



CONFIRMED MINUTES

Ordinary Council Meeting Monday, 25 November 2019

Date: Monday, 25 November 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 NOVEMBER 2019 AT 5.00PM**

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

1 OPENING

1.1 Declaration of Opening

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

1.2 Disclaimer

The Shire President advised the following:

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

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

1.3 Standing Orders

Nil

1.4 Announcement of Visitors

Nil

1.5 Declarations of Interest that Might Cause a Conflict

Cr Stephen Muhleisen – SY163-11/19 – Local Heritage Survey List; Heritage Areas and Local Planning - Proximity

Cr Kevin Trent – SY163-11/19 – Local Heritage Survey, Heritage List, Heritage Areas & Local Planning Policy Heritage Conservation & Development - Proximity

Cr David Wallace – SY163-11/19 – Local Heritage Survey, Heritage List, Heritage Areas & Local Planning Policy Heritage Conservation & Development - Proximity

1.6 Declaration of Financial Interests

Cr Denis Warnick – SY163-11/19 – Local Heritage Survey, Heritage List, Heritage Areas & Local Planning Policy Heritage Conservation & Development

1.7 Disclosure of Interests that May Affect Impartiality

Cr Kevin Trent – SY163-11/19 – Local Heritage Survey, Heritage Areas, Local Planning Policy Heritage Conservation & Development

Cr Kevin Trent – SY163-11/19 – Local Heritage Survey, Heritage Areas, Local Planning Policy Heritage Conservation & Development

Cr Kevin Trent – SY168-11/19 – Adoption of Policy Manual with Minor Amendments 2019

Cr Denese Smythe – SY171-11/19 – Community Funding Applications

Cr Ashley Garratt – SY171-11/19 – Community Funding Applications

Cr Pam Heaton – SY171 – Community Funding Applications

Cr Kevin Trent – SY171-11/19 – Community Funding Applications

2 ATTENDANCE

2.1 Members

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

2.2 Staff

*Allen Cooper, Acting 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

Nil

2.4 Leave of Absence Previously Approved

Nil

2.5 Number of People in the Gallery at Commencement of Meeting

There were eight (8) people in the Gallery at the commencement of the meeting.

3 QUESTIONS FROM PREVIOUS MEETINGS

3.1 Response to Previous Public 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 Simon Saint

Question 1:

- (a) What is the annual cost of insurance premiums, and
- (b) What insurance company(s) are used; and
- (c) Has the Shire compared or tested the market for comparisons; and
- (d) If the answer to (c) is no, why not?

Response provided by the Acting Chief Executive Officer:

(a) What is the annual cost of insurance premiums

For the 19/20 financial year it is \$273,793.23

Made up of the following:

LGIS Scheme Policies

<i>LGIS Bushfire</i>	<i>\$22,163.63</i>
<i>LGIS Liability</i>	<i>\$51,721.14</i>
<i>Crime</i>	<i>\$1,608.75</i>
<i>LGIS Property</i>	<i>\$108,285.66</i>
<i>LGIS WorkCare</i>	<i>\$78,296.64</i>
<i>Less Scheme Credit</i>	<i>\$19,170.27</i>

Total Premiums \$242,905.55

Non-Scheme Policies

<i>Corporate Travel</i>	\$825.00	<i>Chubb Insurance Australia Limited</i>
<i>Cyber Liability</i>	\$1,650.00	<i>Chubb Insurance Australia Limited</i>
<i>Management Liability</i>	\$10,190.20	<i>Chubb Insurance Australia Limited</i>
<i>Marine Cargo</i>	\$677.50	<i>QBE Insurance</i>
<i>Motor Vehicle</i>	\$17,077.48	<i>Zurich Australia Insurance Limited</i>
<i>Personal Accident – Volunteers, Councillors</i>	\$467.50	<i>Chubb Insurance Australia Limited</i>

Total Premiums \$30,887.68

(b) What insurance company(s) are used

Detailed above

(c) Has the Shire compared or tested the market for comparisons

Not that I have been able to ascertain

(d) If the answer to (c) is no, why not

I cannot answer “why not” or if it has been considered in the past, but some background:

LGIS is a predominantly a self insurance scheme representing most Local Governments throughout the state, of the 139 local governments in the state 137 are members of the scheme.

“LGISWA was created when the WA local government sector decided to work together in financing and managing their risks. LGISWA is a not-for-profit industry based, jointly owned by the participating local governments, and providing a superior long-term alternative to the traditional insurance market.”

Brochure – “Your Self Insurance Scheme” by LGISWA

4.2 Public Question Time

Mr John Tapper

Question - To the Shire of York C.E.O.

Re: Making the easement at 957, 959 & 961 Talbot Rd into a road instead of opening road number 3979 from Talbot Road.

For those that may not be aware it involves myself as well as Angus Jones as it passes through lot number 7522.

Are you aware that any land taken from me will be fully compensated as well as fenced to 20.12 metres?

I am totally against this option, I look forward to the Shire seeing the light and opening up road number 3979.

Response provided by the Acting Chief Executive Officer

The question was Taken on Notice

Mr Simon Saint

I would like to point out that the following question has been put to the administration department, but to date no response has been provided.

Question:

Where is the logic in the SOY 'events committee' (which consists of SOY staff) holding a meeting just one working day before an event to discuss whether or not there is any need to write to adjoining land owners, clearly this leaves insufficient time for adjoining landowners to be notified, certainly it leaves insufficient time for adjoining landowners to make any comments?

Response provided by the Acting Chief Executive Officer:

The question was Taken on Notice.

As there were no further questions – Public Question Time concluded at: 5.10pm.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 PRESENTATIONS

6.1 Petitions

Nil

6.2 Presentations

Nil

6.3 Deputations

Nil

6.4 Delegates' reports

Nil

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Minutes of the Special Council Meeting held 21 October 2019

**RESOLUTION
041119**

Moved: Cr Kevin Trent

Seconded: Cr Pam Heaton

That the minutes of the Special Council Meeting held on 21 October 2019 be confirmed as a correct record of proceedings.

CARRIED: 7/0

9 OFFICER'S REPORTS

Declarations of Interest:

Cr Denis Warnick – Financial – Several land holders on the list are clients of my business

Cr David Wallace – Proximity – my property I own adjoins another property on the list “Arnold Park House”

Cr Kevin Trent – Proximity – I live at 11 William Street, in the Blandstown Heritage Area

Cr Stephen Muhleisen – Proximity – Owner property with wife in area covered by the survey

Cr Kevin Trent – Impartial – I am the Chairperson of the York Uniting Church, Church Council in Centennial Avenue

Cr Kevin Trent – Impartial – I am President of the York Sub-Branch RSL

The Shire President read the following letter received from the Department of Local Government, Sport and Cultural Industries dated 22 November 2019:

Dear Mr Cooper – I refer to your correspondence dated 19 November 2019 and advise that, in accordance with authority delegated by the Minister for Local Government, the Deputy Director General – Regulation has approved your application, under section 5.69(3)(a) of the Local Government Act 1995 (the Act).

This approval allows disclosing members Cr David Wallace, Cr Stephen Muhleisen, Cr Kevin Trent and Cr Warnick to fully participate in the discussion and decision making relating to the following agenda item at the Shire’s Ordinary Council Meeting on 25 November 2019:

SY163-11/19 – Local Heritage Survey, Heritage List, Heritage Areas and Local Planning Heritage Conservation and Development

Subject to the following conditions:

- 1. The approval is only valid for the 25 November 2019 Ordinary Council Meeting when agenda item SY163-11/19 is considered;*
- 2. The abovementioned Councillors must declare the nature and extent of their interests at the abovementioned meeting when the matter is considered, together with the approval provided;*
- 3. The CEO is to provide a copy of the Department’s letter of approval to the abovementioned Councillors;*
- 4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;*
- 5. The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to the Department, to allow the Department to verify compliance with the conditions of this approval, and*
- 6. The approval granted is based solely on the interests disclosed by the abovementioned Councillors, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.*

Michael Connolly, Deputy Director General - Regulation

Councillors can now consider the item.

SY163-11/19 LOCAL HERITAGE SURVEY, HERITAGE LIST, HERITAGE AREAS & LOCAL PLANNING POLICY HERITAGE CONSERVATION & DEVELOPMENT

File Number:	CS.INF.3
Author:	Carly Rundle, Senior Planner
Authoriser:	Darren Wallace, Executive Manager, Infrastructure & Development Services
Previously before Council:	SY064-06/18 Engagement and Consultation Plan SY102-07/19 Draft Local Heritage Survey, Heritage List and Local Planning Policy Heritage Conservation & Development SY149-10/19 Local Heritage Survey, Heritage List, Heritage Areas & Local Planning Policy Heritage Conservation & Development
Appendices:	1. Submissions Received 2. Schedule of Submissions 3. Local Heritage Survey 4. Heritage List and Heritage Areas 5. Local Planning Policy: Heritage Conservation and Development

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive & Legislative.

PURPOSE OF REPORT

For Council to consider submissions received from the consultation period and to adopt the Local Heritage Survey, Heritage List, Heritage Areas and Local Planning Policy Heritage Conservation and Development.

BACKGROUND

In accordance with Part 8 of the *Heritage Act 2018* and the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations), the Shire, in conjunction with Heritage Intelligence has completed a review of its existing Municipal Heritage Inventory (updated term is now Local Heritage Survey), Heritage List, Heritage Areas and associated local planning policy.

It is a requirement of the *Heritage Act 2018* that the Shire prepares and maintains a survey of places within its district that in its opinion are, or may become, of cultural heritage significance. Cultural heritage significance is defined as '*means aesthetic, historic, scientific, social or spiritual value for individuals or groups within Western Australia*'.

The purposes of a local heritage survey include:

- (a) identifying and recording places that are, or may become, of cultural heritage significance in its district; and*
- (b) assisting the local government in making and implementing decisions that are in harmony with cultural heritage values; and*
- (c) providing a cultural and historical record of its district; and*
- (d) providing an accessible public record of places of cultural heritage significance to its district; and*
- (e) assisting the local government in preparing a heritage list or list of heritage areas under a local planning.*

In preparing, reviewing or updating a local heritage survey, a local government must have regard to the purposes listed above, and guidelines for local heritage surveys published by the Heritage Council, although this does not derogate from the duty of the local government to exercise its discretion in a particular case or preclude the local government from taking into account matters not set out in the guidelines.

The survey itself does not have statutory force and effect in terms of planning controls, although provides guidance to the Shire as to the importance of a place's cultural heritage significance and thereby providing information on which places may be worthy of built heritage conservation and should be afforded statutory protection for conservation and retention by inclusion on a heritage list or within a heritage area under a local planning scheme. Inclusion of a place in the heritage list or within a heritage area, adopted under a local planning scheme means that a local government can consider the heritage of a place as part of its decision-making process for proposed development.

The Shire's Municipal Heritage Inventory (now called Local Heritage Survey by the *Heritage Act 2018*), adopted by Council in 2008 identified 145 places and two heritage precincts containing 69 places identified as having significance to the precinct (216 places in total). The 2008 inventory replaced the 1995 inventory which identified 142 places and 'Objectives and Guidelines' established in 2000 identifying five heritage precincts covering a much larger area than the two precincts adopted in 2008. In accordance with clause 5.1.2.2 of the Scheme, the Inventory is also the Heritage List. The Shire's Local Planning Policy Heritage Precincts and Places, adopted by Council at its Ordinary Meeting on 22 September 2008, includes assessment criteria and standards to guide appropriate development within heritage precincts and heritage places on development applications received. Minor updates occurred to the 2008 MHI in 2009 and 2019, which has resulted in 145 places currently being identified, and a further 68 places recognised as having significance to a precinct.

The review of the above documents resulted in a revised Local Heritage Survey, Heritage List, Heritage Areas and Local Planning Policy Heritage Conservation and Development, which Council considered at its ordinary meeting 29 July 2019, where it was resolved that it:

1. *Adopts the Draft Local Heritage Survey 2019 for consultation in accordance with the endorsed Consultation and Engagement Plan (May 2018).*
2. *Pursuant to clause 8 of Schedule 2 – Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 adopts the draft Heritage List for consultation in accordance with the Consultation and Engagement Plan (May 2018), with the following modification - the level of significance of 34 Clifford Street, York is to be changed from 'B' to 'C'.*
3. *Pursuant to clause 9 of Schedule 2 – Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 adopts the draft heritage areas for consultation in accordance with the Consultation and Engagement Plan (May 2018).*
4. *Pursuant to clauses 3, 4 and 9 of Schedule 2 – Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 adopts the draft Local Planning Policy Heritage Conservation and Development for consultation in accordance with the Consultation and Engagement Plan.*
5. *Requests the Chief Executive Officer to investigate options for incentives for properties on the heritage list and report back to Council prior to formulation of the 2020/21 annual budget.*

Detailed background of the review and drafts is outlined in the previous Council minutes SY102-07/19.

Advertising of the draft documents in accordance with the resolution has been completed.

A total of 28 submissions have been recorded, which relate to 35 places. This includes both submissions received in writing, and submissions which have been included by officers to document the outcomes of meetings held with the Heritage Advisor and Senior Planner where no written submission was received, but modifications were requested.

Of the 28 submissions, seven (7) objections were received to the proposed listing of seven places. All other submissions were either in support of the proposed listing(s), raised general matters for consideration and/or provided additional information to correct and update the relevant place records.

Council is requested to consider the submissions received and resolve to either:

- Adopt the documents without modification
- Adopt the documents with modification; or
- Not proceed with the local heritage survey, heritage list, designation as a heritage area or local planning policy. This option is not recommended as there is a statutory requirement under the *Heritage Act 2018* and Regulations that the Shire adopts and maintains both a Local Heritage Survey and Heritage List.

It is officers' recommendation that Council adopts the documents with modification in response to submissions.

COMMENTS AND DETAILS

Detailed information on the review and summary of changes is set out in the previous council minutes and draft Local Heritage Survey, although broadly resulted in the following changes being proposed in the draft:

- Identification of 300 places that have or may become of cultural heritage significance in the Local Heritage Survey;
- Grading of places to assign levels of significance (current and new) in accordance with State Heritage Office Guidelines. This also involved establishing a grading criterion and grading the significance of places within heritage areas, which had not previously been completed in the 2008 inventory;
- Modification to the Heritage Area boundaries to:
 - Extend the boundary of the York Central Heritage Area to Grey Street including properties south of Ford Street, the intent being that this represents a logical extension incorporating a number of places on the State Heritage Register and better aligns with the boundaries of the place 'Mongers Precinct'.
 - Change the boundary between the York Central Heritage Area, and Blandstown Heritage Area to align with Balladong Street.
 - Creation of a new York Town Centre Heritage Protection Area which has been excised from the existing York Central Heritage Precinct on Avon Terrace between South Street and Macartney Street recognising the distinct historical building form of this section of Avon Terrace from the broader York Central Heritage Precinct.
- Identification of a total of 108 places within the heritage areas as making a contribution to the significance of the heritage areas.
- Identification of 145 places on the Heritage List, of which 21 places are also included within a Heritage Area but have been included in the Heritage List representing they are listed as Grade A (and on or recommended for inclusion on the State Heritage Register). The Local Heritage Survey recommends that all places graded as having an 'A' and 'B' significance are worthy of built heritage conservation under the Scheme and should be included on the Heritage List

- A revised Local Planning Policy: Heritage Conservation and Development being prepared which reflects the above changes and includes exemptions and provisions for minor works which pose a low risk of impact to the heritage character of the area and places such as boundary fencing and signage types in certain instances to reduce red tape.

Consultation

Consultation on the draft documents was undertaken generally in accordance with the Consultation and Engagement Plan (May 2018) endorsed by Council and in accordance with statutory requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* and with due regard given to guidelines issued by the Heritage Council under the *Heritage Act 2018*. This involved the following:

- Letters were sent to Stakeholders (York Society, National Trust etc) and those who have requested to be placed on the Shire's consultation list.
- Notices were placed in a prominent location within affected heritage areas.
- A notice was published in the York and Districts Community Matters, Avon Valley Advocate, Shire office and the Shire's website.
- A letter was sent to each owner and occupier of places identified on the Local Heritage Survey, Heritage List and each place within Heritage Areas inviting submissions to be made. Each letter was sent with:
 - a 'frequently asked questions' information sheet;
 - a copy of the relevant 'place record' setting out why the place had been identified as having significance and its recommended listing (i.e local heritage survey, heritage list or heritage area).
 - Information on where full copies of draft documents and draft policies could be viewed; and
 - an offer made for owners/occupiers to meet with the Shire's Heritage Advisor to further discuss their listing should they choose to.

A total of ten meetings were held with owners/occupiers of places, Heritage Intelligence and the Senior Planner. Whilst the meetings were informal and in some instances were followed up with a submission by the owner/occupier of a place, in other instances changes to place records were discussed although no written submission was received. To reflect the outcomes of these discussions which have not been captured by a written submission being made, officers have included the meetings and their outcomes in the schedule of submissions for Council's consideration and to inform modifications.

Submissions

28 submissions were received in response to the advertising period relating to 35 places. 17 of these were submitted in writing. Other submissions related to owners/occupiers who attended meetings with the Shire's Heritage Advisor and Senior Planner. Of the submissions received:

- 7 written submissions were received objecting to the inclusion of a place on the Heritage List, within a Heritage Area, Local Heritage Survey, or the category assigned to a place;
- 21 were either in support of their listing or provided further information to correct or update the relevant place record. Two submissions provided that further guidance for development of heritage places and incentives for places on the heritage list should be provided. Main Roads Western Australia also gave an overview of potential future works for places within its jurisdiction.

A copy of submissions received is included in **Appendix 1** and a Schedule of Submissions providing responses to each submission is provided in **Appendix 2**.

In response to the submissions providing additional information to update/correct place records and outcomes of meetings:

- The relevant place records have been updated accordingly.
- Five places (PN 88, 123, 273, 274 and 270) on larger properties identified for inclusion on the Heritage List have been amended to reflect that the listing applies to a portion of the property which encompasses the relevant buildings and curtilage rather than the whole property.
- Council has already resolved to investigate options for incentives for places on the heritage list and report back to Council prior to formulation of the 2020/21 annual budget and has allowed budget for a further review of Local Planning Policy Heritage Conservation and Development to be undertaken.
- Main Roads comments were noted. It is recommended the Blands Brook Bridge be retained on the heritage list/heritage area (as a place making some contribution to the Blandstown Heritage Area) as proposed to ensure regard is given to the cultural heritage significance of this place.

A summary of objections received, and recommendations is provided below:

- Place No. 37 – 117 Avon Tce, York (Butchers Shop & Café)

Objection on the basis of the place not being of significance and concerns regarding insurance and resale.

Recommendation: No change.

The property is located centrally within York Town Centre Heritage Protection Area and is identified as making 'little' contribution to the significance of the area. This means that the property may have some elements of historical interest but otherwise minimal, where the desired outcome is that any new development, demolition or new built form must respond to the immediate historical context and heritage area. The proposed designation allows for substantial works to occur on the property (redevelopment/demolition) subject to development complying and being compatible with the heritage area within which it is located. Removal of the place from the heritage area is not supported or recommended by officers given its central location within the heritage area and potential to result in development which may be incompatible affecting significance of the surrounding area.

- Place No. 67 – 2 Bland Road, York (cnr Ulster Rd) (Residence – Daisy Hill),
Place No. 124 – 44 Henry Road, York (Residence)
Place No. 244 – 100 Ulster Road, York (Residence)
Place No. 283 – 2500 Spencers Brook – York Rd, Wilberforce (Rivoli)

The above places were recommended for inclusion on the Local Heritage Survey as a category B and identified for inclusion on the Heritage List.

The objection received for place no. 67 related to its proposed inclusion on both the Heritage List and Local Heritage Survey. All other objections submitted specifically referred to an objection to the inclusion on the Heritage List. The submission received for place no. 244 requested to be amended to a category C (Local Heritage Survey only). It is also understood that on review of the agenda from the Ordinary Council Meeting held on 28 October 2019, that further information submitted to Council from the owner of Place No. 283 and 244 has since indicated an objection to being identified on the Local Heritage Survey as a Grade C (recommended modification).

The objections were on the basis of alterations being undertaken which has affected significance of places, additional information on properties for consideration, concerns regarding insurance and impact of listing on property.

Recommendation(s): Amend to Grade C – Local Heritage Survey only

The above places were recommended for Grade B in the advertised version. The Heritage Advisor has reviewed submissions and additional information provided and recommended that the places be amended to Grade C on the basis that the places were either not supported by historical information which undermines the level of cultural heritage significance of the place and/or the advised changes to original fabric of a place have impacted the grading to be applied.

Identification as a Grade C resolves the basis for objections, as identification as a Category C and being listed on the Local Heritage Survey only means no statutory implications. The Local Heritage Survey is simply a public record of historical places, which provides a source of information that can have a variety of purposes (informing historical research, trail development, public interest, and just a general public record informing of the Shire's history). Whilst the Local Heritage Survey does have a purpose of informing the heritage list, identification as a Category C in the Local Heritage Survey clearly sets out that whilst the place is considered to have cultural heritage significance, it has not been identified as requiring built heritage conservation and protection through inclusion on a heritage list under the scheme.

The Guidelines for Local Heritage Surveys issued by the Heritage Council refer that the inclusion or exclusion of places should be on the basis of cultural heritage significance through a recognised assessment process. On this basis, as the places have been assessed as having cultural heritage significance via a recognised assessment process, and grade C has no statutory implications officers are recommending that the above places which also objected to inclusion on the Local Heritage Survey (place no. 67, 244 and 283) remain on the Local Heritage Survey. Removal of places for reasons other than cultural heritage significance take away from the purpose and comprehensiveness of the local heritage survey and listing as a Grade C (local heritage survey only) has no statutory implications.

Council, if it disagrees with the officer's recommendation has the option of retaining the places as a Grade B (and on Heritage list) or removing places from the Local Heritage Survey.

Whilst the Heritage Council provides for an objective assessment of the cultural heritage significance of places (and the guidelines recommend inclusion or exclusion occur on the basis of a recognised assessment process), the definition of cultural heritage significance refers to the **'value' for individuals or groups** and identification of places on local heritage survey is to include places which **in the opinion** of the local government, are or may become of cultural heritage significance. As such there is also subjective influence in determining the cultural heritage significance of a place. When undertaking a review it is intended that the identification of places reflect the current understanding of its community and local governments values with regard to heritage. The draft Local Heritage Survey, Heritage List and Heritage Areas has been prepared by officers giving regard to the Strategic Community Plan, where the protection, conservation and promotion of heritage buildings was identified as a specific desired outcome.

As per the *Heritage Act 2018*, the guidelines/purposes of a Local Heritage Survey do not restrict Council from exercising its discretion in a particular case and it is open to the Council to remove a place for any other reason (noting future applications for removal/modification can be received and Council should consider consistency in decision making).

- Place No. 84 – 34 Clifford Street, York (Residence)

Objection to being identified on any heritage related document on the basis that the place is not of cultural heritage significance to the district, Council resolved in March 2019 to remove the place from the Municipal Heritage Inventory, listing impedes positive works being undertaken to property, place record contains anomalies, that the listing shows lack of consideration and regard for residents of property, Council process and bias.

Recommendation: No Change - retain as Grade C - Local Heritage Survey only

As a result of the Council resolution at Ordinary Meeting 29 July 2019, the place is identified as a Grade C for inclusion on the Local Heritage Survey only, which does not have statutory implications or would result in any development restrictions applying as a result of heritage considerations. The place has been identified by the Shire's Heritage Advisor as having cultural

heritage significance to the Shire of York worthy of inclusion on the Local Heritage Survey and officers are recommending that it remain as a Grade C for the same reasons as identified in discussion of the previous objections.

- Place No. 208 – 3 Redmile Rd, York (Balladong House)

Objection on the basis that the physical description is incorrect and that alterations have occurred which impact the original character of the place, which is why the property has not previously been identified.

Recommendation: No Change – retain as ‘considerable contribution’ to Blandstown Heritage Area

The Heritage Advisor after reviewing the submission, has advised that the alterations have not affected the significance of the place to the heritage area and recommended that that it remain listed as proposed (a place of considerable significance to the Blandstown Heritage Area).

Should Council disagree with the officer’s recommendation or consider that it makes a lesser contribution to the area it could be altered to be a place of ‘some’ or ‘no/little’ significance to the heritage area.

Removal of the place from the heritage area is not supported or recommended by officers given its central location within the heritage area and location adjoining properties on the State Heritage Register, where removal from the heritage area has potential to result in development which may be incompatible affecting significance of the surrounding area

The recommended modifications have been undertaken as ‘track changes’ in **Appendices 3,4 and 5**. Minor administrative updates have also been undertaken. The Heritage Advisor has recommended further modification to place records within the York Town Centre Heritage Protection Area to update these to more recent assessments (integrity, condition and authenticity was carried over from the 2008 MHI, rather than a recent assessment). Whilst the modifications do not impact the proposed listing of the places, they are proposed after public consultation has concluded and are not in response to submissions. It is recommended that these modifications be deferred to the next annual update to allow for further consultation with affected owners and occupiers of places.

OPTIONS

The following options, in addition to officers recommendation, are also available to Council:

1. Adopt the draft Local Heritage Survey, Heritage List and Local Planning Policy Heritage Conservation and Development with further or alternate modifications in response to submissions. This may involve altering categories of a place, or removal of a place from either/or the Local Heritage Survey, Heritage List or Heritage Area.

It is recommended that Council consider the following in proposing alternate modifications:

- That removal of a place from a Heritage List or Heritage Area removes the statutory requirement of that place to consider heritage in any development application and would mean that local planning policy: heritage conservation and development (if adopted as revised) has no application to that place.
- That the documents are interlinked, and any modification to one document may require modification to another to ensure they are consistent.
- That significant modifications not in response to submissions (such as removal of all category C listings from the Local Heritage Survey) should consider whether further advertising should be undertaken and opportunity for submissions to be made and considered prior to adoption. Additional consultation is outside the scope of the project, and would require additional budget allocation, as well as not being covered in the approved Consultation and Engagement Plan.

A resolution for modification and readvertising should be accompanied by consideration of budgetary implications, as well as confirmation of consultation to be undertaken.

The removal of all Category C's from the Local Heritage Survey, is not recommended by officers unless Council considers places being removed do not, or may not have cultural heritage significance. Places identified as category C have no statutory implications, and are simply a public record of historical places, which provides a source of information that can have a variety of purposes (informing historical research, trail development, public interest, and just a general public record informing of the Shire's history). Adopting the information on a local heritage survey allows the Shire to publish its historical record on the Heritage Council 'Inherit' website, which is a well-known Western Australian database of all places of interest. Identification of category C and maintaining a public record of places of historical interest is consistent with the Shire of York's Strategic Community Plan, which lists community aspirations as 'a leader in cultural heritage and environment' to be a place which is renowned for its cultural heritage and the quality of its natural environment, and the care taken by the community of both.

2. Not adopt the draft Local Heritage Survey, Heritage List and Local Planning Policy Heritage Conservation and Development. Not proceeding with a review is not recommended by officers, given the reasons previously listed for undertaking the review.
3. Determine that additional consultation is required prior to adopting the documents. Additional consultation is outside the scope of the review and will require additional budget allocation.

IMPLICATIONS TO CONSIDER

Consultative

A consultation and engagement plan for the review was endorsed by Council at the 25 June 2018 Ordinary Council Meeting, which identified the review would be undertaken in stages.

Information on consultation undertaken and submissions received as part of 'stage 2' is outlined above.

Should Council resolve to adopt the Local Heritage Survey, Heritage List, Heritage Areas and Local Planning Policy: Heritage Conservation and Development 'stage 3' consultation – notification will occur.

This involves making the information publicly available and notifying affected parties of the adoption. Stage 3 consultation will be undertaken to comply with guidelines and statutory requirements of the *Heritage Act 2018* and Regulations. Officers also intend to include the updated information on 'Inherit', the State Heritage Office's online database of places of cultural heritage.

Strategic

2018-2028 Strategic Community Plan

Theme 2: A Leader in Cultural Heritage and Environment

To be a place which is renowned for its cultural heritage and the quality of its natural environment, and the care taken by the community of both.

Particular desired outcomes:

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

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.

2.9 There is a high level of community involvement in heritage and environmental protection and restoration.

Theme 3 Driving the York Economy Forward:

To have a vibrant, diverse and prosperous local economy which is sustainable in the long term, makes sustainable use of its natural and built heritage and community assets and delivers benefit in the form of local jobs, business opportunities and a positive image for the Shire.

Heritage was identified as a key priority area, where projects should be initiated focused on upgrading and protecting heritage buildings.

2018-2022 Corporate Business Plan

Identifies heritage buildings and characters to be protected, maintained and promoted.

An audit of the Municipal Heritage Inventory was identified as an action in the Corporate Business Plan.

Draft Local Planning Strategy

Heritage is identified as a strategic priority in the draft Local Planning Strategy, building on the Strategic Community Plan outcomes. The review and update of the Municipal Inventory and Heritage List was identified as an action to support the protection of important heritage sites, while remove onerous development requirements on sites of lesser significance.

The draft Local Planning Strategy advises that the local planning policy whilst necessary may regulate minor development unnecessarily, where a policy review undertaken by a qualified heritage architect is recommended to identify minor, low impact development that could be exempted from development approval (such as anti-bird pest spikes) whilst respecting heritage values.

Updates have been undertaken to the policy which identifies development exemptions of low risk (dividing fences and minor signage in certain circumstances).

Policy Related

There are no other known policy implications.

Financial

Financial implications as a result of officer's recommendations relate to advertising costs. Sufficient budget allocation to implement the officer's recommendation is proposed to be included within the 2019/2020 financial year.

Legal and Statutory

Heritage Act 2018

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of York Town Planning Scheme No. 2

Risk Related

Heritage protection and conservation has been identified as a high priority to the community. Not listing properties identified as having a high level of significance to the cultural heritage significance of York on the Heritage List or within a Heritage Area may result in these places being demolished, modified or development occur which is detrimental to heritage conservation and the community's values.

Similarly, inclusion of a place on the heritage list or within a heritage area, gives a statutory requirement to consider any developments impact on the heritage of that place, which may not align with the interests of the landowner for their property. Although inclusion of a place on a heritage list does not mean a property may not be developed, rather requiring development to occur in a way that conserves the elements significant to that place and new development being sympathetic to the heritage values of that place.

Workforce

There are no immediate implications as a result of the recommendation.

VOTING REQUIREMENTS

Absolute Majority: No

RECOMMENDATION

That Council:

1. Pursuant to the *Heritage Act 2018*, adopts the Local Heritage Survey with modification as shown in Appendix 3.
2. Pursuant clause 8 and 9 of Schedule 2 – Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* adopts the Heritage List and designates the Heritage Areas with modification as shown in Appendix 4.
3. Pursuant to clauses 3, 4 and 9 of Schedule 2 – Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* adopts the Local Planning Policy Heritage Conservation and Development with modification as shown in Appendix 5, which replaces Local Planning Policy Heritage Precincts and Places.
4. Requests the CEO to provide notification of the adoption of the Local Heritage Survey, Heritage List, Heritage Areas and Local Planning Policy: Heritage Conservation and Development in accordance with the *Heritage Act 2018* and *Planning and Development (Local Planning Schemes) Regulations 2015*.

MOTION**RESOLUTION****071119****Moved: Cr David Wallace****Seconded: Cr Kevin Trent****That Council.**

1. Pursuant to the *Heritage Act 2018*, adopts the Local Heritage Survey with modification as shown in Appendix 3, and with the following further modifications:
 - (a) Deletion of Place No. 67 – Residence – 2 Bland Road, York;
 - (b) Deletion of Place No. 84 – Residence – 34 Clifford Street, York;
 - (c) Deletion of Place No. 124 – Residence – 44 Henry Road, York;
 - (d) Deletion of Place No. 244 – Residence – 100 Ulster Road, York;
 - (e) Deletion of Place No. 283 – Rivoli – 2500 Spencers Brook-York Road, Wilberforce; and
 - (f) as a result of 1(a) to 1(e) above, the subsequent re-numbering of places and administrative modifications.
2. Pursuant to clause 8 and 9 of Schedule 2 – Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* adopts the Heritage List and designates the Heritage Areas with modification as shown in Appendix 4 and with modification to reflect the re-numbering of places as a result of resolution No. 1.
3. Pursuant to clauses 3, 4 and 9 of Schedule 2 – Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* adopts the Local Planning Policy Heritage Conservation and Development with modification as shown in Appendix 5, and further modification to reflect the re-numbering of places as a result of resolution No. 1, which replaces Local Planning Policy Heritage Precincts and Places.
4. Requests the Chief Executive Officer to provide notification of the adoption of the Local Heritage Survey, Heritage List, Heritage Areas and Local Planning Policy: Heritage Conservation and Development in accordance with the *Heritage Act 2018 and Planning and Development (Local Planning Schemes) Regulations 2015*.

CARRIED: 7/0

Reason – To remove places owned by the people who took the time to write into the Shire and requested their properties to be removed from the list.

SY164-11/19 DEVELOPMENT APPLICATION: OVERSIZED OUTBUILDING AT LOT 121 (205) NORTH ROAD, YORK

File Number:	NO2.12970
Author:	Carly Rundle, Senior Planner
Authoriser:	William Nunn, Co-Ordinator Development Services
Previously before Council:	Not Applicable
Appendices:	1. Location Plan 2. Site Plan 3. Site Photos 4. Development Plans

NATURE OF COUNCIL'S ROLE IN THE MATTER

Quasi-judicial.

PURPOSE OF REPORT

For Council to make a determination on a development application for an oversized outbuilding (cumulative) at Lot 121 (Hse 205) North Road, York.

BACKGROUND

Lot 121 (Hse 205) North Road, York is 4.07ha in area and contains an existing single house, ancillary dwelling and outbuildings. The property is zoned Rural Residential, is located within the Equine Precinct and surrounded by land similarly zoned. The land is located on a ridge, sloping downwards to North Road and to, east, south and west.

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

A development application has been received proposing to construct an outbuilding immediately south of existing outbuildings which will be:

- 12m by 8m (96m²);
- 3m wall height, and 3.744m ridge height from finished floor level. The finished floor level will match that of the adjoining existing outbuilding and on the southern end involves minor site works to 'cut' into natural ground level to create a level pad.
- constructed of colorbond trimdeck in jasper colour.
- setback a minimum of 33m to the western lot boundary.
- used to store vehicles for their own personal use/hobby. The owner has provided that the outbuildings are not for commercial or business uses.

A copy of the development plans is provided in Appendix 4.

There are three outbuildings and a garage existing onsite, which cumulatively have a total area of 351m². The application requires development approval because the proposed cumulative area of outbuildings proposed on the property (447m²) exceeds that permitted by Local Planning Policy: Outbuildings in Residential zones (200m²).

COMMENTS AND DETAILS

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

In considering the proposed development (and variation), the Scheme and Regulations require consideration of the following:

Shire of York Town Planning Scheme No. 2	Officer Comment
<p>4.13 Rural Residential Zone</p> <p>4.13.1 Objectives:</p> <p>(a) To provide for closer settlement for residential use in a rural environment, and such uses as hobby farms, horse breeding, rural residential retreats.</p> <p>(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.</p>	<p>The applicant has provided that the outbuilding is to store vehicles and personal assets ancillary to the residential/hobby farm uses on the property and is not for use for commercial or business purposes. Following a site visit, officers are satisfied that the use of the outbuildings on site are ancillary to the existing uses on the property.</p> <p>The outbuilding is located in a manner which has no, to limited visibility, from adjoining properties and is anticipated to maintain the existing amenity of the locality and adjoining landowners.</p> <p>The development is considered consistent with the objectives of the rural residential zone.</p>
<p>4.1.3 Site Requirements</p> <p>The following minimum building setbacks shall apply:</p> <p>Front: 20.0m, Rear : 10.0m, Side : 10.0m</p>	<p>Complies. The outbuilding is setback a minimum of 33m from the closest lot boundary.</p>
<p>4.13.4 Development Requirements:</p> <p>(c) In order to conserve the rural environment or features of natural beauty all trees shall be retained unless their removal is authorized by the local government.</p> <p>(d) In order to enhance the rural amenity of the land in areas the local government considers deficient in tree cover it may require as a condition of any planning consent the planting of such trees and/or groups of trees and species as specified by the local government.</p>	<p>Approximately 2-3 established olive trees are proposed to be removed for the outbuilding.</p> <p>The site is well vegetated with further olive trees and remnant vegetation which does not warrant further plantings being required for this development.</p>
<p>4.13.5 Proposed Development</p> <p>In considering an application for planning consent for a proposed building (including additions and alterations to existing</p>	<p>The outbuilding is of an appropriate scale, location and setback from adjoining properties in a manner which will maintain the amenity of the locality and adjoining landowners.</p>

<p>development) the local government shall have regard to the following:</p> <ul style="list-style-type: none"> (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. 	<p>External materials are colorbond trimdeck, jasper which matches existing development, and is an earthy tone and non-reflective material which is compatible with its surrounds and appropriate.</p>
<p>Schedule 6 Rural Residential Areas: Equine Precinct</p>	<p>Development complies with relevant provisions applicable to the Equine Precinct.</p>
<p>9.8 Planning Policies</p> <p>9.8.6. 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 of the Policy and the objectives which the Policy is designed to achieve before making its decision.</p> <p>CI 67, Schedule 2 of Regulations, requires local planning policies to be given due regard in assessment of a development application.</p>	<p>The outbuilding complies with the provisions of local planning policy Outbuildings in Residential Zones, with the exception that the proposed area exceeds the permitted total cumulative area of 200m². The proposed outbuilding will result in the existing cumulative area being increased from 351m² to 441m² which is a larger area than other properties in proximity to the site.</p> <p>The objectives of the policy are listed as:</p> <ul style="list-style-type: none"> (a) <i>To provide flexibility for outbuilding size, construction and materials to meet the needs of local residents.</i> (b) <i>To ensure that outbuildings are constructed and located in such a way as to minimise their impact on the amenity of the locality.</i> <p>The outbuilding is located adjoining existing structures and will not be visible from North Road, or adjoining properties to the east or south. The outbuilding will be visible from the frontage of the dwelling on the adjoining lot to the west, although is located in a manner where visual impacts/amenity will not be substantially altered from that existing. Whilst the area is a substantial variation to the policy, the development is not anticipated to detrimentally impact amenity of adjoining landowners or locality and the use is ancillary to existing development on the property and is consistent with the objectives of the policy.</p>

<i>Planning and Development (Local Planning Schemes) Regulations 2015: Schedule 2 Deemed Provisions - CI 67 – Matters to be considered by local government.</i>	Officer Comment
(m) 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; & (n) 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;	Refer comments above. Development is considered compatible with its surrounds and consistent with amenity of locality and adjoining landowners. No adverse environmental or social amenity impacts are anticipated as a result of the development.
(o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource.	Stormwater can be adequately managed onsite which will be a condition of approval.
(y) any submissions received on the application;	Application was advertised to adjoining landowners for a period of 14 days. No submissions were received.

In summary the development is considered consistent with the objectives and provisions of Shire of York Town Planning Scheme No. 2 and *Planning and Development (Local Planning Schemes) Regulations 2015* and it is recommended that the application be approved subject to conditions.

OPTIONS

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

1. Approve the development application subject to amended or alternate conditions.
2. Refuse the development application and list alternate reasons why.

IMPLICATIONS TO CONSIDER

Consultative

The application was referred to adjoining landowners for a period of 14 days for comment. No submissions were received.

Strategic

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

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

Policy Related

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

Financial

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

Legal and Statutory

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 was no medium to high risks identified with the proposal that warrant further discussion. Standard appeal rights to the State Administrative Tribunal are available to the applicant.

Workforce

No implications.

VOTING REQUIREMENTS

Absolute Majority: No

RESOLUTION**081119****Moved: Cr Pam Heaton****Seconded: Cr Denis Warnick**

That Council approves the development application for an Oversized Outbuilding (cumulatively) at Lot 121 (205) North Road, York, subject to 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 shed is not to be used for habitable purposes (Advice Note 4).**
- 4. The shed 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.**

Advice Notes:

- 1. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.**
- 2. Where an approval has lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained. Should the approval period lapse, a new planning application with relevant retrospective fees may be required by the Shire of York.**
- 3. If the applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.**
- 4. Note: Non-compliance against CONDITION 3 is an offence against the Public Health Act 1911.**
- 5. In accordance with the provisions of the Building Act 2011, and Building Regulations 2012, an application for a building permit must be submitted to, and approval granted by the Shire, prior to the commencement of the development hereby permitted. Please note any retaining over 0.5m in height will also require a building permit.**

CARRIED: 7/0

SY165-11/19 GRAVEL PURCHASE FOR ROAD BUILDING

File Number:	WK.MAT
Author:	Darren Wallace, Executive Manager, Infrastructure & Development Services
Authoriser:	Darren Wallace, Executive Manager, Infrastructure & Development Services
Previously before Council:	Not Applicable
Appendices:	Nil

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

This report seeks endorsement for the Shire's purchase price of gravel.

BACKGROUND

The Shire currently obtains gravel for public works, primarily road construction and maintenance, from land owners throughout the Shire.

The Shire is responsible for clearing and winning (pushing up with a dozer) the gravel as well as the cartage and pit reinstatement. The clearing and winning costs the Shire approximately \$1.10 including GST per cubic metre.

Currently, the Shire pays the landowner \$3.00 plus GST per cubic metre for the gravel. This rate has not increased since at least 2015.

In 2017 the Shire sought tenders for the supply of gravel, however it received no offers.

The Manager of Jonlorrie Farms, one of our major gravel suppliers, has contacted the Shire requesting an increase in the price of gravel from the \$3.00 plus GST per cubic metre to \$3.50 plus GST per cubic metre, citing increased Council rates and property values as the reason behind the requested increase.

The Shire has also had another, informal, request for a price increase.

COMMENTS AND DETAILS

The GST inclusive price paid for gravel locally varies from Shire to Shire and is summarised below;

Shire of Beverley	\$2.20 including GST per cubic metre.
Shire of Quairading	\$1.76 - \$2.20 including GST per cubic metre.
Shire of Toodyay	\$4.50 including GST per cubic metre.
Shire of Goomalling	\$3.30 including GST per cubic metre.

The Shire of Northam pays a commercial rate of approximately \$18.00 per tonne, delivered. This equated to approximately \$28.80 including GST per cubic metre.

The Shire of York's current rate of \$3.30 is about mid-range and the requested rate of \$3.85 would be in the higher range.

This request would see an increase of approximately \$1,500 per kilometre for road construction or \$600 per kilometre for a gravel re-sheet. It is always with reluctance that any increase in cost to the

Shire's operation is considered, however in this case it is minimal and has already been factored into the 2019/20 capital works program.

This would see an improved change of the Shire having access to gravel of the required standard at a number of locations throughout the Shire and therefore keep cartage costs to a minimum.

Therefore, to ensure a good supply of local gravel from a number of locations, it is recommended that Council approves the requested price of \$3.50 plus GST for on-farm gravel.

The new price, if approved by Council, would apply to all gravel sourced within the Shire and landowners would be informed of Council's resolution.

OPTIONS

Council can agree to the requested price increase which increases the chance of the Shire having access to gravel of the required standard at a number of locations throughout the Shire which will in turn help keep cartage costs down.

Alternatively, Council could choose not to change the current purchase price for gravel, possibly reducing the sources of the required standard and increasing cartage costs.

IMPLICATIONS TO CONSIDER

Consultative

There has been consultation with local pit owners.

Strategic

BUILDING RESILIENCE - 4.4 Rural roads are safe and easy to use.

Policy Related

Nil

Financial

The increase in the cost of gravel is minimal to total projects and has been factored into the current adopted budget. Not accepting the increase may lead to increased cartage costs for projects, which has not been provide for in current budgets.

Legal and Statutory

Local Governments have access to gravel under section 3.27 of the *Local Government Act 1995*. Section 3.22 of the *Local Government Act 1995* requires a Local Government taking materials from land to pay compensation for damage if the owner or occupier requests such compensation. The amount paid is to include compensation for the value of material removed.

Risk Related

Not being able to source gravel of the standard required from a number of locations throughout the Shire could result in increased cartage costs and increased road construction and maintenance costs.

Workforce

There are no workforce implications as a result of the recommendation of this report.

VOTING REQUIREMENTS

Absolute Majority: No

RESOLUTION

091119

Moved: Cr David Wallace

Seconded: Cr Kevin Trent

That Council agrees to:

- 1. Continue to obtain gravel from land owners throughout the Shire;**
- 2. Pay landholders three dollars and fifty cents (\$3.50) plus GST per cubic metre of gravel taken from private land for use on public works.**

CARRIED: 7/0

Declaration of Interest – Cr Denis Warnick – Financial – An affected party is in conversation with my business

Cr Denis Warnick declared an interest to this item and left the meeting at 5.26pm

SY166-11/19 ACCESS OPTIONS, 961 TALBOT ROAD

File Number: TA2 60726, TA2 627

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

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

Previously before Council: 15 April 1996
9.2.9 21 August 2006
SY116-09/18 25 September 2018
SY 152-10/19 28 October 2019

Appendices: 1. **Right of Carriageway Easement**

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

Update the progress on the investigation into having the existing Right of Carriageway, from Talbot Road to the constructed section of Road Reserve No. 3979, being subdivided from the existing property and set aside as Road Reserve.

BACKGROUND

Mr Vincent Green, 961 Talbot Road, on behalf of the affected landowners, has requested Shire assistance in the provision of access to their properties via a current gazetted road reserve, which is not open to the public, instead of the current mixture of "right of carriageway" and road reserve.

Currently, up to 5 properties use a "right of carriageway" easement off Talbot Road and then Road Reserve No. 3979 to access their properties. The map at Appendix 1 shows the existing access and 2 options. Option A: Develop the road reserve adjacent to the easement to where it meets the existing used Road Reserve 3979. Option B: Develop Road Reserve 3979 from Talbot Road to where it meets the existing used section of Road Reserve 3979. Mr Green has offered to sustainably build the new road access. Mr Green's preference is for Option B.

Mr Green believes that the landowners affected should not have to use a right of carriageway through private property to access their properties when there is a gazetted road that would more directly provide access.

There are other road reserve options that could be used, but they are a longer travel distance so are not considered in this report.

Mr Colin Luelf is the owner of the property either side of Road Reserve 3979 and is opposed to the development of the road reserve as a road.

Council at its ordinary meeting of 25 September 2018 resolved as follows;

"That Council

- 1. Agrees to progress the evaluation of options for access to 961 Talbot Road and requests officers, after obtaining a road reserve survey at the Shire's cost, to provide a further*

report to Council detailing the access options and the short term and long term cost and service implications of each option.

2. *The report on the options is to be presented to Council on or before the March 2019 Council Meeting.*

Council further considered the issue at its ordinary meeting 26 October 2019 and resolved as follows;

“That Council investigates the option of having the existing Right of Carriageway, from Talbot Road to the constructed section of Road Reserve No. 3979, being subdivided from the existing property and set aside as Road Reserve.”

COMMENTS AND DETAILS

The current owner of Lot 5804 has been contacted and is considering the possibility of the Shire subdividing the existing right of carriageway from his property.

The total area of the right of carriageway is approximately 9,000m². The benefits to the property owner, of the Shire taking over the full maintenance of the right of carriageway have been explained to the current owner.

The right of carriageway, land title details are included as Appendix 1, is generally only 10m wide and is fenced accordingly. The constructed gravel access is approximately 6.5m wide. The access road is serviceable for the amount of traffic it receives, but has not been built to current road standards and has minimal table drains, although it does appear to have sufficient culverts.

There are two sections where the access road appears to leave the right of carriageway easement and enter into Lot 5804 proper. These sections will require further investigation, but if re-alignment and re-fencing is required, it is estimated to cost \$40,000.

At some stage, the existing access road may need to be upgraded. The existing 10m right of carriageway easement will not be of sufficient width. It is therefore considered prudent to leave the road reserve adjacent to the right of carriageway in place to allow for possible future upgrade of the road.

At this stage of the investigation there are no obvious impediments to the progressing of having the existing Right of Carriageway, from Talbot Road to the constructed section of Road Reserve No. 3979, being subdivided from the existing property and set aside as Road Reserve. Although further investigation/negotiation is required

OPTIONS

Council's options include;

- Option A, outlined in the background, with the Shire being responsible for the full cost of the road construction.
- Option B, as outlined in the background, with the proponents paying the full cost of the road construction or with some cost sharing with the Shire.
- Option C, proceed with the option of having the existing Right of Carriageway, from Talbot Road to the constructed section of Road Reserve No. 3979, being subdivided from the existing property and set aside as Road Reserve.
- Take no action and retain the current access arrangements.

IMPLICATIONS TO CONSIDER

Consultative

Consultation with Mr Green and Mr Luelf has continued and consultation with the owner of Lot 5804 is ongoing.

Mr Luelf has indicated support for the proposal. Mr Green has indicated that he does not support the proposal and is still in favour of his original request. Mr Green has pointed out the deficiency of the width of the right of carriageway as mentioned in the body of this report.

Strategic

The provision of Rural Roads would be consistent with the Shire of York Strategic Community Plan Theme 4: Building Resilience, and in particular theme 4.4 Rural roads are safe and easy to use.

Policy Related

There are no policy implications as a result of the officer's recommendation.

Financial

The cost of the subdivision process is approximately \$6,000. This does not include any purchase price for the land.

It is possible that an additional \$40,000 will be required to realign the current access road to ensure it is within the right of carriageway easement.

The Shire will gain a small amount of grant funds annually through the Federal Government "Financial Assistant Grant" road component and the Main Roads WA direct grant, both of which are based on the Shire's road inventory.

There will be no initial increase in maintenance cost as the Shire currently maintenance grades the access road, however the Shire will be responsible for all ongoing maintenance and re-sheeting/reconstruction.

Legal and Statutory

There are two ways to create a road. Either by a road dedication process under *the Land Administration Act 1997* or as part of a subdivision under the *Planning and Development Act 2005*.

The Land Administration Act process is used when the land is Crown land. When the land is private land, a subdivision process is used to create a road.

Risk Related

There are a significant number of properties in the Shire that only have access by way of a right of carriageway. There is also a significant number of road reserves that are either unconstructed and/or closed to the public.

If the Shire were to consider taking the responsibility for and/or constructing roads on the right of carriageways or unconstructed roads, it would be a considerable financial burden on the Shire.

However, it proposed that each individual situation and or request would have to be considered on its own merits.

Workforce

Short term there may be some works require to ensure the existing road is within the right of carriageway easement. These works could be undertaken by Shire staff, but have not been allowed for in current works schedules.

Ongoing maintenance grading is already undertaken by the Shire, however other maintenance, such as vegetation control and drainage maintenance will minimally increase the Shire's staff workload.

VOTING REQUIREMENTS

Absolute Majority: No

RECOMMENDATION

That there being no obvious impediment uncovered in initial investigations, Council requests the Chief Executive Officer to proceed with the option of having the existing Right of Carriageway, from Talbot Road to the constructed section of Road Reserve No. 3979, being subdivided from the existing property and set aside as Road Reserve.

MOTION**RESOLUTION****101119****Moved: Cr Kevin Trent****Seconded: Cr Stephen Muhleisen****That there being no obvious impediment uncovered in initial investigations, Council:**

- 1. Requests the Chief Executive Officer to proceed with the option of having the existing Right of Carriageway, from Talbot Road to the constructed section of Road Reserve No. 3979, being subdivided from the existing property and set aside as Road Reserve.**
- 2. Authorises the temporary closure of road reserve No 3979 where it runs through Mr C Luelf's property for 4 weeks as allowed under section 3.50(1) of the *Local Government Act 1995*.**
- 3. Authorises the advertising of its intention to close road reserve No 3979 for a further 3 months, to allow the progression of the right of carriageway conversion to a road reserve, under section 3.50(1a) and section 3.50(4) of the *Local Government Act 1995* and endorses the Chief Executive Officer to use the existing delegated authority to consider any submissions and enact the closure**

CARRIED: 4/2

Reason – Council considered this was a better option to access the properties as a constructed right of carriageway already exists.

Cr Denis Warnick returned to the meeting at 5.35pm

The Shire President advised Cr Warnick of the Council Resolution for this item.

SY167-11/19 APPOINTMENT OF MEMBERS TO COUNCIL COMMITTEES AND WORKING GROUPS

File Number: FI.PRP.6

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

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

Previously before Council: N/A

Appendices:

1. Draft Committee Booklet November 2019
2. Request from River Conservation Society
3. RCS Public Gift Fund
4. York Hospital Advisory Group Request

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

Review

PURPOSE OF REPORT

This report seeks Council's consideration of proposed Council Committees and Reference/Working Groups, and representation on external committees and working groups. The Draft Committee Booklet attached at Appendix 1 provides information and where applicable, Terms of Reference for these committees and reference/working groups.

BACKGROUND

In accordance with Section 5.11 of the *Local Government Act 1995*, Council representatives on Committees (and subsequently, Shire of York Reference/Working Groups and externally administered Committees) are discontinued following a local government election and as such, nominations for Council representation are required.

COMMENTS AND DETAILS

Shire officers have drafted the Committee Booklet (attached at Appendix 1) containing Terms of Reference for all active Shire of York Council Committees, Reference/Working Groups and external Committees requiring Council representation. Parts 1 and 2 of the Committee Booklet outline Council Committees and Reference/Working Groups and Part 3 outlines Council representation on external Committees.

There are a number of matters to note regarding appointments to Committees and Reference/Working Groups which are outlined below.

- Nominations to the Avon-Midland Country Zone of WALGA and the Development Assessment Panel were considered by Council as a late report at the Ordinary Council Meeting held on 28 October 2019 and therefore, do not require nominations.
- Council also resolved at the October OCM to maintain the current membership of the York Honours Reference Group until 26 January 2020 to ensure consistency and effectiveness in selecting recipients of Australia Day honours. Following this, expressions of interest will be sought for community representatives and a report presented to Council to appoint members to the York Honours Reference Group in accordance with Council's policy G2.5 *Reference Groups*.

- The Shire has received a request from the River Conservation Society for Cr Smythe to be a Shire representative on its committee. This membership was not previously considered by Council and is a new appointment.
- At the September 2019 OCM, Council endorsed the Terms of Reference for the Earthquake Mitigation Working Group which have been included in the Draft Committee Booklet.
- Committees and working groups that have not been included in the Committee Booklet are:
 - YRCC Management Steering Group: This has transitioned to an incorporated association which held its inaugural general meeting in August 2019 where office bearers were elected. No Councillors were appointed to the Board.
 - Christmas Decorations Working Group: This group has struggled to achieve a quorum for meetings. Officers recommend the group is disbanded as Christmas decorations are now an operational budget allocation and any major decisions could be brought to Council for decision.

Below is an outline of the committees and working groups that are currently active and require Council's determination of representation.

Committees of Council	Details	Membership
Access & Inclusion Advisory Committee	Provide oversight of matters relating to Disability, Access & Inclusion in the Shire, including development and monitoring of the Shire's DAIP.	2 Councillors 1 Deputy 6 Community members
Audit and Risk Committee	Provide advice and information on matters relevant to statutory audits, internal controls, compliance, financial management and risk. Required in accordance with Section 7.1A of the Local Government Act.	All Councillors
Local Emergency Management Committee	Section 38 of the <i>Emergency Management Act 2005</i> requires LGs to establish and appoint members to LEMCs to oversee the district's Local Emergency Management Arrangements.	1 Councillor 1 Deputy
External	Details	Membership
Avon Regional Roads Sub-Group	A subgroup of the Wheatbelt North Regional Road Group.	1 Councillor
Avon Region Organisation of Councils (AROC)	Shires of Northam, Toodyay, York, Chittering, Dowerin, Goomalling and Victoria Plains work together on one or more common issues, collaborate and lobby on behalf of the region.	Shire President, CEO (ex-officio)
Avon Valley Tourism Association	Formed as a peak body to market the Avon Valley to domestic and international visitors.	1 Councillor
Earthquake Building Mitigation Project Working Group	Established to oversee the Earthquake Building Mitigation Project in accordance with the funding agreement for the project.	1 Councillor CEO (ex officio)
River Conservation Society (Committee & Public Gift Fund Committee)	Local community organisation that encourages interest in, educates, and promotes awareness of the threats faced by the Avon River and remnant bushland reserves and roadsides.	Request for Shire President
York By-Pass Working Group	Convened by Main Roads WA as a Reference/Working group for the development of the York Heavy Haulage By-Pass	Shire President, CEO

York Community Resource Centre	Local community organisation that provides a resource and information centre to the community and to build capacity through economic, business and social development.	1 Councillor
York District High School Board	Council representation on the Board at the request of York DHS.	1 Councillor
York Health Advisory Group	Informal group established to work together to improve the provision of health and allied services in York through collaboration, communication and lobbying.	1 Councillor – request for Cr Wallace to continue
York-Merredin Road Working Group	Reference/Working Group convened by Main Roads WA.	1 Councillor EMIDS

Access and Inclusion Advisory Committee

The Access and Inclusion Advisory Committee of Council was established in 2017 to oversee the development of the Shire’s new Disability Access and Inclusion Plan and to provide advice to Council on matters relating to disability access and inclusion. The Terms of Reference provide for 6 community members to be appointed to the Committee.

Following the local government elections, officers asked the existing community representatives to indicate their interest in being re-appointed to the Committee. All but one of the community members expressed their interest in remaining on the Committee. Officers are therefore proposing that Council re-appoints five of the existing community representatives and calls for nominations for the remaining vacancy.

Audit and Risk Committee

Council has for the past four years at least, appointed all Councillors to the Audit and Risk Committee. Officers are proposing that this continues as it provides an opportunity for informed decision making by all elected members. In addition, the Shire President has historically presided over meetings of the Audit and Risk Committee. Officers are also proposing that the Deputy Shire President is appointed as Deputy Chair of the Committee.

River Conservation Society

The Shire has received a request from the River Conservation Society (RCS) for Cr Smythe to become of Shire representative on the committee of the RSC (Appendix 2). As a registered Tax-Deductible Gift Recipient, the RCS is also required to operate a Public Gift Fund overseen by 3-5 members of the community that have a wider connection to the community and not just to the RCS (refer Appendix 3). The RCS has requested that Cr Smythe also be appointed to the RCS Public Gift Fund oversight committee.

York Hospital Advisory Group

The York Hospital Advisory Group (YHAG) has requested that for the sake of continuity, Cr David Wallace continues to represent the Shire on the YHAG (refer Appendix 4).

OPTIONS

Officers have provided suggestions regarding the number of nominations to be made which are consistent with the current TOR or operating procedures. Council could if it wished, change the number of elected member representatives on those committees and reference/working groups that are convened by the Shire of York. For those convened by external agencies or groups, Council would need to liaise with those groups if it wished to change the number of representatives nominated from the Shire of York or the nominees requested by those agencies or groups.

Where suggestions have been made regarding the presiding/ deputy presiding member, Council could choose to nominate an alternative if it wished.

Council could also choose to establish further Committees and or Working/Reference Groups. However, officers propose that membership of current groups is considered now and that any other groups are considered as part of the Major Strategic Review and in consultation with the new Chief Executive Officer.

IMPLICATIONS TO CONSIDER

Consultative

WA Local Government Association

Department of Local Government, Sport and Cultural Industries

Department of Planning, Lands and Heritage – Development Assessment Panels

River Conservation Society

Current community members of the Access & Inclusion Advisory Committee

York Hospital Advisory Group

Strategic

Strong and Effective Leadership

- 5.1 Effective and informed governance and decision-making
- 5.5 A strong collective voice
- 5.6 High level of community engagement
- 5.7 Shire and community exhibit a can-do philosophy
- 5.8 Open, smart communication between Shire and the community
- 5.9 Community networks supported to increase civic involvement

Policy Related

G 2.5 Reference Groups

Financial

Committees and reference/working groups do not have any decision-making authority and therefore can only make recommendations to Council. Therefore, any expenditure in relation to recommendations made by committee and working/reference groups would need to either be adopted as part of the annual budget process or considered as a budget amendment.

Consequently, the only financial implications are the internal costs to administer those committees and reference/working groups convened by the Shire which may include officers' time and in some cases, refreshments as required.

Legal and Statutory

Local Government Act 1995

Subdivision 2 — Committees and their meetings

5.8. Establishment of committees

A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

** Absolute majority required.*

5.9. Committees, types of

- (1) *In this section —*
other person means a person who is not a council member or an employee.
- (2) *A committee is to comprise —*
- (a) *council members only; or*
 - (b) *council members and employees; or*
 - (c) *council members, employees and other persons; or*
 - (d) *council members and other persons; or*
 - (e) *employees and other persons; or*
 - (f) *other persons only.*

5.10. Committee members, appointment of

- (1) *A committee is to have as its members —*
- (a) *persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
 - (b) *persons who are appointed to be members of the committee under subsection (4) or (5).*

** Absolute majority required.*

- (2) *At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.*
- (3) *Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.*
- (4) *If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*
- (5) *If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —*
- (a) *to be a member of the committee; or*
 - (b) *that a representative of the CEO be a member of the committee,*
- the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.*

5.11A. Deputy committee members

- (1) *The local government may appoint* a person to be a deputy of a member of a committee and may terminate such an appointment* at any time.*

** Absolute majority required.*

- (2) *A person who is appointed as a deputy of a member of a committee is to be —*
 - (a) *if the member of the committee is a council member — a council member; or*
 - (b) *if the member of the committee is an employee — an employee; or*
 - (c) *if the member of the committee is not a council member or an employee — a person who is not a council member or an employee; or*
 - (d) *if the member of the committee is a person appointed under section 5.10(5) — a person nominated by the CEO.*
- (3) *A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.*
- (4) *A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.*

[Section 5.11A inserted by No. 17 of 2009 s. 20.]

5.11. Committee membership, tenure of

- (1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —*
 - (a) *the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or*
 - (b) *the person resigns from membership of the committee; or*
 - (c) *the committee is disbanded; or*
 - (d) *the next ordinary elections day,*
whichever happens first.
- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —*
 - (a) *the term of the person's appointment as a committee member expires; or*
 - (b) *the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or*
 - (c) *the committee is disbanded; or*
 - (d) *the next ordinary elections day,*
whichever happens first.

Risk Related

Tenure of Committee Membership is in accordance with the *Local Government Act 1995* Section 5.11 with previous appointments ceasing on 19 October 2019. Council is therefore required by legislation to review membership of Council Committees and Reference/Working Groups.

Should Council choose not to do this, the reputational risk to the Shire would be moderate.

Workforce

The time to administer and participate in Committees and reference/working groups is the only workforce implication and currently, can be managed within existing resources.

VOTING REQUIREMENTS

Absolute Majority: Yes

AMENDMENT**RESOLUTION**

111119

Moved: Cr David Wallace**Seconded: Cr Kevin Trent****That Council appoints representatives to two additional Committees:**

1. **The Rural Water Council, and**
2. **The Paint York REaD Committee.**

CARRIED BY ABSOLUTE MAJORITY: 7/0

Reason – Requests for representatives received after preparation of this report.

RESOLUTION

121119

Moved: Cr David Wallace**Seconded: Cr Kevin Trent****That Council:**

1. **Appoints the following Councillors to the Audit and Risk Committee:**
 - **Cr Denese Smythe (Shire President)**
 - **Cr Denis Warnick (Deputy Shire President)**
 - **Cr Ashley Garratt**
 - **Cr Pam Heaton**
 - **Cr Stephen Muhleisen**
 - **Cr Kevin Trent**
 - **Cr David Wallace**
2. **Appoints the Shire President as Chairperson of the Audit and Risk Committee**
3. **Appoints the Deputy Shire President as Deputy Chairperson of the Audit and Risk Committee.**

CARRIED BY ABSOLUTE MAJORITY: 7/0

RESOLUTION**131119****Moved: Cr Denis Warnick****Seconded: Cr Kevin Trent****That Council;**

- 1. Appoints Cr Denese Smythe and Cr Stephen Muhleisen to the Access and Inclusion Advisory Committee with Cr Denis Warnick as Deputy.**
- 2. Appoints the following community representatives to the Access and Inclusion Advisory Committee;**
 - Ms Liz Christmas – Community Representative**
 - Ms Marie Forster – Community Representative**
 - Ms Rosemary Parker – Community Representative**
 - Ms Bev Penny – Community Representative**
 - Ms Tegan Walsh – Wanslea Early Learning & Development.**
- 3. Requests the Chief Executive Officer to call for expressions of interest for the remaining vacancy on the Access and Inclusion Advisory Committee and present a report to Council.**

CARRIED BY ABSOLUTE MAJORITY: 7/0**RESOLUTION****141119****Moved: Cr Kevin Trent****Seconded: Cr Pam Heaton****That Council appoints Cr Denese Smythe to the Shire of York Local Emergency Management Committee with Cr Denis Warnick as Deputy.*****CARRIED BY ABSOLUTE MAJORITY: 7/0*****RESOLUTION****151119****Moved: Cr Kevin Trent****Seconded: Cr Denis Warnick****That Council appoints the Shire President, Cr Denese Smythe and the Chief Executive Officer (ex-officio) to the Avon Regional Organisation of Councils (AROC).*****CARRIED BY ABSOLUTE MAJORITY: 7/0*****RESOLUTION****161119****Moved: Cr Kevin Trent****Seconded: Cr Denis Warnick****That Council appoints Cr Kevin Trent to the Avon Regional Roads Sub-Group.*****CARRIED BY ABSOLUTE MAJORITY: 7/0***

RESOLUTION

171119

Moved: Cr Pam Heaton

Seconded: Cr Kevin Trent

That Council appoints Cr Ashley Garratt as the Shire's representative on the Board of Avon Tourism.

CARRIED BY ABSOLUTE MAJORITY: 7/0

RESOLUTION

181119

Moved: Cr Kevin Trent

Seconded: Cr Denis Warnick

That Council appoints Cr Denese Smythe as the Shire's representative on the Earthquake Building Mitigation Working Group.

CARRIED BY ABSOLUTE MAJORITY: 7/0

RESOLUTION

191119

Moved: Cr Denis Warnick

Seconded: Cr Ashley Garratt

That Council appoints Cr David Wallace as the Shire's representative on the River Conservation Society Committee.

CARRIED BY ABSOLUTE MAJORITY: 7/0

RESOLUTION

201119

Moved: Cr Kevin Trent

Seconded: Cr Ashley Garratt

That Council appoints Cr Denese Smythe and the Chief Executive Officer to the York By-Pass Working Group and appoints Cr Denese Smythe as Chairperson of the Group.

CARRIED BY ABSOLUTE MAJORITY: 7/0

RESOLUTION

211119

Moved: Cr Denese Smythe

Seconded: Cr Ashley Garratt

That Council appoints Cr Pam Heaton as the Shire's representative on the Board of the York Community Resource Centre.

CARRIED BY ABSOLUTE MAJORITY: 7/0

RESOLUTION**271119****Moved: Cr Kevin Trent****Seconded: Cr Denis Warnick****That Council:**

- 1. Adopts the Committee Booklet as attached at Appendix 1 to this report which outlines the Terms of Reference for the Committees and Reference/Working Groups convened by the Shire of York and information regarding external Committees and Working Groups.**
- 2. Requests the Chief Executive Officer to;**
 - a) update the Committee Booklet to reflect the appointment of members by Council;**
 - b) make any minor editorial amendments as required; and**
 - c) place a copy of the booklet on the Shire's website when updated.**

CARRIED BY ABSOLUTE MAJORITY: 7/0

SY168-11/19 COUNCIL MEETING DATES 2020

File Number:	OR.MTG
Author:	Suzie Haslehurst, Executive Manager, Corporate & Community Services
Authoriser:	Suzie Haslehurst, Executive Manager, Corporate & Community Services
Previously before Council:	Not Applicable
Appendices:	1. Meeting Dates 2020

NATURE OF COUNCIL'S ROLE IN THE MATTER

- Executive
- Legislative

PURPOSE OF REPORT

This report seeks Council approval for advertising of the proposed dates and times for Ordinary Council Meetings to be held during 2020 in accordance with the *Local Government (Administration) Regulations 1996*.

BACKGROUND

Council has previously held its Ordinary Meetings generally on the fourth or last Monday of each month with an agenda briefing held during the week prior to the meeting. The agenda is distributed generally ten days but no later than a week prior to the meeting. The dates for the Ordinary Council Meetings are advertised via:

- Local print media
- Shire noticeboards
- Shire website

Since May 2016, Council has also met monthly at a Council forum to provide Officers with the opportunity to bring to Council's attention any emerging issues and to seek guidance regarding Council's strategic direction in accordance with the Corporate Business Plan and Strategic Community Plan. Council forums have generally been held on the first Monday of the month.

Ordinary Council Meetings are usually held in Council Chambers. However, where an issue or report is likely to attract more than 16 members in the public gallery, the Shire President may determine to hold the Ordinary Council Meeting in the Lesser Hall of the York Town Hall.

Council has historically held a meeting once a year in Talbot and Greenhills respectively. Council has, for the past three years, not held an Ordinary Council Meeting in January.

Council has also established three Committees of Council. These are:

- Audit and Risk Committee – established in accordance with Section 7.1A(1) of the *Local Government Act 1995*.
- Access and Inclusion Advisory Committee (AIAC) – established to provide advice to Council regarding matters relating to Disability Access and Inclusion.
- Local Emergency Management Committee (LEMC) – established in accordance with Section 38(1) of the *Emergency Management Act 2005*.

None of the above Committees have any authority delegated by Council. Therefore, meetings are not open to the public and any recommendations made by a Committee are presented to the next Ordinary Council Meeting for consideration and adoption.

COMMENTS AND DETAILS

Following canvassing of Council after the 2019 local government elections, Officers are proposing that concept forums, agenda briefings and ordinary Council meetings are held monthly on the last **Tuesday** of the month in 2020. Ordinary Council Meetings are scheduled to commence at 5.00pm to give members of the public an opportunity to attend.

Historically, no Ordinary Council Meeting is held in January, providing an opportunity for staff and Councillors to take annual leave. However, comment has been received that, given the December meeting is early, the period between the December meeting and the February meeting (10 weeks) is too long, resulting in a backlog of issues to be considered by Council in February. Officers have therefore included a proposed meeting date in January 2020 for Council's consideration.

Council has historically held an Ordinary Council Meeting once per year in Talbot and Greenhills. In 2020, it proposed that the meeting in Talbot is held in April and the meeting at Greenhills is held in September.

Attached at Appendix 1 is a calendar indicating the proposed dates for:

- Concept Forums
- Close and release of agendas for Ordinary Council Meetings
- Agenda briefings
- Ordinary Council Meetings; and
- Meetings of the Audit and Risk Committee and the AIAC.

OPTIONS

Council could choose to select another day, date and/or time to hold Ordinary Council Meetings. However, meeting dates and times have been proposed in accordance with what appears to be convenient for the community and current Councillors.

Council could consider not holding an Ordinary Council meeting in January and if any urgent matter arises prior to the February meeting, a Special Council Meeting is convened.

IMPLICATIONS TO CONSIDER

Consultative

Officers have sought feedback from Councillors regarding preferred dates and times for meetings.

The dates of Ordinary Council Meetings and Committee meetings that are open to the public are required to be advertised publicly in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996*. Given that the Committees established by Council have no delegated authority, they are not required to be open to the public and therefore, Committee meeting dates do not have to be publicly advertised (refer part 1(b) of the above regulation).

Strategic

Strong and Effective Leadership

5.8 *Open, smart communication between Shire and the community*

Policy Related

G2.7 *Conduct of Council Forums*

Financial

Nil

Legal and Statutory**Local Government Act 1995***5.23. Meetings generally open to public*

- (1) *Subject to subsection (2), the following are to be open to members of the public —*
- (a) *all council meetings; and*
 - (b) *all meetings of any committee to which a local government power or duty has been delegated.*

5.25 Regulations about council and committee meetings and committees

- (1) *Without limiting the generality of section 9.59, regulations may make provision in relation to —*
- (g) *the giving of public notice of the date and agenda for council or committee meetings; and*
 - (j) *the circumstances and time in which notice papers and agenda relating to any council or committee meeting and reports and other documents which could be —*
 - (i) *tabled at a council or committee meeting; or*
 - (ii) *produced by the local government or a committee for presentation at a council or committee meeting,**are to be made available for inspection by members of the public.*

Local Government (Administration) Regulations 1996*12. Meetings, public notice of (Act s. 5.25(1)(g))*

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*
- (a) *the ordinary council meetings; and*
 - (b) *the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,*
- are to be held in the next 12 months.*

14. Notice papers, agenda etc., public inspection of (Act s. 5.25(1)(j))

- (1) *A local government is to ensure that notice papers and agenda relating to any council or committee meeting and reports and other documents which —*
- (a) *are to be tabled at the meeting; or*
 - (b) *have been produced by the local government or a committee for presentation at the meeting,*
- and which have been made available to members of the council or committee for the meeting are available for inspection by members of the public from the time the notice papers, agenda or documents were made available to the members of the council or committee.*
- (2) *Nothing in subregulation (1) entitles members of the public to inspect the information referred to in that subregulation if, in the CEO's opinion, the meeting or that part of the meeting to which the information refers is likely to be closed to members of the public under section 5.23(2).*

Risk Related

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

Identified Risk	Risk type	Level of Risk	Mitigation
Community criticism regarding transparency	Reputational	Moderate/ High	In order to increase the opportunity for community input, public distribution of meeting agendas is at least seven days prior to Ordinary Council Meetings and at least 72 hours prior to meetings of Committees.
Contravention of Department of Local Government Guidelines	Compliance	Low	DLGSC guidelines state that local governments should implement a system that best suits their needs. Policy G 2.7 outlines the Shire’s framework for conducting Council Forums.

Workforce

Nil

VOTING REQUIREMENTS

Absolute Majority: No

RECOMMENDATION

That Council;

1. Adopts for the purposes of public advertising the following dates, times and venues for the 2020 Ordinary Council Meetings:
 - 28 January 2020 at 5.00pm
 - 25 February 2020 at 5.00pm
 - 31 March 2020 at 5.00pm
 - 28 April 2020 at 5.00pm, Talbot Hall, Talbot
 - 26 May 2020 at 5.00pm
 - 30 June 2020 at 5.00pm
 - 28 July 2020 at 5.00pm
 - 25 August 2020 at 5.00pm
 - 29 September 2020 at 5.00pm, Greenhills Hall, Greenhills
 - 27 October 2020 at 5.00pm
 - 24 November 2020 at 5.00pm
 - 22 December* 2020 at 5.00pm

* This meeting to be held on the fourth Tuesday of the month due to proposed Christmas closure.

2. Notes that:
 - (a) All meetings of Council and Committees are held in Council Chambers, York Town Hall except where indicated;
 - (b) Agendas for Ordinary Meetings of Council will generally be distributed ten days but no later than one week prior to the Ordinary Council Meeting
3. Requests the Chief Executive Officer to advertise the above meeting details in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996*.

RESOLUTION**281119****Moved: Cr David Wallace****Seconded: Cr Pam Heaton****That Council;**

- 1. Adopts for the purposes of public advertising the following dates, times and venues for the 2020 Ordinary Council Meetings:**
 - **25 February 2020 at 5.00pm**
 - **31 March 2020 at 5.00pm**
 - **28 April 2020 at 5.00pm, Talbot Hall, Talbot**
 - **26 May 2020 at 5.00pm**
 - **30 June 2020 at 5.00pm**
 - **28 July 2020 at 5.00pm**
 - **25 August 2020 at 5.00pm**
 - **29 September 2020 at 5.00pm, Greenhills Hall, Greenhills**
 - **27 October 2020 at 5.00pm**
 - **24 November 2020 at 5.00pm**
 - **22 December* 2020 at 5.00pm**

*** This meeting to be held on the fourth Tuesday of the month due to proposed Christmas closure.**

2. Notes that:

- (a) All meetings of Council and Committees are held in Council Chambers, York Town Hall except where indicated;**
- (b) Agendas for Ordinary Meetings of Council will generally be distributed ten days but no later than one week prior to the Ordinary Council Meeting**

- 3. Requests the Chief Executive Officer to advertise the above meeting details in accordance with Regulation 12 of the Local Government (Administration) Regulations 1996.**

CARRIED: 5/2

Reason – To remove the proposed January meeting from the list of meeting dates as January is traditionally a quiet period.

Declaration of Interest – Cr Kevin Trent – Impartial – I am President of the York Sub-Branch of the RSL and civic functions and hospitality G1.21 ANZAC Day Support

SY169-11/19 ADOPTION OF POLICY MANUAL WITH MINOR AMENDMENTS - 2019

File Number: OR.CMA.4

Author: Natasha Brennan, Administration and Governance Coordinator

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

Previously before Council: 24 October 2016

Appendices: 1. Policy Manual with Proposed Amendments

NATURE OF COUNCIL’S ROLE IN THE MATTER

Legislative

PURPOSE OF REPORT

A role of Council is to determine Local Government policies. The development and management of Council policy is an ongoing process. It is important that Council policies are kept up to date and are reviewed on a regular basis under the direction of the Chief Executive Officer. If any changes or amendments are required these are brought to Council for endorsement.

BACKGROUND

In accordance with Section 2.7(2) of the *Local Government Act 1995*, Council is to determine the Shire’s policies.

The Council undertook major policy development work in 2016 and adopted the current Policy Manual on 24 October 2016. This policy manual has since had new policies added and existing policies amended, following endorsement by Council.

This report presents to Council the reviewed Policy Manual for adoption (Appendix 1).

COMMENTS AND DETAILS

Staff have conducted a minor review of the Shire’s Policy Manual and propose a number of amendments for Council’s consideration. A majority of the proposed changes are minor in nature. However, the comments below summarise changes that are proposed to better reflect the intent of the policy. Appendix 1 provides the Policy Manual with tracked changes to enable Councillors to consider the proposed amendments.

Corporate & Community Services

Community Policies

Policy	Title	Proposed Amendments / Comments
C1.2	Australia Day Awards	Changes made to reflect correct name of awards and Position Tab

Corporate Policies

Policy	Title	Proposed Amendments / Comments
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CP1.2	Use of the Shire of York Crest and Logo	Minor Amendments to change Contact Officer Position and Delegation Tab
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Finance Policies

Policy	Title	Proposed Amendments / Comments
F1.1	Revenue Collection	Minor formatting & changes to invoice payable date
F1.2	Procurement	Changes to wording to Chief Executive Officer's signing thresholds for authorisation of orders and invoices as a result of findings from the 2018/19 annual audit.
F1.6	Corporate Credit Card	Removed wording under the heading. Chief Executive Officer's credit card has been made inactive until permanent CEO commences. Credit Card for Executive Manager Corporate and Community Services activated in accordance with Council Resolution 040919.

Governance Policies

Policy	Title	Proposed Amendments / Comments
G1.8	Councillors Record Keeping	Significant changes to incorporate both Elected Members and Staff into the one policy.
G2.2	Community Access to Information	Changes made to include reference to the Local Government Act 1995

The remaining Community, Corporate, Finance & Governance Policies have had new policies added and existing policies amended since their adoption in October 2016.

Town Planning

It is intended that these policies will be reviewed to account for changes and updates under the Local Planning Strategy and in the new Town Planning Scheme once approved by the Department of Planning.

- Heritage Precincts & Places
- Restriction on Building Materials (PPI)
- Sea Containers
- Advertising Signage
- Retrospective Planning Applications
- Outbuildings in Residential Zones
- Relocated Second-Hand Dwellings
- Heritage Management – Interpretative Signage
- Extractive Industries – Road Maintenance Contribution
- Developer Contributions for Road & Footpath Upgrading
- Barn Style Shed Houses
- SEAVROC Tree Cropping
- Temporary Alfresco Dining Areas

Miscellaneous Policies

These policies still require further review to be undertaken.

- Vandalism of Council Property
- Gates Across Road Reserves

- Western Power – Distribution Power Lines Clearances at Road Crossings & Over Land
- Onsite Effluent Disposal Facility
- Staff Superannuation – WA Local Government Superannuation Plan - Contribution
- Temporary Accommodation Policy
- Contractor Management Policy
- Volunteer Management

OSH Policies

Staff are currently working on the OHS Policies with the assistance of Local Government Insurance Services.

These policies are near completion and will be reviewed by the new Occupational Health & Safety Committee which is to be formed shortly.

OPTIONS

Council could choose not to adopt the proposed amendments and request a major review is undertaken. However, the recommended amendments are to ensure the effectiveness and efficiency of the Shire's operations whilst still remaining accountable to Council and acknowledging that policy review is on-going.

IMPLICATIONS TO CONSIDER

Consultative

All staff have been given the opportunity to review the Policy Manual.

Strategic

Theme 5: Strong Leadership and Governance

- 5.1 The Council supported by the administration of the Shire of York is effective and informed in its decision making and exhibits good practice in its governance role.
- 5.4 Open and accountable systems.
- 5.8 Open, smart communication between Shire and community.

Policy Related

CP1.5 Compliance

G4.6 Risk Assessment and Management

Financial

Nil.

Legal and Statutory

Local Government Act 1995, Part 2, Division 2 'Role of Council'

2.7. Role of council

- (1) *The council –*
 - (a) *governs the local government's affairs; and*
 - (b) *is responsible for the performance of the local government's functions.*
- (2) *Without limiting subsection (1), the council is to –*
 - (a) *oversee the allocation of the local government's finances and resources; and*
 - (b) *determine the local government's policies.*

Risk Related

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

Workforce

Nil

VOTING REQUIREMENTS

Absolute Majority: Yes

RESOLUTION

291119

Moved: Cr Denis Warnick

Seconded: Cr Pam Heaton

That Council:

- 1. Adopts the Shire of York Policy Manual amended and attached to this report;**
- 2. Notes that policy development work is ongoing, and the Chief Executive Officer will continue to discuss policy priorities with the Council; and**
- 3. Authorises the Chief Executive Officer to make any necessary minor typographical changes prior to publication.**

CARRIED BY ABSOLUTE MAJORITY: 7/0

SY170-11/19 ANNUAL REVIEW OF THE SHIRE OF YORK REGISTER OF DELEGATED AUTHORITY

File Number: OR.CMA.1

Author: Natasha Brennan, Administration and Governance Coordinator

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

Previously before Council: 17 December 2018 – SY180-12/18

Appendices: 1. Amended Register of Delegations

NATURE OF COUNCIL’S ROLE IN THE MATTER

- Review
- Legislative

PURPOSE OF REPORT

The annual review of the delegation’s register has been undertaken and is attached and presented to Council for endorsement.

BACKGROUND

Sections 5.18 and 5.46 of the *Local Government Act 1995* (the Act) require that a delegation’s register be maintained and reviewed at least once each financial year. The delegations register was last reviewed by Council in December 2018.

Section 5.18 relates to Register of Delegations to Committees and it is noted that Council does not currently delegate any powers or duties to Committees.

The current delegations provide an appropriate level of authority to the Chief Executive Officer to enable effective and timely consideration of day to day statutory functions.

They promote accountability and facilitate efficient service delivery to the community. They allow Council to focus on strategic planning and community leadership.

The Register of Delegated Authority is a comprehensive document that also includes delegations made under legislation other than the *Local Government Act 1995*.

All delegations made by Council must be carried by an Absolute Majority and be in accordance with section 5.42 of the Act.

COMMENTS AND DETAILS

Proposed amendments to existing delegations are listed in the table below.

It is noted that the review only proposes three (3) changes to the delegations register. One being minor in nature ie: typographical, clarification, one extending the delegation to a second officer and the other being a new delegation in relation to the keeping of cats.

Appendix 1 provides a ‘tracked changes’ version of the Shire’s Register of Delegated Authority for Council’s review and consideration.

Delegation No:	Title	Proposed Amendments
DE3-2	Invest Money Held in Municipal and Trust Funds	Extend the power or duty to the Executive Manager Corporate and Community Services

DE7-1	Town Planning	Page 85 Changed Senior Planner Sections from 1.14, 1.15 and 1.16 to 1.1.4, 1.1.5 and 1.1.6
DE6-19	Approval to Keep More Than Two Cats	New Delegation

OPTIONS

Council could choose to limit the delegations to the Chief Executive Officer and sub-delegations made to officers. However, the proposed delegations are recommended to ensure the effectiveness and efficiency of the Shire’s operations whilst still remaining accountable to Council.

IMPLICATIONS TO CONSIDER

Consultative

Executive Management Group

Strategic

5 *Strong and Effective Leadership*

5.1 Effective and informed governance and decision-making

5.4 Open and accountable systems

Policy Related

Several delegations are subject to compliance with Council’s policy on the matter.

This is noted in the policy section of each Delegation and under Conditions and Exceptions.

Financial

Nil

Legal and Statutory

Local Government Act 1995

5.42. Delegation of some powers and duties to CEO

(1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —*

(a) *this Act other than those referred to in section 5.43; or*

(b) *the Planning and Development Act 2005 section 214(2), (3) or (5).*

** Absolute majority required.*

(2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

[Section 5.42 amended by No. 1 of 1998 s. 13; No. 28 of 2010 s. 70.]

Under Section 5.42 of the *Local Government Act 1995* (the Act), a local government may delegate to the Chief Executive Officer any of its powers or the discharge of any of its duties under the *Local Government Act 1995*, other than those prescribed under Section 5.43 and any of its duties under the *Planning and Development Act 2005* Section 214(2), (3) or (5).

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- (b) *accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) *appointing an auditor;*
- (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) *any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) *borrowing money on behalf of the local government;*
- (g) *hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) *the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) *any power or duty that requires the approval of the Minister or the Governor;*
- (i) *such other powers or duties as may be prescribed.*

[Section 5.43 amended by No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23.]

5.44. CEO may delegate powers and duties to other employees

- (1) *A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.*
- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) *This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —*
 - (a) *the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*
 - (b) *the exercise of that power or the discharge of that duty by the CEO's delegate,**are subject to any conditions imposed by the local government on its delegation to the CEO.*
- (4) *Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*
- (5) *In subsections (3) and (4) —*
conditions *includes qualifications, limitations or exceptions.*

[Section 5.44 amended by No. 1 of 1998 s. 14(1).]

5.45. Other matters relevant to delegations under this Division

- (1) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —*
 - (a) *a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and*
 - (b) *any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.*

- (2) *Nothing in this Division is to be read as preventing —*
- (a) *a local government from performing any of its functions by acting through a person other than the CEO; or*
 - (b) *a CEO from performing any of his or her functions by acting through another person.*

Other Applicable Legislation

Other legislation that is administered by local governments and facilitate delegation of specific functions and powers include;

- *Planning and Development Act 2005*
- *Building Act 2011*
- *Health Act 1911*
- *Food Act 2008*
- *Cat Act 2011*
- *Dog Act 1975*
- *Caravan Parks and Camping Grounds Regulations 1997*
- *Liquor Control Act 1988*
- *Bush Fires Act 1954*
- *Strata Titles Act 1985*

Sections 5.74 to 5.76 of the Act require than an employee whom a duty of power has been delegated under the Act must lodge an Annual Return by 31 August each year.

Risk Related

The *Local Government Act 1995* requires that a local government reviews its register of delegations at least once every financial year. Council is therefore required to adopt the reviewed delegations prior to 30 June 2020 to ensure compliance. The risk is moderate if this date is not met as it results in non-compliance. However, the likelihood of this is rare given the review is being presented to Council well before the due date. Therefore, the overall risk is low.

An appropriate framework of delegations:

- Ensures accountability;
- Adequately manages risk;
- Increases efficiency and effectiveness of processes and practices;
- Ensures decisions are implemented; and
- complies with relevant legislation, policies and guidelines.

Workforce

Where an officer is delegated or sub-delegated authority, he/she is required to complete a primary and annual return in accordance with Sections 5.75 and 5.76 of the *Local Government Act 1995*.

VOTING REQUIREMENTS

Absolute Majority: Yes

RESOLUTION

301119

Moved: Cr Kevin Trent

Seconded: Cr Denis Warnick

That Council:

- 1. Notes that the last annual review of its Delegations of Authority in accordance with Section 5.46 (2) of the Local Government Act 1995, was conducted in December 2018.**
- 2. Adopts the amended Register of Delegations attached as Appendix 1 to this report.**

CARRIED BY ABSOLUTE MAJORITY: 7/0

Declaration of Interest –

Cr Ashley Garratt – Financial – Robin Garratt (wife) is co-ordinator of the CRC and applicant for funding request

Cr Pam Heaton – Impartial – I am the Shire Rep on the CRC Committee and CRC Secretary

Cr Kevin Trent – Impartial – Member of the York Men’s Shed. Member of the York Sub-Branch RSL

Cr Denese Smythe – Impartial – Secretary of York Garden Club

The Shire President read the following letter received from the Department of Local Government, Sport and Cultural Industries dated 25 November 2019:

Dear Mr Cooper – I refer to your correspondence dated 19 November 2019 and advise that, in accordance with authority delegated by the Minister for Local Government, the Deputy Director General – Regulation has approved your application, under section 5.69(3)(a) of the Local Government Act 1995 (the Act)..

This approval allows disclosing members Cr Denese Smythe, Cr Ashley Garratt, Cr Kevin Trent and Cr Pam Heaton to fully participate in the discussion and decision making relating to the following agenda item at the Shire’s Ordinary Council Meeting on 25 November 2019:

SY171-11/19 – Community Funding Applications

Subject to the following conditions”

- 1. The approval is only valid for the 25 November 2019 Ordinary Council Meeting when agenda item SY171-11/19 is considered:*
- 2. The abovementioned Councillors must declare the nature and extent of their interests at the abovementioned meeting when the matter is considered, together with the approval provided;*
- 3. The CEO is to provide a copy of the Department’s letter of approval to the abovementioned Councillors;*
- 4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;*
- 5. The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to the Department, to allow the Department to verify compliance with the conditions of this approval, and*
- 6. The approval granted is based solely on the interests disclosed by the abovementioned Councillors, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.*

Michael Connolly, Deputy Director General - Regulation

Councillors can now consider the item.

SY171-11/19 COMMUNITY FUNDING APPLICATIONS

File Number: CS.CEV / FI.DON.2

Author: Esmeralda Harmer, Events and Economic Development Officer

Authoriser: Allen Cooper, Acting CEO

Previously before Council: Not Applicable

Appendices:

1. Community Funding Applications - Confidential
2. Schedule of Requests & Recommendations - Confidential

NATURE OF COUNCIL’S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

Council is requested to consider funding applications received in the recent round of Community Funding; Grants & Sponsorship Program to support community events and activities occurring before 1 July 2020.

Council is also requested to consider the financial obligations of the requests received and determine the budget allocations remaining in the Community Funding pool to consider these requests.

BACKGROUND

The Shire of York supports the collective and economic benefit of its community and businesses and provides financial assistance through the Community Funding; Grants & Sponsorship Program to consider these proposals.

Grant funding rounds are offered twice yearly and are open for a four-week application period to all eligible organisations.

Council’s policies *C1.3 Community Funding; Grants & Sponsorship* and *C1.4 Sponsorship of Tourism Events* policies are designed to set out the parameters for Council’s support of one off community activities and events in an equitable and accountable way.

At Council’s Ordinary Meeting held in May 2019 eight applications totalling \$28,448 were received and Council resolved:

That Council:

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

• York Veteran Car Club	\$6,000
• York True Country Scooters	\$500
• Talbot Brook Community Group	\$948
• York Christmas Festival	\$12,000
• York Friendship Club	\$5,000
• Triumph Riders Group	\$1,500
• York Boot Scooters	\$1,500
• Wheatbelt Endurance Riders	\$1,000
2. Notes all activities funded will be delivered after July 1, 2019;

3. Requests the Chief Executive Officer to negotiate the terms of the cash & in-kind balances with applicants where required.

COMMENTS AND DETAILS

The Shire's recent round of Community Funding; Grants & Sponsorship opened 30 September for a period of four weeks. The grant round was advertised utilising the following methods;

- Community Matters Newspaper
- Shire's website
- Email database distribution
- Shire's social media
- Face to face communications with potential applicants
- Noticeboard advertising

At the closing date, ten applications totalling \$31,165 were received. A summary of the requests received is included below;

Applicant	Request	Funding
York District High School	Assistance to deliver the 2019 End of Year School Award Presentations	\$2,000
York Rose Patch workers & Quilters	Assistance to deliver the 2020 Avon Valley Quilting Day	\$750
York Men's Shed	Funding to purchase materials for the construction of a tool and machinery shed at the York Men's Shed	\$3,500
York RSL	Assistance to deliver the 2020 ANZAC day memorial service/s	\$400
York Family Playgroup	Financial support to purchase shade sails and materials to install to the Early Years Hub play area	\$7,933
York Swimming Club	Financial support for the club to attend 2020 country pennants swim meet and upgrade the club's portable sun shades	\$3,263
York Community Resource Centre	Financial assistance to deliver the December Shop Local Campaign and some January School Holiday activities	\$4,819
York Garden Club	Assistance to deliver the 2020 York Flower Show	\$500
York Netball Club	Assistance to purchase new club uniforms	\$3,000
Gooda Judder Aboriginal Corporation	Assistance to deliver the 2020 Palace of the Stars Event (Performance)	\$5,000
Total Funding Requested		\$31,165

Officers have used the following criteria to assess each application in accordance with Council's *C1.3 Community Funding: Grants & Sponsorship Policy and Community Funding guidelines* and provided a rating score based on this assessment.

Criteria for assessment:

- Benefits to the Shire of York community arising from the activity; open and accessible to all community members and participation costs are at low cost or free to the public

- Level of investment and in-kind contribution from the applicant; funding provided by the applicant is commensurate to the level of funding requested from Council and level of funding provided by the applicant
- Ability of the applying body to financially manage the grant monies; applicant has provided financial acquittal reports for previous funding in accordance with the funding policy, budget details are clear and supporting documents are included to reflect a well-managed project
- Proposed projects reach and participation levels; application demonstrates clear community benefits and has the potential to increase and promote active community participation in the proposed project
- Proposals, particularly for events, are well thought through and the application for support is well ahead of any final decision to proceed; funding requested is for future projects, commensurate to the scale of the event proposed and funding support provided from any named partners or external funding sources.
- Level of dedication and proven commitment demonstrated by the applicant: previous funding history with Council, other community beneficial activities undertaken by the proponent not funded by Council, stakeholder trust, merits of the application and/or project proposed.

In consideration of the assessment criteria detailed against each application, Officers recommended Council consider reduced funding support for some of the applications to:

- Consider as many suitable applications as possible within the available budget allocations
- Equal funding contributions to those provided by either the proponent or external funding bodies
- Consider the application on its merits and weighting against the existing assessment criteria

Applications recommended for reduced funding have indicated in the application that the projects can proceed if partial funding is granted.

Should Council choose to support the York Men's Shed and York Family Playgroup funding applications, Officers recommend the funding be subject to the approval of the relevant building and planning applications prior to the release of any approved funds.

Officers have included all applications received as a confidential document for Council's review at **Appendix 1** and prepared a schedule of requests and recommendations as a confidential attachment for Council's review as attached at **Appendix 2**.

The schedule includes details of the funding requests and comment from Officers on the assessment and merits of each request in accordance with Council's *C 1.3 Community Funding; Grants & Sponsorship Policy & Community Funding Guidelines*.

IMPLICATIONS TO CONSIDER

Consultative

Further to the advertising methods used to announce the funding pool opening, Officers have engaged with applicants throughout the funding round period and provided review and comment of the applications received prior to the funding round closing date.

Additional supporting documents were requested from the following applicants to clarify elements of the application received;

- York Men's Shed: Images of the shed to determine the suitability for re-erection on site
- York CRC: Supporting quotes and confirmation of financial budget details
- Gooda Judder Aboriginal Corporation: Supporting documentation and confirmation of budget details

Since this time, Officers received supporting documentation from York Men’s Shed & Gooda Judder Aboriginal Corporation.

Further consultation with each proponent will take place following Council’s resolution as the projects and events progress to delivery.

Strategic

Strategic Community Plan 2018 – 2028

The Council’s strategic priorities over the next ten years are:

- *Advancing selected community partnership-based projects*
- *Achieving change via strong community networks and action*

Policy Related

C1.3 Community Funding; Grants & Sponsorship Policy

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

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

Financial

The total eligible community funding requests received through this round is \$31,165.

Applications can be considered from the following Community Funding pools which have a combined available budget allocation of \$34,450:

Budget	GL Account	Available Budget	Funding Requested
Youth	109158	\$4,250	\$7,933
Sporting	113167	\$5,900	\$6,263
Area Promotion	132145	\$10,800	\$3,500
Festivals Assistance	132150	\$10,500	\$11,469
Education & Welfare	69101	\$3,000	\$2,000
Totals		\$34,450	\$31,165

Since the last round of community funding in May 2019, funding support of \$5,330 has been provided to six different groups and businesses for initiatives and projects that have occurred prior to the opening of the second round of funding.

These requests have been small in monetary value and often the request includes in kind use of a Shire facility or reserve, with funding approved in accordance with the applicable CEO delegated authority. The equivalent in kind value costs and cash contributions made have been deducted from the above budget allocations, with a remaining available balance in the funding pool of \$34,450.

Officers acknowledge in future years, work to develop and include in the community funding program an ad hoc / quick response grant application process could be beneficial to capture these small grant requests that occur outside funding rounds and often require a quick response. This approach could also allow the Shire to nominate and/or allocate a nominated budget from the above funding pools to consider these one-off requests.

All successful applicants will be required to provide financial acquittals detailing how the monies were spent in accordance with Council's *C 1.3 Community Funding: Grants & Sponsorship Policy*.

Legal and Statutory

Officers note applications received from the York Men's Shed and York Family Playgroup require both development and building applications prior to any works commencing and have advised both applicants of the same.

Officers have also requested supporting images from the York Men's Shed to accompany their funding application to reflect the current condition of the shed donated to determine its suitability for re- assembling on site. Officers have also requested York Family Playgroup provide supporting information to detail the site proposed for the shade sails to assist determine the areas suitability for the project proposed.

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

Risk Related

Should Council resolve to support the proposed Officer recommendation, the community funding pool and its available budget/s will be significantly reduced for the remainder of the financial year. This could impact the Shire's reputational risk and its ability to fund significant projects that may be presented later in the 2020 year.

Officers consider this reputational risk as low in consideration of the significant support Council has provided to a range of community activities and projects across the financial year to date.

Workforce

Some works assistance may be required to support some requests to prepare sites for event use however can be managed within the recommended funding amounts detailed in this report.

VOTING REQUIREMENTS

Absolute Majority: Yes

RESOLUTION**311119****Moved: Cr Denese Smythe****Seconded: Cr Pam Heaton****That Council:**

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

• York District High School	\$2,000
• York Rose Patchwork & Quilters	\$750
• York Men's Shed	\$2,000
• York RSL	\$400
• York Family Playgroup	\$3,000
• York Swimming Club	\$2,500
• York Community Resource Centre	\$2,790
• York Garden Club	\$500
• York Netball Club	\$2,028
• Gooda Judder Aboriginal Corporation	\$2,000

2. Notes all activities funded will be delivered before July 1, 2020.

3. Notes that relevant legislative requirements are to be met by the applicants.

CARRIED BY ABSOLUTE MAJORITY: 7/0

Reason – To ensure that construction projects are approved under the relevant legislative requirements.

SY172-11/19 LGIS 2019 SURPLUS DISTRIBUTION

File Number:	FI.INS
Author:	Tabitha Bateman, Finance Manager
Authoriser:	Suzie Haslehurst, Executive Manager, Corporate & Community Services
Previously before Council:	Not Applicable
Appendices:	1. Correspondence - LGIS Surplus Distribution 2019

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

The purpose of this report is to provide Council with details regarding the Local Government Insurance Services (LGIS) surplus distribution for 2019 and seeks Council's approval regarding the allocation of the funds.

BACKGROUND

LGIS is a member-owned self-insurance scheme which provides insurance services to the majority of local governments in Western Australia including the Shire of York. When performance results exceed target levels, whether as a result of good claims management and risk mitigation or a lower than anticipated number of claims throughout the year, the surplus is returned to participating members.

In previous years, the surplus was deposited into the Shire's bank and allocated to risk mitigation projects. For the 2019/20 financial year however, it was the decision of the LGIS board that each Local Government, by determination of an ordinary Council meeting, should be given the opportunity to decide how they wished to apply any surplus share.

COMMENTS AND DETAILS

In August 2019, the Western Australian Local Government Association (WALGA) wrote to the Shire of York on behalf of the LGIS Board to advise of the likely surplus to be reported for the 2018/19 year and requested the Shire to formalise use of the funds by Council Resolution prior to utilising the surplus funds. The options available to Council were either receiving the refund as an electronic transfer or opting for LGIS to retain the funds to offset insurance premiums for next year.

On 22 October 2019, following final determination of the surplus, LGIS advised that the Shire of York was due to receive \$23,528 and confirmed that prior to payment, a resolution of Council would be required.

OPTIONS**Receive the refund as an electronic transfer**

It is recommended that the annual surplus distribution be received as cash via electronic transfer and that following receipt of the funds, the Chief Executive Officer be authorised to determine an appropriate allocation of the funds and report back to Council at either the midyear budget review or the finance and costing review.

In previous years, any surplus received has been receipted into municipal revenue and any necessary budget amendments were included as part of the midyear budget review. Council has the

option of again receiving the full amount and allocating the funds to a specific project either already funded in the budget, resulting in year end savings, or to a new project.

Request LGIS to hold the amounts in trust for risk mitigation activities

Council can, if it chooses, request LGIS to hold the funds for allocation to future risk mitigation activities. In the past, the Shire has utilised funds from the members' funding pool for projects such as risk management training and the development of a Risk Management Plan and review process, updating emergency evacuation plans for Shire facilities, purchase and installation of the chemical eyewash at the swimming pool, annual flu vaccinations and health checks including skin cancer screening for staff.

Request LGIS retain the funds to offset future insurance costs

Council could choose to forego payment of the surplus funds this year and instead use the funds to offset insurance costs in the 2020/21 budget. While the payment represents less than half a percent of this year's rates, the offset could reduce the impact of the rate rise for 2020/21.

Officers are proposing that the refund is received and the funds are quarantined for the purpose of risk initiatives and improvements.

IMPLICATIONS TO CONSIDER

Consultative

LGIS Board

WALGA

Strategic

Theme 5 Strong and Effective Leadership
5.1 Effective and informed governance and decision-making
5.4 Open and accountable systems

Policy Related

G 4.3 Financial Planning and Sustainability

Financial

The determination of the LGIS surplus funds could mean an increase to income of \$23,528 which can either be receipted as additional revenue in the 2019/20 financial year or used to offset the costs of an unfunded project to be determined. The surplus distribution, while not large in comparison to the overall budget, could assist in meeting any unbudgeted and/or over expenditures. Alternatively, Council could decide to use these funds to offset insurance costs in the 2020/21 financial year.

Officers are recommending a full refund of the surplus via electronic transfer which would be allocated to GL 42221 – Reimbursements. The adopted budget allocated \$500 to this account. Pending Council's decision, a budget amendment will be included as part of the midyear budget review if required.

Legal and Statutory

Not applicable

Risk Related

There appears to be no risk implications associated with this report however, openness and accountability are imperative in day to day activities of the Shire and in Council's decision-making processes, especially when pertaining to the expenditure of public money. The regular finance and costing reviews and the statutory Midyear Budget Review, the results of which are reported to the Audit and Risk Committee and Council, assist in control over the Shire's finances.

Workforce

There are no immediate implications as a result of the recommendation.

VOTING REQUIREMENTS

Absolute Majority: No

RESOLUTION**321119****Moved: Cr Kevin Trent****Seconded: Cr David Wallace****That Council:**

- 1. Receives the advice from the LGIS Board and accepts \$23,528 to be refunded via electronic transfer, being the Shire of York's share of the LGIS surplus for 2019.**
- 2. Requests the surplus funds to be quarantined for the purpose of risk initiatives and improvements to be determined by the Chief Executive Officer.**

CARRIED: 7/0

SY173-11/19 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:	28 October 2019
Appendices:	1. Summary of Agreement Applications - November 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 three payment arrangement applications the Shire has received, that do not qualify under Delegation DE3-3.

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

BACKGROUND

At the Ordinary Council Meeting held on 25 February 2019, 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 considered fifteen (15) applications for the 2019/20 financial year.

The Shire has received a further seven applications for the 2019/20 financial year that do not qualify under DE3-3 and therefore, require Council consideration.

The applicants are claiming financial difficulties as a result of their current circumstances.

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 each 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. However, 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 October 2019 is \$29,916.90.

This represents approximately 0.89% of the outstanding rates and charges as at 31 October 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 Minor (2).

The Likelihood of Recurrence is Possible (3).

The overall risk rating is Moderate (6).

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

The financial risk reduces as debts are paid.

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

331119

Moved: Cr Kevin Trent

Seconded: Cr Pam Heaton

That Council approves the applications for a payment agreement as detailed within Confidential Appendix 1, with the condition that any default may result in legal action.

CARRIED: 7/0

SY174-11/19 REQUEST FOR WRITE OFF - RATES AND CHARGES

File Number:	FI.RTS.13
Author:	Anneke Birleson, Finance Officer (Rates & Debtors)
Authoriser:	Suzie Haslehurst, Executive Manager, Corporate & Community Services
Previously before Council:	Not Applicable
Appendices:	Nil

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

The purpose of this report is to provide Council with background information in relation to rates for one (1) property.

This report seeks approval for the amount to be written off.

BACKGROUND

The 2019/20 rates and charges were issued on 26 July 2019. The rate notice for A13101 was mailed to a local real estate agent that was managing the property as a rental.

Neither the owner nor the agent informed the Shire prior to the issue date, that the property was no longer under their management.

On 5 August 2019, the real estate agent contacted the Shire and confirmed they were no longer the managing agent. Officers requested they forward the notice to the owner, which they stated they would.

On 24 September 2019, a final notice was issued to the owner at their last known postal address. Payment was made on 15 October 2019. The interest that had accrued prior to payment totalled \$12.59.

On 1 November 2019, officers received a call from the owner requesting the interest be written off. The reasons being he did not receive the first notice and paid as soon as he received the final notice, after he returned from a long work project. He has always previously paid on time.

COMMENTS AND DETAILS

Considering the owner's circumstances, the possibility that he may not have received the first notice and that he usually pays on time, it could be considered a reasonable request to write off the small amount of interest that accrued.

Given the immaterial amount requested to be written off and the inefficiency of bringing such small amounts to Council for consideration, officers are proposing that a new delegation be explored to allow the Chief Executive Officer to write off amounts under a certain limit.

OPTIONS

Council could choose to approve or reject the proposed write off.

The write off could be considered an insignificant amount, where the write off, if approved, will result in the ratepayer having a positive experience with the Shire and likely continue to pay his rates on time.

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.

5.4 There is a major focus on systems which improve and maintain accountability and transparency.

Policy Related

There is currently no policy or delegation for the write off of rates and charges.

Financial

If Council approves the write off it would result in a reduction in income of approximately \$12.59 and is considered immaterial.

Legal and Statutory

Section 6.12(1)(c) of the Local Government Act permits the Council to write off any amount of money, which is owed to the local government.

6.12. Power to defer, grant discounts, waive or write off debts

(1) Subject to subsection (2) and any other written law, a local government may —

(a) when adopting the annual budget, grant a discount or other incentive for the early payment of any amount of money; or*

(b) waive or grant concessions in relation to any amount of money; or

(c) write off any amount of money, which is owed to the local government.

** Absolute majority required.*

(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

(3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.

(4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

[Section 6.12 amended by No. 64 of 1998 s. 39.]

6.27. Multiple rating

Where —

(a) under the Mining Act 1978 or a Government agreement a person holds in respect of land a mining tenement within the meaning given to that term by that Act or agreement; or

(b) in accordance with the Mining Act 1978 a person holds, occupies, uses or enjoys in respect of land a mining tenement within the meaning given to that term by the Mining Act 1904 3; or

(c) under the Petroleum and Geothermal Energy Resources Act 1967 a person holds in respect of land a permit, drilling reservation, lease or licence, the land the subject of that tenement, permit, drilling reservation, lease or licence is rateable land under this Act notwithstanding that the land may be rateable under this Act in the hands of the holder of another estate in that land.

[Section 6.27 amended: No. 35 of 2007 s. 99(3).]

Risk Related

The Financial Impact is Insignificant (1)

The Likelihood of recurrence is Rare (1)

The Overall Risk Rating is Low (1)

Workforce

The process to carry out the write off has no impact on the existing workforce.

VOTING REQUIREMENTS

Absolute Majority: Yes

RESOLUTION**341119****Moved: Cr Ashley Garratt****Seconded: Cr Kevin Trent****That Council:**

- 1. Approves the write off amount of \$12.59 for A1310; and**
- 2. Requests the Chief Executive Officer to explore a new delegation to allow write offs by the Chief Executive Officer under delegation, for amounts of interest to a prescribed limit and report back to Council.**

CARRIED BY ABSOLUTE MAJORITY: 7/0

SY175-11/19 FINANCIAL REPORT FOR OCTOBER 2019

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 - October 20192. Creditors Payments Listing - October 20193. Business Card Transactions - September 2019

NATURE OF COUNCIL'S ROLE IN THE MATTER

- Legislative
- Review

PURPOSE OF REPORT

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

BACKGROUND

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

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

It should be noted that the 2018/19 figures reflected in the following reports are an estimate of the end of year position only and are subject to audit adjustments for the 2018/19 Annual Financial Report.

COMMENTS AND DETAILS

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

- Monthly Statements for the period ended 31 October 2019
- List of Creditor Payments
- Business Card Statement and Transaction Summary

The following information provides balances for key financial areas for the Shire of York's financial position as at 31 October 2019;

Outstanding Rates and Services

The total outstanding rates balance at the end of October was \$3,373,840 compared to \$3,864,460 as at 30 September 2019.

Current Year	Properties	31/10/2019	%	Properties	31/10/2018	%
3 years and over	93	\$514,010.20	15%	73	\$473,888.65	14%
2 years and over	105	\$196,311.00	6%	112	\$245,893.32	7%
1 year and over	199	\$303,912.38	9%	214	\$333,932.41	10%
Total Prior Years outstanding		\$1,014,233.58	30%		\$1,053,714.38	30%
Current Rates	1395	<u>\$2,359,606.81</u>	70%	1369	<u>\$2,456,371.96</u>	70%
Total Rates Outstanding		<u>\$3,373,840.39</u>			<u>\$3,510,086.34</u>	

A review of outstanding debtors is regularly conducted. In the case of outstanding rates, balances are normally recoupable as the debt is a charge against the property. However, officers are currently dealing with a number of complex issues that require further legal advice. This confidential information and details of the collection process is the subject of a separate report to be presented to Council.

Outstanding Sundry Debtors

Total outstanding sundry debtors as at 31 October 2019 were \$65,774 compared to \$128,475 reported at 30 September 2019. The movement relates to a grant payment received from Department of Fire and Emergency Services during the month. The significant variation from the previous year relates largely to a long outstanding debt written off by Council resolution in June 2019.

Current Year	31/10/2019	%	31/10/2018	%
90 days and over	\$35,265.22	54%	\$267,737.47	42%
60 days and over	\$8,884.70	14%	\$3,907.53	0%
30 days and over	\$2,202.56	3%	\$4.48	1%
Current	<u>\$19,421.34</u>	30%	<u>\$154,686.13</u>	57%
Total Debtors Outstanding	<u>\$65,773.82</u>		<u>\$426,335.61</u>	

OPTIONS

Not applicable

IMPLICATIONS TO CONSIDER

Consultative

Not applicable

Strategic

Theme 5: Strong and Effective Leadership

- 5.1 Effective and informed governance and decision-making
- 5.3 A financially sustainable Shire
- 5.4 Open and accountable systems

Policy Related

Policy F1.2 Procurement

Policy F1.6 Credit Cards

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

DE 3.1 Authority to make Payments from Trust and Municipal Funds

Financial

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

Legal and Statutory

Local Government Act 1995

6.10. *Financial Management Regulations may provide for —*

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

Local Government (Financial Management) Regulations 1996

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

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

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

(1A) *In this regulation —*

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

- (1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —*
 - (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*
 - (b) *budget estimates to the end of the month to which the statement relates; and*
 - (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*

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

Risk Related

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

Workforce

Not applicable

VOTING REQUIREMENTS

Absolute Majority: No

RESOLUTION

351119

Moved: Cr David Wallace

Seconded: Cr Denis Warnick

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

Oct-19

MUNICIPAL FUND	AMOUNT
Cheque Payments	39,278.61
Payroll Debits	199,544.74
Electronic Funds Payments	2,034,394.24
Payroll Debits - Superannuation	41,988.60
Bank Fees	3,919.37
Corporate Cards	226.38
Fuji Xerox Equipment Rental	236.62
Fire Messaging Service	<u>82.50</u>
Sub total - Municipal	2,319,671.06
TRUST FUND	
Electronic Funds Payments	3,256.43
Cheque Payments	-
Direct Debits Licensing	<u>137,929.45</u>
Sub total - Trust	141,185.88
TOTAL DISBURSEMENTS	2,460,856.94

CARRIED: 7/0

SY176-11/19 INVESTMENTS - OCTOBER 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. Investment Register - October 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 October 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 October 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

361119

Moved: Cr Kevin Trent

Seconded: Cr Pam Heaton

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

CARRIED: 7/0

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

MOTION

**RESOLUTION
371119**

Moved: Cr Kevin Trent

Seconded: Cr Ashley Garratt

That Council agrees to accept and consider the Late Report – SY178-11/19 - Australia Day Awards 2020 & Request for Free Entry to the York Memorial Swimming Pool & Moving the Australia Day Community BBQ Breakfast to the YRCC.

CARRIED: 7/0

Declaration of Interest – Cr Pam Heaton – Impartial – I am a member of the York Seniors Mobility Group

SY178-11/19 AUSTRALIA DAY AWARDS 2020 & REQUEST FOR FREE ENTRY TO THE YORK MEMORIAL SWIMMING POOL & MOVING THE AUSTRALIA DAY COMMUNITY BBQ BREAKFAST TO THE YRCC

File Number: CS.CCS.3

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

Authoriser: Allen Cooper, Acting CEO

Previously before Council: Awards are Presented Each Year

Appendices: 1. Minutes of the York Honours Reference Group Meeting Held on 14 November 2019 - Confidential

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

The York Honours Reference Group has assessed nominations for the Community Citizen of the Year, Community Citizen of the Year – Youth (under 25), Community Citizen of the Year – Senior (65 years or over), Active Citizenship Award (for a community group or event) and the York Community Bank Awards for Junior and Senior Sports Star. This report recommends the recipients for these awards for Council's consideration.

This report is also to request Council to approve free entry for York residents to the York Memorial Swimming Pool on Australia Day, 26 January 2020 from 10.00am.

BACKGROUND

The Awards are held every year in conjunction with Australia Day WA. The York Honours Reference Group assesses nominations received for each category of the Australia Day WA Awards and the Junior and Senior Sports Star Awards and makes recommendations to Council.

The Awards Ceremony has in the past been held in Avon Park, however it is proposed that Australia Day 2020 is held at the York Recreation & Convention Centre (YRCC) due to the commencement of the upgrading to Avon Park. Opening the swimming pool from 10.00am on Australia Day will be an extension of these celebrations and residents can move from the YRCC at the conclusion of the formal presentations to the swimming pool if they desire.

In previous years the swimming pool has been opened at 12noon which for anyone wishing to partake in both activities can make the day disjointed. By opening the swimming pool at 10.00am residents can move from the YRCC to the swimming pool.

COMMENTS AND DETAILS

Recognition of individuals and organisation achievements is important in the community.

Opening the swimming pool also gives residents additional activities to do on Australia Day within the town. To improve community participation on this day, Officers are recommending Council provides free public access to the pool on Australia Day.

It is noted that the transition of the management of the hospitality functions at the YRCC is currently being negotiated. Should this process be completed prior to Australia Day, it is acknowledged that the Shire will need to liaise with the York Community Social Centre Inc. regarding arrangements for the Awards Ceremony to be held at the YRCC.

OPTIONS

Awards -

Council could choose not to accept the recommendations of the York Honours Reference Group and determine to award different members of the community.

However, the York Honours Reference Group was established to provide recommendations to Council regarding community awards.

Swimming Pool -

Council could choose either to not open the swimming pool on Australia Day, charge a gold coin entry fee or charge the normal entry fee.

IMPLICATIONS TO CONSIDER

Consultative

York Honours Reference Group

Swimming Pool Manager

Strategic

Corporate Business Plan – Civic and Community Events – Direct and regular support of specified community events with a civic focus for general community enjoyment

Policy Related

Policy C1.2 – Australia Day Awards

Policy C1.3 – Community events with a civic focus for general community enjoyment

Financial

Council allocates an amount of \$10,000 each year for the Australia Day Community BBQ celebrations as part of the annual budget process. Providing free access to the pool for this day would result in loss of income for the day of approximately \$350.00.

Legal and Statutory

Nil

Risk Related

Nil

Workforce

Nil

VOTING REQUIREMENTS

Absolute Majority: Yes

RESOLUTION**381119****Moved: Cr Kevin Trent****Seconded: Cr Ashley Garratt****That Council:**

1. **Receives the Notes from the York Honours Reference Group meeting held on Thursday, 14 November, 2019.**
2. **Accepts the recommendation by the York Honours Reference Group for the Junior Sports Star of the Year Award and the Senior Sports Star of the Year Award for the Year 2019.**
3. **Accepts the recommendation by the York Honours Reference Group for the Australia Day Community Citizen of the Year Awards – Community Citizen of the Year; Community Citizen of the Year – Youth (under 25), Community Citizen of the Year – Senior (65 years or over), Active Citizenship Award (for a community group or event).**
4. **Approves the 2020 Australia Day Community BBQ Breakfast and Awards Ceremony being held at the YRCC rather than Avon Park.**
5. **Waives the entry fee to the York Memorial Swimming Pool on Australia Day 2020, noting that the pool will open at 10.00am on that day.**

CARRIED BY ABSOLUTE MAJORITY: 7/0

13 MEETING CLOSED TO THE PUBLIC

13.1 Matters for which the Meeting may be closed

Nil

13.2 Public Reading of resolutions to be made public

Nil

14 CLOSURE

The Shire President thanked everyone for their attendance and closed the meeting at 6.14pm.

The minutes were confirmed by the Council as a true and accurate record at the Council Meeting held on 16 December 2019.

SHIRE PRESIDENT