessed in accordance with the Shire of York’s Local Planning Scheme and *Planning and Development (Local Planning Schemes) Regulations 2015 – Deemed Provisions*.

York Town Planning Scheme No. 2 (Scheme)

The property is zoned ‘Rural Residential’ and located within the Mount Brown Rural Residential Precinct. The objectives for the Rural Residential zone are:

4.13.1 Objectives:

- a) To provide for closer settlement for residential use in a rural environment, and such uses as hobby farms, horse breeding, rural residential retreats.*
- b) To make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.*

The extensions to the existing house are consistent with the land use of a ‘Single House’ which is a permitted use in the Rural Residential zone, meaning it is a use that is consistent with the objectives of the zone. Although in accordance with clause 4.13.4 of the Scheme the extension (development) is not exempt from development approval:

4.13.4 Development Requirements

Development in a Rural Residential Zone shall be in accordance with following:

- a) Planning consent under the Scheme is required for all development including a single house.*

An outbuilding is ancillary development to a single house and is permitted development which is exempt from planning consent (by way of provision in the Regulations which allows exemptions to be listed in local planning policy), except where the development requires variation under the Scheme or Local Planning Policy.

Clause 4.13.5 ‘Proposed Development’ of the Scheme requires that:

In considering an application for planning consent for a proposed building (including additions and alterations to existing development) the local government shall have regard to the following:

- a) the colour and texture of external building materials;
- b) building size, height, bulk, roof pitch;
- c) setback and location of the building on its lot;
- d) architectural style and design details of the building;
- e) relationship to surrounding development; and
- f) other characteristics considered by the local government to be relevant

The proposed extension to the single house will result in a single storey dwelling with 30 degree pitched roof which will be a maximum height of 7.6m from natural ground level, contains eaves, major openings, front entry and raised deck. External materials are proposed to be weather board cladding and zincalume roof. The proposed dwelling is anticipated to be consistent with the existing character and amenity of the locality. The outbuilding is discussed further below.

Both buildings (dwelling extension and outbuilding) comply with the prescribed setbacks applicable to the Rural Residential zone and development provisions relating to the Mount Brown Rural Residential Precinct in the Scheme.

Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 – Deemed Provisions

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

- Any local planning policy for the Scheme area (cl67(g)),

Local Planning Policy – Outbuildings in Residential zones (Policy).

The outbuilding has been assessed against the policy provisions that apply in the Rural Residential zone as outlined in the table below.

Policy Provision	Proposed	Comment	
1 General			
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 the outbuilding will be for personal use and storage including a camper van, tractor (for maintenance on the property), and the height will allow for a mezzanine).	Complies.
c)	Are not within the primary setback area	The primary street setback is considered to be from Chandos Road and the Scheme specifies a minimum setback of 20m for a front setback.	Complies. The outbuilding is setback over 20m from Chandos Road.
d)	Are setback at least 15m from a side or rear boundary.	The Scheme specifies a minimum building setback of 10m, and in accordance with clause 9.8.7 of the Scheme, in the event of inconsistency with the Scheme and a local planning policy, the Scheme shall prevail.	Complies with requirements of the Scheme.
2 Floor Area			
(a) & (b)	Outbuildings on a rural-residential lot that have a combined area not exceeding 200m ² in area or 10 percent in aggregate of the site area, whichever is the lesser.	The proposed outbuilding will have an area of 188.95m ² .	Complies.

3 Height			
(a) & (b)	<p>Outbuildings on a rural townsite lot that has a maximum wall height less than 3.0m and ridge height of 4.2m.</p> <p>Whilst not applicable as objections were received on the proposed outbuilding, Council should note that a 5% variation to the above provisions (3.15m wall height and 4.41m ridge height) is permitted in the event adjoining landowners have provided written consent to the proposal.</p>	<p>The proposed outbuilding is of skillion roof design and has wall heights of 3.6m on the western elevation, and wall height/ridge height of 4.2m on the eastern elevation.</p> <p>Proposed site works involve 'cut' into the natural ground level by a maximum of 1.65m. The wall height of the outbuilding from natural ground level will be 2m on the western elevation and wall/ridge height from natural ground level will be 4.2m on the eastern elevation.</p>	<p>From natural ground level, the eastern elevation wall of 4.2m is a variation to the 3m permitted by the policy, although being a skillion roof this wall is also considered the ridge of the outbuilding which complies with the 4.2m permitted by the policy.</p>
4 Materials			
b) & (c)	<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 to be used on the outbuilding are proposed to be colorbond, and the applicant has provided this will be in a zincalume colour.</p>	<p>The applicants have not provided that second hand materials will be used, although to confirm a condition approval will be included requiring prior approval to be issued by the Shire for use of any second-hand materials.</p> <p>With the skillion roof and location of adjoining properties, no adverse impact is anticipated from the use of zincalume as an external outbuilding material. Zincalume is a common material that has been used in the construction of outbuildings in this locality</p>

The policy sets development standards for outbuildings, where if they comply with these provisions, they are considered consistent with the objectives of the policy and do not require development approval. Clause 9.8.6 of the Scheme provides that:

'A policy shall not bind the local government in respect of any application for planning consent but the local government shall have due regard to the provisions and objectives which the Policy is designed to achieve before making its decision'.

Relevant objectives of the policy are:

- To provide flexibility for outbuilding size, construction and materials to meet the needs of local residents;
- To ensure that outbuildings are constructed and located in such a way as to minimise their impact on the amenity of the locality;

The following is considered in assessing the variation to the policy (wall height) and impact on the amenity of the locality:

- The higher wall of 4.2m will be on the eastern elevation. The property slopes from the west downwards to the east. Whilst the outbuilding will be visible to adjoining properties and located on elevated land from adjoining properties to the east and south and Chandos Road;
 - the highest point of the outbuilding (4.2m wall/ridge) visible from the eastern elevation is consistent with the ridge height of 4.2m permitted for an outbuilding by the policy. The bulk/scale of the outbuilding at the highest point is not anticipated to be out of character with the locality;
 - the outbuilding is over 200m from the closest adjoining dwelling to the east and 70m to the dwelling to the south;
 - the outbuilding will be cut into the natural ground level, and will not protrude above the skyline (including trees) when viewed from the road and dwellings to the east;
 - the highest point of the outbuilding will be below the wall height of the renovated dwelling.
 - From the western elevation (Attfield Road), the outbuilding is not anticipated to appear bulky or out of scale, as it is being cut into the natural ground level, and Attfield Road is significantly raised from the development site;
 - The northern elevation from Chandos Road will be significantly obscured by the proposed dwelling extensions;
 - The southern elevation of the outbuilding from natural ground level represents a similar scale of bulk than would be visible for an outbuilding that complies with policy provisions.

It is considered that the outbuilding is consistent with policy objectives, in that the outbuilding is being constructed in a way to minimise the impact on amenity and providing flexibility to for outbuilding size to meet the needs of local residents. Officers consider that additional landscaping on the south east elevation of the outbuilding will be beneficial to provide additional screening to the outdoor living area on adjoining Lot 205 which will be conditional on approval.

- *The suitability of the land taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bushfire, soil erosion, land degradation or any other risk and the comments or submissions received from any authority consulted under clause 66 (cl67(q)(za))*

The dwelling is located within an area identified as 'bushfire prone' and complies with relevant provisions of the Regulations.

- *The availability and adequacy for the development of the following —*
 - i) *public transport services;*
 - ii) *public utility services;*
 - iii) *storage, management and collection of waste;*
 - iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
 - v) *access by older people and people with disability (cl67(u));*

The property has access via an existing crossover to Chandos Road. No changes to the existing access are proposed by the application.

- *Any submissions received on the application (cl67(y));*

Two submissions were received objecting to the height of the outbuilding from adjoining landowners of Lot 205 to the south of the property and Lot 212 to the east of the property. A copy of the submissions is attached in **Appendix 4**.

The submissions objected to the height of the outbuilding on the basis of:

- Potential overshadowing of solar panels on the dwelling on Lot 205 in the afternoons;
- Likely interference with telecommunications, as the outbuilding will be located between our receiver and transmitters on Mt Bakewell.
- Building will already be in an elevated position and will be a blight on the landscape;
- Querying the need for the height and size, and that the size and height permitted by the policy should be sufficient for uses on a Rural Residential lot;
- That exemption to the policy should only be accepted in exceptional circumstances, and that the use of the shed proposed does not provide sufficient justification for an over height shed.

The submissions were made prior to the amended plans being submitted which reduced the height (noting a variation is still proposed). The assessment against policy provisions and consideration of amenity impacts is outlined above.

In response to the objections the applicant has shifted the outbuilding 10m further south and reduced the height. Officers are satisfied that the amended location will resolve the potential impact on telecommunications signal. Officers consider overshadowing from the proposed outbuilding on the solar panels on the dwelling is unlikely, and the amended plans now reduce the height of the outbuilding to be no higher than 4.2m from natural ground level which is consistent with the ridge height permitted for an outbuilding in this zone.

OPTIONS

Officers consider that subject to appropriate conditions being implemented, the proposal is consistent with the Shire of York Town Planning Scheme No.2 and *Planning and Development (Local Planning Schemes) Regulations 2015* and have recommended that Council approves the application subject to conditions. Should Council disagree with the officer's recommendation, the following options are available:

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

IMPLICATIONS TO CONSIDER

Consultative

The outbuilding was referred to adjoining landowners for comment. Two submissions were received and discussed above

Strategic

The 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

The proposal has been assessed in accordance with the statutory framework set by the Scheme and Regulations.

Risk Related

A risk assessment of the proposal has been undertaken, and there were no medium to high risks identified with the proposal that warrant further discussion.

VOTING REQUIREMENTS

Absolute Majority: No

**RESOLUTION
040219**

Moved: Cr Pam Heaton

Seconded: Cr Jane Ferro

That Council:

Approves the planning application for the Single House Extension and Overheight Outbuilding at Lot 206 (125) Attfield 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 5).**
- 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. The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the Shire's Planning department and have been approved in writing:
 - (a) A Landscape Plan, which provides for plantings to screen the south east elevation of the outbuilding from the outdoor living area of dwelling on the adjoining Lot 205 Attfield Road, York to the satisfaction of the Shire (Advice Note 4).****
- 8. The development hereby approved shall not be occupied, or used, until all plans, details or works required by Condition(s) 2, 6 and 7 have been implemented.**
- 9. The works undertaken to satisfy Condition(s) 2, 5, 6, 7 and 8 shall be subsequently maintained for the life 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 such other period as specified in the approval after the date of the determination, the approval will lapse and be of no further effect.**
- 2 Where an approval has so lapsed, no development is to be carried out without the further approval of the local government having first been sought and obtained.**
- 3 If an applicant is aggrieved by this determination there is a right of appeal under the Planning & Development Act 2005. An appeal must be lodged within 28 days of the determination.**
- 4 The Landscaping Plan shall show the type, number and spacing of species to be planted and specify anticipated height at maturity.**
- 5 Note: Non-compliance against CONDITION 3 is an offence against the Public Health Act 1911.**
- 6 This approval is not a building permit. In accordance with the provisions of the Building Act 2011, an application for a building permit must be submitted to, and approval granted by the local government prior to any change of classification or prior to the commencement of any structural works within the development hereby permitted.**

CARRIED: 5/0

At 5.27pm, Cr Denese Smythe returned to the meeting.

The Shire President advised Cr Smythe of the Council decision

The Chief Executive Officer advised the meeting that Councillors received confidential legal advice on this matter earlier in the week.

SY003-02/19 NOISE MANAGEMENT PLAN AND S31 SAT RECONSIDERATION: PLANNING APPROVAL RECREATIONAL AVIATION AND FIVE HANGAR/CHALETS: LOT 2308 AND 8038 CAMERON ROAD, MALEBELLING

File Number:	CA1.60838
Author:	Carly Rundle, Senior Planner
Authoriser:	Darren Wallace, Executive Manager, Infrastructure & Development Services
Previously before Council:	SY027-03/18 & SY114-09/18
Appendices:	1. Noise Management Plan (December 2018, Draft 08 version) 2. Submission Received

NATURE OF COUNCIL'S ROLE IN THE MATTER

Quasi-judicial.

PURPOSE OF REPORT

The purpose of this report is, in respect to the planning consent issued 13 April 2018 (and as amended 12 October 2018 (dated 7 September 2018 in error)) for Recreational Aviation and Five Hangar Chalets at Lot 2308 and 8038 Cameron Road, Malebelling, for Council to:

1. consider the Noise Management Plan submitted to meet condition 7 of the above planning consent; and
2. in accordance with Section 31(1) of the *State Administrative Tribunal Act 2004*, reconsider its decision. The intent of the reconsideration is to address the inclusion of the North/South runway forming part of the development approval.

BACKGROUND

Lot 2308 is zoned 'General Agriculture' and contains an existing private airstrip. One hangar/chalet for short stay accommodation was approved on the property in March 2016 and has since been constructed.

Council at its Ordinary Council Meeting 26 March 2018 resolved to approve the application for 'Recreational Aviation and Five Hangar/Chalets' at Lot 2308 Cameron Road, Malebelling subject to conditions. The notice of determination was issued on 13 April 2018. The applicant subsequently lodged an appeal 26 April 2018 to modify conditions 5, 7, 8, 10.2 and 11. The State Administrative Tribunal (SAT), pursuant to Section 31(1) of the *State Administrative Tribunal Act 2004* invited the Shire to reconsider its decision at its meeting 25 September 2018. The appeal and previous reconsideration (which also involved an amendment to the application to incorporate Lot 8038 Cameron road, Malebelling) are discussed in detail in the previous Council minutes.

As a result of the reconsideration Council resolved to, pursuant to clause 77 of the Planning and Development (Local Planning Schemes) Regulations 2015 and section 31 of the *State Administrative Tribunal Act 2004*, in respect of DR97/2018 to:

'Reconsider its decision dated 13 April 2018 and approves the application to amend planning approval for Recreational Aviation and Five/Hangar Chalets at Lots 2308 and 8038 Cameron Road, Malebelling, 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) including any notes placed in red by the Shire and except as may be modified by the following conditions.*
3. *This approval relates to recreational aviation purposes only, including the storage of private aircraft and flying lessons, and does not include any other commercial aviation activities and movements.*
4. *The use of the runway strip on Lot 2308 shall not be used for any commercial aviation purposes, including tours and commercial flights.*
5. *The development approved is to be made available for short stay temporary accommodation only with no guest being accommodated for periods totalling more than 3 months in any 12 month period.*
6. *Prior to the commencement of works, the applicant shall at their own cost, provide constructed access to the Lot 2308 through either of the following:*
 - (a) *Constructing Needling Hills Road in the location shown on the attached plan to the satisfaction of the Shire; or*
 - (b) *A right of carriage-way easement being placed over a constructed access way on Lot 8308 for the benefit of Lot 2308 in accordance with the provisions of the Transfer of Land Act 1893. A copy of the approved easement on the Deposited Plan shall be provided to the Shire.*
7. *Prior to the commencement of aviation activities on the site, a noise management plan for recreational aviation is to be provided to the Shire for approval, and thereafter implemented. The noise management plan is to include:*
 - *Restriction of aircraft types and number of daily flights on the property to comply with the criteria of Australian Standard (AS) 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction. “Touch and gos” associated with flying lessons are to be defined as an individual flight for the purpose of compliance with the criteria.*
 - *Management of operation hours for use of the runway strip to maintain the amenity of adjacent residences to the satisfaction of the Shire.*
 - *Delineation of taxiing routes that do not pass the residence on 50 Russ Retreat.*
 - *Compliance monitoring and reporting.*
8. *A landscape plan is to be submitted to the Shire for approval prior to commencement of development. The landscape plan is to identify the location and species of vegetation to be used to screen the proposed buildings from the adjacent residential property. Screening vegetation in the approved landscape plan is to be planted within six months of the approval and thereafter maintained to the satisfaction of the Shire.*

ADVICE NOTES:

- Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval will lapse and be of no further effect.*
- Note 2: Where an approval has so lapsed, no development is to be carried out without the further approval of the local government having first been sought and obtained.*
- Note 3: If an applicant is aggrieved by this determination there is a right of appeal under the Planning & Development Act 2005. An appeal must be lodged within 28 days of the determination.*
- Note 4: With respect to Condition 6, the current requirement is for construction to a gravel standard. The applicant should liaise with the Shire to confirm construction requirements.*
- Note 5: Existing north-south runway 14 shown on the proposed site plans is not approved development. This runway is not to be used and is to be decommissioned. Any future runways on Lot 2308 in addition to runway 09-27 require development approval.*

- Note 6: No fuel infrastructure is approved on the site. Any future fuel infrastructure will be subject to separate development approval that will consider the environmental and bushfire implications of fuel storage on site. The applicant is advised that further dangerous goods approvals may be required for bulk fuel storage.*
- Note 7: The Landscape Plan should include a plant schedule nominating species, planting distances, numbers, planting sizes, together with the anticipated height of each plant at maturity.*
- Note 8: The applicant is advised that this approval relates to recreational aviation use and five hangar/chalets only. Any further development or intensification of aviation and tourist uses on the site may require an amendment to the local planning scheme. The applicant should liaise with the Shire in relation to this matter.*
- Note 9: In accordance with the provisions of the Building Act 2011, and Building Regulations 2012, an application for a building permit must be submitted to, and approval granted by the Shire, prior to the commencement of the development hereby permitted.*

A Noise Management Plan to meet condition 7 of the planning consent was originally submitted by the applicant 1 August 2018 (June 2018, Draft 03 Version). Revision of the document has been undertaken in response to Shire of York comments, which was informed by a peer review by an appropriately qualified acoustic consultant. The Noise Management Plan (December 2018, Draft 08 version) is now submitted to Council for consideration.

During the process of review of the Noise Management Plan, the north/south runway was raised as a point of contention, with the Shire advising that the planning consent for Recreational Aviation and Five Hangar/Chalets did not include the north-south landing strip 14 on Lot 2308 and that this required approval before its reference in the noise management plan could be supported. At the directions hearing dated 25 January 2019, the SAT issued orders inviting Council to reconsider its decision, which is understood between the parties to be with the intent of reconsidering the exclusion of the north/south runway from the development approval.

COMMENTS AND DETAILS

North/South Runway 14 on Lot 2308

The status of approval of runway 14 on Lot 2308 and its suitability has been raised as a point of disagreement in review of the noise management plan, with officers advising that the runway did not form part of the development approval for Recreational Aviation for its use to be referred to in the Noise Management Plan. It is understood that the applicant is of the opinion that the runway does form part of existing planning approvals issued for the property, and also have indicated that runways do not require development approval. A summary of approvals relating to the north south runway 14 is referred below for Council's consideration.

The development plans approved for Recreational Aviation/Five Hangar Chalets, show an east/west landing strip (09/27) and north/south landing strip (14) on Lot 2308 which are referred to as 'existing'. The north/south landing strip (14) on Lot 2308 is shown crossing an unconstructed road reserve to the south and connecting to the landing strip on Lot 8038.

The applicant originally provided that the east/west landing strip (09/27) on Lot 2308 has been in operation since 1986, and the Noise Management Plan recently submitted refers to the runway being created in 1991. The north/south runway (14) on Lot 2308 is a more recent development, with aerials indicating that vegetation was cleared sometime from 2014 to 2017 to provide for the extended runway connecting to Lot 8038 via the unconstructed road reserve. The north/south runway (14) and an east/west runway on Lot 8038 only were part of the planning consent issue for commercial aviation on Lot 8038 19 December 2005.

In the Council agenda item 13 April 2018, the north/south runway (14) on Lot 2308 was discussed as being constructed, although advised that there was no record of any development approval or planning consent being issued for its use. It was noted that there was concern about the north/south runway strip and its proximity to the residence on 50 Fuss Retreat, that further technical consideration was required, and as such it was excluded from the application at this stage. It was provided that the applicant would be advised that the runway is not approved and is to be decommissioned and any north/south runway will require the approval of Council through a further development application. Advice Note 5 was subsequently included on the development approval,

which was then amended by Council at its meeting 25 September 2018, in response to the applicants request that the advice note more clearly refer to the north-south runway to read:

“Existing north-south runway 14 shown on the proposed site plan is not approved development. This runway is not to be used and is to be decommissioned. Any future runways on Lot 2308 in addition to runway 09-27 require development approval.”

An annotation was included on the approved development plans, referring to advice note 5 advising of the exclusion of the north-south runway from the development plans. Whilst an advice note does not have statutory effect, annotations on approved development plans do by way of Condition 2:

2. The development hereby approved shall be undertaken in accordance with signed and stamped, Approved Development Plan(s), including any notes placed in red by the Shire and except as may be modified by the following conditions.”

Council should note that a prior planning approval was issued for Lot 2308 and Lot 8038 Cameron Road, Malebelling for one hangar/farm stay style accommodation in 2016. The development application applied for ‘Aircraft Hangars and Farm Stay Style Accommodation’. Supporting information submitted with the proposal refers to the existing runway 09-27 being on Lot 2308 and complimentary to the activities on the adjoining Lot 8038. The development plans refer to the 09-27 as an existing runway and runway 14 is referred to as an ‘extended runway centreline’. The planning consent issued 29 March 2016 was for ‘One Aircraft Hangar and Farm Stay Style Accommodation: Lot 2308 & 8038 Cameron Road, Malebelling. The approved development plans were annotated to circle the one hangar and a note placed on the approved plans advising that ‘one unit proposed as part of this application’. It is officer’s opinion that this development approval did not extend to the approval the extended runway centreline of runway 14.

The Shire is seeking legal opinion on Councils powers in respect to approving runways and confirming that Runway 14 extension has not previously been approved.

The SAT has issued orders 25 January 2018, inviting the Shire to reconsider its decision at its meeting 25 February 2019.

In considering amenity impacts from the north/south runway on adjoining properties:

- A peer review by a qualified acoustic consultant concluded that noise emissions from use of the north/south runway (14) to the dwelling on the adjoining property to the North (50 Fuss Retreat) were assessed within the Acoustic Assessment submitted and would not exceed noise emissions modelled for the east/west runway (09/27).
- The inclusion of a north/south runway on Lot 2308 places a further runway in closer proximity to the dwelling on 50 Fuss Retreat. Any visual impacts from additional aircrafts taking off/landing in a north/south direction are anticipated to be minimal considering the visual impacts from an aircraft take/off and landing would be for a short period of time and aircrafts would be required to be airborne a minimum distance from the fence line.

One of the key technical considerations for the runway extension relates to it crossing a road reserve (albeit unconstructed) which is considered inconsistent with the purpose of a road reserve, and with the exclusion of the road reserve whether the resulting runway on Lot 2308 is appropriate development.

The applicant provided further information with the Noise Management Plan on Annexure 5, indicating that aircraft taking and landing on both Lot 2308 and 8038 would normally be airborne or land away from the road reserve and that:

‘the runway stops short of the road reserve is not crossed by aircraft as part of normal flight activities and is sign posted accordingly. The area of the road reserve is at a midpoint of the runway and is used generally for taxiing purposes only’.

The Shire contacted the Civil Aviation Safety Authority for further advice as part of the reconsideration. A Senior Advisor to Branch Manager, in the ‘Air Navigation, Airspace and Aerodromes Branch provided an ‘opinion’ on matters the Council should consider in making a determination on the appropriateness of the runway, although advised that it was not formal advice

from CASA (as the place is not registered as an aerodrome which requires formal approval from CASA) but a subject matter expert opinion:

- *CASA advises that it is for the pilot to assess and workout if the aircraft they are flying is able to use a particular Aeroplane Landing Area based on the parameters set out for their relevant Aircraft Flight Manual, which specifies the particular take off and landing distances for that aircraft given a whole host of other parameters such as wind speed, ambient air temperature, take-off and landing surface.*
- *That in regard to the road reserve, Council needs to consider whether the road reserve is to be closed or not;*
- *Should vehicles use the track or road reserve that crosses the proposed runway extension, there is no identified system articulated for ensuring that a vehicle does not cross the runway during runway operations;*
- *Should the Council not provide an approval for a runway through the road reserve - from a safety perspective, there is no safe option for flight to have a runway on the same alignment with only a break where the road reserve is located as this could lead to pilots becoming confused as to where the threshold of each runway is;*
- *My recollection of the location is that there is that the land inclines downwards to the NW. This would create a visibility issue for aircraft using the cross runway in the northern paddock and therefore presents a safety issue.*
- *A runway is never used for taxiing only. A taxiway is used for taxiing. There have been many incidents in history where a taxiway has been confused as a runway which has led to serious accidents, some with loss of life.*
- *I would consider that a full risk assessment of the hazards and risks has not been conducted. If one has, I would be interested in what risk control measures have been considered to ensure safe operations on an extended runway.*
- *In summary, it is my opinion that the Council needs to make a determination as to whether the road reserve will be maintained as such and whether an access road will be built on it at some time in the future. If this land is to be used for that purpose, then it is not suitable to have the runway passing across it. If it is not to be used for an access road at any time, then certain actions will need to be undertaken to make the land suitable for use as an extended runway from the current length.*

In considering the above, a runway extension crossing a road reserve (albeit unconstructed) is inconsistent with the intent of a road reserve and may prejudice future development of the road for its reserved purpose. Whilst a request has been received from the landowners of Lot 2308 to close a portion of the unconstructed road reserve, this is yet to be advertised or determined and requires approval of the Department of Planning, Lands and Heritage under the *Land Administrative Act 1997*.

Concerns have also been raised regarding the practical ability to restrict aircrafts from using the runway, which could present safety risks for use of vehicles on the road reserve. It is recommended that Council does not support the extension of the runway centre line 14 over the unconstructed road reserve and Lot 2308 and reaffirm its decision issued 13 April 2018 (and as amended 12 October 2018 (dated 7 September 2018 in error)).

However, if the road reserve was to be closed it is considered that there would be no reason not to approve the north/south Runway 14 extension.

Noise Management Plan

A Noise Management Plan (December 2018, Draft 08 version) has been submitted in accordance with condition 7 of the planning consent. The Noise Management Plan provides a broad overview and background of airfield operations to inform noise management provisions, lists noise management provisions, and includes appendices in support of the plan such as the acoustic assessment, guidelines for Aeroplane Landing Areas, Take Off Data and Airfield Plan.

The Shire has engaged a suitably qualified acoustic consultant to assist with review of the Noise Management Plan. The review identified the following:

- That additional information to inform the appropriateness of operating hours should be provided. The noise management plan proposes operation of flights between first light and last light and has included restrictions on touch and go's to occur after 6am. The daily number of flights is also restricted to comply with provisions of Australian Standard (AS) 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction (AS2021:2015).

Council at its Ordinary Meeting 25 September 2018, by way of section 31 SAT reconsideration resolved to delete condition 5 of the planning consent restricting operating hours to 7am to 7pm Monday to Saturday and 9am to 7pm Sundays and Public Holidays. The agenda item recommended deletion on the basis that it was recognised that it may be appropriate for some flights to occur prior to 7am which would have minimal impact on amenity, although a higher number of flights prior to 7am/9am may have an impact on amenity. Condition 7 was then updated to reflect that the noise management plan was to include management of operation hours for the use of the runway strip to maintain the amenity of adjacent residences to the satisfaction of the Shire.

The Shire provided to the applicant that additional information should be included within the Noise Management Plan such as a summary of actual flights prior to 7am/9am, including frequency and predictions for future usage, which would then inform the likely impacts of the proposed first light/last light operation hours and provide certainty that it can meet condition 7 'to maintain the amenity of adjacent residents'.

In absence of such information being included in the current revision, officers are of the opinion the noise management plan be recommended for approval, on the basis that a review occur in twelve months, at which time the Shire can review to determine whether the management provisions are adequately maintaining amenity of the adjacent landowners. A 12-month review period is recommended to incorporate the early sunrise and late sunset of the next summer.

- Condition 7 requires the noise management plan to include a restriction on aircraft types to comply with the criteria of AS2021:2015 and was on the basis that the acoustic assessment submitted in support of the development application was modelled on the noise emissions of four different aircrafts measuring. The noise management plan includes provisions which limit use of the runway to aircrafts below 5,700kg (except for emergency) and for aircrafts with single piston engine with 2 to 4 seats and refers to this including smaller types of aircrafts such as microlights, ultralights, light sport aircraft and gyrocopters being included in the maximum noise levels. Whilst there is a level of uncertainty regarding the noise emissions from other aircraft types not modelled (such as rotary aircrafts) requiring monitoring of each aircraft type which may use the property may be unreasonable, there is a commitment in the noise management plan that aircrafts will not exceed a certain noise level to the adjoining property which is consistent with the criteria of AS2021:2015 and a review occurring within 12 months will allow an avenue for any issues that may arise to be given consideration.
- The Noise Management Plan and/or Airfield Plan is to include information to satisfy condition 7 which requires the plan to delineate 'taxiing routes that do not pass the residence on 50 Fuss Retreat'.
- The noise management plan is to be amended to remove reference to the extended runway centreline of runway 14 on the unconstructed road reserve and Lot 2308 as it is not approved development.

It is recommended Council supports the Noise Management Plan (December 2018, version 08), subject to the above modifications being undertaken.

OPTIONS

The following options are also available to Council:

1. Council considers that the north/south runway 14 did form part of a previous development approval. It is recommended in this instance that Council reconsiders its decision and amends the development approval by removing the annotation to advice 5 on the approved development plans and deleting advice note 5 for clarity.
2. Council reconsiders its decision and approves the inclusion of the north/south runway by issuing amended developments removing the annotation to advice note 5 on the approved development plans and deleting advice not 5 for clarity.
3. Council may refuse to approve the Noise Management Plan;
4. Council may approve the Noise Management Plan and modify the recommended amendments.

IMPLICATIONS TO CONSIDER

Consultative

A qualified acoustic consultant from GHD assisted the Shire in review of the Noise Management Plan.

The Civil Aviation Safety Authority (CASA) was contacted for advice as part of the reconsideration. Advice received is discussed under ‘Comments’.

Adjoining Landowners (50 Fuss Retreat, Malebelling)

Given that Condition 7 of the planning consent (which specifies content to be included in the noise management) refers to provisions such as operating hours being included to maintain the amenity of the adjoining landowners, officers met the with the owners of the adjoining property at 50 Fuss Retreat to advise of the key noise management measures proposed in the plan.

A submission was received (attached at **appendix 2**) which objected to the noise management plan for the following reasons:

Submission	Officer Comments
<p><u>Operating Hours:</u></p> <p>Should be set for the noise management to be enforceable;</p> <p>Sunrise to sunset is vague for compliance enforcement and allows planes to take off and land at 4.30am in summer months.</p> <p>That the operating hours are inconsistent with local regulations which restrict noise generation between the hours of 7am and 7pm Monday to Saturday and 9am to 7pm Sundays and Public Holidays. These regulations apply to motorbikes, chainsaws and lawnmowers, with less power and noise output than an aircraft.</p>	<p>Should first light/last light be supported, officers consider that the requirement for enforcement would be limited, as the applicant has provided that facilities are not suited to operation outside of daylight and operation.</p> <p>The Environmental Protection (Noise) Regulations 1997, which set limitation on noise emissions, specifically exempt aircraft noises from the requirement to comply. In absence of these regulations, Council in issuing approval considered AS 2021:2015 an appropriate guide although recognised operating hours should be included to maintain the amenity of adjoining landowners. Operating hours in the NMP are proposed on first light/last light, and a provision made to restrict touch and go’s occurring prior to 6.00 am. The impact on amenity is uncertain in absence of information on likely number, frequency and times of flights on the property. Approval of the Noise Management Plan is recommended subject to a review occurring in 12 months to consider any issues and whether the management provisions are adequately maintaining amenity of the adjacent landowners.</p>

<p><u>Acoustic Assessment</u></p> <ul style="list-style-type: none"> • That the acoustic assessment is flawed, and is not a true reflection of noise levels, take-off and landing calculations/estimations. That during modelling, aircrafts did not take off in the normal location. • That the acoustic assessment did not record noise emissions for aircrafts commonly used on the property including gyrocopters, and that further assessment of noise emissions for gyrocopters 	<p>The acoustic assessment has been prepared and signed off by a qualified acoustic consultant as being accurate.</p> <p>The Noise Management Plan includes provisions which confirm that investigation will occur should noise emissions for aircrafts exceed that considered suitable in accordance with the acoustic assessment and AS2021:2015.</p> <p>Refer 'comments' regarding provisions in the Noise Management Plan relating to aircraft types.</p>
<p><u>Left Hand Circuits</u></p> <ul style="list-style-type: none"> • Right hand circuits would have less noise emissions for the dwelling at 50 Fuss Retreat, when taking off to the east or north, and left hand circuits when taking off in a westerly direction. 	<p>A provision is made in the Noise Management Plan that circuits should be made to avoid flying over 50 Fuss Retreat whenever possible, which is considered suitable by officers.</p>
<p><u>Fly Neighbourly Agreement</u></p> <ul style="list-style-type: none"> • That the fly neighbourly agreement referred to, relates to the adjoining property Lot 8038, and that a new fly neighbourly agreement should be prepared to reflect provisions of this noise management plan. 	<p>It is the applicant's responsibility to ensure that operations on the property occur in accordance with the noise management plan and will need to provide appropriate information to pilots to ensure compliance.</p> <p>The Noise Management Plan refers to an information sheet being prepared to inform pilots of provisions.</p>
<p><u>Harvest Vehicle Movement Ban Activity</u></p> <ul style="list-style-type: none"> • Request for confirmation that under the Bushfire Regulations 1954, Section 38A, and/or Section 24C that aviation activities are not exempt from the above bans, and that aircrafts have been performing aviation activities not required for firefighting operations during a ban. 	<p>This matter will be investigated and responded to separately, although is not considered to influence the consideration of the Noise Management Plan.</p>
<p><u>Complaints Procedure</u></p> <ul style="list-style-type: none"> • That there are legal restrictions preventing communication between 50 Fuss Retreat and Lot 19919 for the complaints procedure to have effect. 	<p>Should such legal restrictions remain in place at the time of a complaint arising, it is considered that under the provisions of the Noise Management Plan, it would then escalate to the Shire to investigate.</p>
<p><u>Proposed Runway 14-32</u></p> <ul style="list-style-type: none"> • That it has not been approved for use; • That a road reserve intersects this runway, and is a safety issue between pilots and users that choose to access this road in its unbuilt state; • White Gum Farm is a tourist attraction and caravan park with extensive foot and vehicle traffic, and the runway is not limited to taxi operations and is used as a functioning take-off landing runway. • That runway 14-32 is listed online as a runway of 1400m in length; 	<p>Refer 'comments' section regarding the extension of runway 14-32.</p> <p>The runway on Lot 8038 (White Gum Farm) only is already an approved runway for commercial aviation, subject to conditions.</p>

<ul style="list-style-type: none"> • That overhead power lines are installed on Lot 19919, which are intrusive to the proposed runway 14-32, and being used for training purposes represents a safety issue. At the applicant's request highly reflective buoys were installed to notify pilots of the impeding hazard. 	
<p><u>Compliance and Monitoring</u></p> <ul style="list-style-type: none"> • Concerns about operation complying with the noise management plan; • That the informal monitoring is not sufficient. • Query as to how visiting pilots will be made aware of the provisions to adhere to the noise management plan, or other fly neighbourly agreements, if the Aeroplane landing area is listed online, as 'permission not required, use at pilot's discretion'. 	<p>It is the applicant's responsibility to ensure that operations on the property occur in accordance with the noise management plan and will need to provide appropriate information to pilots to ensure compliance.</p> <p>The noise management plan provides for informal recording at peak times, although also provides a commitment that log books from pilots can be made available in the event of a complaint, and if information is required. This is considered sufficient to approve at the current time, and should any issues arise, this can be considered during the review of the document.</p>

Strategic

The development application, subject to appropriate conditions being implemented was not considered to have an adverse impact on the amenity of the locality and is consistent with the broad objectives of the Shire of York's 2018-2028 Strategic Community Plan. The officer's recommendation is not considered to impact the previous strategic implications.

Policy Related

Nil.

Financial

The application, including the associated Noise Management Plan is currently subject to an appeal to the State Administrative Tribunal (SAT). Orders have been issued by the SAT to progress to a hearing, and dates for a final hearing have been set. A further directions hearing is also scheduled for 8 March 2019, where it is anticipated that any modifications to the orders in response to Council's decision will be made.

Should the matter progress to a hearing, assistance with document preparation and representation is anticipated to cost in the order of \$5,000 to \$15,000, which would be anticipated to be covered from available funds in the 'planning' budget. There is risk that further substantial cost could be incurred as a result of a hearing, although would likely be incurred in the 2019/2020 financial year.

Legal and Statutory

State Administrative Tribunal Act 2004

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of York Town Planning Scheme No. 2

Risk Related

The applicant retains the ability to continue with the appeal being determined by the State Administrative Tribunal. Whilst this is a risk that would also have associated workforce and financial implications, Council needs to make orderly and proper planning decisions, and this should not influence decision making.

Workforce

A hearing will require staff assistance to prepare required documentation, although will be done within existing staff resources.

VOTING REQUIREMENTS

Absolute Majority: Yes

RECOMMENDATION

That Council:

1. Advises the State Administrative Tribunal that it reaffirms its decision to issue planning consent 13 April 2018 (and as amended 12 October 2018 (dated 7 September 2018 in error)) for Recreational Aviation and Five Hangar/Chalets at Lot 2308 and Lot 8038 Cameron Road, Malebelling.
2. Approves the Noise Management Plan, dated December 2018, draft 08, noting that the north-south runway 14 extension on the unconstructed road reserve and Lot 2308 is not approved development and the following modification being undertaken to the satisfaction of the Shire of York:
 - The Noise Management Plan and/or Airfield Plan is to include information to satisfy condition 7 of the planning consent which requires the delineation of taxiing routes that do not pass the residence on 50 Fuss Retreat.
3. Notes that the outstanding matters in considering not to support approval of the north-south runway 14 extension relate to its use of the unconstructed road reserve and safety considerations.
4. Delegates authority to the Chief Executive Officer to approve the north/south runway 14 extension in the event that the road closure is approved (and land tenure permits approval).

MOTION

Moved: Cr Kevin Trent

Seconded: Lapsed as no Seconder

That Council:

1. Advises the State Administrative Tribunal that it reaffirms its decision to issue planning consent 13 April 2018 (and as amended 12 October 2018 (dated 7 September 2018 in error)) for Recreational Aviation and Five Hangar/Chalets at Lot 2308 and Lot 8038 Cameron Road, Malebelling.
2. Approves the Noise Management Plan, dated December 2018, draft 08, noting that the north-south runway 14 extension on the unconstructed road reserve and Lot 2308 is not approved development and the following modification being undertaken to the satisfaction of the Shire of York:
 - The Noise Management Plan and/or Airfield Plan is to include information to satisfy condition 7 of the planning consent which requires the delineation of taxiing routes that do not pass the residence on 50 Fuss Retreat.
3. Notes that the outstanding matters in considering not to support approval of the north-south runway 14 extension relate to its use of the unconstructed road reserve and safety considerations.
4. Delegates authority to the Chief Executive Officer to approve the north/south runway 14 extension in the event that the road closure is approved (and land tenure permits approval).
5. Chief Executive Officer to keep Council advised of the progress on the road closure.

The Motion with additional point 5 lapsed due to there being no seconder.

RESOLUTION**050219**

Moved: Cr Jane Ferro

Seconded: Cr Kevin Trent

That Council:

1. **Advises the State Administrative Tribunal that it reaffirms its decision to issue planning consent 13 April 2018 (and as amended 12 October 2018 (dated 7 September 2018 in error)) for Recreational Aviation and Five Hangar/Chalets at Lot 2308 and Lot 8038 Cameron Road, Malebelling.**
2. **Approves the Noise Management Plan, dated December 2018, draft 08, noting that the north-south runway 14 extension on the unconstructed road reserve and Lot 2308 is not approved development and the following modification being undertaken to the satisfaction of the Shire of York:**
 - **The Noise Management Plan and/or Airfield Plan is to include information to satisfy condition 7 of the planning consent which requires the delineation of taxiing routes that do not pass the residence on 50 Fuss Retreat.**
3. **Notes that the outstanding matters in considering not to support approval of the north-south runway 14 extension relate to its use of the unconstructed road reserve and safety considerations.**
4. **Delegates authority to the Chief Executive Officer to approve the north/south runway 14 extension in the event that the road closure is approved (and land tenure permits approval).**

CARRIED BY ABSOLUTE MAJORITY: 6/0

The Chief Executive Officer advised that this item has been assessed by the City of Nedlands. The first Recommendation is from the City of Nedlands, the second Recommendation is from Shire of York Officers, for Councils consideration

SY004-02/19 PROPOSED CHANGE OF USE (FROM LODGE HOUSE AND PUBLIC HALL) TO SINGLE HOUSE AND ART GALLERY

File Number:	JO1.14280
Author:	Andrew Bratley, City of Nedlands' Coordinator Statutory Planning
Authoriser:	Darren Wallace, Executive Manager, Infrastructure & Development Services
Previously before Council:	Not Applicable
Appendices:	<ol style="list-style-type: none">1. Location Plan2. Photographs taken on subject property3. Site Plan4. Floor Plans5. Elevations6. Proposed Wall Sign7. Proposed Draft Conservation Plan8. Heritage Advice

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive.

PURPOSE OF REPORT

For Council to consider a development application received on 11 January 2019 for the existing building at 3 Joaquina Street, York, to be used as an art gallery and a single house.

BACKGROUND

The building which is known as 'Masonic Hall', has previously been used as lodge rooms and a public hall. Refer to **Attachment 1** for the location plan and **Attachment 2** for photographs taken of the subject property.

The applicant is seeking approval to use the ground floor of the building as an art gallery and the upper floor as a single house. Details of the applicant are as follows:

- Five (5) car parking bays, including 1 disabled bay, are proposed to be available at the rear of the property, access to which is proposed via an easement adjacent to the eastern lot boundary.
- Two double carports and two storerooms are proposed at the rear of the property.
- The art gallery is proposed to have 2 staff members, both of whom are to reside on the upper storey of the same building. The applicant has advised that per day there will be 1 seller at the art gallery.
- The art gallery is proposed to operate between Thursdays and Sundays 10.00am to 2.30pm.
- When not being used as an art gallery the applicant has advised that art classes are proposed to be held on the ground floor between Mondays and Wednesdays 9.00am to 12.00pm.
- The applicant has advised that up to 4 students would be able to attend the art classes. Students will need to pre-book their places at the classes.

- A non-illuminated wall sign is proposed on the front façade of the building. No other external alterations to the building are currently proposed which require development approval.

Refer to **Attachments 3 to 6** for the plans provided as part of the development application.

Surrounding properties contain the Shire's administration building, a vacant building (owned by the Shire), and a driveway for a rear battle-axe lot.

The Shire is currently in negotiations with the owners of the subject property regarding vehicular access to the rear of the property via a proposed easement adjacent to the eastern (side) lot boundary. This is yet to be formally agreed upon by both parties.

COMMENTS AND DETAILS

Planning and Development (Local Planning Schemes) Regulations 2015 – Clause 67 Matters for Consideration (Deemed Provisions)

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

- *Any approved State Planning Policy (cl67(c))*
- *Any local planning policy for the Scheme area (cl67(g)),*
- *The built heritage conservation of any place that is of cultural significance (cl67(k))*
- *The compatibility of the development with its setting including the relationship 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 (cl67 (m))*
- *The amenity of the locality including the following —*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development (cl67(n))*
- *The adequacy of —*
 - (i) the proposed means of access to and egress from the site; and*
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles (cl67(s)).*
- *The availability and adequacy for the development of the following —*
 - i) public transport services;*
 - ii) public utility services;*
 - iii) storage, management and collection of waste;*
 - iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
 - v) access by older people and people with disability (cl67(u));*

Town Planning Scheme No. 2

Under the Shire's Town Planning Scheme No. 2 (TPS 2) the property is zoned Town Centre R40.

Under Clause 2 (Land Use Definitions) of TPS 2 an art gallery and a single house are defined to be the following:

- “Art gallery: means premises -*
- (a) that are open to the public; and*
 - (b) where artworks are displayed for viewing or sale.”*

“Single house: A dwelling standing wholly on it’s own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property.”

An art gallery and a single house are ‘AA’ uses in the Town Centre zone under TPS 2 which means that the use may be permitted if the local government has exercised its discretion by granting planning consent.

In accordance with Clause 4.9.1 (Objectives) of TPS 2 the following are the objectives for the Town Centre zone:

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

It is considered that the proposal being located in an area that adjoins existing residential land uses to the south, and commercial/public uses to the east and west, and which is currently located at the edge of the town centre as defined in the Local Planning Strategy, is unlikely to segregate any high traffic commercial, civic or tourist uses and can contribute to the security and economic sustainability of the town centre.

No car parking bay requirements are stipulated for an art gallery under Schedule 4 (Car Parking Requirements) of TPS 2, therefore the required amount of bays is at the Shire’s discretion. The residential component is required to have 2 car bays in accordance with the Residential Design Codes (R-Codes).

Five (5) car bays are proposed to be provided at the rear of the property, including 1 disabled bay. This means that 3 onsite car bays will be available for the art gallery and art classes.

Car parking is unlikely to become an issue if the application is approved by Council due to the following:

- a) Staff associated with the art gallery and art classes will reside on the upper story of the same building.
- b) Students for art classes are required to pre-book their places at the art classes.
- c) Considering that there will be a maximum of 4 students for the art classes, that the staff will reside at the property, and that 5 bays are proposed on site, means that potentially only 1 student will need to park off site.
- d) The peak hours of demand for the art gallery are likely to be at weekends when the Shire’s administration building will be closed.

- e) Visitors to the property are likely to be local residents or users of the park on the opposite side of the road, who may walk to the property rather than use private vehicles when visiting.
- f) The scale of the use is deemed to be relatively small meaning that a large amount of visitors are unlikely to visit the art gallery at the same time.

Heritage

The property is listed on Shire’s Heritage List as a Category 1B Building.

The Shire has a draft Conservation Plan (CP) on file dated 2004. The final adopted version of the document is not available currently therefore the Shire is to only have regard to it when determining the application. Refer to **Attachment 7** for the CP.

The CP refers to the building as being the ‘Masonic Hall’, intended to be used as lodge rooms and a public hall. The CP recommends that the building be conserved as it is a fine example of the Victorian Free Classical architectural style.

Residential Design Codes

Clause 4.9.3 (e) of TPS 2 specifies that ‘development of land for residential purposes only within the Town Centre zone shall comply with the requirements of the Residential Design Codes R40 density.’

The proposal complies with provisions of the R-Codes, with the exception of the following:

Outdoor Living Area

Deemed-to-Comply	Proposed	Complies?
C1.1: An outdoor living area to be provided: in accordance with Table 1 (20sqm in area).	An unroofed 16sqm courtyard area is proposed at the rear of the building.	No
<p>Design Principles</p> <p><i>Outdoor living areas which provide spaces:</i></p> <ul style="list-style-type: none"> • <i>capable of use in conjunction with a habitable room of the dwelling;</i> • <i>open to winter sun and ventilation; and</i> • <i>optimise use of the northern aspect of the site.</i> <p><i>Balconies or equivalent outdoor living areas capable of use in conjunction with a habitable room of each dwelling, and if possible, open to winter sun.</i></p> <hr/> <p>Office Comments</p> <p>The site and building layout means that it is not possible to have direct access to the courtyard from a habitable room, nor is it possible to optimise use of the site’s n aspect.</p> <p>Enlarging the area so as to comply may result in changes having to be made to the car parking area and/or the building’s appearance.</p> <p>The variation is deemed to be minor, therefore it is unlikely to have a significant impact on the amenity of those residing at the property.</p> <p>Considering the above, the proposal is deemed to satisfy the applicable design principles.</p>		

Street Surveillance

Deemed-to-Comply	Proposed	Complies?
C3.1: The street elevation(s) of the dwelling to address the street with clearly definable entry points visible and accessed from the street.	Entry to dwelling to be at the rear of the building. The entrance at the front of the building is to be for the art gallery.	No

<p>Design Principles</p> <p><i>Buildings designed to provide for surveillance (actual or perceived) between individual dwellings and the street and between common areas and the street, which minimise opportunities for concealment and entrapment.</i></p> <hr/> <p>Officer Comments</p> <p>The site and building layout means that it is not possible to have the main entrance to the residential component at the front of the building unless various (significant) alterations are made to the existing structure.</p> <p>The rear entrance is clearly identifiable from the proposed on site car parking area where those residing at the property would park their private vehicles.</p> <p>Considering the above, the proposal is deemed to satisfy the applicable design principles.</p>
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Open Space

Deemed-to-Comply	Proposed	Complies?
C4 Open space provided in accordance with Table 1. R40 – 45%	48.9%	No

<p>Design Principles</p> <p><i>P4 Development incorporates suitable open space for its context to:</i></p> <ul style="list-style-type: none"> • <i>reflect the existing and/or desired streetscape character or as outlined under the local planning framework;</i> • <i>provide access to natural sunlight for the dwelling;</i> • <i>reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework;</i> • <i>provide an attractive setting for the buildings, landscape, vegetation and streetscape;</i> • <i>provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and</i> • <i>provide space for external fixtures and essential facilities.</i> <hr/> <p>Officer Comments</p> <p>The variation equates to approximately 22sqm and is as a consequence of the proposed storerooms and carports at the rear of the property.</p> <p>These buildings will not be visible from the street and do not result in any excessive amounts of overshadowing onto residential properties.</p> <p>Considering the above, the variation will not have a significant impact on the local amenity and is therefore deemed to satisfy the applicable design principles.</p>

Vehicle Access

Deemed-to-Comply	Proposed	Complies?
C5.3: Driveways shall be: <ul style="list-style-type: none"> • no closer than 0.5m from a side lot boundary or street pole; 	Driveway abuts eastern lot boundary	No
C5.4: Driveways designed for two way access to allow for vehicles to enter the street in forward gear where: <ul style="list-style-type: none"> • the distance from a car space to the street is 15m or more. 	2.5m wide driveway. Car bays approximately 25m from street boundary	No
<p>Design Principles</p> <p><i>P5.1 Vehicular access provided for each development site to provide:</i></p> <ul style="list-style-type: none"> • <i>vehicle access safety;</i> • <i>reduced impact of access points on the streetscape;</i> • <i>legible access;</i> • <i>pedestrian safety;</i> • <i>minimal crossovers; and</i> • <i>high quality landscaping features.</i> <hr/> <p>Officer Comments</p> <p>The width of the property and the site layout means that there is not the ability to construct an additional crossover and/or widen the existing access way.</p> <p>Access to the art gallery can be obtained via an entrance at the front of the building or from a rear entrance therefore pedestrian safety is unlikely to be compromised.</p> <p>The Shire is currently in negotiations with the owners of the subject property regarding vehicular access to the rear of the property via a proposed easement adjacent to the eastern (side) lot boundary. This is yet to be formally agreed upon by both parties.</p> <p>Considering the above, the proposal is deemed to satisfy the applicable design principles.</p>		

Outbuildings

Deemed-to-Comply	Proposed	Complies?
C3: Outbuildings to have a maximum roof height of 4.2m and a wall height of 2.4m.	Roof height – 4.25m Wall height - 2.48m	No
<p>Design Principles</p> <p><i>P3 Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.</i></p> <hr/> <p>Officer Comments</p> <p>The outbuildings are proposed to be located at the rear of the property and therefore will not be visible from the street.</p> <p>The adjoining properties are owned by the Shire and do not contain any residential uses currently.</p> <p>The scale of the development means that the variations are unlikely to be evident when viewed from the adjoining properties.</p> <p>Considering the above, the proposal is deemed to satisfy the applicable design principles.</p>		

Advertising Signage Local Planning Policy

Policy Requirement	Proposed	Complies?
For a building having an above ground elevation of 100 m ² or less—the advertisement does not exceed 20% of the above ground elevation.	Building’s elevation is approximately 83sqm and the sign is proposed to be 6.4sqm. Therefore the sign is proposed to occupy approximately 8% of the building’s elevation.	Yes
The advertisement does not protrude above the parapet or eaves.	Not proposed to protrude above or beyond any eaves and/or parapets.	Yes
The advertisement does not obscure significant architectural elements of the building,	The size of the sign and the amount of the elevation it is to occupy means that a significant amount of the building’s architectural elements are unlikely to be obscured.	Yes

Heritage Precincts and Places Local Planning Policy

The following advice was received from the Shire’s Heritage Consultant regarding the proposal:

“Elements of the Policy Objectives (5.2) refer to the heritage and architectural character of the building to which the sign is associated, and in particular to the Complying Principles:

- *Signs shall be discreet and shall complement the building and streetscape in which it is located;*
- *Signs shall be of a size, nature, colour and position so that the architectural characteristics of a building remain the dominant element of the building;*
- *Signage must respect and not cover important architectural detail on historic buildings;*
- *Signage should respect the heritage values of the building and streetscape on which it is located, however should not attempt to recreate a historic character through the use of “olde” lettering or other imitation styles;*
- *Signs shall be attached to a building in a manner which does not damage or compromise the structural integrity or heritage values of the building;*
- *Views into and out of shop windows should not be significantly obscured by signage;*
- *All signs should be of a high standard in terms of materials, construction and graphics. All signs shall be designed, constructed, finished, installed and maintained to a standard compatible with its surroundings, including buildings, landscaping and other signs; and*
- *Background colours used in signs shall generally be white or cream or colours from the colour palette available for viewing at the Shire of York offices.*

In my opinion, the proposed signage is generally consistent with the Complying Principles (5.4) that apply to all signs within the Central York Heritage Precinct. Although the signage is somewhat excessive in size, it is not out of scale or detracting from the impressive double storey frontage of the building. It does cover some architectural detailing, but in the overall frontage of the building, it is minimal. Care must be taken to minimise the physical impact on those architectural details and in the fixing of the sign.”

OPTIONS

Officers consider that subject to appropriate conditions being implemented, the proposal is consistent with the Shire of York Town Planning Scheme No.2 and *Planning and Development (Local*

Planning Schemes) Regulations 2015 and have recommended that Council approves the application subject to conditions.

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

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

IMPLICATIONS TO CONSIDER

Consultative

Under TPS 2 it is not mandatory to advertise AA uses.

Clause 4.1.2 of the R-Codes states that where a deemed-to-comply provisions has not been satisfied and a variation under the design principles is being sought there may be grounds for the decision maker to advertise the application.

If the decision maker is satisfied that the proposal will not adversely impact the adjoining properties and/or the street it is not mandatory to advertise the application.

Considering that the building footprint is to remain largely unchanged apart from at the rear of the property, and the Shire owns the immediately adjoining properties, and no residential properties exist directly opposite, it is deemed that the advertising of the variations and the proposed uses is not necessary.

Strategic

Subject to conditions being implemented, the proposal and officer's recommendation is considered to be consistent with the Shire of York's 2016-2026 Strategic Community Plan and the following desired outcomes:

Theme 2: A Leader in Cultural Heritage and Environment

2.3 New development is carried out at a scale and in style which retains, is compatible with and does not overshadow, the historic feel and heritage character of the town of York and other settlements.

Policy Related

There are no policy related implications associated with consideration of the subject proposal other than those discussed above.

Financial

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

Legal and Statutory

The proposal has been assessed and found to be in accordance with the statutory requirements of the Shire of York Town Planning Scheme No. 2 and the Planning and Development (Local Planning Schemes) Regulations 2015.

Risk Related

There are no significant risk related considerations relevant to the consideration of the subject proposal.

Workforce

Nil.

VOTING REQUIREMENTS

Absolute Majority: No

RECOMMENDATION

That Council approves the development application dated 11 January 2019 for the existing building at Lot 202 (No. 3) Joaquina Street, York, to be used as an art gallery and a single house, subject to the following conditions and advice notes:

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 Plans including any notes placed in red by the Shire and except as may be modified by the following conditions.
3. Stormwater is to be managed on site by the landowner to the Shire's satisfaction.
4. The operating hours of the art classes is restricted to between Mondays and Wednesdays 9.00am to 12.00pm (midday).
5. The operating hours of the art gallery is restricted to between Thursdays and Sundays 10.00am to 2.30pm.
6. All car parking bays, manoeuvring areas and vehicular access ways shown on the approved site plan being constructed, marked and drained prior to the uses commencing, and be maintained thereafter by the landowner to the Shire's satisfaction.
7. The proposed parapet wall for the storeroom and the carports being finished to a professional standard by the landowner prior to the uses commencing, and be maintained thereafter by the landowner, to the Shire's satisfaction.
8. The signage being maintained by the landowner to the Shire's satisfaction.

ADVICE NOTES:

- Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
- Note 2: Where an approval has so lapsed, no development is to be carried out without the further approval of the local government having first been sought and obtained.
- Note 3: If an applicant is aggrieved by this determination there is a right of appeal under the Planning & Development Act 2005. An appeal must be lodged within 28 days of the determination.
- Note 4: Adequate staff and public sanitary conveniences shall be provided in accordance with the Building Code of Australia.
- Note 5: The applicant shall make application to the Shire's Building Department for a Building Certificate, to acknowledge any unauthorised works.
- Note 6: This approval is not a building permit. In accordance with the provisions of the Building Act 2011, an application for a building permit must be submitted to, and approval granted by the local government prior to any change of classification or prior to the commencement of any structural works within the development hereby permitted

ADDITIONAL COMMENT

It is considered by officers that conditions 4 and 5 of the original recommendation may be overly restrictive should the owner wish to operate outside of these times. It is acknowledged that the operating hours specified were applied for the applicant.

The reasons given for inclusion of conditions 4 and 5 of the original recommendation relate to ensuring that the local amenity is preserved and to ensure that its operations does not cause conflict in terms of car parking availability during the peak hours of operation of nearby businesses. In the body of the report, prepared by City of Nedlands, comment is made that "car parking is unlikely to become an issue if the application is approved by Council".

It is acknowledged that the operating hours of the art classes and gallery as per the conditions of the original recommendation will be open predominantly during the Shire of York administrative office hours. It is also considered that allowing flexibility for operation hours of the use is unlikely to result in amenity impacts given that weekends are likely to remain peak times for visitors to the art gallery, and providing flexibility is likely to allow for the business to extend operation on weekends if desirable, or nights which would likely reduce visitor numbers during weekdays during business hours.

It is recommended that conditions 4 and 5 be deleted. It is however, recommended that a condition be included to reflect that the art gallery and art classes are not to occur at the same time to reflect the City of Nedlands assessment on car parking demands based on the two uses not occurring at the same time.

RESOLUTION**060219****Moved: Cr Kevin Trent****Seconded: Cr Denese Smythe**

That Council approves the development application dated 11 January 2019 for the existing building at Lot 202 (No. 3) Joaquina Street, York, to be used as an art gallery and a single house, subject to the following conditions and advice notes:

- 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 Plans including any notes placed in red by the Shire and except as may be modified by the following conditions.**
- 3. Stormwater is to be managed on site by the landowner to the Shire's satisfaction.**
- 4. All car parking bays, manoeuvring areas and vehicular access ways shown on the approved site plan being constructed, marked and drained prior to the uses commencing, and be maintained thereafter by the landowner to the Shire's satisfaction.**
- 5. The operation of art classes shall not occur at the same time as the operation of the art gallery.**
- 6. The proposed parapet wall for the storeroom and the carports being finished to a professional standard by the landowner prior to the uses commencing, and be maintained thereafter by the landowner, to the Shire's satisfaction.**
- 7. The signage being maintained by the landowner to the Shire's satisfaction.**

ADVICE NOTES:

- Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval will lapse and be of no further effect.**
- Note 2: Where an approval has so lapsed, no development is to be carried out without the further approval of the local government having first been sought and obtained.**
- Note 3: If an applicant is aggrieved by this determination there is a right of appeal under the Planning & Development Act 2005. An appeal must be lodged within 28 days of the determination.**
- Note 4: Adequate staff and public sanitary conveniences shall be provided in accordance with the Building Code of Australia.**
- Note 5: The applicant shall make application to the Shire's Building Department for a Building Certificate, to acknowledge any unauthorised works.**
- Note 6: This approval is not a building permit. In accordance with the provisions of the Building Act 2011, an application for a building permit must be submitted to, and**

approval granted by the local government prior to any change of classification or prior to the commencement of any structural works within the development hereby permitted.

CARRIED: 6/0

SY005-02/19 AMENDMENT TO PLANNING CONSENT (P1138) FOR OVERSIZED AND OVERHEIGHT OUTBUILDING AT LOT 481 (18) GEORGIANA STREET, YORK

File Number: GE2.8050

Author: Darren Wallace, Executive Manager, Infrastructure & Development Services

Authoriser: Darren Wallace, Executive Manager, Infrastructure & Development Services

Previously before Council: SY038-0418

Appendices:

1. Council Minutes SY038-04/18
2. Applicants Request for Amendment
3. Site Photos

NATURE OF COUNCIL'S ROLE IN THE MATTER

Quasi-judicial.

PURPOSE OF REPORT

To consider an application received to amend planning consent issued 30 April 2018 for an oversized and over height outbuilding at Lot 481 (Hse 18) Georgiana Street, York.

BACKGROUND

Council determined a development application for an oversized and over-height outbuilding at Lot 481 Georgiana Street, York at its Ordinary Council Meeting SY038-04/18 where it resolved to approve the application subject to conditions. The decision notice was issued 30 April 2018.

The Council minutes providing officers assessment and detailed background to the decision is attached in **Appendix 1**.

The final version of the application considered by Council proposed variations to Local Planning Policy – Outbuildings in Residential Zones (policy) relating to the size and height, proposing to erect an outbuilding including:

- An area of 156m² (12m by 13m);
- Wall height of 3.6m and 2.925 for the lean to, and ridge height of 4.2m from finished floor level.
- The development plans submitted 2 February 2018 (and advertised) included a contour of 175m Australian Height Datum (AHD) through the centre of the outbuilding on the site plan and heights shown on the elevations indicating the natural ground level on elevations and proposed a Finished Floor Level of 175.75m, which proposed site works of approximately 0.75m of fill (including the concrete pad) from natural ground level. On submission of the final version of the plans (submitted 4 April 2018, the applicant verbally advised acceptance of reducing the finished floor level to be raised no higher than 300mm, which was reflected in the agenda report to Council, although was not annotated on the plans. With a reduced Finished Floor Level to no higher than 300mm from natural ground level based on the contours submitted would result in a wall height of 3.9m and 3.225 (lean to) and ridge height of 4.5m from natural ground level.
- 1.2m wide square towers made of columns were proposed to be erected at each corner of the outbuilding which were proposed at a height of approximately 5.5m from finished floor level and 5.8m from natural ground level.

Council approved the application subject to conditions including:

7. the finished floor level of the outbuilding shall not be more than 300mm from natural ground level.

8. The towers shown on the development plans shall not exceed a height of 4.2m from the finished floor of the outbuilding and the section of the square tower where the width is 1.2m by 1.2m shall not exceed a height of 3.775m from finished floor level of the outbuilding.

A building permit was issued, which included annotations made by the building surveyor to reflect compliance with planning consent issued. However these annotations may have caused some confusion as they did not in all cases reflect the planning consent.

Following construction of the outbuilding, officers were contacted by a landowner in proximity to the site querying the height of the outbuilding approved. A site visit to investigate identified that the sand pad and concrete pad exceeded condition 7 and appeared to be raised approximately 450mm to 600mm above natural ground level. The towers were also measured at a height that exceeded that permitted by condition 8 of the planning consent.

A letter dated 4 December 2018 was sent to the landowner advising of the non-compliance and options to resolve the matter, including that if the landowner disagreed with the Shire's measurements that information could be submitted to accurately demonstrate that the fill/pad has not exceeded that permitted by condition 7. The Shire advised that it anticipated that this would involve the submission of a survey to demonstrate that the finished floor level is no more than 300mm above natural ground level, relating to the contours shown on the development plans submitted.

On 6 December 2018, the landowner submitted a letter from a 'licenced surveyor' advising that the slab had been measured at a height of 175.14m Australian Height Datum (AHD) and was lower than the 175.3m anticipated by condition 7 (300mm above 175m AHD as shown on the development plans as the contour line through the centre of the outbuilding). Officers did not agree with this position and advised that the survey submitted did not relate to the contours submitted on the development plan and indicates that the contour level submitted by the applicant on the development plans (175m AHD) was incorrect. Although, given that condition 7 related to natural ground level, which was only measurable against the one contour line shown on the development plan, Senior Management of the Shire determined that further compliance action may not be successful against condition 7 as the slab height was below that specified on the building permit and no further action would not be pursued. Although, the landowner would be required to comply with condition 8, which specifies the maximum height of the towers from the finished floor level.

The landowner has subsequently submitted an application requesting Council amends condition 8 of the planning consent. A copy of the applicant's request and justification is submitted in **Appendix 2**.

COMMENTS AND DETAILS

Officers understand that the applicant's request to amend condition 8 relates to:

- The towers were built at the height primarily for aesthetic reasons, and that the reduction in height of the towers by condition 8 will not be aesthetically pleasing.
- The towers do not protrude significantly above the ridge height of the outbuilding.
- That the applicant plans to use the towers to affix 'external fixtures' such as solar, wind, heat generation structures, communication towers, aerials and disks to the towers.
- That 'external fixtures' referred above are commonly attached to the roof of buildings, and the towers are not out of character with other development that could be affixed to the roof of an outbuilding.

The towers were not supported by officers previously due to concerns that they would increase the scale and perceived bulk of the outbuilding and height proposed and may have a potential impact on the amenity of adjoining landowners.

The applicant has provided that the towers have been erected at a height of 4.2m to the square section of 1.2m by 1.2m, and 5m to the peak from finished floor level. This is 0.5m lower (measured from finished floor level) than was originally applied for. Condition 8 of the planning consent requires the towers to be reduced to not exceed 3.775m to the square section of 1.2m by 1.2m, and 4.2m to the peak from finished floor level. The towers are currently constructed are 0.4m to the 1.2m by 1.2m square section, and 0.8m at the peak higher than condition 8 permits.

Site photos of the outbuilding partially constructed (with towers erected) are provided at **Appendix 3**. It is officers' opinion that the towers do not significantly contribute to the scale and bulk of the outbuilding, and even with the exceedance of fill above that required by condition 7 which is already above what was anticipated would be built on the site. Therefore the towers as built are supported by officers.

OPTIONS

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

1. That Council resolves not to support the application amend condition 8 of the planning consent issued 30 April 2018 for an over height and oversized outbuilding at Lot 481 (Hse 18) Georgiana Street, York.

IMPLICATIONS TO CONSIDER

Consultative

Consultation was undertaken on the development application. The Council minutes note one objection was received. Council should note that a further submission from the adjoining landowner to the north was lodged and not referenced in the Council item at fault of the Shire. Although the submission raised objections based on similar grounds to the submission considered by Council and did not raise any new matters to consider.

Strategic

Consultation was undertaken on assessment of the original development application. The Council minutes note one objection was received. Council should note that a further submission from the adjoining landowner to the north was lodged and not referenced in the Council agenda item at fault of the Shire. However, the submission raised objections based on similar grounds to the submission considered by Council and did not raise any new matters to consider.

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

The proposal has been assessed in accordance with the statutory framework set by the Scheme and Regulations.

Risk Related

A risk assessment of the proposal has been undertaken, and there were no medium to high risks identified with the proposal that warrant further discussion.

Workforce

Nil.

VOTING REQUIREMENTS

Absolute Majority: No

**RESOLUTION
070219**

Moved: Cr Denese Smythe

Seconded: Cr Kevin Trent

That Council approves the application to amend planning consent issued 30 April 2018 for an oversized and over height outbuilding at Lot 481 (Hse 18) Georgiana Street, York by amending condition 8 to read as follows:

“The towers shown on the development plans shall not exceed a height of 5m from the finished floor level of the outbuilding and the section of the square tower where the width is 1.2m by 1.2m shall not exceed a height of 4.2m from the finished floor level of the outbuilding.”

CARRIED: 6/0

SY006-02/19 ROAD CLOSURE, WHITE GUM AIR PARK

File Number:	Ne 1
Author:	Darren Wallace, Executive Manager, Infrastructure & Development Services
Authoriser:	Darren Wallace, Executive Manager, Infrastructure & Development Services
Previously before Council:	Not Applicable
Appendices:	1. Needling Hills Requested Road Closure

NATURE OF COUNCIL'S ROLE IN THE MATTER

Quasi-judicial

PURPOSE OF REPORT

This report seeks Council approval to initiation the road closure process for a portion of Needling Hills Road. By initiating the process the Council is only agreeing to undertake public consultation.

BACKGROUND

The Shire has been requested by Andrew Cotterill of White Gum Air Park to close a portion of Needling Hills Road which runs between White Gum Air Park and White Gum Farm as shown on the Map in Appendix 1. Mr Cotterill has indicated that if the road was closed they would consider purchasing the land, if the price was reasonable.

With aviation activities operating on both properties in tandem there is often the need/desire for aircraft to taxi from one property to the other crossing the road reserve. While the road reserve is not physically open to the public there is a concern that a private vehicle could legally use the road reserve and come into conflict with planes taxiing across the road reserve.

COMMENTS AND DETAILS

To best meet the desired needs of Mr Cotterill and White Gum Air Park, the road reserve would be closed under the Land Administration Act. The land then reverts to Unallocated Crown Land, which would desirable be sold to one of the adjacent land owners.

The road reserve in question is not currently connected to the Shire's maintained road network and does not appear on the Shire's road inventory. However it has the possibility to be opened to service new or existing land parcels and give them connection to Cameron Road if desired in the future.

Before Council determines the need or otherwise to keep the road reserve, it would be prudent to undertake the consultation as required under the Land Administration Act as part of the road closure process. This consultation requires comment to be sought from various government departments, service authorities, affected landowners and the general community.

Initiating the closure process and undertaking the consultation does not indicate that Council supports the closure. It is simply initiating the closure process for Consultation.

OPTIONS

Alternatively, Council may determine not to initiate the road closure process if it considers that the road should not be closed as it may be needed in the future for access to existing or future land parcels. In that case, Council may want to consider a closure under the Local Government Act which would see the road closed to traffic, but still exist as a road reserve for future reactivation.

IMPLICATIONS TO CONSIDER**Consultative**

There has been no consultation to date. This report recommends that the Shire undertakes consultation as required under the Land Administration Act 1997. This includes general community consultation and property owners who may be affected.

Strategic

BUILDING RESILIENCE; 4.4 Rural roads are safe and easy to use

DRIVING THE ECONOMY FORWARD; 3.4 Innovative growing and self-reliant tourism sector

Policy Related

There are no related policy implications.

Financial

The cost of advertising is minimal and within existing administration budgets.

Legal and Statutory

The Report recommendation is made pursuant to Section 58 of the Land Administration Act 1997.

Risk Related

The main risk in consulting on the possible closure is that the general community will think the closure is Council's preferred position. That is why the recommendation clearly states that "By initiating the process, agrees to undertake the public consultation process only at this stage."

When Council considers the public consultation, the main risk it will have to consider is closing a road reserve that maybe required in the future.

Workforce

There are no workforce implications.

VOTING REQUIREMENTS

Absolute Majority: No

RECOMMENDATION

That Council:

1. Agrees to initiate the proposed closure of a section of the Needling Hills Road, as shown in appendix A, in accordance with Section 58 of the Land Administration Act 1997.
2. By initiating the process, agrees to undertake the public consultation process only at this stage.

RESOLUTION**080219****Moved: Cr Heather Saint****Seconded: Cr Kevin Trent****That Council:**

- 1. Agrees to initiate the proposed closure of a section of the Needling Hills Road, as shown in appendix A, in accordance with Section 58 of the Land Administration Act 1997.**
- 2. By initiating the process, agrees to undertake the public consultation process only at this stage.**
- 3. The Chief Executive Officer to keep Council informed of progress of the proposed road closure.**

CARRIED: 6/0

Reason – Additional dot point 3 to keep Council up to date with progress

SY007-02/19 WASTE AND RECYCLING COLLECTION REQUEST FOR QUOTATION (RFQ)

File Number:	AS.TEN.55
Author:	Darren Wallace, Executive Manager, Infrastructure & Development Services
Authoriser:	Darren Wallace, Executive Manager, Infrastructure & Development Services
Previously before Council:	27-02-2017, 26-02-2018, 17-12-2018
Appendices:	1. WALGA QUOTATION REVIEW - Confidential

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

To seek Council's acceptance of an RFQ for waste and recycling collection within the Shire of York including the operation of the York transfer station. The report also seeks Council endorsement to expand the existing waste and recycling collection within the Shire of York.

BACKGROUND

At its ordinary meeting of 27 February 2017 Council resolved;

"That Council:

- 1. Notes that the current contract for Waste & Recycling Collection services has expired.*
- 2. Approves a community consultation process to be undertaken by Officers prior to the advertising of the Waste and Recycling collection services;*
- 3. Approves the included assessment criteria and weightings as attached in "Appendix A" in the Tender for the Waste and Recycling collection services.*
- 4. Requests the Chief Executive Officer to invite Public Tenders for the Waste and Recycling collection services;*
- 5. Notes that Council will be briefed on the community consultation, schedule and costing of the provision of Waste and Recycling services and a report will be drafted by the Chief Executive Officer requesting Council to award the Tender."*

Council further resolved at its ordinary meeting of 26 February 2018;

"That Council:

- 1. Authorises the Chief Executive Officer to utilise the tender exempt WALGA preferred supply Contract for Waste Collection Goods and Services to request contract submissions for the provision of Waste and Recycling Service for the Shire of York; and*
- 2. Requests the Chief Executive Officer to brief Council on the community consultation, schedule and costing of the provision of Waste and Recycling services prior to report being submitted requesting Council to award the works."*

The community consultation has been undertaken and a summary is attached for Council's information. WALGA has been engaged to prepare quotation documents and run the RFQ process on behalf of the Shire. This quotation is for the provision of the collection of waste and recycling to 30 June 2019 with a possible 12 month extension.

Those residents that requested to be included in the Waste and Recycling collection have been included as a separate item in the RFQ. The RFQ is closed on the 14 December 2018.

The outcome of the RFQ process is presented below for Council consideration.

COMMENTS AND DETAILS

A full evaluation of the Quotation is attached as Appendix A.

Only one quotation was received from the current Tenderer Avon Waste. The Quoter meet all the quotation requirements. The Quotation Price is a significant increase on the existing charges. This is mainly due to increased cost of processing recyclables giving a 21% increase on the recycling costs. The waste collection is up 10% and the transfer station costs down 10%. Other costs are not significantly different. These changes in costs will need to be allowed for in the third quarter budget review.

There were 24 respondents to the Shire survey who requested to be included in the waste collection. The additional cost to include these collects is \$9,666 per year. Which equates to approximately \$2,500 for the final 3 months of the financial year. It is recommended that that an interim waste collection fee be charge at a prorata basis as occurs currently for any new property are added to the waste collection service within the town site. This pro-rata fee would be based on the Shires' 2018/19 rubbish service charge.

These properties should be charge as per the fees and charges set by the Council for the 2019/2020 year and beyond. It is considered fair and reasonable that all properties in the Shire be treated evenly and the total cost of the waste and recycling collection be evenly spread across all properties receiving the service. It should be noted that there are likely to be other properties requesting the service in the future.

OPTIONS

Council can reject Avon Waste offer and go out to the market again. However, a longer term would likely need to be offered to attract other Contractors. If we did reject the offer Avon Waste are under no obligation to continue their existing service as the current agreement is out of date.

Council can choose not to expand the waste and recycling collect service to the outlying areas. If it considers the cost to be prohibitive.

IMPLICATIONS TO CONSIDER

Consultative

A consultation process has been completed, the outcomes were presented to Council at the February briefing as per Part 5 of the February 2017 Council resolution.

Strategic

Building Resilience – Adequate and sustainable public health infrastructure.

Policy Related

There are no policy implications as a result of the recommendations of this report.

Financial

The financial implications are dealt with in the body of the report.

Legal and Statutory

Section 3.57 of the Local Government Act 1995 requires a Local Government to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods and services. Part 4 (Tenders) of the Local Government (Functions and General) Regulations 1996 require that tenders to be publicly invited for such contracts where the estimated costs of providing

the total service exceeds \$150,000 Part 11(2) of the Local Government (Functions and General) Regulations 1996 provides that, Tenders do not have to be publicly invited according to the requirements of this division if: The good and service is to be obtained through the WALGA Preferred Supplier Program.

Risk Related

The Shire is currently operating outside the Section 3.57 of the Local Government Act 1995. As we have no current conforming agreement with Avon Waste.

Workforce

There is a opportunity for the Shire to take in house the operation of the Waste Transfer Station as part of the current quotation. It is considered the best option to leave the Waste Transfer Station in the current quotation and possibly review as part of the twelve month extension or as part of the regional quotation. This will allow time for a though evaluation of the financial benefits of the options.

VOTING REQUIREMENTS

Absolute Majority: Yes

RESOLUTION

090219

Moved: Cr Kevin Trent

Seconded: Cr Jane Ferro

That Council:

- 1. Accepts the Response submitted by Avon Waste for the provision of Waste and Recycling Collection Services and Landfill Management Services, for an initial period until 30 June 2019, with the option to extend for a further twelve (12) months at the Shire's discretion;**
- 2. Delegates the formation of the Contract to the Chief Executive Officer, subject to any variations (of a minor nature), and the satisfactory conducting of referee checks prior to Contract execution; and**
- 3. Closely monitors the costs relating to Recycling Processing Fees, whereby the Southern Metropolitan Regional Council may increase costs to the Contractor who will seek recovery from the Shire of York. Should this price review be accepted by the Shire of York, a definitive price review mechanism that reflects the same will need to be established and form part of the Contract document.**
- 4. Agrees to expand the existing waste and recycling collection within the Shire of York to any property that requests inclusion providing that Avon Waste agree to undertake the service provision within the quoted schedule of fees.**
- 5. Offers the expanded waste and recycling collection within the Shire of York at a pro-rata cost based on the 2018/19 rubbish service charges to the newly serviced properties for the remainder of the 2018/19 financial year.**
- 6. Requests the cost of the new expanded services to be incorporated in the overall collection costs and considered when determining fees and charges for 2019/20.**

CARRIED BY ABSOLUTE MAJORITY: 6/0

SY008-02/19 REQUEST TO RESIDE IN CARAVAN ON PROPERTY WHILE BUILDING – LOT 62 (3) YOUNG ROAD, GWAMBYGINE

File Number:	YO3.950
Author:	George Johnson, Environmental Health Officer
Authoriser:	Darren Wallace, Executive Manager, Infrastructure & Development Services
Previously before Council:	Not Applicable
Appendices:	Nil

NATURE OF COUNCIL'S ROLE IN THE MATTER

- Quasi-judicial

PURPOSE OF REPORT

The purpose of this report is to seek approval for the applicants to reside in a caravan onsite whilst converting a class 10A building to a class 1A dwelling at Lot 62 (3) Young Road, GwambyGINE.

BACKGROUND

The applicant has obtained a building permit dated 15 November 2018 from the Shire of York.

An adjoining neighbours letter of referral was sent out on 10 January 2019 giving the 7 correspondents 14 days to comment on this application. No objections were received.

The existing structure is to a lock up stage, with the fit out to a class 1A dwelling to be completed.

The applicant proposes to utilise an onsite toilet/shower connected to the existing approved effluent system. Any laundry requirements will be directed to the laundromat.

COMMENTS AND DETAILS

Building Permit 180093 was issued for a period of 2 years on 15 November 2018.

Under the *Shire of York Temporary Accommodation Policy*, Council may grant permission for a period not exceeding 3 months however, upon request for an extension of time, up to 12 months may be conditionally approved.

Council may consider allowing temporary accommodation while building a house with the condition that the applicant must be in possession of a building permit for a residence.

OPTIONS

1. Council could conditionally approve the application for the owner to reside in a caravan onsite for 12 months whilst constructing a dwelling at Lot 62 (3) Young Road, GwambyGINE.
2. Alternatively, Council could issue a 3-month approval to reside in a caravan onsite whilst constructing a dwelling at Lot 62 (3) Young Road, GwambyGINE with an option to grant further 3-month approvals pending substantial progress on the fit out of the dwelling.
3. Council could refuse this applicant to reside in a caravan onsite while fitting out the dwelling.

Officers are recommending Option 1.

IMPLICATIONS TO CONSIDER**Consultative**

A letter of referral has been sent to 7 adjoining neighbours for a period of 14 days commencing on 10 January 2019 providing an opportunity for comment. No objections have been received.

Strategic

N/A

Policy Related

Shire of York Temporary Accommodation Policy

Financial

N/A

Legal and Statutory

The application has been considered in accordance with the *Caravan Parks and Camping Grounds Regulations 1997, regulation 11, section 2*:

- (2) *Written approval may be given for a person to camp on land referred to in subregulation (1)(a) for a period specified in the approval which is longer than 3 nights —*
- (a) *by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months; or*
 - (b) *by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or*
 - (c) *despite paragraph (b), by the local government of the district where the land is situated —*
 - (i) *if such approval will not result in the land being camped on for longer than 12 consecutive months; and*
 - (ii) *if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a permit has effect in relation to the land.*

Should Council approve the application, a letter of approval will be issued to the applicant.

Risk Related

There is no risk related to this application.

Workforce

N/A

VOTING REQUIREMENTS

Absolute Majority: No

**RESOLUTION
100219****Moved: Cr Kevin Trent****Seconded: Cr Pam Heaton**

That Council approves the issuing of a conditional 12-month approval to reside in a caravan onsite whilst constructing a dwelling at Lot 62 (3) Young Road, Gwambygine subject to the following;

- 1. Setbacks for temporary accommodation are the same as prescribed for buildings within that zoning, as determined by the Town Planning Scheme.**
- 2. Toilet and ablution facilities must be connected to an adequate supply of potable water and all waste water disposed to an approved effluent disposal system.**
- 3. Expiration or cancellation of the building licence for the dwelling will void the applicable Temporary Accommodation approval.**
- 4. No extension of approval will be considered if building of the dwelling has not substantially commenced.**
- 5. The Shire reserves the right to revoke the approval based on any complaints received that in the opinion of the Shire, unduly affects amenity, or on any other grounds that the Shire deems necessary to protect the health, safety and wellbeing of people.**
- 6. All Temporary Accommodation facilities are to be decommissioned within 6 months of practical completion of the dwelling or should the Temporary Accommodation approval become invalid.**

CARRIED: 6/0

SY009-02/19 COMMUNITY SURVEY/SCORECARD RESULTS 2018/19

File Number:	CS.INF.4.1
Author:	Paul Martin, Chief Executive Officer
Authoriser:	Paul Martin, Chief Executive Officer
Previously before Council:	SY024-03/17 - 2017
Appendices:	1. Community Scorecard Results

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

This report presents Council with the outcomes of the Community Survey/Scorecard undertaken in the latter part of 2018 for consideration.

BACKGROUND

The Shire once again engaged CATALYSE in late 2018 to undertake the second biennial community survey/scorecard.

The first biennial community survey was undertaken some two years ago and provided a baseline of scores. At that time CATALYSE made four recommendations in relation to the findings as follows:

- 1. Strengthen perceptions of leadership by being transparent and accountable and rebuilding trust and confidence in the local community.*
- 2. Review and communicate the value equation:*
 - How can rates / budgets / costs be decreased?*
 - How can benefits be increased and better communicated?*
- 3. Stimulate economic development, tourism and job creation through:*
 - Business and industry attraction strategies*
 - CBD revitalisation*
 - Avon River restoration and Avon Park enhancements*
 - Tree planting program and streetscape enhancements*
- 4. Improve connectivity with better roads, footpaths and cycleways.*

Undertaking the surveys every two years provides the ability for the Council to monitor organisational performance and ensure it is aware of community priorities.

The availability of the survey was promoted through the Shire's Community Update page, on Facebook and the Shire's website. The survey was provided online and in hard copy with alternative formats available upon request.

A total of 404 responses were received which have been compiled by CATALYSE. This is a higher response than the previous survey which is encouraging.

This report considers the results and makes recommendations to Council on how to address issues and priorities that have been identified through the survey process.

COMMENTS AND DETAILS

Improvements have been achieved in the overall score the Shire received as well as the Shire as a governing organisation and York as a town in which to live, which is most encouraging. Although

the results of the survey show that the Shire of York is improving, more improvements are required to achieve or exceed industry average across the board.

Residents were happiest with library services, waste service and the Community Update in the local newspaper.

Relative to industry standards the Shire is performing above average in the following four measures:

- Community update in the local newspaper
- Safety and security
- Multiculturalism and racial harmony
- The area's character and identity.

The biggest areas of improvement were in the following, addressing many of the issues raised in the previous survey:

- Festivals and events;
- The area's character and identity;
- How the community is informed;
- Economic development; and
- How the town centre is being developed.

The above demonstrates that the Shire has made great improvements in priorities from the previous survey. In addition to the above, "How Transparent Council processes are" increased for the Shire of York, but the industry high and industry average decreased. The Shire of York is 2 points off the industry average. This was a major issue which from the responses received would seem to have been addressed since the previous survey.

Areas where the Shire did not perform as well as it could have as outlined below seem to be representative of wider industry/community trends rather than solely related to the Shire of York:

- How the community is consulted. The Shire of York increased, however the industry high and industry average decreased. Although the Shire of York is still below industry average in its scoring.
- The understanding Elected Members and Staff have of community needs dropped not only for the Shire of York but also for the industry high and the industry average.

The five key priorities to focus upon according to the survey are:

- Maintaining local roads
- Footpaths and cycle ways
- Street scapes
- Economic development
- Value for money from rates

Two other suggestions resulting from the survey (which are discussed later in this report) are to:

- Develop a strategy to grow resident advocacy levels.
- Have and communicate a stronger and clearer vision for the future.

As outlined all services across the organisation showed improvement with the exception of the following areas in which ratings declined:

- Disability Access
- Seniors services, facilities and care
- Waste services
- Footpaths and cycleways.

These matters will be explored below including current responses to these issues already included in the Corporate Business Plan and long term financial plan. The table will also identify those issues not currently being addressed or proposed to be addressed.

Issue Raised in community survey	Current plans, strategies or budget allocations to address the issue
Maintaining local roads	<p>A draft Transport Asset Management Plan has been prepared. It is currently being reviewed by the new EMIDS and will be presented to Council for formal consideration in preparation for the 2019/20 FY budget.</p> <p>The Shire struggles to be able to fund road maintenance to adequate levels and relies heavily on external road funding. This impacts upon the Shire's Operating Surplus Ratio.</p> <p>Officers consider that additional funds need to be allocated to Road Maintenance and continual improvements and efficiencies need to be achieved with road maintenance practices. This needs to be considered as part of the upcoming budget process.</p>
Footpaths and cycleways	<p>The Shire has a draft 10 year footpath program and an allocation in the long term financial plan each year towards footpaths.</p> <p>This draft program and the investment of \$35,000 for the next 3 years increasing to \$130,000 per year in the LTFP. This investment, whilst adding some new paths, largely attempts to replace existing path network.</p> <p>This allocation may need to be reconsidered as part of the upcoming budget process and review of the LTFP.</p>
Streetscapes	<p>This issue relates to the appearance of streetscapes around town and the entry statements into York.</p> <p>Included in this years budget are funds to purchase a new spray unit to spray verges. To date an old fire unit has been used which is not as effective as a purpose-built unit. This new unit will mean increased effectiveness of spraying and reduce drift which has also been an issue.</p> <p>The Shire has in its budget an allocation for replacement of street trees which is being expended this financial year.</p> <p>Another factor is the workforce capacity to undertake spraying. The additional parks and gardens person in the town crew is hoped to also improve this aspect.</p> <p>Officers are preparing a project brief as part of the upcoming budget for Council to consider improvements and upgrading of entry statements into the York townsite.</p>
Economic development	<p>A lot of effort has been made to improve the economy of York in recent years. This is reflected in the positive community response in this survey, the new businesses which have opened and the increase in tourism visitation.</p> <p>It is understood however, that this issue relates to the dealings new businesses have with the Shire, particularly in the planning, building and health areas. A new Development Services Coordinator commences with the Shire in February who will assist in coordinating this team, dealing with compliance and providing daily access to building advice.</p>

Value for money from rates	Although the community's perception of value for money for rates has increased since the last survey, this is an ongoing issue which needs to be addressed and should be considered by the Council in setting future budgets and rate rises.
Residential advocacy strategy	This suggestion reflects the community's desire for the Shire to advocate for its needs for services and facilities beyond the Shire's immediate control. Whilst the Shire has been doing this, ie for the upgrade of York Chidlow Road, the work in this area has not been communicated to the public. This needs to occur more going forward with issues such as the changes occurring in Aged Care which are outlined below in further detail.
Stronger and clearer vision for the future	<p>Officers understand why this matter has been raised. For the past three years the Council and administration have been focused upon fixing issues from the past and getting the organisation on track whilst delivering a range of projects.</p> <p>With this now in hand and a number of legacy issues sorted Officers agree it is time for the Shire to develop a clear vision for the future and then communicate this to the community.</p> <p>The opportunity to do this will be during the major strategic review to be undertaken in the next financial year following the Council elections in October as outlined in the Council's Corporate Business Plan and Long Term Financial Plan.</p>
Disability access	The Shire has prepared and adopted a new Disability Access and Inclusion Plan in the last 12 months. Prior to this the Shire was doing little to address the needs of people with disability. The actions in the plan are being implemented with the Access and Inclusion Audit already underway. Over the coming two years as actions in the plan are implemented Officers would hope this addresses this issue for the community. Council can consider funding actions to implement this plan as part of the budget deliberations. Furthermore, once the resources currently used to progress the YRCC are no longer required, Council can consider funding a Community Development Officer which could in part help address this matter.
Seniors services, facilities and care	<p>The Shire has prepared and adopted an Age Friendly Plan in the past 12 months. Over the coming two years as actions in the plan are implemented, Officers would hope this addresses this issue for the community. Council can consider funding actions to implement this plan as part of the budget deliberations. Furthermore, once the resources currently used to progress the YRCC are no longer required, Council can consider funding a Community Development Officer which could in part help to address this matter.</p> <p>However with this issue particularly, there are a number of changes occurring with Aged Care in York. Elected Members and Officers have been advocating for the needs of the community for some time however Officers are proposing holding an Aged Care Forum in York with service providers and the State and Federal Government to provide information to the community about the changes occurring. This will be the subject of a report to the March Council meeting.</p>
Waste services	Although this area scored well last time, it did not score as well in this survey. Given the high responses from people outside the townsite to this matter, Officers believe this could be the result of advocacy by members of the Talbot community regarding increased kerbside waste collection and recycling services. This matter will be addressed when

	<p>the Council considers awarding the waste collection quotation as part of the February Council meeting.</p> <p>This could also relate to the reduction of service the Shire implemented for bulk kerbside collection services, reducing the service from two collections per annum to a single service.</p> <p>Council can further consider this matter and associated options as part of the annual budget development.</p>
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Once again, this survey has provided valuable insight into the community scorecard of the Shire’s services and community priorities. The results will guide priorities and service levels over the coming 2 years.

Sound progress has been made in the last two years but there is a requirement to do even better if the organisation wants to meet industry standard of those whom Catalyse undertakes surveys for which should at least be a priority.

The other major concern relates to the trends in customer service from the previous survey. These results are showing decreases in how easy staff are to contact, knowledgeable, prompt and timely service and carrying out requests accurately. The Shire has had changeover in staff since the last survey was undertaken and some responses to the community could have been lost, however this will need to be addressed by staff going forward. This will be a priority for the CEO and the executive team.

As can be seen with the responses to issues identified above there are strategies planned to address many of the issues raised. Some of these are likely to improve with these plans being implemented, others will require additional funding to implement to achieve what is considered an acceptable community standard.

Officers are recommending the outcomes of the survey be considered as part of the 2019/20 budget process and also as part of the Major Strategic Review to be conducted early in 2020.

OPTIONS

The options associated with this report are outlined above.

IMPLICATIONS TO CONSIDER

Consultative

The survey results of 404 completed surveys represents a good percentage of the Shire’s population and provides sufficient statistical validity to the results to be considered as representing the opinion of all residents.

Strategic

The survey occurring every two years is identified in the Council’s Corporate Business Plan.

The results of the survey should be taken into account by the Shire when considering the budget for the 2019/20 financial year and the major strategic review planned to occur early in 2020 in accordance with the regulations.

Policy Related

The survey results could inform the review of the Council Policy Manual. That is not proposed at this stage but is an option available to Council.

Financial

The 2018/19 financial year includes a budget allocation of \$15,000 for this project. This survey has cost the Shire \$12,310.

Legal and Statutory

Nil.

Risk Related

The main risk to the Shire is reputational by not acting upon the priorities identified by the community as part of the survey.

Workforce

Nil.

VOTING REQUIREMENTS

Absolute Majority: No

RESOLUTION**110219****Moved: Cr Jane Ferro****Seconded: Cr Kevin Trent****That Council:**

- 1. Receives the Markyt Community Scorecard outcomes as attached at Appendix 1 to this report;**
- 2. Requests the CEO to incorporate the findings of the survey in the preparation of the 2019/20 draft budget for Council's consideration;**
- 3. Refers the findings to the Major Strategic Review to be undertaken in the 2019/20 financial year;**
- 4. Requests the Chief Executive Officer to place a copy of the report on the Shire's website and inform the community of its availability.**

CARRIED: 6/0

SY010-02/19 ACQUITTAL & EVALUATION OF THE 2018 AVON TERRACE REVITALISATION GRANT PROGRAM

File Number: FI.DON.2

Author: Esmeralda Harmer, Events and Economic Development Officer

Authoriser: Paul Martin, Chief Executive Officer

Previously before Council: SY029-03/18 Avon Terrace Revitalisation Grant Applications

Appendices: 1. 2018 ATRGP Acquittals

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

This report requests Council receives the acquittal reports from the 2018 Avon Terrace Revitalisation Grant Program (ATRGP) recipients and considers the options detailed in this report for the delivery of the 2019 ATRGP.

BACKGROUND

In March 2018, six eligible applications were presented to Council at its March 2018 Ordinary Meeting in item SY029-03/18 – Avon Terrace Revitalisation Grant Applications where Council resolved;

“That Council:

1. Approves the following funding requests as part of the Avon Terrace Revitalisation Program in accordance with the Officer Recommendations in the confidential attachment to this report;

• Avon Valley Motor Museum Inc	\$1,170
• National Trust WA	\$1,300
• B & L Smith	\$5,000
• York Cooperative	\$1,290
• York Quality Butchers	\$4,809
2. Approves the waiver of the hoarder's fee and planning application fee to a maximum value of \$243.00 per application where required.”

Since this time all applicants have completed the funded projects, with the acquittal documents received attached as **Appendix 1**, for Council's consideration.

Officers have undertaken an evaluation of the overall program to determine if any improvements or considerations need to be addressed. This includes:

- If the program reached the desired outcomes
- If the program produced or contributed to the intended outcomes of the ATRGP in the short, medium and long term
- How satisfied the recipients were with the application and acquittal process
- If the existing program is the best use of resources for revitalisation of Avon Terrace

Officers acknowledge through a review of the acquittal documents that the program has had a significant impact overall on revitalising Avon Terrace. Key points include:

- Increased business occupation, with two previously vacant shops now tenanted
- A refreshed appearance to several larger buildings including the York Cooperative, York Courthouse and the group of shops (5) located 74 - 82 Avon Terrace
- Re-pairs and restoration of the Old Petrol pump at the York Motor Museum

Further to this, surrounding business owners have also made improvements to street frontages by replacing worn signage, painting street frontages and extending business premises. This could be attributed to the direct stimulus generated from ATRGP improvements or simply timely maintenance. It is noted that the overall aesthetic appeal of Avon Terrace has much improved since these works have been carried out. This is further supported by the outcomes in the community survey.

The acquittals received also indicate that the program's significant assistance enabled substantial works to be completed. Increasing the capped amount available for application, coupled with the matched funding contributions made by the Shire are identified as the key reasons why the ATRGP worked well.

COMMENTS AND DETAILS

Ahead of opening the 2019 ATRGP funding round, Officers have sought comment from Avon Terrace business owners to ascertain;

- The likelihood of businesses making application to a 2019 program in consideration of the significant works already completed
- Other projects identified by businesses along Avon Terrace that could be considered under the program

Of the ten businesses consulted, one business expressed an interest in the 2019 ATRGP funding round. Although a limited number of businesses were consulted, Officers consider the uptake of the 2019 ATRGP to be relatively low in consideration of the substantial works already undertaken and the indicated interest received.

Rather than undertaking a grants program again this year Council could consider some of the projects suggested below for consideration which align to the aspirations of the ATRGP which include:

Improvements to accessibility along Avon Terrace: The Shire is finalising the Access and Inclusion Audit which includes the CBD. This is likely to recommend increasing ACROD parking bays and ACROD signage on Avon Terrace. There is the potential for the Shire's Disability Access & Inclusion Committee to deliver this project under the guidance of the Shire's Disability Access & Inclusion Plan (DAIP). Council could allocate funds to this purpose instead of offering a grant program aimed at businesses. Accessibility has also been identified as a priority in the recently completed community survey.

Refurbishment of the Heritage telephone box outside the York Post Office: Potential to repaint the exterior of the telephone box and repair some of the framework. Located outside the York Post Office, the (red) phone box is in need of a fresh coat of paint and panel replacements.

Additional Heritage street bins: Purchase and installation of Heritage street bins to the north end of Avon Terrace along the footpath. The additional bins would need custom made panels added to the exterior fittings to be consistent with the existing bins along central Avon Terrace. At present, no street bins are available in this section of Avon Terrace, however five operating businesses are located in this area.

The projects identified could be a better investment of the ATRGP funding by benefitting multiple businesses, the community and visitors alike, whilst revitalising Avon Terrace. The proposed projects however do not meet the existing funding guidelines for the Avon Terrace Revitalisation Grant Program and Council is requested to consider if the 2019 ATRGP funds could be directed towards one or more of these projects.

Although successful in 2018, Officers are recommending the 2019 ATRG program is used to support these projects to meet the growing demands of the main street and improving the existing infrastructure that supports the Avon Terrace precinct.

OPTIONS

1. Council could keep the ATRGP as it exists and call for applications for the 2019 funding round. Officers are not recommending this option as applications are likely to be limited based on the feedback received. To enable the round to be opened for a minimum of eight weeks, it may also be difficult for applicants to complete the required works by the end of the 2017/18 financial year.
2. Council could choose to carry forward the funds to enable a larger funding pool to be determined in the 2019/20 financial budget. Officers do not see this as the best use of existing resources or response to the suggested improvements that could be undertaken in the short term and are not recommending this option.
3. Council could approve the 2019 ATRGP funding to be used to deliver the projects proposed in this report. This would include the purchase of new street bins, repainting and repairs to the telephone box outside the post office and through the DAIP committee, a determination of what priority projects under Council's DAIP plan could be progressed with the budget available. Officers are recommending this option as it meets a higher number of needs and aligns best to the programs intentions.

IMPLICATIONS TO CONSIDER**Consultative**

Officers have consulted with several business owners to discuss the existing program and the best outcomes that could be achieved within the resources provided.

Should Council approve funding from the ATRGP for the projects detailed, further consultation with the Shire's Access & Inclusion Advisory Committee (AIAC) will also be undertaken to determine the scope of works and budgets available. The possibility of an allocation to accessibility upgrades in Avon Terrace has been discussed at previous AIAC meetings.

Strategic

Corporate Business Plan 2016 – 2020, Theme 3 Driving the Economy Forward, Outcome 3.7 Prosperous and cared for Avon Terrace Shops

Corporate Business Plan 2016 – 2020, Strategic link - Theme 3 Driving the Economy Forward, Avon Terrace Revitalisation Projects

Policy Related

Acquittal documentation received in accordance with *C1.3 Community Funding: Grants & Sponsorship, Acquittal*

Financial

The Avon Terrace Revitalisation Grant Program is considered from GL041105 Sponsorships. The 2018/19 financial year budget available for the projects detailed 2018/19 is \$19,246.00.

Legal and Statutory

Any works undertaken by the Shire would still need to comply and be assessed against any statutory policies and legislation in relation to those works.

Risk Related

Where relevant internal risk assessments will be completed and provided to the Shire's insurers for comment and feedback prior to works commencing.

Workforce

The initiatives as detailed in this report are can be undertaken in house utilising existing resources. Should a contractor be required to complete elements of these initiatives, costs associated can be factored into the existing budget which supports the ATRGP.

VOTING REQUIREMENTS

Absolute Majority: No

**RESOLUTION
120219**

Moved: Cr Heather Saint

Seconded: Cr Denese Smythe

That Council:

- 1. Receives the acquittals of the 2018 Avon Terrace Revitalisation Grant Program recipients as attached as Appendix 1.**
- 2. Approves expenditure of funds from GL041105 Sponsorships Project Funding Y1 & Y2 Avon Terrace Revitalisation allocated for the 2019 Avon Terrace Revitalisation Grant Program to be directed to deliver the following initiatives;**
 - (i) Repainting and repairs to the Avon Terrace Heritage Telephone box**
 - (ii) Purchase and installation of up to three heritage street bins to be located to the north end of Avon terrace**
 - (iii) Accessibility improvements along Avon Terrace as determined by the Shire's Access and Inclusion Advisory Committee.**

CARRIED: 6/0

SY011-02/19 YORK MOTORCYCLE FESTIVAL MULTIYEAR FUNDING PROPOSAL

File Number:	CS.CEV
Author:	Esmeralda Harmer, Events and Economic Development Officer
Authoriser:	Paul Martin, Chief Executive Officer
Previously before Council:	SY030 – 03/18 York Motorcycle Festival Funding Agreement
Appendices:	1. York Motorcycle Festival Funding Agreement - Confidential

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

This report presents Council with the draft Multiyear Funding Agreement between the Shire of York and Premiere Events for consideration.

BACKGROUND

In March 2018 Officers presented item **SY030-03/18 York Motorcycle Festival Funding Agreement** where Council approved a one-year funding agreement with Premiere Events.

Following the successful delivery of the 2018 York Motorcycle Festival in April of that year, Council at its July 2018 Ordinary Council Meeting considered item **SY090-07/18 Evaluation and Acquittal of the 2018 York Motorcycle Festival** where Council resolved;

That Council:

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

COMMENTS AND DETAILS

Since this time Officers have met with Premiere Events on a number of occasions to negotiate the details of a draft multiyear funding agreement for the York Motorcycle Festival Event.

Key points of these discussion include:

- Financial sustainability of the event remains a priority for the organisers and the Shire.
- The funding opportunities available to Premiere Events in regard to this event are less than available to other, not for profit, organisations who hold events in town.
- Premiere Events requests an increase to the funding amount offered to continue to hold the festival as a two-day event, rather than the one-day event in recent past.
- The event as a two-day event has significantly more economic return to the town rather than the single day event and therefore this has been a priority for the Shire.
- The Shire's Commercial hire (as opposed to not for profit) fees and charges for Shire buildings and reserves which Premiere Events are charged are not considered appropriate when the activities in these buildings and reserves are free to the public.

Officers have also met with the organiser of the Vintage Hill Climb Event. The organiser has advised that they want to hold the event again this year on the same weekend as the Motorcycle Festival which is a good outcome. Furthermore, they expect an increase in participation in the event given the success of last year's event and interest received to date. The Hill Climb event was made possible last year with funding provided by Wheatbelt Development Commission. Although the event organisers successfully organised the event, the Shire was required to prepare the site, arrange the community bus and other activities as outlined in the acquittal report to Council.

The funding received from Wheatbelt Development Commission was one off funding. Given this, Council has allocated \$5,000 in the 2018/19 financial year budget towards the costs associated of holding the Hill Climb event.

Although the Shire incurred significant costs last year in preparing the site, Officers consider that the scope of work required this year will be less. Works to Mount Brown will still be needed to be done by the Shire to ensure the area is safe and accessible for the Vintage Hill Climb to occur. It is proposed to allocate the costs associated with these works (outlined below) from a mixture of \$2,500 funds for the Hill Climb and the existing maintenance budget for Mount Brown:

- Street sweeping of Pioneer Drive
- Pruning of identified overhanging tree limbs
- Compaction of road shoulders where required
- Grading, wetting and rolling of carpark and pedestrian walkways where required
- Top up gravel on pedestrian walkways where identified.

Scheduling annual maintenance works to be undertaken prior to the Vintage Hill Climb event would benefit both the Shire's asset and allow the event to occur safely, whilst managing the amount of Shire involvement in a mutually acceptable way.

It is proposed that the remaining \$2,500 allocated for the Hill Climb event be provided to Premiere Events (in addition to the \$20,000 identified in the Council resolution above) in recognition of the following:

- Whilst the Hill Climb will continue to operate as a stand-alone event as part of the festival, Premiere events will take on marketing of the event and inclusion of the event within the festival program.
- Premiere Events will also take on responsibility for organising the community bus to move spectators of the event up and down Mount Brown. This will involve bus stop information and signage and a driver of the community bus.

Premiere Events acknowledges that continuing the York Motorcycle Festival as a two-day event would work well if the inclusions of the Vintage Hill Climb and Triumph Motorcycle Ride (if they decided to operate again) could be included into the Saturday program. In previous years the Shire has managed these two events (with funding for the Hill Climb event) and the costs associated separately to the support provided to Premiere Events for the Motorcycle Festival.

To include these or other events under the York Motorcycle Festival umbrella to make the festival occur over two days, Premiere Events is seeking an increase in funding from \$20,000 as indicated in the above resolution to \$22,500. It is noted that in some years certain activations on the Saturday may change.

The Motorcycle Festival is one of the Shire's major events attracting a significant number of visitors and promoting York as a Motorcycle destination all year round. The recommended allocation of \$22,500 is commensurate with the contribution to the York Festival which is considered appropriate given the economic benefit from both events.

From the Shire's perspective Officers consider incorporating the actions responsible for the Hill Climb into the Premiere Events agreement an acceptable approach as it:

- Significantly reduces the Shire's human resources support required to deliver these events.
- Provides greater clarity on the roles of the Shire and the event organisers.
- Reduces the Shire's risk in relation to coordinating and delivering the Saturday activities.

Premiere Events is also seeking approval to be charged at a not for profit rate for all Shire buildings and reserves used for the Festival. The current commercial fees payable, which are approximated at \$5,345 significantly reduce Premiere Events' ability and impact to program a two-day Festival program. Furthermore, the Festival is offered free for public entry (excluding the Hockey Field camping area), however Premiere Events could consider entry fees for particular venues in attempt to recover some of the hire costs. Officers acknowledge that ticketing the Festival would impact its reputation and appeal to the general community and consider reducing the fees and charges payable to a not for profit rate a positive negotiation between both parties.

Officers propose that under the funding agreement, Council could consider charging Premiere Events at a not for profit rate for Shire buildings and reserves used for the Festival, on the condition the hired spaces are provided as free for public entry. Commercial rates would be applicable for any hired areas intended to be ticketed, such as camping on the Hockey Fields.

The details of these discussions have been included in the Draft Funding Agreement attached as **Appendix 1** for Council's consideration.

Although the agreement is confidential, the following summarises the main points detailed:

- The template used is consistent with the multiyear funding agreements provided by the Shire for events
- Premiere Events agrees to deliver two days of motorcycle activities in April each year of the agreement
- The agreement commits the Shire to provide \$22,500 as a cash contribution per year for three years commencing in March 2019 of which \$2,500 is available to consider hire charges for Shire buildings and reserves.
- Premiere Events will be charged for use of Shire buildings and reserves at a not for profit rate in the accordance with the Shire's fees and charges on the condition the hired spaces provided are free public entry. Commercial fees and charges will apply to any proposed ticketed venues.
- Premiere Events agrees to provide a risk assessment in their annual event application that addresses all planned activities and documents the strategies implemented to mitigate the identified risks
- Premiere Events will provide to the Shire each year, an acquittal report which include financial statements, estimated visitation numbers and an evaluation of the event in accordance with the *Shire's Policy C1.4 Sponsorship of Tourism Events, Clause 4, Acquittal*

- Both parties agree to work with existing festival partners to incorporate programmed activities into current and future York Motorcycle Festival programs
- Both parties make provision to accept additional funding received by either party for the York Motorcycle Festival

Officers consider that the draft agreement accurately represents the obligations for both parties over the coming three years. The agreement also supports Premiere Events to grow the two-day event program in a way that is mutually beneficial to the event, visitors and the community.

The York Motorcycle Festival is identified as one of York's largest annual events that has grown into a key feature on the WA motorcycle community calendar. Over the past year as a two-day festival it has proven it has the capacity and potential to increase revisitation numbers, economic spend and align with the future positioning of York as a tourism attraction and experience. This is evident through the increase in organised rides that occur outside festival weekends and new partnerships with groups such as the Triumph Motorcycle Group, Vintage Motorcycle Club WA and Ulysses Club WA.

OPTIONS

1. Council could only allocate \$20,000 as per the resolution above and require Premier Events to pay commercial fees and charges for all buildings and reserves.
2. Council could request further commitments regarding sustainability however this may come with either increased financial commitments required or further involvement from the Shire.
3. Council could offer a one-year agreement to Premiere Events as in previous years. Officers are not recommending this option as Premiere Events are seeking funding certainty to enable external grant funding applications to be submitted.

Officers are recommending Council considers a three-year agreement as attached at **Appendix 1**

IMPLICATIONS TO CONSIDER

Consultative

The funding agreement details have been drafted in conjunction with Premiere Events. Further details have also been included in the funding agreement in relation to Premiere Events undertaking community engagement and business consultation as part of Festival preparations.

Strategic

The benefits of the proposed funding agreement support Council's Strategic Community Plan 2018 - 2028 priorities which include:

- *Supporting the establishment and marketing of a calendar of key events to encourage visitors to the Shire. These events will be focused on achieving economic benefit and will sit alongside and complement more community focused events.*
- *Supporting the business community to build its networks.*

Policy Related

The proposed funding agreement can be considered under Policy; *C1.3 Community Funding: Grants & Sponsorship Policy, Clause 5.1 Duration of Assistance*
Clause 5.1 Duration of Assistance; The preference will be for provision for support for a year only for each application. In exceptional circumstances the Council may consider support for a project for a maximum period of three years where it considers the project presents major benefits to the community and it is consistent with strategic direction. Consideration must include the cost/benefit of effectively reducing the available funding pool for other applicants over this period.

Financial

Officers seek Council's approval to utilise funds held in GL132150 Festivals Assistance of \$20,000 to support the proposed funding agreement with Premiere Events for the 2018/19 Financial Year.

An allocation of \$5,000 is included in the 2018/19 financial year budget to go towards the Hill Climb event in GL132150 Festivals Assistance. As outlined in the report it is proposed that \$2,500 is expended by the Shire towards preparing the site for the Hill Climb and the remaining \$2,500 be provided to Premiere Events given the additional roles they are taking on regarding this event.

Mount Brown works as detailed in this report are proposed to be considered under the maintenance budget allocation GL113116 Mount Brown Maintenance which has a budget of \$17,944. Some of these funds will be used to assist in preparing the site as part of annual maintenance of Mount Brown.

Financial Acquittals are required in accordance with the *C1.4 Sponsorship of Tourism Events Policy Clause 4, Acquittal*, including a budget breakdown of how the Shire funds were spent.

Recurrent budget allocations will need consideration to honour the 2020 & 2021 events committed in the agreement offered. Funds to honour the 2019/20 & 2020/21 years are proposed to be derived from GL132150 Festivals Assistance, although these will need consideration as part of annual budgeting processes.

Legal and Statutory

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

Risk Related

A detailed risk management and emergency management plan would still need to be submitted each year of the funding agreement to be assessed against any statutory policies and legislations as part of the events approvals process.

Workforce

The execution of the funding agreement will be undertaken in house within existing Shire resources.

VOTING REQUIREMENTS

Absolute Majority: No

**RESOLUTION
130219****Moved: Cr Jane Ferro****Seconded: Cr Kevin Trent****That Council:**

- 1. Agrees to enter into a Multiyear Funding Agreement with Premiere Events to support the annual York Motorcycle Festival commencing in March 2019 as attached to this report at Appendix 1 for an amount of \$22,500 per annum.**
- 2. Authorises the Shire President and Chief Executive Officer to engross the Shire of York and Premiere Events Multiyear Funding Agreement as attached to this report at Appendix 1.**
- 3. Approves the payment of \$22,500 for the 2018/19 Financial year to honour the agreement from GL132150 Festivals Assistance.**
- 4. Requests the Chief Executive Officer to include allocations of \$22,500 in both the 2019/20 FY & 2020/21 FY draft budgets for Council's consideration.**

CARRIED: 6/0

The Chief Executive Officer advised Councillors revised Policy has had the numbers corrected

SY012-02/19 REVIEW OF POLICY G1.2 COUNCILLORS: PROFESSIONAL DEVELOPMENT

File Number: OR.CLR.2; OR.CMA.4

Author: Suzie Haslehurst, Executive Manager, Corporate & Community Services

Authoriser: Suzie Haslehurst, Executive Manager, Corporate & Community Services

Previously before Council: 24 October 2016

Appendices: 1. Amended Policy G1.2 Councillors: Professional Development

NATURE OF COUNCIL'S ROLE IN THE MATTER

- Executive
- Review

PURPOSE OF REPORT

This report presents proposed amendments to Policy *G1.2 Councillors: Professional Development* following a review initiated by a request from an elected member.

BACKGROUND

Council's policy on professional development for Councillors was last reviewed in October 2016 and "*establishes guidelines and parameters for Councillors wishing to undertake professional development and training intended to enhance their ability to provide good governance to the Shire*".

Following a request from Cr Trent for the Shire to cover the cost of completing a Diploma of Local Government, it was determined that the policy does not provide sufficient detail regarding the amount allocated to each Councillor, and provisions for approval of requests by elected members, for targeted training.

Officers have reviewed similar policies of other local governments and provide the information below and recommendations for Council's consideration.

COMMENTS AND DETAILS

Council's current policy includes the following provisions.

1. Base level training approved as part of the annual budget process. This currently includes attendance by all Councillors at the WALGA State Conference as part of Local Government Week in Perth in August each year and occasional attendance at events relating to emerging issues or changes affecting the sector.
2. Targeted professional development opportunities to be identified annually and included in a professional development program. This is currently limited to those opportunities outlined in Point 1 above. Anything outside of these opportunities are to be considered by Council.
3. The approval provision is related primarily to a Councillor's tenure when considering approval for additional targeted professional development, with a restriction on opportunities for Councillors within three months of possible re-election.

4. Costs to be covered include entry fees, travel and accommodation costs (where relevant).
5. The Chief Executive Officer is to develop the annual training package in consultation with Councillors.
6. For a professional development event of more than one days' duration, Councillors are required to provide a report for inclusion on the Council Meeting Agenda within 30 days of attendance.

Cr Trent's request arguably, does not fit with any of the above provisions other than to be considered by Council. However, the policy is silent on the parameters under which approval should be considered.

Research into other local government policy has resulted in the following observations;

- LGs will usually allocate a set amount per annum for individual Councillors' professional development;
- Councillors will make application to the CEO who will approve or not in accordance with policy guidelines and available budget;
- These opportunities may or may not include the WA Local Government Week Convention and/or the ALGA national conference, but are for the most part, limited to intrastate travel.
- Interstate or overseas travel is mostly referred to only by larger metropolitan LGs and is usually subject to Council approval which will be given only if the opportunity contributes to the objectives of the LG and its ratepayers.

Council currently approves an amount of approximately \$20,000 per annum as an allocation for Councillors to attend conferences and seminars which has recently been limited to the State Conference in August and occasional issue-specific seminars (ie LG Act Review, Corella Management). New Councillors are also provided with the opportunity to attend Councillor induction training.

OPTIONS

Council has the following options to consider:

1. Retain the annual allocation of \$20,000 for attendance at the WALGA State Conference and other incidental training approved by the CEO. Any other training opportunities to be presented for Council's consideration on a case by case basis.
2. Choose to amend the policy to reflect the following proposed changes:
 - Include an allocation for each Councillor of up to \$3,000 in the annual budget process that includes attendance at the WALGA State Conference.
 - Councillors may make application to the CEO for approval to cover entry/registration fees, enrolment fees, travel costs up to this amount in any one year. The CEO will approve requests subject to the provisions of the policy.
 - Late enrolment fees, HECS debts and course materials are not to be covered by the Shire.
 - Any requests for interstate or overseas travel will be considered by Council in accordance with the principles of the policy.
3. A combination of any of the above, with or without, amendments.

Officers are recommending Option 2 as it provides greater clarity regarding what can be covered and places a financial limit on the provision available for each Councillor, thus reducing potential financial impacts and ensuring equity of access to development opportunities.

IMPLICATIONS TO CONSIDER

Consultative

Policies were considered from;

- City of Kwinana
- Town of Cambridge
- Shire of Manjimup
- City of Subiaco
- City of South Perth
- City of Kalamunda
- Shire of Broome

Strategic

Strong and Effective Leadership

5.1 Effective and informed governance and decision-making

Policy Related

G1.2 Councillors: Professional Development

G1.3 Councillors: Travel and Accommodation

Financial

The allocation in GL 41102 Conference Expenses for 2018/19 is \$20,000. To date, approximately \$13,000 has been expended, primarily on registration fees and accommodation for the WALGA State Conference. Last year, approximately \$16,000 was expended on the conference and several minor opportunities (ie Wheatbelt Conference).

Should Council choose to allocate a set amount of \$3,000 per Councillor, this will increase the annual budget allocation by \$1,000.

Legal and Statutory

Phase 1 of the review of the Local Government Act currently underway identified mandatory training for elected members as a potential inclusion in the amended Act. As the review has not yet been concluded and no amendments have been legislated, there are no legal and statutory issues to be considered at this time.

Risk Related

Should Council choose not to impose a limit on each Councillor's allocation for professional development, there is a risk that equal access to opportunities will be affected.

Workforce

Nil

VOTING REQUIREMENTS

Absolute Majority: No

RESOLUTION**140219****Moved: Cr Denese Smythe****Seconded: Cr Kevin Trent****That Council:**

- 1. Amends Policy G1.2: Councillors: Professional Development to reflect the following proposed changes:**
 - a) Include an allocation for each Councillor of up to \$3,000 in the annual budget process that includes attendance at the WALGA State Conference.**
 - b) Councillors may make application to the Chief Executive Officer for approval to cover entry/registration fees, enrolment fees, travel costs up to this amount in any one year. The Chief Executive Officer will approve requests subject to the provisions of the policy.**
 - c) Late enrolment fees, HECS debts and course materials are not to be covered by the Shire.**
 - d) Any requests for interstate or overseas travel will be considered by Council in accordance with the principles of the policy.**
- 2. Requests the Chief Executive Officer to:**
 - (a) Update Council's Policy Manual to reflect the above resolution and make the amended version available on the Shire's website and in alternative formats upon request;**
 - (b) Develop and implement procedures to ensure compliance with this policy.**

CARRIED: 6/0

SY013-02/19 MINUTES OF THE ACCESS AND INCLUSION ADVISORY COMMITTEE MEETING HELD 27 NOVEMBER 2018

File Number: OR.CMA.9.1

Author: Suzie Haslehurst, Executive Manager, Corporate & Community Services

Authoriser: Suzie Haslehurst, Executive Manager, Corporate & Community Services

Previously before Council: No

Appendices: 1. Minutes of the AIAC Meeting held 27/11/18

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

To receive the minutes and endorse the recommendations of the Access and Inclusion Advisory Committee (AIAC) Meeting held on Tuesday 27 November 2018.

BACKGROUND

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

COMMENTS AND DETAILS

At the meeting of the AIAC held on 7 August 2018, Anita Harrop from O'Brien Harrop Access (OHA) outlined the scope of the Access and Inclusion Audit to be undertaken by OHA which includes the public face of Shire building and the ability to access the functions of those buildings. Ms Harrop provided a sample of the report proposed to be presented to the Committee and then Council. Members had the opportunity to ask questions and to meet individually with the consultant prior to, and after the meeting.

The Chairperson provided information about events being held to celebrate International Day of People with Disability and encouraged members to participate.

One officer report was considered by the AIAC:

- Progress Report - Shire of York Disability Access and Inclusion Plan

The report provided a summary of the progress made against actions contained in the Shire's Disability Access and Inclusion Plan 2018-2022, with full details included in an appendix to the report. The AIAC resolved to move out of standing orders and discussed the report, providing an opportunity to ask questions of officers. The AIAC subsequently recommended that Council accepts the report and notes the progress made.

OPTIONS

Council could choose not to accept the recommendations of the Access and Inclusion Advisory Committee. However, the AIAC was established to provide recommendations to Council on matters relating to access and inclusion.

IMPLICATIONS TO CONSIDER**Consultative**

Nil

Strategic

Theme 5: Strong Leadership and Governance

- 5.1 The Council supported by the administration of the Shire of York, is effective and informed in its decision-making and exhibits good practice in its governance role.

Policy Related

G2.5 Reference Groups

Financial

As per adopted budget

Legal and Statutory***Local Government Act 1995******5.22. Minutes of council and committee meetings***

- (1) *The person presiding at a meeting of a council or a committee is to cause minutes to be kept of the meeting's proceedings.*
- (2) *The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.*
- (3) *The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.*

Risk Related

There is a reputational risk if Council chooses not to accept the recommendation of the AIAC to note the progress of the Shire's DAIP. This risk is considered Moderate (8).

Workforce

Nil

VOTING REQUIREMENTS

Absolute Majority: No

RESOLUTION**150219****Moved: Cr Denese Smythe****Seconded: Cr Jane Ferro**

That Council receives the Minutes of the Access and Inclusion Advisory Committee meeting held on 27 November 2018 and adopts the recommendations of the Committee as follows:

- 1. Adopts the minutes of the Access and Inclusion Advisory Committee held on 7 August 2018 as a true and correct record.**
- 2. Accepts the Disability Access and Inclusion Progress Report as attached at Appendix 1 to the officer report contained in the minutes and notes the progress made to date.**

CARRIED: 6/0

SY014-02/19 PROGRESS REPORT ON THE YRCC MANAGEMENT TRANSITION PROCESS AND SERVICE LEVEL REVIEW

File Number: CCP.7.1.

Author: Joanna Bryant, YRCC Project Officer

Authoriser: Suzie Haslehurst, Executive Manager, Corporate & Community Services

Previously before Council: OCM 28 November 2016 SY141-11/16
OCM 27 February 2017 SY14-02/17
OCM 24 April 2017 SY039-04/17
OCM 26 June 2017 SY069-06/17
OCM 18 September 2017 SY113-09/17
OCM 30 October 2017 SY000-10/17
OCM 17 December 2018 SY184-12/18

Appendices:

1. **Appendix 1 - YRCC Management Contract DRAFT with clarifications**
2. **Appendix 2 - Notes YRCC MSG Meeting 24-1-19**

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

This report presents a progress report regarding the YRCC Management Steering Group and an update on the review of service levels as per Resolution 141218 from the OCM on 17 December 2018.

BACKGROUND

At the Ordinary Council Meeting on 17 December 2018, it was resolved that Council:

1. *Notes that the process of transitioning management of the YRCC Bar and Restaurant to a Sporting and/or Community Association may take considerably longer than anticipated, with no guarantee that an agreement will be reached.*
2. *Agrees to extend the time allowed for the transition of the management of the YRCC Bar and Restaurant to a sporting and/or Community Association to June 30, 2019.*
3. *Agrees that should a transition agreement not be reached by June 30, 2019, that Officers will put the management of the YRCC Bar and Restaurant to public tender.*
4. *Requests the Chief Executive Officer to conduct a review of the service levels provided at the YRCC Bar and Restaurant, with a view to improving management efficiency, and bring suggested changes to Council.*
5. *Requests that Officers report to Council on progress relating to the YRCC each month until June 30, 2019.*

This report focuses on points 4 and 5.

COMMENTS AND DETAILS

Report on the progress relating to the YRCC

The YRCC Management Steering Group (MSG) was notified of Council's resolution from the December 2018 OCM on 22 December 2018.

The MSG met on 24 January and an in-principle agreement was made to form a community / sporting association for the purpose of managing the hospitality facilities at the York Recreation and Convention Centre. A draft contract was provided to the group for consideration. The proposed association will need to determine its operations and negotiate the contract in detail with the Shire.

An initial response to the draft contract has been requested by 1 March to allow the matter to come to the March Ordinary Council Meeting.

The Shire President and CEO are available to attend club committee meetings to answer any queries in the meantime.

Notes from the meeting, together with the Draft Management Contract with Clarifications, are attached as Appendix 1 and Appendix 2 to this report.

Review of the service levels provided at the YRCC Bar and Restaurant

Officers have mapped out a framework for service level review to include catering, bar, staffing, marketing & promotion, facilities & maintenance. Investigation including review of local hospitality venues and comparable recreation venues in other areas is underway. A full report will be presented to Council at a future date.

OPTIONS

Council could choose to require more frequent reporting on the service level review of the YRCC operations. However, the above framework has been developed with consideration for a balance between the current capacity of officers and the need for Council and the community to be updated on the YRCC service level review.

IMPLICATIONS TO CONSIDER

Consultative

YRCC Management Steering group, YRCC Manager and staff

Strategic

A review of the YRCC Management was included as a strategic priority in Year One of the *Corporate Business Plan 2016-2020* adopted by Council in May 2016. This action was changed to reflect implementations of the new management model in the *Corporate Business Plan 2018 – 2022* adopted February 2018.

This matter also relates to the following in the Council's Corporate Plan 2018-2022;

The Place to Live

1.7 Positive, active and involved community

Strong and Effective Leadership

5.1 Effective and informed governance and decision-making

Policy Related

There are no policy implications as a result of the recommendations of this report.

Financial

There are no financial implications as a result of the recommendations of this report.

Legal and Statutory

Not Applicable

Risk Related

There are no risk implications as a result of the recommendations of this report.

Workforce

Not applicable

VOTING REQUIREMENTS

Absolute Majority: Yes

RESOLUTION**160219****Moved: Cr Kevin Trent****Seconded: Cr Heather Saint****That Council;**

- 1. Notes the progress of the YRCC Management Steering Group;**
- 2. Notes that the Service Level Review is underway, and a report will be presented at a future date to make recommendations for Council's consideration.**

CARRIED BY ABSOLUTE MAJORITY: 6/0

Disclosure of Interest – Cr David Wallace – Proximity to Gambygine Standpipe; Financial – Standpipe User

At 5.42pm, Cr David Wallace left the meeting.

Cr Kevin Trent, Deputy Shire President took the Chair

SY015-02/19 FIXED STANDPIPE REVIEW - ACTION PLAN

File Number: UT.WSP

Author: Anneke Birleson, Finance Officer (Rates & Debtors)

Authoriser: Suzie Haslehurst, Executive Manager, Corporate & Community Services

Previously before Council: 17 December 2018

Appendices: Nil

NATURE OF COUNCIL’S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

The purpose of this report is to provide Council with information pertaining to community consultation carried out in relation to a standpipe review undertaken by the Water Corporation.

This report seeks Council approval to submit the proposed action plan to Water Corporation for implementation. The action plan outlines the Shire’s requests for the future use of and access to Shire owned fixed standpipes.

BACKGROUND

The Shire of York owns seven standpipes within the Shire. The Shire also leases a standpipe from the Public Transport Authority.

Location	Charging Method	Meter Size
Lincoln St	Automated swipe card system	50mm
Railway Rd	Automated swipe card system	50mm
Gwambygine	Automated swipe card system	50mm
Shire of York Depot	Not for public use	50mm
Hamersley Siding	Honour system – record usage in a book	100mm
Mannavale Rd	Honour system – record usage in a book	50mm
South St	Not in use	25mm
Burges Siding (Leased)	Automated swipe card system	50mm

The Water Corporation is implementing a new charging structure for fixed standpipes following a statewide review. The size of the meter and type of use will now determine how the service charges and water use will be charged. The new charging structure will come into effect from 1 July 2019.

There are four classifications that will impact on the service delivery within the Shire of York:

Type of Standpipe	Description	Service Charge (per annum)	Usage Tariff (per kL)
Local Authority	Shire use only - no public access	No fee	\$2.534
Community Use	Available for local farmers with water tanks, households not on scheme water	\$265.41	\$2.534
Commercial	Commercial customers - road building/water carting/farming. Pricing based on meter size and flow rate.	\$1,658.93 to \$6,635.71	\$2.534 to \$8.353
Fire	Firefighting use only	No fee	No fee

In their current state, all the active standpipes within the Shire of York would be classified as commercial because the meter sizes are 50-100mm. This would have significant financial implications for the Shire and our customers.

The Water Corporation has requested that the Shire classifies each standpipe under the new structure and provide them with an action plan by 28 February 2019.

Existing standpipes can be upgraded or downgraded as part of the process. The Shire can also request additional standpipes to be installed within the region to better service the needs of the community. There are infrastructure charges associated with the changes but the Water Corporation is offering some fee reductions.

COMMENTS AND DETAILS

Between 18 December and 16 January 2019, the Shire undertook a period of community consultation which involved providing the community with the relevant information and requesting feedback. Officers also wrote to each registered user (approximately 80). The Shire received three submissions from existing standpipe users. The submissions are summarised below:

Submission	Key Points
1	<ul style="list-style-type: none"> Approximate annual use is 3,800kL. Supply approximately 70 properties within the Shire of York. Current service at Railway Rd is best option for their use. A slower flow rate is not acceptable, wait times are already long.
2	<ul style="list-style-type: none"> Cart own water. Rely on Railway Rd standpipe. Average annual use is 60kL. A slower rate is not acceptable.
3	<ul style="list-style-type: none"> Average annual use is 300kL. Only use Railway Rd standpipe and prefer access to this standpipe to remain. A slower flow rate is not acceptable.

Relevant officers met on 4 February to consider the submissions and discuss the Shire and Fire Service requirements.

After careful consideration, officers are proposing the following action plan for submission to Water Corporation:

Standpipe	Proposed Use	Details
Mannavale Rd	Commercial	There is a small demand from local farmers and cartage companies. Officers to investigate possibility of relocating Lincoln St controller to Mannavale.
Railway Rd	Commercial	The Railway standpipe is the most commonly used. Due to submissions received and the demand on this standpipe a slower flow rate is not acceptable and should remain as 50mm and charged at commercial rates.
Gwambygine	Local Government Only (including firefighting)	This standpipe was considered for community use but reducing the flow rate would affect accessibility to water for fires. Demand for a community standpipe is not high enough to justify reducing the flow rate.
Hamersley Siding	Local Government Only (including firefighting)	Largest meter (100mm) rarely used by private consumers. Useful for road construction and fires.
Lincoln St	Local Government Only (including firefighting)	Existing standpipe controller has issues relating to power. Highest flow rate, so most useful for fires and Shire road construction.
South St	Decommission	Standpipe infrastructure not present, only a meter. Pipe is capped off. Situated on a busy intersection near the school and not accessible from the road.
Shire Depot	Local Government Only (including firefighting)	No need for private access. Principally used by Shire and fire brigades. Other users can access Railway or Mannavale.

Officers are proposing not to have a community standpipe installed due to lack of demand. In the future, should a community standpipe be required, it can be budgeted for. The infrastructure alone would cost the Shire between \$4,500 and \$7,000 based on 2018/19 prices. This does not include administration and installation costs. In addition, this does not take into consideration the costs of installing and maintaining a suitable control system for recording usage. To install a controller similar to those already used within the Shire, the cost would be in excess of \$15,000.

The Shire could request a new 25mm standpipe be installed prior to 30 June 2019, but the Shire would have to pay the infrastructure costs. The Water Corporation will only cover administration and relocation costs of the existing 25mm meter. Therefore, the costs outweigh the benefit of having a community standpipe. The Shire would also need to select a suitable site that is agreeable to the Water Corporation.

OPTIONS

Council could choose to accept the proposed action plan or change the proposed use of any of the standpipes listed. Council could also choose to request a new 25mm community standpipe be installed. However, officers have considered the usage of each standpipe over the last few years as well as expected future usage when determining the best future use for each standpipe. The installation of a community standpipe would cost the Shire and the Shire would incur ongoing service charges, even if the standpipe is not used. The annual service charge as quoted for the 2018/19 financial year is \$265.41 and the water usage quoted tariff for 2018/19 is \$2.534 per kL. These would likely increase each financial year.

IMPLICATIONS TO CONSIDER**Consultative**

Water Corporation

Internal departments

DFES

Current registered users of Shire owned standpipes

Strategic

Theme 4: Built for Resilience

4.3 Households and businesses have access to sustainable water supply systems which minimise where possible impacts on the environment.

Policy Related

Not Applicable

Financial

The implementation of the charges from 1 July 2019 will impact budget considerations for the Shire as well as fees and charges relating to standpipe use. Depending on the action plan, a few of the standpipes may, in future, incur higher service charges and usage charge rates.

The proposed changes will see a reduction in the majority of charges incurred by the Shire for standpipes used exclusively by the Shire and for fire purposes. The costs of operating the two commercial standpipes will be on charged to consumers via fees and charges.

Legal and Statutory

Not Applicable

Risk Related

The Financial Impact is Minor (2) when considering the future costs to the Shire and its existing standpipe users.

The likelihood of recurrence is Unlikely (2). The Water Corporation may instigate new changes within the next 10 years but is difficult for officers to predict.

The overall risk rating is Low (4)

Workforce

The proposed changes to the standpipe structure has a minimal impact on the existing workforce capacity.

VOTING REQUIREMENTS

Absolute Majority: No

**RESOLUTION
170219**

Moved: Cr Jane Ferro

Seconded: Cr Denese Smythe

That Council:

- 1. Approves the proposed action plan as follows:**

Standpipe Location	Use
Mannavale Rd	Commercial – public access
Railway Rd	Commercial – public access
Gwambygine	Local Government and Firefighting – no public access
Hamersley Siding	Local Government and Firefighting – no public access
Lincoln St	Local Government and Firefighting – no public access
South St	Decommission
Shire Depot	Local Government and Firefighting – no public access

- 2. Notes that:**

- (a) there are no proposed changes to the existing meter sizes and flow rates.**
- (b) there will be no community standpipe available.**

- 3. Authorises the Chief Executive Officer to submit the action plan to Water Corporation.**

CARRIED: 5/0

At 5.43 pm, Cr David Wallace returned to the meeting.

Cr Trent, Deputy Shire President, advised Cr Wallace of the Council decision.

Cr David Wallace resumed the Chair.

SY016-02/19 OUTSTANDING RATES AND CHARGES - PAYMENT AGREEMENTS

File Number:	FI.DRS.3.1
Author:	Anneke Birleson, Finance Officer (Rates & Debtors)
Authoriser:	Suzie Haslehurst, Executive Manager, Corporate & Community Services
Previously before Council:	17 December 2018
Appendices:	1. Applications for a Payment Agreement - January 2019 - Confidential

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

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

This report seeks Council's approval to accept the officer recommendation regarding the proposed arrangements as detailed in Confidential Appendix 1.

BACKGROUND

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

The policy and Delegation 3-3 authorises the Chief Executive Officer to accept payment arrangements, for outstanding rates and charges where there are no arrears and the balance will be paid in full by 30 June of the relevant financial year. Any applications outside this scope must be presented to Council for review and acceptance or rejection. Any application for a payment arrangement relating to sundry debtor charges must be referred to Council as there is currently no delegation.

COMMENTS AND DETAILS

Council has already considered 27 applications for the 2018/19 financial year.

The Shire has since received four (4) further applications that do not qualify under DE3-3 and therefore, require Council consideration.

The applicants are experiencing financial difficulties, two of which had a payment agreement during the 2017/18 financial year.

Confidential Appendix 1 details the current debts and a brief reason why the debtor cannot meet the standard payment options. The table also provides an officer recommendation for the application.

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

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

OPTIONS

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

IMPLICATIONS TO CONSIDER**Consultative**

Not Applicable

Strategic

Theme 5: Strong Leadership and Governance

5.3 The Shire's public finances are sustainable in the short and long-term.

Policy Related

F1.1 Revenue Collection

DE3-3 Agreement as to Payment of Rates and Service Charges

Financial

The total debt associated with the payment arrangements relating to rates and charges, as at 31 January 2019 is \$29,881.04.

This represents approximately 1.3% of the outstanding rates and charges as at 31 January 2019.

Legal and Statutory***Local Government Act 1995******6.49. Agreement as to payment of rates and service charges***

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

Risk Related

The Financial Risk is Moderate (3).

The Likelihood of occurrence is Likely (4).

The overall risk rating is High (12).

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

Workforce

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

VOTING REQUIREMENTS

Absolute Majority: No

**RESOLUTION
180219**

Moved: Cr Denese Smythe

Seconded: Cr Kevin Trent

That Council:

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

CARRIED: 6/0

SY017-02/19 REVIEW OF POLICY F1.1 REVENUE COLLECTION

File Number:	OR.CMA.4
Author:	Anneke Birleson, Finance Officer (Rates & Debtors)
Authoriser:	Suzie Haslehurst, Executive Manager, Corporate & Community Services
Previously before Council:	27 November 2017
Appendices:	1. Proposed amendments to Finance Policy F1.1 Revenue Collection

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

Review

PURPOSE OF REPORT

The purpose of this report is to present for Council's consideration and approval for adoption proposed amendments to the existing Shire of York Finance Policy *F1.1 Revenue Collection*.

BACKGROUND

The objective of the existing policy is to provide guidance in the collection of all outstanding revenues owed to the Shire to ensure timely cashflow and to minimise bad debts.

The Shire of York engaged CLI Lawyers (Previously Milton Graham Lawyers) in September 2017, through a tender process, for the provision of Debt Collection Services.

After consultation with CLI Lawyers, officers presented Council with an amended policy to improve efficiency and clarifying the process to be undertaken by officers. The revised policy has been implemented for just over 12 months and a few minor issues have arisen, where officers need further clarification and direction from Council regarding the specific process involved with recovering outstanding rates via the legal process.

COMMENTS AND DETAILS***Proposed Changes to Policy F1.1 Revenue Collection***

If the pre-legal debt collection attempts are unsuccessful, the next usual step is to commence legal action. The usual legal process involves the following steps:

- Issue General Procedure Claim
- Obtain Judgment
- Issue Property Seizure Sale Order (PSSO) against goods – Bailiff will make three attempts to seize goods to cover the debt. The bailiff can make additional attempts for a fee.
- Issue PSSO against land – Bailiff will establish equity and if appropriate will attempt to sell a registered property at public auction.
- Sale of Land under the Local Government Act 1995 – If legal action cannot progress or the bailiff is unable to sell the property at auction, the Council has the option to take possession to lease or sell the land.

There are now a few cases where the legal process has been unsuccessful and the next step is to proceed with registering the property on the PSSO and instruct the bailiff to attempt sale.

Given that this step involves sale of a property, officers believe it is important for Councillors to be aware of the circumstances. To ensure transparency with Council, officers are proposing that a Councillor Notification be issued prior to proceeding against land. This allows Councillors to give full consideration to the circumstances, level of debt and any possible implications and make a decision as to whether a Council report is required or if officers may proceed in accordance with the legal process.

A status report for all properties under a PSSO is to be provided as part of the monthly Information Bulletin to Councillors.

Officers considered the option of presenting a report to Council for every case where the next step is to proceed with a PSSO against land. However, this could create delays in gaining the approval, reducing the efficiency of the debt collection process as well as potential additional costs, where an extension must be applied for in the courts prior to the existing PSSO on goods expiring.

Cases where the legal process progresses to PSSO on land can vary in circumstance and type of property. Some are more straightforward than others. This is why officers consider a Councillor Notification to be the best option to ensure minimal disruption to the legal process but also to ensure transparency with Council.

It should be noted, that if the legal process is stopped without proceeding against land, it may prevent the Shire from being able to take possession and sell/lease the property under Section 6.64 of the *Local Government Act 1995*.

The proposed change to the Recovery Process has been included within the proposed revision of the existing policy, see Appendix 1.

Officers have also made minor text changes, to include the proposed revised process and provide further clarity.

OPTIONS

Council could choose not to accept the proposed changes to the existing policy. However, if officers are to act in line with the existing policy, the likelihood is that officers would present a report to Council for each case that reaches this stage of the legal process. The reason being that officers believe the decision to sell a person's property is not a decision that can be made solely by an officer without Council's knowledge of and support for the decision. Reporting to Council for each occasion however, could create delays and in extreme cases may result in amounts becoming unrecoverable due to the level of debt and likelihood of recovering the full amount outstanding.

Officers will continue to review the effectiveness of the policy as an ongoing process and the monthly update to Council regarding the progress of any PSSO against land will ensure further transparency.

IMPLICATIONS TO CONSIDER

Consultative

CLI Lawyers

Strategic

Theme 5: Strong Leadership and Governance

5.1 The Council supported by the administration of the Shire of York is effective and informed in its decision-making and exhibits good practice in its governance role.

5.3 The Shire's public finances are sustainable in the short and long-term.

Policy Related

Shire of York Finance Policy *F1.1 Revenue Collection*, identifies that the Shire is to ensure timely cashflow and minimise bad debts. In addition, the Shire must ensure that appropriate measures are undertaken to recover outstanding amounts. The recovery of these outstanding debts must be fair, consistent and transparent.

Financial

As at 31 January 2019 the amount of outstanding rates debt was \$2,274,636.03. This includes those on instalments and pensioners.

The rates outstanding debt is approximately \$1.04 million if instalment payers and pensioners are excluded.

Legal and Statutory

Local Government Act 1995

6.55. Recovery of rates and service charges

(1) *Subject to subsection (2) and the Rates and Charges (Rebates and Deferments) Act 1992 rates and service charges on land are recoverable by a local government from —*

- (i) *the owner at the time of the compilation of the rate record; or*
- (ii) *a person who whilst the rates or service charges are unpaid becomes the owner of the land.*

(2) *A person who, by virtue of an Act relating to bankruptcy or insolvency or to the winding up of companies, has become the owner of land in the capacity of a trustee or liquidator, is not on that account personally liable to pay, out of the person's own money, rates or service charges which are already due on, or become due on that land while that person is the owner in that capacity.*

6.56. Rates or service charges recoverable in court

(1) *If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction.*

(2) *Rates or service charges due by the same person to the local government may be included in one writ, summons, or other process.*

6.64. Actions to be taken

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

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

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

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

Risk Related

The Financial Impact is Extreme (5)

The Likelihood of Recurrence is currently likely (4).

This results in an Extreme Risk to the Shire of York.

Workforce

Implementation of the revised Revenue Collection policy would have a minor impact on the workforce.

VOTING REQUIREMENTS

Absolute Majority: No

RESOLUTION

190219

Moved: Cr Heather Saint

Seconded: Cr Pam Heaton

That Council adopts the amendments to the Shire of York Finance Policy F.1.1 Revenue Collection, as attached to this report.

CARRIED: 6/0

SY018-02/19 FINANCIAL REPORT FOR DECEMBER 2018

File Number:	FI.FRP
Author:	Tabitha Bateman, Finance Manager
Authoriser:	Suzie Haslehurst, Executive Manager, Corporate & Community Services
Previously before Council:	Not Applicable
Appendices:	<ol style="list-style-type: none">1. Monthly Financials - December 20182. Creditor's Payments Listing - December 20183. Business Card Summary - November 2018

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.

COMMENTS AND DETAILS

The Financial Report for the period ending 31 December 2018 is presented for Council's consideration and includes the following;

- Monthly Statements for the period ended 31 December 2018
- List of Creditor's 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 December 2018;

Outstanding Rates and Services

The total outstanding rates as at 31 December 2018 were \$2,701,045 compared to \$2,948,819 as at 30 November 2018.

Current Year	Properties	31/12/2018	%	Properties	31/12/2017	%
3 years and over	71	\$468,818.86	17%	54	\$276,589.64	33%
2 years and over	101	\$228,940.22	8%	104	\$256,700.53	30%
1 year and over	167	\$290,267.10	11%	260	\$316,797.24	37%
Total Prior Years outstanding		\$988,026.18	37%		\$850,087.41	34%
Current Rates	1329	\$1,713,018.75	63%	1425	\$1,662,108.47	66%
Total Rates Outstanding		\$2,701,044.93			\$2,512,195.88	

The statistics above show the number of properties in the 1 and 2 year categories and their respective balances are reducing. The main issue between years relates directly to the long-outstanding rates in the 3 years or more category. Excluding pensioners (approximately 18 of the 71 properties), the debt relating to 53 properties in the 3 years and over category also represents approximately \$158,000 in current rates which further provides explanation for the increase overall in outstanding rates i.e. if ratepayers are situated in the 3 years and over category, they will most likely have a balance in the categories below also. Generally, more ratepayers are paying their rates.

While officers are actively seeking to reduce these debts, the process of collection is extremely complex in nature. Once rates become outstanding for 3 years or more a local government can take possession of the property under the Act and sell the property. Officers are currently liaising with various mortgagees and liquidators relating to a number of properties and are actively seeking payment of outstanding rates and charges. This confidential information and details of the collection process is regularly reported to Council.

Outstanding Sundry Debtors

Total outstanding sundry debtors as at 31 December 2018 were \$280,957 compared to \$285,519 as at 30 November 2018. Additionally, \$252,000 of the outstanding value reported in the 90 days and over category relates to a single debt which the Shire is currently in the process of trying to finalise. A contingent liability for this amount has been included in the Balance Sheet.

Officers have recently sought further legal advice regarding this debt and will be presenting a report to Council in coming months detailing options moving forward.

Current Year	31/12/2018	%	31/12/2017	%
90 days and over	\$268,626.40	96%	\$306,767.93	40%
60 days and over	\$5,962.49	2%	\$138.55	0%
30 days and over	\$756.99	0%	\$243,708.94	32%
Current	\$5,411.02	2%	\$220,756.91	29%
Total Debtors Outstanding	\$280,756.90		\$771,372.33*	

*The outstanding debtors reported for December 2017 included an amount of \$479,415 relating to roads grants claimed from Main Roads.

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

DE 3.1 Authority to make Payments from Trust and Municipal Funds

Financial

This report provides a summary of the financial position of the Shire at the end of the reporting period.

Legal and Statutory

- **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.*

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

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
200219**

Moved: Cr Kevin Trent

Seconded: Cr Heather Saint

That Council receives the Monthly Financial Report and the list of payments drawn from the Municipal and Trust accounts for the period ending 31 December 2018 as summarised below:

31 December 2018

MUNICIPAL FUND	AMOUNT
Cheque Payments	65,467.62
Electronic Funds Payments	723,884.00
Payroll Debits	188,534.16
Payroll Debits - Superannuation	41,019.61
Bank Fees	1,667.25
Corporate Cards	984.99
Fuji Xerox Equipment Rental	236.62
Fire Messaging Service	82.50
TOTAL	1,021,876.75
TRUST FUND	
Electronic Funds Payments	1,848.90
Cheque Payments	40.00
Direct Debits Licensing	96,118.85
TOTAL	98,007.75
TOTAL DISBURSEMENTS	1,119,884.50

CARRIED: 6/0

SY019-02/19 FINANCIAL REPORT FOR JANUARY 2019

File Number:	FI.FRP
Author:	Tabitha Bateman, Finance Manager
Authoriser:	Suzie Haslehurst, Executive Manager, Corporate & Community Services
Previously before Council:	Not Applicable
Appendices:	1. Monthly Financials - January 2019 2. Creditor's Payments Listing - January 2019 3. Business Card Summary - December 2018

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.

COMMENTS AND DETAILS

The Financial Report for the period ending 31 January 2019 is presented for Council's consideration and includes the following;

- Monthly Statements for the period ended 31 January 2019
- List of Creditor's 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 January 2019;

Outstanding Rates and Services

The total outstanding rates as at 31 January 2019 were \$2,274,636 compared to \$2,701,045 as at 31 December 2018. The decrease between months relates mainly to the third instalment falling due in January. The fourth and final instalment is due 18 March 2019.

Current Year	Properties	31/01/2019	%	Properties	31/01/2018	%
3 years and over	70	\$467,183.43	21%	50	\$274,859.36	13%
2 years and over	99	\$226,196.05	10%	86	\$255,616.18	12%
1 year and over	157	\$284,140.49	12%	161	\$307,880.98	15%
Total Prior Years outstanding		\$977,519.97	43%		\$838,356.52	40%
Current Rates	1315	\$1,297,116.06	57%	1302	\$1,276,571.84	60%
Total Rates Outstanding		\$2,274,636.03			\$2,114,928.36	

The outstanding rates balance relating to properties in the 1 and 2-year categories is reducing. The main issue between years relates directly to the long-outstanding rates in the 3 years or more category. Generally, it appears more ratepayers are paying their rates. The overall outstanding rates balance can be attributed to a relatively small number of regular non-payers.

While officers are actively seeking to reduce these debts, the process of collection is extremely complex in nature. Once rates become outstanding for 3 years or more a local government can take possession of the property under the Local Government Act and sell the property. Officers are currently liaising with various mortgagees and liquidators relating to a number of properties and are actively seeking payment of outstanding rates and charges. This confidential information and details of the collection process is regularly reported to Council.

Outstanding Sundry Debtors

Total outstanding sundry debtors as at 31 January 2019 were \$313,199 compared to \$280,757 as at 31 December 2018. Additionally, \$252,000 of the outstanding value reported in the 90 days and over category relates to a single debt which the Shire is currently in the process of trying to finalise. A contingent liability for this amount has been included in the Balance Sheet. Officers have recently sought further legal advice regarding this debt and will be presenting a report to Council in coming months detailing options moving forward.

Current Year	31/01/2019	%	31/01/2018	%
90 days and over	\$273,216.19	87%	\$276,165.49	93%
60 days and over	\$356.99	0%	\$2,587.94	1%
30 days and over	\$28,805.96	9%	\$2,340.74	1%
Current	\$10,819.87	3%	\$15,226.63	5%
Total Debtors Outstanding	\$313,199.01		\$296,320.80	

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

DE 3.1 Authority to make Payments from Trust and Municipal Funds

Financial

This report provides a summary of the financial position of the Shire at the end of the reporting period.

Legal and Statutory

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

(1A) *In this regulation —*

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

- (1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —*

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

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

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
210219**

Moved: Cr Heather Saint

Seconded: Cr Denese Smythe

That Council receives the Monthly Financial Report and the list of payments drawn from the Municipal and Trust accounts for the period ending 31 January 2019 as summarised below:

31 January 2019

MUNICIPAL FUND	AMOUNT
Cheque Payments	28,473.46
Electronic Funds Payments	377,444.05
Payroll Debits	270,760.27
Payroll Debits - Superannuation	58,120.33
Bank Fees	841.77
Corporate Cards	228.12
Fuji Xerox Equipment Rental	236.62
Fire Messaging Service	1,971.64
TOTAL	738,076.26
TRUST FUND	
Electronic Funds Payments	4,154.16
Cheque Payments	-
Direct Debits Licensing	155,790.45
TOTAL	159,944.61
TOTAL DISBURSEMENTS	898,020.87

CARRIED: 6/0

SY020-02/19 INVESTMENTS - DECEMBER 2018

File Number:	FI.FRP
Author:	Tabitha Bateman, Finance Manager
Authoriser:	Suzie Haslehurst, Executive Manager, Corporate & Community Services
Previously before Council:	Not applicable
Appendices:	1. Investments - December 2018

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 December 2018.

BACKGROUND

Council's policy F1.4 - *Investment* requires Council to review the performance of its investments on a monthly basis. In accordance with the policy, a report of investments is presented to Council to provide a summary of investments held by the Shire of York.

COMMENTS AND DETAILS

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

- a) Council's Investments as at 31 December 2018
- 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**220219****Moved: Cr Denese Smythe****Seconded: Cr Heather Saint**

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

CARRIED: 6/0

SY021-02/19 INVESTMENTS - JANUARY 2019

File Number:	FI.FRP
Author:	Tabitha Bateman, Finance Manager
Authoriser:	Suzie Haslehurst, Executive Manager, Corporate & Community Services
Previously before Council:	Not applicable
Appendices:	1. Investments - January 2019

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 January 2019.

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 January 2019
- 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**230219****Moved: Cr Heather Saint****Seconded: Cr Kevin Trent**

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

CARRIED: 6/0

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

Nil

SY023-02/19 - CONFIDENTIAL - YORK CARRIAGE DINER LEASE**RESOLUTION****260219****Moved: Cr Denese Smythe****Seconded: Cr Jane Ferro****That Council requests the Chief Executive Officer to write to Mr Cameron to:**

- 1. Address and refute Mr Cameron's assertions in his letter dated 30 January 2019 in accordance with legal advice received;**
- 2. Provide a Further Default and Rectification Notice, including the need to finalise outstanding payments in accordance with the approved payment agreement;**
- 3. Inform him that the Shire intends to terminate the lease in accordance with Clause 35 should he fail to rectify the default within 30 days of the date of the letter; and**
- 4. In the event Mr Cameron fails to comply with the Further Default and Rectification Notice within the time prescribed, issue a Notice advising him that the Shire has terminated the Lease due to continued breach and prescribe 14 days to remove any Alterations and Signage, make good any damage resulting from such removal, and vacate the Premises.**

CARRIED: 6/0**MOTION****RESOLUTION****270219****Moved: Cr Denese Smythe****Seconded: Cr Pam Heaton****That Council opens the meeting to the public at 5.53pm.*****CARRIED: 6/0***

The doors were opened at 5.53pm.

14.2 Public Reading of resolutions to be made public

No one from the Gallery returned to the meeting.

15 LATE REPORTS

Nil

16 LATE CONFIDENTIAL REPORTS

Nil

17 NEXT MEETING

The next Ordinary Meeting of Council will be held on Monday, 25 March 2019 at 5.00pm in Council Chambers, York Town Hall, York.

18 CLOSURE

The Shire President thanked everyone for their attendance and closed the meeting at 5.54pm.