



# **CONFIRMED MINUTES**

## **Ordinary Council Meeting Tuesday, 28 April 2020**

**Date: Tuesday, 28 April 2020**

**Time: 5.00pm**

**Location: E-Meeting – via Zoom**

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**MINUTES OF SHIRE OF YORK  
ORDINARY COUNCIL MEETING  
HELD AT THE E-MEETING  
ON TUESDAY, 28 APRIL 2020 AT 5.00PM**

The York Shire Council acknowledges the traditional owners of the land on which the participants are attending this meeting.

**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

*No Change – E-Meeting via Zoom Platform*

1.4 Announcement of Visitors

*Nil*

1.5 Declarations of Interest that Might Cause a Conflict

*Nil*

1.6 Declaration of Financial Interests

*Cr Kevin Trent – SY056-04/20 – Change to Community Funding Grants & Sponsorship*

1.7 Disclosure of Interests that May Affect Impartiality

*Cr Ashley Garratt - SY056-04/20 – Change to Community Funding Grants & Sponsorship*

*Cr Pam Heaton - SY056-04/20 – Change to Community Funding Grants & Sponsorship*

**2 ATTENDANCE**

2.1 Members

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

## 2.2 Staff

*Chris Linnell, Chief Executive Officer; 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

*Cr David Wallace*

## 2.5 Number of People in the Gallery at Commencement of Meeting

*There was no-one in the Gallery at the commencement of the meeting as the meeting was held as an E-Meeting via Zoom.*

# 3 QUESTIONS FROM PREVIOUS MEETINGS

## 3.1 Response to Previous Public Questions Taken on Notice

**Mr Pat Hooper**

**Special Council Meeting – 24 March 2020**

### **Question 1:**

Given the announcement by the Premier that he will close travel between 'regions', will Council give the many York residences who have often or regular trips to the metropolitan area for medical requirements the assurance there will be clear and concise directions given.

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

This is a State Government directive and conditions of travel are provided in the Governments guidelines. The WA Police will be managing the regional checkpoints.

**Ms Marie Forster**

**Special Council Meeting – 24 March 2020**

### **Question 1:**

Given the implementation of Stage 5 of the Western Australian Public Health Act (2016), can the CEO please provide an update on the following:

- a. The Shire of York's understanding of what the public health planning process entails.
- b. The progress to date of the Shire of York's public health plan under its statutory obligations given York's especially vulnerable population and in light of recent pandemic developments.

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

Stage 5 of the Public Health Planning process represents the point which Local Government moves from the framework provided by the *Health (Miscellaneous Provisions) Act 1911* to the *Public Health Act 2016*.

1(a) The Health Department have indicated that Local Shire Health Plans should be completed 2020-21. The Shire of York will be preparing to undertake this work within the required timeframe that will be addressed in the near future.

1(b) In relation to the now Pandemic, the Shire Health Plan would be overridden by decisions made by the Public Health Department and the State Government. The Shire of York have also developed (The Shire of York Business Continuity Plan COVID-19 Pandemic Response).

**Mr Simon Saint**

**Question 1:**

At the last OCM I asked a question in relation to the lack of clarity in council recommendations/motions, in particular, that all recommendations/motions should be clear as to when they are done by. I notice that the SOY is now using “as soon as is practicable” (SY028-03/20 Peace Park Reserve Status) as a timeframe for when recommendations/motions are to be done by.

Can Council define what is meant by “as soon as is practicable”?

**Response provided by the Shire President:**

This item was withdrawn from the Agenda as it was deemed non-essential for the March Ordinary Council Meeting due to the Shire of York undertaking its first eMeeting of Council. The term ‘as soon as is practicable’ was used in this report to define the timeframe when working with a State Government department as it is very difficult to determine how long a process, such as a land swap, will take. Moving forward the Shire of York will provide timeframes in recommendations where needed.

**Question 2:**

Fifteen years ago, discussions about the future of Peace Park were afoot. In March 2016, Council resolved to vest the park as a reserve, allaying community concern about the parks future. Four years later and this has not been done—why?

**Response provided by the Shire President:**

The process to vest the Park is ready to go, which will give the land to the State Government in return for reserve status. The opportunity to explore a land swap with the State Government is something that can be quickly explored before the vesting process is started, which could provide the Shire of York a material return for the land being vested.

3.2 Response to Unasked Questions from the Previous Meeting

*Nil*

**4 PUBLIC QUESTION TIME**

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

**6.7 Other procedures for question time for the public**

- (1) A member of the public who wishes to ask a question during question time must identify themselves and register with a Council Officer immediately prior to the meeting.
- (2) A question may be taken on notice by the Council for later response.
- (3) When a question is taken on notice the CEO is to ensure that—
  - (a) a response is given to the member of the public in writing; and
  - (b) a summary of the response is included in the agenda of the next meeting of the Council.

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

Public Question Time Commenced at: 5.02pm.

*As per the new regulations regarding electronic meetings the Shire of York will comply with Administration Regulation 14 E (3) by ensuring the Unconfirmed Minutes be made publicly available in accordance with Administration Regulation 13.*

*Council has provided a means to submit a question prior to the meeting as per Administration Regulation 14 E (4) (a), this was done via email to the list of people who ever requested notifications of Shire Of York business and advertised on the Shire of York website.*

#### 4.1 Written Questions – Current Agenda

##### **Mr Simon Saint**

##### **Question:**

As with many WA local governments, the SOY is using ZOOM technology when conducting E-meetings. However, unlike other councils and without providing any plausible reason why, the SOY has decided to exclude the public from participating at its E-meetings. Instead, the SOY has opted to take the line of least compliance in publishing the unconfirmed minutes of meetings within 10 days. This conveniently avoids any public scrutiny at council meetings.

If ever there was a time for absolute transparency, now is the moment, any half-hearted attempt is unacceptable and contrary to the public interest. In order to better understand the SOY's decision not allow public access to its E-meetings, can Council please explain when,

where and how was this decided and more importantly, what factors were taken into consideration when the decision was made?

### **Response provided by the Shire President**

The COVID-19 Pandemic has required life across the globe to make significant changes to day-to-day activities, including those of local democracy. The Shire of York has worked quickly to understand and compile with the new requirements of the Local Government (Administration ) Regulations 1996, which gives Local Governments the ability to hold meetings of Council by electronic means in a Public Health Emergency or State of Emergency. While there is not the normal public gallery for members of the public to view the meeting, under these new regulations the public is included by way of Public Question Time and the provision of the unconfirmed minutes being made available for review as soon as possible following the meeting. Of the 2 eMeetings held to-date, Ordinary Council Meeting 31 March 2020 and the Special Council Meeting 21 April 2020, the minutes have been made available 6 days (including the weekend) and 3 days following the meetings respectively.

The key reason for the Councils decision to run eMeetings during this Pandemic is due to the State Governments declaration of a State of Emergency and its directive on public gatherings being limited to 2 people; it is also in line with the Shire of York Business Continuity Plan - COVID-19 Pandemic Response adopted at the Special Council Meeting on 24 March, 2020.

#### 4.2 Public Question Time

*Nil*

As there were no further questions – Public Question Time concluded at: 5.06pm.

### **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****RESOLUTION  
030420****Moved: Cr Kevin Trent****Seconded: Cr Ashley Garratt**

**That the minutes of the Special Council Meeting held on 24 March 2020, the Ordinary Council Meeting held on 31 March 2020 and the Special Council Meeting held on 21 April 2020 be confirmed as a correct record of proceedings.**

**CARRIED: 6/0****8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Shire President Meetings – March 2020

<b>Date</b>	<b>Meeting</b>	<b>Details</b>
2	Radio Interview	
3	Audit Committee & Concept Forum	Meeting
4	Ratepayer Query	Meeting
6	World Day of Prayer	Meeting
12	Talkin Soils Conference	Opening
14	Socially Inclusive Workshop	Workshop
16	Meeting with Chief Executive Officer	Meeting
16	WALGA - COVID-19 Webinar	Webinar
17	CEO KPI's – John Phillips	Workshop
19	Ratepayer Query	Telephone and Email
19	Ratepayer Query re Avon Park	Meeting
22	Ratepayer re Setting up Call Centre for Vulnerable People	Telephone and Email
22	Ratepayer re Western Trails Alliance	Telephone and Email
23	COVID-19 Staff Meeting	Meeting
23	Radio Interview	
24	Ratepayer re Greenhills Trails postponed	Telephone
24	Ratepayer re follow up on Call Centre	Telephone
24	Agenda Briefing	Meeting
27	Ratepayer re Mokine Road	Telephone
27	WALGA - COVID-19 Webinar	Webinar
30	LEMC	E-Meeting
30	Radio Interview	
31	Ordinary Council Meeting	E-Meeting
31	Ratepayer	Telephone

## 9 OFFICER'S REPORTS

### SY049-04/20 SOUTH WEST NATIVE TITLE SETTLEMENT - CONSULTATION ON POSSIBLE LAND TRANSFER

<b>File Number:</b>	<b>EV.RES.1</b>
<b>Author:</b>	<b>Carly Rundle, Senior Planner</b>
<b>Authoriser:</b>	<b>William Nunn, Co-Ordinator Development Services</b>
<b>Previously before Council:</b>	<b>N/A</b>
<b>Appendices:</b>	<b>1. Location Plan 2. Table of Comments on Land Parcels</b>

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

Advocative.

#### PURPOSE OF REPORT

For Council to consider and endorse the Shire's response to the Department of Planning, Lands and Heritage regarding crown land being considered for transfer to the Noongar Land Estate as part of the Indigenous Land Use Agreements for the South West Native Title Settlement.

#### BACKGROUND

The State of Western Australia has committed to allocating up to 320,000 hectares of Crown land to the Noongar People to create the Noongar Land Estate, in accordance with the six registered Indigenous Land Use Agreements (ILUA) for the South West Native Title Settlement (the Settlement). The ILUAs were registered at the Native Title Tribunal on 17 October 2018 and required legal processes are currently occurring. Further information regarding the Settlement and the Noongar Land Estate can be found on the Department of the Premier and Cabinet website via the following link:

<https://www.dpc.wa.gov.au/swnts/Pages/default.aspx>

The Department of Planning, Lands and Heritage (DPLH) is responsible for undertaking an identification and assessment process for land parcels within the boundaries of the Settlement. This process includes referring land to relevant agencies for comment. While awaiting conclusive registration and the subsequent date upon which the Settlement becomes effective, the DPLH is undertaking necessary referrals to ensure that land parcels as identified by the Noongar People are made ready for transfer.

The DPLH has provided a list of crown land parcels being considered for possible transfer to the Noongar Land Estate and has requested the Shire answer the following questions:

1. Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement?
2. Does the Shire have any interest in the land?
3. Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.
4. Is the land parcel subject to any mandatory connection to services?
5. Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?

6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?
7. Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?
8. Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).
9. Please provide any additional comments on the proposed transfer of this land as part of the Settlement.

## COMMENTS AND DETAILS

There are 13 land parcels that have been identified within the Shire as being considered for possible land transfer. A location plan of the parcels of land is provided in Appendix 1.

The future use of the land if transferred is unknown, although it is understood the land use and development will be required to comply with zoning and land use provisions of local planning schemes and local planning strategies. It is also unknown that if the parcels of land prove unsuitable for transfer whether additional parcels of land may then be identified.

Officers' responses to the DPLH's questions are provided in Appendix 2. To avoid repetitiveness, adjoining land parcels where the comments would be similar have been grouped together.

In summary, officers are generally supportive of transfer of land parcels where the zoning of land supports a change in tenure and appropriate servicing is available.

Of the 13 land parcels identified:

- four are considered as being appropriately serviced, without constraint for development and are supported for transfer;
- one is not supported for transfer as the identification of the land as 'recreation and open space' reserve in the Shire of York Town Planning Scheme No. 2 warrants the land remaining in crown ownership; and
- eight parcels of land zoned residential with varying densities have been identified as having inadequate servicing for permitted development in that zone. Transfer is only supported subject to servicing being extended to the lot(s) and/or road construction or upgrading occurring prior to transfer of the land. Officers have recommended that the inadequacy of servicing/road access be addressed prior to transfer because development exemptions provided under the Scheme and Regulations mean that it is likely there will not be a statutory power to require this at a later stage. The outcome being that development will occur without adequate servicing and potentially place pressure on the local government for road upgrading.

Council is requested to endorse the responses in Appendix 2 for submission to the DPLH.

## OPTIONS

The following options are available to Council:

1. Endorse the Recommendation and comments in Appendix 2;
2. Endorse the Recommendation with modification to the comments in Appendix 2; or
3. Not support the Recommendation and comments. This option is not recommended as responding to the questions allows the Shire to make comment on the suitability of land for transfer, and Shire infrastructure needs before it is transferred out of Crown ownership.
4. Make an alternate resolution.

## **IMPLICATIONS TO CONSIDER**

### **Consultative**

All land identified for possible transfer is unallocated crown land. Internal consultation between service units has been undertaken, no external consultation has been undertaken by the Shire.

### **Strategic**

The Shire's draft Local Planning Strategy acknowledged the settlement and included a strategy to support actions to implement the South West Native Title Settlement agreement, with an associated action to work with the DPLH on initiatives to release economic opportunities associated with this.

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

*"2.1 Aboriginal culture is respected and showcased under the guidance of the aboriginal community"*

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

### **Policy Related**

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

### **Financial**

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

### **Legal and Statutory**

*Native Title Act 1993*

Responses to questions were formulated giving consideration to requirements under the *Planning and Development Act 2005* and *Public Health Act 2016*.

### **Risk Related**

The response reduces risk by identifying at an early stage any issues with land identified for transfer. In this respect there are no risks associated with the officer's recommendation which warrant further discussion.

### **Workforce**

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

## **VOTING REQUIREMENTS**

**Absolute Majority: No**

**RESOLUTION**

**040420**

**Moved: Cr Kevin Trent**

**Seconded: Cr Pam Heaton**

**That, with respect to the request from the Department of Planning, Lands and Heritage (DPLH) for comments on possible land for transfer under the South West Native Title Settlement, Council:**

- 1. Endorses the comments as detailed in Appendix 2 to this report.**
- 2. Requests the Chief Executive Officer to inform the DPLH of the Shire's comments.**

***CARRIED: 6/0***

**SY050-04/20 DEVELOPMENT APPLICATION: CAMPING GROUND (GLAMPING TENTS) & ANCILLARY TOURIST USE (CANOLA WALKS): LOT 3042 (1625) QUALEN WEST RD, TALBOT**

**File Number:** QU2.1613

**Author:** Carly Rundle, Senior Planner

**Authoriser:** William Nunn, Co-Ordinator Development Services

**Previously before Council:** SY026-03/20

**Appendices:** Nil

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

Quasi-judicial.

**PURPOSE OF REPORT**

For Council to make a determination on a development application received for Camping Grounds (Glamping Tents) & Ancillary Tourist Use (Canola Walks) at Lot 3042 (1625) Qualen West Rd, Talbot.

**BACKGROUND**

Lot 3042 (1625) Qualen West Rd, Talbot is 40.9ha in area and zoned General Agriculture.

The property fronts both Qualen West Rd & Talbot West Rd and contains an existing dwelling and outbuilding. Uses on site consist of extensive agriculture (cropping and keeping of livestock). Planning approval for 'ancillary tourist uses' was also issued 9 March 2016, which included a coffee van and merry go-round and visitors are able to view the bird aviary, kangaroos and feed animals.

A Site Plan and Site Photos are provided in Appendices 1 and 2.

A development application has been received which proposes to set-up glamping tents on the property for short term accommodation. The application has applied for an area of approximately 3.8ha where glamping tents would be set up, allowing for tourists to be in proximity to animals and crops. The location of tents may vary within the designated area, although the applicant has provided that initially 3-4 tents will be provided onsite, they would eventually like to cater for buses so have applied for a maximum of 20 tents on the property at a time.

The applicant has provided that glamping is only proposed to be offered during the winter and spring periods (during non-prohibited burning periods). The tents and ancillary portable ablutions facilities (one to be provided per 4 tents) are proposed to be erected by the owners, which will remain in place until they are removed at the end of the period when glamping is no longer offered.

The application also provided that the glamping tents were to provide accommodation to tourists visiting the site for canola walks offered on the property during the canola flowering season. The provision of canola walks (unless the Shire has agreed in writing that it is exempt from requiring approval) is not an approved use on the property and as such has also been addressed as part of this application.

Access to the proposed glamping is proposed to occur via the existing sealed crossover from Qualen West Rd, which connects to the glamping area via an internal unsealed road and existing concrete crossing over the Talbot Brook.

The applicant's submission and development plans are provided at Appendices 3 and 4.

The application was publicly advertised for 14 days. Three submissions were received which objected to the proposal for various reasons. The Shire’s Delegation manual requires applications to be referred to Council for determination when an objection has been received.

The application was considered at Ordinary Council Meeting held on the 31 March 2020, where Council resolved not to adopt the officer’s recommendation. However, no alternate resolution was made to actually determine the application (i.e approve with alternate conditions or refuse and list reasons why). As such the application is being presented to Council for a decision to be issued.

**COMMENTS AND DETAILS**

The application is required to be assessed in accordance with the Shire of York Town Planning Scheme No. 2 (Scheme) and the *Planning and Development (Local) Planning Schemes Regulations 2015 - Schedule 2 Deemed Provisions (Regulations)*. The following provisions are most relevant to this application.

Clause	Comment
<p>67(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area.</p>	<p>The property is zoned General Agriculture and surrounded by land similarly zoned.</p> <p>The application proposes to offer glamping tents on the property for short term accommodation and canola walks where tourists can enter crops on the property.</p> <p>The canola walks are considered consistent with the land use of ‘Ancillary Tourist Use’ which refers to tourist excursions where they are incidental and directly related to the predominant use of the land. This is an ‘IP’ use which means it is permitted provided it is incidental to the predominant use which is at the discretion of the local government to determine.</p> <p>The canola walks will only be offered during flowering times, which will be for a maximum of 6 weeks per year. Officers are satisfied that the use is incidental to the agricultural uses on the property.</p> <p>The type of glamping tents to be erected are provided in Appendix 4. The tents will each be approximately 4.8m in width (triangular floor shape), with the pitch up to 2.4m in height from the finished floor level. Each tent is proposed to sleep two people and contain lighting and a fan which connects to a battery charged by a solar panel.</p> <p>The tents are to have solid plywood flooring panels with 50 x 50mm support beams to the pitch, which will then be enclosed in razorback canvas (with insulation) attaching to the frame. The tents will be set up by the landowners and remain onsite for a maximum period of 6 months from 1 June to the 30 November (Winter and Spring). The tents will be dismantled and removed at the end of the accommodation period.</p> <p>Officers are satisfied that the tents are ‘portable’ in nature and as such is consistent with the land use of ‘camping grounds’ which is an ‘SA’ use in the General Agriculture zone meaning it may be approved at the discretion of the Shire and is required to be publicly advertised. Relevant objectives of the General Agriculture zone are as follows:</p> <p style="padding-left: 40px;"><i>(a) To ensure the continuation of broad-hectare agriculture as the principle land use in the district encouraging</i></p>

	<p><i>where appropriate the retention and expansion of agricultural activities.</i></p> <p><i>(b) To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.</i></p> <p><i>(c) To allow for facilities for tourists and travellers and for recreation uses.</i></p> <p>It is considered that the proposal offering facilities for tourists and travellers, based on agricultural uses occurring on the property is consistent with the objectives of the General Agriculture zone.</p>
<p>67(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other planning instrument that the local government is seriously considering adopting or approving.</p>	<p>The Shire has adopted draft Local Planning Scheme No. 3 and Local Planning Strategy and forwarded to the WAPC for approval.</p> <p>The land use permissibility and assessment criteria in the draft scheme remain relatively unchanged. The draft local planning strategy recognises the primacy of agricultural uses on rural land and encourages tourism as a secondary objective where it does not impede agricultural production. Subject to appropriate setbacks (as described below) being provided to avoid land use conflicts, the proposal is considered appropriate having regard to the principles of orderly and proper planning.</p>
<p>67(c) Any approved State Planning Policy</p>	<p>Due regard has been given to the following policies:</p> <ul style="list-style-type: none"> <li>• State Planning Policy 2.5 – Rural Planning</li> <li>• State Planning Policy 2.9 – Water Resources</li> </ul> <p>The property is not located within bushfire prone area.</p> <p>The development site is located over 100m from the Talbot Brook. SPP2.9 provides that adequate setbacks between development and waterways should be provided to maintain or improve the ecological and physical function of water bodies.</p> <p>The application was referred to the Department of Water and Environmental Regulation (DWER) who advised that given the current land use and setback proposed to Talbot Brook, that the risk of impact to the waterway by development would be low (if any).</p>
<p>67(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.</p>	<p>The glamping tents and ablutions are minor structures which will be in place for 6 months of the year.</p> <p>A buffer of 300m from the accommodation to adjoining agricultural uses is recommended by the Department of Health to avoid land use conflict between tourism and agricultural uses on adjoining properties. The provision of this buffer will be conditioned on approval which will reduce the area able to accommodate glamping tents to approximately 70m by 20m (1,400m<sup>2</sup>) located centrally on the property. This will require glamping tents to be located in closer proximity than intended by the applicant, although this area is capable of accommodating up to 20 tents which can be spaced in a manner to comply with the Caravan Parks and Camping Grounds Regulations 1997.</p>



	<p>Parking and ablutions which are used intermittently can be located outside of this buffer area, although are required by the Regulations to be located within a certain distance of the tents. An amended site plan which complies with buffer areas will be conditioned on approval.</p> <p>Canola tours will be a temporary use offered for a maximum of 6 weeks per year. Submissions received raised biosecurity and trespassing as an issue which affects adjoining agricultural uses. The application was referred to the Department of Primary Industries and Regional Development (DPIRD) for comment. DPIRD did not object to the proposal, although indicated that there were risks which should be managed such as:</p> <ul style="list-style-type: none"> <li>• Risk of spreading or introducing new weeds or pathogens from vehicles, equipment or people entering the property. Proper clean down facilities should be provided and a visitor’s log maintained;</li> <li>• Risk of trespassing, although acknowledged that a designated area for canola tours is preferred than tourists accessing alternate crops which do not have implemented measures for these risks;</li> <li>• Spraying within the property which may pose a risk to tourists entering crops if residual spray is present;</li> <li>• Contact with and feeding of animals.</li> </ul> <p>A management plan which addresses the issues raised by the DPIRD will be conditioned on approval.</p>
<p>67(n) the amenity of the locality including the following:</p> <p>(i) Environmental impacts of the development</p> <p>(ii) The character of the locality;</p> <p>(iii) Social impacts of the development.</p>	<p>The development is centrally located on the property and is not anticipated to have any detrimental environmental or visual impacts on the locality.</p> <p>Canola walks are offered on a temporary basis and do not involve any infrastructure being constructed. Subject to appropriate parking being provided onsite, there are no amenity impacts anticipated.</p>
<p>67(o) the likely effect of the development on the natural environment and any means that are proposed to protect or mitigate impacts on the natural environment or the water resource.</p>	<p>The development is over 100m from the Talbot Brook, which is an appropriate setback is provided to mitigate impacts.</p>
<p>67(p) Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.</p>	<p>With the provision of the increased buffer, the development will be adequately setback from adjoining properties, and will be located onsite for a temporary period each year for 6 months. No landscaping is required. No trees are proposed to be removed.</p>
<p>67(q) the suitability of the land taking into account the possible risk of flooding, tidal inundation,</p>	<p>The development area is not located within a bushfire prone area, although in considering the objectives of SPP3.7, the placement of the tents in proximity to the canola crops may</p>

<p>subsidence, landslip, bush fire, soil erosion, land degradation or any other risk.</p>	<p>present a risk. As such it is recommended that a minimum of 30m around the tents be maintained to a low fuel load, which will ensure the tents remain BAL-Low mitigating this risk.</p>
<p>67(r) the suitability of the land for development taking into account the possible risk to human health or safety.</p>	<p>Aside from the spray residue and tourists entering crops which was raised by the DPIRD and can be managed as a condition of approval, there are no other known risks.</p>
<p>67(s) the adequacy of –</p>	<p>Access will be via the existing sealed crossover to Qualen West Rd and will access the tents and crop via an internal unsealed track. A concrete bridge crossing is existing over the Talbot Brook.</p> <p>Parking areas will be required to be provided onsite. The provision of further details for carparking will be conditioned on approval.</p> <p>Access and egress is generally appropriate although:</p> <ul style="list-style-type: none"> <li>• There are no measures in place to divert traffic to use the existing crossover, where traffic entering the property which does not use this crossover presents safety concerns. Condition on approval details of how traffic will be directed to the sealed crossover.</li> <li>• Internal accessways have capability (with the exception of the bridge) for two-way traffic, although is only sufficient in some places for one-way traffic. Signage may be required on the bridge to notify of passing arrangements. Condition further details on approval.</li> <li>• Further details of carparking and pedestrian access will be conditioned on approval.</li> </ul>
<p>67(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and probably effect on traffic flow and safety.</p>	<p>The property fronts Qualen West Rd and Talbot West Rd, both constructed to a sealed standard. Talbot West Rd is a Local Distributor road.</p> <p>Canola walks operated for 6 weeks of the year are proposed to be offered to no more than 10-15 persons at a time, with most tourists staying approximately 90 minutes. The glamping will accommodate a maximum of 20 tents.</p> <p>In accordance with the Western Australian Planning Commission Transport Impact Assessment Guidelines, traffic generated by the development is anticipated to be of 'low impact' where additional traffic information is not required. The existing roads are considered sufficient for the development.</p>
<p>67(u) the availability and adequacy for the development of the following –</p> <ul style="list-style-type: none"> <li>(i) public transport services;</li> <li>(ii) public utility services;</li> <li>(iii) storage, management and collection of waste</li> <li>(iv) access for pedestrians and cyclists;</li> </ul>	<p>Further details of disability access will be provided at the building permit stage.</p> <p>The applicant has provided that the tents will be serviced daily by the landowners addressing collection of waste, although details of waste storage and disposal has not been provided. Condition on approval.</p> <p>Water supply to ablution facilities is proposed to be via two 20,000L tanks filled by a bore on the property. Access to potable drinking water (other than bottled water) is not proposed to be provided. Given the comments by DPIRD raising the quality of</p>

<p>(v) access by older people and people with a disability.</p>	<p>water given its proximity to agricultural uses, further details of potable water supply will be conditioned on approval.</p> <p>Tents and ablutions will be serviced with solar power. Night time light and power point requirements will be further confirmed as part of the camping ground licence.</p> <p>An onsite effluent unit is proposed to be provided onsite. Further details will be submitted with an effluent application, although the Shire is satisfied that it can comply with the Government Sewerage Policy 2019.</p>
<p>67(v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses.</p>	<p>None identified.</p>
<p>67(w) the history of the site where the development is to be located.</p>	<p>No significant history.</p>
<p>67(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals.</p>	<p>No negative impacts anticipated.</p>
<p>67(y) any submissions received on the application.</p>	<p>Three public submissions were received objecting to the application. Refer to Schedule of Submissions at Appendix 6. A copy of submissions received is provided at Appendix 5.</p>
<p>67(za) the comments or submissions received from any authority consulted under Clause 66.</p>	<p>The application was referred to DWER and DPIRD for comment. A copy of submissions received is provided at Appendix 5 and officers comment in response to these is at Appendix 6.</p>

**OPTIONS**

The following options are available to Council:

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

*“That Council refuses the development application for Camping Grounds (Glamping Tents) and Ancillary Tourist Use (Canola Tours) at Lot 3042 (1625) Qualen West Rd, Talbot, because of the following reasons:*

1. ....; and.
2. ....

## IMPLICATIONS TO CONSIDER

### Consultative

In accordance with requirements of the Regulations, the application was advertised by sending a letter to adjoining landowners, placement of a notice in the local newspaper and making the application available for viewing on the Shire's website and office. Submissions received are discussed above.

### Strategic

The Shire of York's 2018-2028 Strategic Community Plan provides the following desired outcomes:

*Theme 2: A Leader in Cultural Heritage and Environment*

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

### Policy Related

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

### Financial

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

### Legal and Statutory

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

### Risk Related

A risk assessment of the proposal has been undertaken, and there were no medium to high risks identified with the proposal that warrant further discussion. On determination of any development application, the applicant/owner has rights to appeal to the decision with the State Administrative Tribunal.

### Workforce

Nil.

## VOTING REQUIREMENTS

**Absolute Majority: No**

**RESOLUTION****050420****Moved: Cr Pam Heaton****Seconded: Cr Ashley Garratt**

**That Council approves the development application for Camping Grounds (Glamping Tents) and Ancillary Tourist Use (Canola Tours) at Lot 3042 (1625) Qualen West Rd, Talbot, subject to the following conditions:**

- 1. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.**
- 2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plans including any notes placed in red by the Shire and except as may be modified by the following conditions.**
- 3. A maximum of 20 tents, and 5 ablutions buildings is permitted.**
- 4. Glamping tents shall be made available for short term accommodation only which allows for guests to temporarily occupy either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12-month period.**
- 5. The Camping Ground shall only operate between the 1st June to the 30th November annually. All tents and portable structures associated with the camping ground shall be dismantled and removed from the camping ground area outside of the operating timeframe. If materials are stored onsite these shall be stored in a location not visible from adjoining properties or roads.**
- 6. The ancillary tourist use (canola walks) shall only operate for a maximum of 6 weeks per year.**
- 7. Fuel loads shall be maintained to 100mm or less in height within 30m from any glamping tent on the property.**
- 8. The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the Shire and have been approved in writing:**
  - (a) A site plan being submitted which addresses the following and/or required design changes:**
    - (i) Tents shall be located a minimum of 300m from adjoining properties.**
    - (ii) The site plan is to show the layout of the camping ground area including tents, structures, parking areas for the camping grounds, water supply infrastructure, reception areas and accessways to the satisfaction of the Shire.**
    - (iii) Car parking spaces to be made available for the duration canola walks are offered which shall have sufficient space to accommodate 15 vehicles.**
    - (iv) Internal accessways to be suitable for two-way access, or one-way access with passing lanes and appropriate signage.**
  - (b) A management plan which addresses risks associated with the following items to the satisfaction of the Shire, in consultation with the Department of Primary Industries and Regional Development:**
    - (i) Biosecurity risks, including addressing the risk of spreading or introducing new weeds, or pathogens on vehicles, equipment or people entering or leaving the property.**
    - (ii) Contact with and feeding of animals;**
    - (iii) Spraying within the property and impact on human health;**

(iv) Ensuring that visitors remain inside the property boundaries during their visit;

(v) Pedestrian access from car parking areas to canola locations.

(c) Details of a potable water supply being provided to the satisfaction of the Shire.

(d) Details of solid waste management to the satisfaction of the Shire.

(e) Details of measures to be implemented to direct traffic to use the existing sealed crossover on Qualen West Road to the satisfaction of the Shire.

9. The development hereby approved shall not be occupied or used until all relevant plans, details or works required by Condition(s) 2, 7 and 8 have been implemented.

10. The works undertaken to satisfy conditions 2, 7 and 8 shall be subsequently maintained for the life of the development.

**ADVICE NOTES:**

**Note 1:** If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

**Note 2:** Where an approval has so lapsed, no development is to be carried out without the further approval of the local government having first been sought and obtained.

**Note 3:** If an applicant is aggrieved by this determination there is a right of appeal under the Planning & Development Act 2005. An appeal must be lodged within 28 days of the determination.

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

**In Favour:** Crs Denese Smythe, Ashley Garratt and Pam Heaton

**3/3**

**Casting Vote by Shire President**

**CARRIED: 4/3**

**SY051-04/20 DEVELOPMENT APPLICATION: RE-PURPOSED DWELLING: LOT 13 COWRING STREET, KAURING**

<b>File Number:</b>	<b>CO4.3291</b>
<b>Author:</b>	<b>Carly Rundle, Senior Planner</b>
<b>Authoriser:</b>	<b>William Nunn, Co-Ordinator Development Services</b>
<b>Previously before Council:</b>	<b>Not Applicable</b>
<b>Appendices:</b>	<ol style="list-style-type: none"><li><b>1. Location Plan</b></li><li><b>2. Site Plan</b></li><li><b>3. Cover Letter &amp; Development Plans</b></li><li><b>4. Bushfire Management Plan</b></li><li><b>5. Officer Assessment</b></li></ol>

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

Quasi-judicial.

**PURPOSE OF REPORT**

For Council to make a determination on a development application received for a repurposed dwelling at Lot 13 Cowing Street, York.

**BACKGROUND**

Lot 13 Cowing Street, Kauring is 2.16ha in area, zoned General Agriculture and contains two existing sheds and a water tank. The existing sheds include a barn style shed of 12m by 9m (108m<sup>2</sup>) with central mezzanine floor of 12m by 3m (36m<sup>2</sup>) and balcony, and traditional pitched shed of approximately 6m by 6m (24m<sup>2</sup>).

The property is located within the Kauring gazetted townsite and fronts an unconstructed road reserve which adjoins the York – Quairading railway. The railway is classified as a Tier 3 which is currently non-operational.

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

A development application has been received which proposes to convert the larger of the existing sheds to a habitable dwelling containing a kitchen, bathroom, laundry, living area and bedroom. The smaller shed will be used as a garage for the dwelling. The conversion of a shed to a dwelling is consistent with the land use of 'repurposed dwelling' which requires planning approval. The applicant's cover letter and development plans are provided at Appendix 3. A copy of the bushfire management plan submitted in support of the application is provided at Appendix 4, which also contains site photos of the existing buildings.

The development application was received on 14 October 2019, although required additional information to be provided before it could be processed which was not received until 4 March 2020. The owner also requested the application be placed on hold from 6 March to 27 March 2020 following discussion regarding access to the property.

Council is requested to consider the application and determine to either approve with conditions or not approve and list reasons why. The application has been referred to Council for determination because of issues associated with road access to the property

## 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).

### Land Use

The property is zoned General Agriculture by the Scheme and contains two existing sheds, garage and water tank. The application proposes to convert the existing 12m by 9m (108m<sup>2</sup>) barn style shed to a dwelling. The ground floor will contain the kitchen, dining, bathroom, laundry and lounge area, with the 3m by 9m (21m<sup>2</sup>) mezzanine including a bedroom, lounge area. A balcony also connects to the mezzanine. The exterior of the existing shed is constructed of green colorbond, which contains major openings on each elevation.

An existing shed of approximately 6m by 6m, constructed of zincalume will be used as a garage.

The development plans provided are sufficient to process the application, although do not identify all structures on all plans (i.e balcony). Additional information will be conditioned on approval.

There are no works proposed to occur to the exterior of the dwelling or garage.

The use is considered to be consistent with the land use of 'repurposed dwelling' which is defined as "*means a dwelling or structure not previously used as a single house, which has been repurposed for use as a dwelling.*"

A 'repurposed dwelling' is an 'AA' use in the General Agriculture zone, which means that it may be permitted provided the local government has exercised its discretion by granting planning consent. In determining whether to exercise discretion by granting planning consent, a range of matters set out in both the Scheme and Regulations requires consideration. A full list of these matters is provided in Appendix 6. Those that warrant further discussion is set out below.

### Compatibility & Amenity

The use of the building as a dwelling is consistent with the objectives of the General Agriculture zone where a single house would normally be exempt development, although the Scheme and Regulations requires further consideration be given to the appearance of the development to confirm it will not have a detrimental effect on the rural character and amenities of the area. Local Planning Policy Barn Style Shed Houses also applies which provides that the development of barn style dwellings or other types of dwellings based on shed design or frame, will be considered for approval in the General Agriculture zone, where the impact on surrounding properties can be minimised (landscaping, aspect, siting of building, etc).

The buildings are existing onsite, and whilst the frame and external materials are typical of a shed, there are major openings on each elevation and a balcony on the façade. The repurposed dwelling is located on a well vegetated lot which adjoins a railway and has limited visibility to adjoining properties. It is considered that the repurposed dwelling, is consistent with the established rural amenity of the area and is located in a manner where impacts on adjoining properties is minimised which is consistent with provisions of the Scheme, Regulations and Local Planning Policy Barn Style Shed Houses.

### Bushfire

The development is located within a bushfire prone area. Clause 78d of the Regulations and State Planning Policy 3.7 Planning in Bushfire Prone Areas requires a Bushfire Attack Level assessment to be submitted, and for the development to be assessed against bushfire protection criteria requirements of the guidelines for planning in bushfire prone areas.

The applicant has submitted a Bushfire Management Plan which demonstrates compliance with the guidelines and provides that an acceptable Bushfire Attack Level of 19 can be achieved provided that an Asset Protection Zone (low fuel area) (APZ) of 20m be maintained around the dwelling. As the dwelling is only located 6m from the lot boundary, the APZ would be required to extend into the road reserve. The applicant has included an 'agreement' which when issued would be a 'permit' under the Shire of York Thoroughfares Local Law and Trading in Thoroughfares and Public Places



Local Law allowing the landowner to undertake certain works in the road reserve to meet the APZ requirements. The works outlined in the permit are low impact and do not affect the ability for future use of the road reserve for other purposes. Although it is recommended that this be supported subject to a provision being inserted to reflect that the specified works are only permitted if undertaken in accordance with the Environmental Protection Act 1986 and Environmental Protection (Clearing of Native Vegetation) Regulations 2004 and it will be the responsibility of the owner to ensure compliance.

State Planning Policy and the BMP also requires a Section 70A notification be required on title advising of the presence of the BMP.

### Access

The applicant has provided that sole access to the property is from York-Quairading Road via a track through Reserve 22961 and railway crossing to the north of the property.

Reserve 22961 is identified as being reserved for purposes of 'public utility and government requirements' where the responsible authority is listed as the Department of Planning, Lands and Heritage (DPLH). The Shire's records indicate that access through the reserve is not approved, although have not confirmed this with the DPLH.

Regardless the Public Transport Authority (PTA) & Arc Infrastructure has provided advice on the existing crossing advising that:

- That the crossing is an occupational crossing (which is generally for the purpose of a single owner where the railway bisects their property) and is not currently registered for the use of Lot 13 Cowing Street.
- The owners of Lot 13 are not entitled to an occupational crossing as the railway does not bisect their property;
- State Policy no longer allows at grade crossings to be installed;
- If the existing level crossing referred to was assessed for safety its likely it would not be approved as a crossing due to sighting distances being inadequate due to the curvature of the rail alignment in this location;

The PTA advice provides that the crossing is not approved for use of the property and is not positive regarding agreement being issued to the owner for its use.

The applicant has provided that alternate access is via Penny Street which connects to Cowing Street via a railway crossing (which is located within a road reserve approved for public use) and around three neighbouring properties, but that this is not maintained or constructed to the boundary of Lot 13 and crosses a winter creek. It appears as though subject to works being undertaken to make the routes trafficable to an appropriate standard, that there are two options for access to be provided to the property:

- the unconstructed road reserve which fronts the north and east of the property;
- a partly unconstructed right of carriageway which benefits Lot 13.

Clause 5.5 of the Scheme provides development standards for land abutting an unconstructed road, where the local government shall either:

- (a) Refuse the application until the road has been constructed or access by means of a constructed road is provided as the case may be; or*
- (b) Grant the application subject to a condition requiring the applicant to pay a sum or money in or towards payment of the of the cost or estimated cost of construction of the road or part thereof and any other conditions it thinks fit to impose; or*
- (c) Require such other arrangements are made for permanent access to the satisfaction of the local government.*

The Shire does not currently have budget allocated to cover the full or partial cost of construction of the road construction. The cost of road construction to local government standards will likely be

substantial considering it is for a dwelling, although is recommended that it be conditioned on approval to provide an option for access in absence of other options.

The Certificate of Title indicates that the owner of Lot 13 may be able to access the constructed road via a right of way which crosses the adjoining Lot 10987. The right of way is currently accessible up until the boundary of Lot 14 Cowering Street. Should the right of way be trafficable and available to Lot 13 to use this would be acceptable as a legal permanent access under clause 5.5 of the Scheme. There is however some uncertainty regarding the status of the right of way and ability of the owner to undertake works to extend the track to their property which requires further information.

A condition of approval will require additional information, plans or details be submitted prior to commencement of works to confirm the proposed means of legal permanent access to the development to the satisfaction of the Shire. This will either be construction of the road, or demonstration that the right of carriageway is appropriate for use. Alternatively, if the applicant is able to gain approval to use the railway crossing and track within the Reserve exiting to York-Quairading Road, this could be considered under the condition.

**OPTIONS**

The following options are available to Council:

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

*“That Council refuses the development application for a Re-Purposed Dwelling at Lot 13 Cowering Street, Kauring, because of the following reasons:*

1. ....; and.
2. \_\_\_\_\_

**IMPLICATIONS TO CONSIDER**

**Consultative**

Advice on the status of the railway crossing to the north of the property was sought from the Public Transport Authority and subsequently Arc Infrastructure. No public consultation was undertaken.

**Strategic**

The Shire of York’s 2018-2028 Strategic Community Plan provides the following desired outcomes:

*Theme 2: A Leader in Cultural Heritage and Environment*

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

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

**Policy Related**

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

**Financial**

There are no financial implications for the Shire associated with the officer’s recommendation. The applicant may in the future to meet conditions request the Shire contribute to road construction or

upgrading which will be subject to consideration as a separate item or wider budget planning processes.

### **Legal and Statutory**

Shire of York Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.

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

### **Risk Related**

A risk assessment of the proposal has been undertaken, and there were no medium to high risks identified with the proposal that warrant further discussion. On determination of any development application, the applicant/owner has rights to appeal to the decision with the State Administrative Tribunal.

### **Workforce**

There are no workforce implications.

### **VOTING REQUIREMENTS**

**Absolute Majority: No**

**RESOLUTION****060420****Moved: Cr Pam Heaton****Seconded: Cr Denis Warnick****That Council:**

- 1. Approves the planning application for a Repurposed Dwelling at Lot 13 Cowing Street, Kauring, subject to the following conditions:**
  - (a) The development hereby approved shall be substantially commenced within two years of the date of this decision notice.**
  - (b) The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plan(s) and Bushfire Management Plan (enclosed), including any notes placed thereon in red by the Shire and except as may be modified by the following conditions.**
  - (c) The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the Shire's Planning department and have been approved in writing:**
    - (i) The Site Plan and Elevations are to be amended to show the balcony as per the floor plan.**
    - (ii) Details of a permanent legal access connecting the development to a constructed road to the satisfaction of the Shire (Advice Note 5).**
  - (d) The development hereby approved shall not be occupied, or used, until all plans, details or works required by Condition(s) (b) and (c) have been implemented; and, the following conditions have been complied with:**
    - (i) A notification, pursuant to Section 70A of the Transfer of Land Act 1893, is to be placed on the certificate(s) of title of Lot 13 Cowing Road, Kauring, advising of the existence of the Bushfire Management Plan. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:  
  
"This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan".  
  
(Advice Note 6)**

**ADVICE NOTES:**

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

**Note 5: The Shire of York Town Planning Scheme No. 2 requires where land abuts an unconstructed road, that access be provided either by road construction or arrangements being made for permanent legal access.**

The Public Transport Authority has provided that the railway crossing to the north of the property is not approved for the use of Lot 13 Cowring Street, Kauring.

The Shire considers options to provide permanent legal access for the development are to:

- Construct the unconstructed road. Please contact the Shire to discuss required information and arrangements pertaining to this.
- Demonstrate that the right of way is available for legal permanent use of Lot 13 Cowring Street, Kauring and that works can be undertaken to make the right of way trafficable.

Alternate options to provide legal permanent access may be able to be investigated (such as a road closure and provisions battle-axe), although require further consideration by Council, consultation with other affected landowners and are subject to approval by other government authorities. If approval to use the railway crossing and track within the Reserve exiting to York-Quairading Road is achieved, this could also be considered.

**Note 6: If an This approval A copy of the Section 70A application form can be found on the following link:**

[https://www0.landgate.wa.gov.au/docvault.nsf/web-new/FREEHOLD\\_LRFORMS/\\$FILE/FOR\\_DLI\\_N1.pdf](https://www0.landgate.wa.gov.au/docvault.nsf/web-new/FREEHOLD_LRFORMS/$FILE/FOR_DLI_N1.pdf)

To satisfy condition d(i) you are required to complete the Section 70A application form and lodge the original copy with the Shire for signing. Once signed by the Shire, the Section 70a will be returned to yourself to be lodged with Landgate. A copy of the lodgement receipt will need to be provided to the Shire to satisfy this condition. If a notification already exists on the title, please notify the Shire accordingly.

2. Subject to the planning approval being implemented, in accordance with the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law, approves the permit for activities on thoroughfares and public places as set out in page Appendix 3 – Access Agreement of the Bushfire Management Plan dated 23 October 2018, subject to the landowner submitting a signed permit application with the following modification being included under the Prohibited Activities section:

*“The owner is to ensure that all works undertaken comply with the requirements of the Environmental Protection Act 1986 (EP Act) and Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (Regulations) at all times. Any works not in compliance with the above acts are prohibited”*

**CARRIED: 6/0**

**SY052-04/20 REVIEW OF PARKING ARRANGEMENTS WITHIN THE YORK TOWN CENTRE**

<b>File Number:</b>	<b>RS.VEC</b>
<b>Author:</b>	<b>John Goward, Ranger</b>
<b>Authoriser:</b>	<b>Darren Wallace, Executive Manager, Infrastructure &amp; Development Services</b>
<b>Previously before Council:</b>	<b>N/A</b>
<b>Appendices:</b>	<ol style="list-style-type: none"><li><b>1. Community Flyer-Review of Parking Arrangements within the Town Centre</b></li><li><b>2. Survey completed by residents of the Town Centre in relation to the proposals</b></li><li><b>3. Plans of proposed parking bays</b></li></ol>

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

Legislative

**PURPOSE OF REPORT**

The purpose of this report is for Council to consider a review of parking arrangements within the town centre.

**BACKGROUND**

The parking issues identified within the town centre are outlined below and are recommended for review:

Issues and recommendations identified by officers:

- Increase the existing 2-hour parking bays by 8 to compensate for the loss of bays as a result of the construction of new alfresco nibs.
- Increase of the 10-minute time restricted bays located outside the York Post Office from 10 minutes to 30-minute parking.
- The increase of additional motorcycle parking bays within the town centre.

Issues and recommendations identified by community members:

- To no longer identify parking bay in front of 53 Christie Retreat as a Parking for Persons with Disabilities Bay

**COMMENTS AND DETAILS**

According to the (Guide to Traffic Management Part 11: Parking Austroads 2008)

***“Efficient Time Limits***

*Generally with adequate enforcement and an efficient time limit results in some parking bays being vacant at any given time, in business districts parking limits of increasing duration are usually applied at increasing distances from the heart of the district. This ensures the highest turnover for the highest demand areas while allowing longer term parking at greater walking distances.”*

Maps of proposed parking amendments are attached at Appendix 3 to this report.

*The determination of additional 2-hour time restricted parking bays*

The construction of 2 alfresco nibs in Avon Terrace has resulted in the loss of a number of 2-hour time restricted parking bays.

It is recommended that Council considers determining 8 existing non-restricted parking bays located in Avon Terrace as 2-hour parking bays to compensate for the loss of the original 2-hour parking bays.

These bays are located in Avon Terrace between Harvey Road and Christie Retreat.

*Changing the determination of the current short-term time restricted parking bays from 10 minutes to 30 minutes*

The increased use of the post office and other facilities within the Town Centre has resulted in longer short term waiting times than the current 10-minute time restricted parking bays allow. It is recommended that Council considers increasing the current 10-minute time restriction to 30 minutes on the three short term parking bays located on Avon Terrace near the post office.

*The determination of more motorcycle parking bays within the York Town Centre*

It is only legal for a person to park a motorcycle in a car parking bay where there is no bay marked "M/C" in the parking region.

At times, it has been noticed that more motorcycles have arrived at Avon Terrace than can be legally parked.

It is recommended that Council considers making a determination that the motor cycle bays located outside of The Palace Hotel in Avon Terrace be extended by a further 3 bays.

*The removal of the Parking for Persons with Disabilities Bay in front of 53 Christie Retreat, York*

It is recommended that Council considers that this parking bay should not continue to be identified as a parking of persons with disabilities bay. No Shire records of the determination of this bay exist.

It is an offence under the *Local Government Act 1995; Local Government (Parking for People with Disabilities) Regulations 2014*, Regulation 8 to identify a parking bay as a permit parking area without written authority of Local Government. This bay was allegedly put in place when Senses (a disabilities services group) was renting the building. A physiotherapist and agricultural consultant are now renting the building.

As this bay was never determined by the Shire, it is recommended that the person with disabilities parking signage be removed and that it revert back to an unrestricted parking bay.

**OPTIONS**

1. Maintain the current number of 2-hour bays within Avon Terrace and keep the short-term parking in front of the post office at 10 minutes.
2. Council may suggest other options to compensate for the loss of numerous 2-hour parking bays and to compensate for what appears to be an inadequacy in the 10-minute timeframe for short term parking bays.
3. Council may wish to make a determination to keep the Parking for Persons with Disabilities Bay in Christie Retreat, however it appears to be unnecessary for the clientele of the nearby businesses and no records exist indicating that it has been authorised by the Shire as such a bay.

## IMPLICATIONS TO CONSIDER

### Consultative

Community consultation was carried out by the Shire's Community Ranger who visited 20 commercial premises located in Avon Terrace.

A Review of Parking arrangements flyer was given to each retailer (see Appendix 1).

The Flyer was accompanied by a survey form to ascertain those in favour or against the proposed parking determinations.

The Ranger explained each proposal in detail and answered questions.

Other than one person objecting to increasing the number of motorcycle parking bays, there was total support from the residents spoken to for the other proposals.

As there is no record of a determination of the parking of persons with disabilities bay located in front of 53 Christie Retreat, this matter was not included in the overall community consultation as it is recommended that this bay be removed.

The residents within the Town Centre were also advised both verbally and on the flyer that further comments could be emailed to [records@york.wa.gov.au](mailto:records@york.wa.gov.au) by 4.00pm Monday 3 February 2020.

No emailed comments were received by the due date.

A survey form was also given to the York Country Women's Association which was received by the Shire on 17 February 2020 (refer Appendix 2). This form was completed by 17 members who were unanimously in favour of extending the 2-hour parking area and increasing the 10-minute parking bays to 30 minutes, however 5 members objected to increasing the motorcycle bays as proposed.

### Strategic

The place to live.

*1.7 Positive, active involved community.*

Strong leadership and governance.

*5.1 Effective and informed decision making.*

### Policy Related

No current policy.

### Financial

The financial implications to Council are the cost of removal of existing signage and the subsequent installation of new signage, the road marking of new parking bays and the continuation of regular parking patrols of the area. It is estimated that these costs will be between \$1,000 & \$2,000 and will be covered within existing maintenance budgets.

A small amount of revenue may be generated with the issue of infringement notices from time to time.

### Legal and Statutory

*Increasing 2-hour parking bays in Avon Terrace by 8 bays:*

#### ***Shire of York Parking and Parking Facilities Amendment Local Law 2013***

*Determination of Parking Stalls*

*Part 2-Parking Stalls and Parking Stations, Section 2.1 Determination of Parking Stalls and Parking Stations, Sub Section 1. Part b and Sub Section 2 of the Councils Parking Local Laws have statutory implications for this proposal as indicated below:*

*1. The local government by resolution constitute, determine and vary-*



- a. *Parking stalls;*
  - b. *Permitted time and conditions and parking in parking stalls which may vary with the locality;*
  - c. *Permitted classes of vehicles which may park in parking stalls*
  - d. *Permitted classes of persons who may park in specified parking stalls; and*
  - e. *The manner of parking in parking stalls*
2. *Where the local government makes a determination under subsection (1), it shall erect signs to give effect to the determination.*

*Increasing Motorcycle Parking by 3 bays:*

***Shire of York Parking and Parking Facilities Amendment Local Law 2013***

***3.2 Restrictions on parking in particular areas***

- (2) *A person shall not park a vehicle—*
- (c) *in a bay marked “M/C” unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle.*
- (3) *A person shall only park a motorcycle, without a sidecar or a trailer, or a bicycle, in a parking bay where there is no bay marked “M/C” in the parking region.*

*The removal of the Parking for Persons with Disabilities Bay in front of 53 Christie Retreat, York:*

***Local Government (Parking for People with Disabilities) Regulations 2014***

7. Standing or parking in permit parking area

A person must not, in a permit parking area, stand or park a vehicle other than an authorised vehicle.

Penalty: a fine of \$2 000.

**Risk Related**

Reputational risk may exist from failing to provide efficient time limits by not replacing the 2-hour parking bays lost by the creation of the alfresco nibs. This may result in a reduced turnover of clients for the central businesses and increased parking congestion.

Failing to recognise that the existing 10-minute short term parking bays need to be designated as a longer term 30-minute restricted parking to meet a changed in community needs may incur some community criticism.

As there is no record of the determination of the Parking Bay for Persons with Disabilities, to allow it to remain in front of 53 Christie Retreat, York may incur some community criticism. As no records exist to indicate that this bay was originally authorised by the Shire of York, it's possible that this bay was not been legally determined.

**Workforce**

Installation of signage and road markings to designate the additional time restricted 2-hour bays.

**VOTING REQUIREMENTS**

**Absolute Majority: No**

**RESOLUTION****070420****Moved: Cr Kevin Trent****Seconded: Cr Stephen Muhleisen****That Council determines, in accordance with Shire of York Parking and Parking Facilities Amendment Local Law 2013;**

- 1. To extend the 2-hour restricted parking bays, hours 8am-5pm Monday to Friday and 8am-12noon Saturday to the Western side of Avon Terrace between Harvey Road and Christie Retreat in Appendix C.**
- 2. To change the existing time restriction of three parking bays located on the eastern side of Avon Terrace near the York Post Office from 10-minute parking to 30-minute parking within the already stipulated hours of 8am-5pm Monday to Friday and 8am-12noon.**
- 3. That the parking bay located in front of 53 Christie Retreat, York is no longer identified as a Parking Bay for Persons with Disabilities and authorises officers to remove this bay and relevant signage.**

***CARRIED: 6/0***

**SY053-04/20 KEEPING OF POULTRY - 32 BOUVERIE RD, YORK**

<b>File Number:</b>	<b>BO2.9340</b>
<b>Author:</b>	<b>George Johnson, Environmental Health Officer</b>
<b>Authoriser:</b>	<b>Darren Wallace, Executive Manager, Infrastructure &amp; Development Services</b>
<b>Previously before Council:</b>	<b>N/A</b>
<b>Appendices:</b>	<b>1. Objections</b>

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

Executive

**PURPOSE OF REPORT**

For Council to consider a request to keep poultry (one rooster) at 32 Bouverie Road, York owned by Mr Peter Olsson.

**BACKGROUND**

The applicant's land is zoned Residential R5 and is 2,413 square metres in area.

Following a written noise complaint received by the Shire on 16 January 2020, Officers investigated the complaint and found the complaint to be justified.

Correspondence was subsequently forwarded to Mr Olsson on 21 January 2020 advising that a complaint had been received and was found to be justified as Mr Olsson had been noted to be keeping roosters without having first obtained Council approval as required by the Shire of York's Health Local Laws.

A search of the Shire's records found that Mr Olsson did apply to keep roosters at his property in 2014. The application process lapsed after a request for further information was sent and no further correspondence was received from Mr Olsson.

A new application to keep one rooster at 32 Bouverie Road, York was received from the owner of this property on 13 February 2020.

**COMMENTS AND DETAILS**

In support of the application, Officers were informed that the rooster has been fitted with a collar which will result in noise attenuation of the rooster in the future.

In order to ascertain the impact of Mr Olsson's request to keep one rooster at 32 Bouverie Road, York, all properties within a 75-metre radius were contacted for comment. This totalled 13 surrounding properties.

Of the 13 property owners contacted, 4 objections were received to this application. Objections are contained in Appendix 1 attached to this report.

Council last considered a similar request in October 2015. At the time, Council refused the application for keeping of any roosters at a larger residential property which was also within the York town site.

Considering the number of objections received and Council's previous decision not to approve a similar application, it is recommended that approval not be given to keep any roosters at 32 Bouverie Road, York.

**OPTIONS**

1. Approve the keeping of one rooster at 32 Bouverie Road, York subject to the Rooster always wearing a restrictive crowing collar.
2. Refuse the application to keep a rooster at 32 Bouverie Road, York.

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

In order to ascertain the impact of Mr Olsson's request to keep one rooster at 32 Bouverie Road, York, all properties within a 75-metre radius were contacted for comment. This included 13 surrounding properties.

Of the 13 property owners contacted, 4 objections were received to this application. Objections are contained in Appendix 1 attached to this report.

**Strategic**

Theme 1: The Place to Live Policy Related.

*1.8 The Shire has a clean, nuisance free and safe living environment.*

**Financial**

Failure to comply with Council approval may result in legal costs to enforce compliance.

**Legal and Statutory**

*Health Act 1911*

*Shire of York, Health Local Laws 2007.*

- *Council approval conditional or otherwise is required to keep any rooster.*
- *An owner or occupier of premises within a townsite shall not keep a combined total of more than 12 poultry and pigeons without the approval of Council, on any one lot of land.*

**Risk Related**

Reputational risk,

- If Council does not approve the request, the Shire could be seen not to support self-sufficiency (breeding of chickens) and property owners' rights.
- If Council approves the request the Shire could be seen not to consider the amenity of neighbours.

**Workforce**

Nil

**VOTING REQUIREMENTS**

**Absolute Majority: No**

**RESOLUTION**

**080420**

**Moved: Cr Pam Heaton**

**Seconded: Cr Ashley Garratt**

**That Council, after considering the community consultation and taking into account the amenity of the area, decline the application to keep one rooster at 32 Bouverie Road, York.**

***CARRIED: 6/0***

**SY054-04/20 MAJOR STRATEGIC REVIEW 2020 - COMMUNITY ENGAGEMENT OUTCOMES**

<b>File Number:</b>	<b>OR.CMA.2.5</b>
<b>Author:</b>	<b>Suzie Haslehurst, Executive Manager, Corporate &amp; Community Services</b>
<b>Authoriser:</b>	<b>Chris Linnell, Chief Executive Officer</b>
<b>Previously before Council:</b>	<b>Not applicable</b>
<b>Appendices:</b>	<b>1. Community Engagement Report 2. Draft York Strategic Community Plan for Public Feedback</b>

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

Executive

**PURPOSE OF REPORT**

This report presents the outcomes of the community engagement undertaken as part the Shire's Major Strategic Review 2020 and the priorities that were identified during the consultation.

**BACKGROUND**

At the Ordinary Council Meeting on 16 December 2019, Council adopted a Community Engagement Plan for the Review (the Plan). The Plan was launched on 26 January 2020 at the Shire of York Australia Day celebrations, included a community survey and culminated in two community workshops held on 11 and 13 February. The Community Engagement Report prepared by Localise is attached at Appendix 1.

This has informed the first draft of the Shire of York Strategic Community Plan which is to be provided under separate cover for Council's endorsement for public consultation.

**COMMENTS AND DETAILS***Community Engagement Outcomes*

The first four pages of the report attached at Appendix 1 contain the executive summary of the outcomes of the community engagement undertaken to inform the Shire's Strategic Community Plan (SCP). The key themes are summarised below.

- The town's heritage, encompassing buildings, Aboriginal and non-Aboriginal history and storytelling etc, is highly valued and a source of community pride as the state's first inland town.
- Agriculture and tourism are rated highly important along with festival and events and the natural environment with a focus on the Avon River.
- There is concern about the economy and jobs for local people (particularly young people) but tourism, business growth and the environment are seen as the top three opportunities for the town in the next decade.
- The three most important focus areas for the next four years are;
  - Economic development, tourism and visitor information services
  - Seniors, disability and youth services
  - Environmental management and the river

- Roads, footpaths and drainage continue to be a priority for a majority of the community.
- Vision statements tended to centre around the priorities outlined above.

#### Draft Strategic Community Plan

The community engagement themes outlined above have informed the draft SCP which is distributed under separate cover. It is proposed that Council endorses this for public consultation to seek feedback and affirmation of the priorities identified.

#### COVID-19 Response and Recovery

In developing the Shire's SCP, the fact that Year 1 and beyond will now be dominated by the COVID-19 response and recovery needs to be considered. This needs a specific focus and plan but this will be incorporated into both SCP and the Corporate Business Plan (CBP).

While COVID-19 doesn't affect the community's ten-year vision and overall priorities for that time frame, it certainly affects the Shire's challenges, opportunities and short to medium term priorities and it will fundamentally change the Shire of York's financial situation in the short, medium and long term. Therefore, Council will have the opportunity to test the COVID-19 response and recovery priorities with the community when feedback is sought on the draft Strategic Community Plan.

### **OPTIONS**

Council could choose not to seek public feedback at this time and instead, put both the SCP and CBP out for public comment at the same time at a later date. However, the Community Engagement Plan adopted by Council includes this step to ensure that the priorities are confirmed before developing the CBP which will include those priorities to be focused on in the first four years.

### **IMPLICATIONS TO CONSIDER**

#### **Consultative**

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

#### **Strategic**

##### *Strong and Effective Leadership*

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

#### **Policy Related**

G2.9 Community engagement and consultation

G4.1 Integrated Planning and Reporting (Planning)

#### **Financial**

The 2019/20 adopted budget includes an allocation of \$30,000 (GL 41124 Strategic Planning) for the Major Strategic Review. Community engagement activities were undertaken within this allocation.

#### **Legal and Statutory**

##### ***Local Government Act 1995***

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

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

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

### **Local Government (Administration) Regulations 1996**

#### **19C. Strategic community plans, requirements for (Act s. 5.56)**

- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

*[Regulation 19C inserted in Gazette 26 Aug 2011 p. 3483-4.]*

#### **Risk Related**

There is a risk that the number of respondents to the survey is not considered sufficient to inform the Review process. However, the majority of the outcomes are consistent with the Shire's previous community engagement activities including the Catalyse Community Scorecard produced in 2018

#### **Workforce**

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

#### **VOTING REQUIREMENTS**

**Absolute Majority: No**

#### **RESOLUTION**

**090420**

**Moved: Cr Kevin Trent**

**Seconded: Cr Pam Heaton**

**That Council receives the Community Engagement Report attached at Appendix 1 to this report and:**

- 1. Notes the outcomes have been used to inform the Shire of York Major Strategic Review.**
- 2. Endorses the priorities contained in the draft Strategic Community Plan distributed under separate cover for community feedback.**
- 3. Requests the Chief Executive Officer to advertise the draft Strategic Community Plan for public comment and provide a report to Council no later than 30 June 2020 on the feedback received.**
- 4. Authorises the Shire President and Chief Executive Officer to make minor changes to the draft Plan prior to advertising if required.**

**CARRIED: 6/0**

*The Chief Executive Officer presented to Council, on the day of the Ordinary Council Meeting, an update to the Office Recommendation with an additional Point 4.*



**SY055-04/20 YRCC MANAGEMENT UPDATE**

- File Number:** CCP.7.1.1
- Author:** Joanna Bryant, YRCC Project Officer
- Authoriser:** Suzie Haslehurst, Executive Manager, Corporate & Community Services
- Previously before Council:** OCM 28 November 2016  
OCM 27 February 2017  
OCM 24 April 2017  
OCM 26 June 2017  
OCM 18 September 2017  
OCM 30 October 2017  
OCM 17 December 2018  
OCM 25 February 2019  
OCM 29 April 2019  
OCM 27 May 2019  
OCM 24 June 2019  
OCM 23 September 2019  
OCM 25 February 2020
- Appendices:**
1. Letter from YCSC 20 March 2020
  2. Sample Management Contract Belgravia
  3. YRCC Public tender - RFT draft scope - Confidential

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

Executive

**PURPOSE OF REPORT**

This report provides a response to the 25 February 2020 Council resolution regarding the York Recreation and Community Centre (YRCC). It also provides recommendations for moving forward during the COVID-19 pandemic.

**BACKGROUND**

At the Ordinary Council Meeting held on 25 February 2020, it was resolved that Council:

1. *Notes the request from the York Community Social Centre Inc to place on hold negotiations regarding the transition of the management of the hospitality functions of the YRCC, pending development of an alternative business model.*
2. *Requests the Chief Executive Officer to:*
  - a) *Undertake the necessary actions to proceed with putting the facilities out for public tender and provide a proposed timeline for Council's consideration.*
  - b) *Inform the York Community Social Centre Inc of the above and invite the association to make a submission as part of the tender process.*

**COMMENTS AND DETAILS***York Community Social Centre Inc.*

Following the February Ordinary Council Meeting, the York Community Social Centre Inc. (YCSC) submitted a letter dated 20 March to the CEO. *See appendix 1 – Letter from YCSC 20 March 2020.*

The letter stated that:

*'The YCSC Committee advise the Shire of York that in light of the current health and economic situation facing the community it is not an appropriate time to consider the transition of the hospitality management of the YRCC, however, the Committee wish to continue to assess the model options as per the (YCSC) Committee Meeting of the 12 March'.*

The CEO was invited to attend the next YCSC Committee meeting on 2 April, however the increased COVID-19 measures reducing the allowed public gatherings to two persons made this meeting impossible.

The YCSC has advised the CEO that they are now not meeting until the threat of COVID-19 has passed.

Outsourced Management Model

Sport and recreation is integral to helping build stronger, healthier, happier, and safer communities and is a key element of the essential services of the Shire of York.

Officers recognise that any outsourced management model will result in an increased cost to the Shire and it is important to determine the best model that will meet the needs of the greatest number of rate payers and provide assurance that the arrangement is sustainable long term to ensure the continued provision of these essential services.

On 4 March, Officers met with [Belgravia Leisure](#) and sought further detail as to their operating model and how they have worked with other local governments, including that of the Merredin Regional Community and Leisure Centre, managed by Belgravia Leisure.

Belgravia remit is to offer professional management of community assets providing mutual benefit to customers and councils on a fee for service basis.

Belgravia offered a sample agreement for review which provides an overview of how the model at Merredin works. See *appendix 2: Sample Management Agreement Belgravia Leisure*

An overview of the operating model is given below:

<b>Shire of York Controls</b>	<b>Contractor Responsibilities</b>
Fee and charges	Participation targets
Opening hours	Financial performance
Branding guidelines	WHS/Quality assurance
Customer service standards	Sales and marketing
Asset management cleaning standards	Program & service delivery
Cleaning standards	Staffing
Programs and service standards	Corporate services

Belgravia advised *'There is often an unnecessary concern that Council will lose control of their assets under an outsourced management agreement. As is outlined in the attached agreement Council would continue to retain control over the elements of the centre's operations that are important to it and the community. Belgravia's approach is to work in partnership with local government to achieve the best outcomes for the community with the roles of each party under a typical agreement summarised in the table below.'*

One of the issues that sporting clubs have repeatedly raised is the concern that if a private organisation controls the use of the tables and chairs in the 'clubroom' then clubs risk being sidelined over more profitable activities.

Specified in any Management Agreement could be that Council appoints the Contractor to provide services at the Centre to cater for all sections of the community as far as is reasonably practicable; Council has final approval of the business plan; the Contractor must ensure that the Centre is open

to users no less than the Minimum Operating Hours agreed; and the Contractor attends monthly meetings with the Council Representative to monitor performance.

In addition, there could be a clause included in the contract that specified specific times of the week that they have exclusive access to sections of the building and equipment. If this was deemed to restrict capacity to generate revenue it would (in consultation with the Shire) be factored into the proposed operating budget.

Finally, Council could consider the inclusion of the Swimming Pool as part of any proposed management model.

#### Public Tender Draft Scope

Officers have commissioned SGL Consulting Group to prepare a scope for the Request for Tender document relating to the management of York Recreation and Convention Centre.

This includes a Request for Tender for the management rights, with suggestions/recommendations regarding the role and responsibilities of Council, local community groups and the successful tenderer, and possible KPIs for the tenderers. See *appendix 3: YRCC Public Tender - RFT draft scope*. This document is marked confidential because it contains information that is not to be released to the general public until the tender goes live.

#### Alternative In-House Management Structure

There is an opportunity at this time to explore an alternative in-house management structure and costings, not only to provide Council with additional options for consideration, but also to provide further comparative data if and when Council chooses to go to market with a tender process.

#### Impact of COVID-19

The York Recreation and Convention Centre and all facilities within the Forrest Oval Precinct were closed to the public at the beginning of April. Some of the York Recreation & Convention Centre staff are currently undertaking cleaning, maintenance and administrative projects at the YRCC and then will be re-deployed, for example to assist with the YORKIND Social Isolation Support Centre.

Stock held in the kitchen has been converted to frozen meals in preparation for emergency needs by community members subject to enforced self-isolation or quarantine.

### **OPTIONS**

Option 1 – Put the facilities out for public tender now

Whilst the groundwork is in place to put the facility out for public tender now, with the current COVID-19 restrictions it may be hard to attract a broad response risking having to redo the process at a later date.

Option 2 – Delay putting the facilities out for public tender until the COVID-19 restrictions are lifted.

Whilst the tender process is paused, other models could be explored further including that of an alternative in-house management structure to run the facility.

Option 3 – Do not put the facility out for public tender.

Council has the option to wait until COVID-19 restrictions are lifted and then continue negotiations with the YCSC and set a timeline for development of a suitable business model.

Option 2 is recommended.

### **IMPLICATIONS TO CONSIDER**

#### **Consultative**

York Community Social Centre Inc.

SGL Consulting

Belgravia Leisure

## Strategic

A review of the YRCC Management was included as a strategic priority in Year One of the Corporate Business Plan 2016-2020 adopted by Council in May 2016. This action was changed to reflect implementations of the new management model in the Corporate Business Plan 2018 – 2022 adopted February 2018. This matter also relates to the following in the Council's Corporate Plan 2018-2022; The Place to Live 1.7 Positive, active and involved community Strong and Effective Leadership 5.1 Effective and informed governance and decision-making

## Policy Related

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

## Financial

Up to \$5,000 was allocated in the 2019/2020 adopted budget for legal costs – to date approximately \$2,350 has been spent.

\$10,000 was allocated in the 2019/2020 adopted budget for start-up support – to date \$1,000 has been spent. A further \$30,000 was allocated as part of the first quarter Finance and Costing Review with Council's resolutions of April 2019.

The RFT scope document is quoted at \$1,000 from SGL Consulting Group.

## Legal and Statutory

### Local Government Act 1995

#### 3.58. Disposing of property (Parts 1, 2 & 5)

(1) *In this section —*

*dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

*property includes the whole or any part of the interest of a local government in property, but does*

*not include money.*

(2) *Except as stated in this section, a local government can only dispose of property to —*

*(a) the highest bidder at public auction; or*

*(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(5) *This section does not apply to —*

*(d) any other disposition that is excluded by regulations from the application of this section.*

*[Section 3.58 amended: No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]*

### Local Government (Functions and General) Regulations 1996

#### 30. Dispositions of property excluded from Act s. 3.58 (Parts 1 & 2)

*(1) A disposition that is described in this regulation as an exempt disposition is excluded from*

*the application of section 3.58 of the Act.*

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*(2) A disposition of land is an exempt disposition if —*

*(b) the land is disposed of to a body, whether incorporated or not —*

*(i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*

*(ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions*

### **Risk Related**

There is financial and reputational risk to the Shire should the transition of management to a new association or management organisation not be successful.

There is reputational risk to the Shire due to the time and focus placed on this issue and damage to the relationship between the Shire and the Sporting community.

### **Workforce**

At the 29 April 2019 Ordinary Council Meeting, Council resolved that the YRCC Project Officer would be made available to assist the new association one day per week for a period of one year.

### **VOTING REQUIREMENTS**

**Absolute Majority: No**

#### **RESOLUTION 100420**

**Moved: Cr Kevin Trent**

**Seconded: Cr Pam Heaton**

**That, with regard to the transition of the management of the hospitality functions of the YRCC, Council:**

- 1. Resolves to delay putting management of the YRCC out for tender until the relevant COVID-19 restrictions are lifted.**
- 2. Requests the CEO to explore an alternative in-house management structure, including costings, while the COVID-19 restrictions are in place.**

**CARRIED: 6/0**

**Disclosures of Interest –**

**Cr Kevin Trent - Financial – I am President of the York Sub-Branch RSL, the Sub-Branch is returning the ANZAC Day sponsorship**

**Cr Pam Heaton – Impartial – I am a Committee Member on the Board of the CRC**

**Cr Ashley Garratt – Impartial – Relationship with the York Community Resource Centres Co-Ordinator**

At 5.30 pm, Cr Kevin Trent left the meeting.

**Cr Heaton read the Impartiality Declaration - ... With regard to Changes to Community Funding: Grants & Sponsorship the matter in Item SY056-04/20 I disclose that I have an association with the applicant (or person seeking a decision). The association is that I'm a Board member of the CRC Management Committee. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.**

**Cr Garratt read the Impartiality Declaration - ... With regard to Changes to Community Funding: Grants & Sponsorship the matter in Item SY056-04/20 I disclose that I have an association with the applicant (or person seeking a decision). The association is a relationship with the York Community Resource Centres Co-Ordinator. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.**

**SY056-04/20 CHANGES TO COMMUNITY FUNDING: GRANTS & SPONSORSHIP**

<b>File Number:</b>	<b>FI.DON; CS.CEV</b>
<b>Author:</b>	<b>Esmeralda Harmer, Events and Economic Development Officer</b>
<b>Authoriser:</b>	<b>Chris Linnell, Chief Executive Officer</b>
<b>Previously before Council:</b>	<b>Not Applicable</b>
<b>Appendices:</b>	<b>Nil</b>

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

Executive

**PURPOSE OF REPORT**

This report provides an overview to Council on the community funding pool and its successful community funding recipients from Council's November 2019 Ordinary Council Meeting.

Council is requested to consider the implications likely to deliver these projects and events prior to 1 July 2020 due to the Coronavirus pandemic (COVID-19).

This report also seeks Council's approval to defer the opening of its April Community Funding round to a later time and incorporate this into the Shire's COVID-19 recovery plans.

**BACKGROUND**

Council's policies C1.3 *Community Funding: Grants and Sponsorship* and C1.4 *Sponsorship of Tourism Events* set out the parameters for Council support of one-off community activities and projects and for determining which tourism events, proposals and applications the Council may sponsor.

Grant funding rounds are offered twice yearly, in April & October, and are open for a four-week application period to all eligible organisations. Eligible applications are then presented to Council at the next available ordinary Council meeting.

The application period is advertised via the Shire’s social media, website/s, media releases and externally through local newsprint and email database circulars to local sporting, community and business organisations.

At Council’s Ordinary Meeting held in November 2019, ten eligible applications were received where it was resolved:

*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.

Due to the COVID-19 pandemic declared on 12 March 2020 and subsequent restrictions on events & mass gatherings, a number of these funded projects are now unable to be delivered before 1 July 2020.

Officers have sought comment from funding recipients to determine what variations are being considered. A status summary is included below:

Recipient	Activity	Status
York District High School	Book awards & presentations	Event delivered – acquittal received
York Patchwork & Quilters	April 2020 Open Day	Event cancelled – returning funds
York Men’s Shed	Assembly of community projects shed	Request for a grant extension until December 2020
York RSL	2020 ANZAC Day assistance	Event cancelled – returning funds
York Family Playgroup	Install of shade sails to Early Years Hub play area	Request for a grant extension until December 2020
York Swimming Club	March 2020 pennants	Event delivered – acquittal received
York CRC	Dec / Jan business & community activities	Event/s delivered – acquittal pending
York Garden Club	2020 Flower Show	Request for a grant extension until December 2020
York Netball Club	Purchase of uniforms	Season cancelled – returning funds
Gooda Judder Aboriginal Corporation	April 2020 Palace of the Stars event	Request for a grant extension until December 2020

## COMMENTS AND DETAILS

In consideration of the current climate, Officers recommend Council considers the requested grant extensions favourably in an effort to:

- Provide a level of surety and support to the community in this difficult time
- Enable groups to utilise the financial support committed as part of the recovery process

Further to this, Officers are seeking Council's approval to delay its next round of funding traditionally offered for application in April to a time to be determined through the Shire's COVID-19 recovery planning process.

It is uncertain at this time when event & mass gathering restrictions will be lifted or the duration of time of the current state of emergency. Deferring the Community Funding; Grants & Sponsorship rounds to later time in the year would enable time for both the Shire and eligible organisations to recover, prepare and adapt their events and activity planning to suit.

## OPTIONS

Council could choose to:

1. Request all funds resolved for support be returned to the Shire. This option does not consider the recovery needs of either the community groups or the Shire and provides no financial certainty for activities, organisations and events to consider.
2. Accept the return of grant funds detailed in the table above and approve the grant extension requests received to allow these groups to deliver their projects at a later time in the 2020 calendar year. This option maintains the current amount of funding available to these community groups whilst maintaining a level of accountability for both parties.

Officers are recommending Option 2 and propose that officers consult with the following to negotiate the grant extension details;

- York Men's Shed
- York Family Playgroup
- York Garden Club
- Gooda Judder Aboriginal Corporation

## IMPLICATIONS TO CONSIDER

### Consultative

Officers have consulted with all successful applicants in preparation of this report. Should Council choose to accept the return of funds from these groups and approve the grant extensions requested, further consultation with the organisations and individuals involved will be required.

### Strategic

The Place to Live

*1.7 Positive, active and involved community*

Strong and Effective Leadership

*5.1 Effective and informed governance and decision-making*

*5.4 Open and accountable systems*

### Policy Related

*C1.3 Community Funding: Grants and Sponsorship*



**C1.4 Sponsorship of Tourism Events****Financial**

The following table is a summary of the financial implications should Council approve the details outlined in this report:

Funding to be returned	Funding extension requests	Funding Acquitted
\$3,078	\$7,500	\$7,290

Officers acknowledge that a carry forward total of \$7,500 will be required to ensure the funds committed by the Shire can be honoured in the new 20/21 financial year.

Should Council also support the deferment of the Community Funding rounds to a later time in the 2020 calendar year, Council will need to consider through the budgeting process an allocation to include specific amounts to honour these funding rounds.

Financial acquittals are still required for all Council funded activities in accordance with *C1.3 Community Funding: Grants and Sponsorship policy, Clause 8, Acquittal*.

**Legal and Statutory**

Nil

**Risk Related**

Should Council choose not to accept the return of funds or approve the grant extension requests, this poses a reputational risk which is considered moderate (6) and a potential financial risk which is also rated moderate (6). Providing clear guidance to recipients ensures that the expectations on both parties are transparent and reduces the risk to ratepayer funds.

**Workforce**

The officer time to administer and monitor the new grant arrangements can be managed within existing resources.

**VOTING REQUIREMENTS**

**Absolute Majority: No**

**RESOLUTION  
110420**

**Moved: Cr Denis Warnick**

**Seconded: Cr Pam Heaton**

**That Council:**

- 1. Accepts the return of Community Funding; Grants & Sponsorship funds as detailed in this report due to the cancellation of these events & projects.**
- 2. Approves grant extensions requested as detailed in this report up until December 2020.**
- 3. Authorises the Chief Executive Officer to defer the Community Funding program until the relevant COVID-19 restrictions have been lifted.**

**CARRIED: 5/0**

**At 5.33pm, Cr Kevin Trent returned to the meeting.**

***The Shire President advised Cr Trent of the Council Resolution.***

**SY057-04/20 NOONGAR STANDARD HERITAGE AGREEMENT - SOUTH WEST ABORIGINAL LAND & SEA COUNCIL AND SHIRE OF YORK**

**File Number:** CS.LCS.13

**Author:** Carol Littlefair, Arts and Cultural Heritage Officer

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

**Previously before Council:** 24 June 2019

**Appendices:** 1. **Noongar Standard Heritage Agreement between South West Aboriginal Land and Sea Council and Shire of York**

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

Executive

**PURPOSE OF REPORT**

This report puts forward a proposal that the Shire of York enters into a Standard Noongar Heritage Agreement with the South West Aboriginal Land & Sea Council, the peak body representing the Ballardong People in this area, to formalise consultation processes and preserve places of Aboriginal cultural significance.

**BACKGROUND**

Under the *Aboriginal Heritage Act 1972 (WA)* the Minister for Aboriginal Affairs and his delegated officers have the responsibility for recording, preserving and protecting places that are of significance in Western Australia. There are responsibilities under the Act for undertaking activities on land that may have Aboriginal cultural significance, with Government Due Diligence Guidelines that should be followed.

[https://www.dplh.wa.gov.au/DepartmentofPlanningLandsHeritage/media/Documents/Information\\_services/Aboriginal%20heritage/AH-Due-diligence-guidelines.pdf](https://www.dplh.wa.gov.au/DepartmentofPlanningLandsHeritage/media/Documents/Information_services/Aboriginal%20heritage/AH-Due-diligence-guidelines.pdf)

The Shire of York owns land, leases land and is responsible for and manages on behalf of the Crown, a number of Reserves and areas of public open space that are likely to have Aboriginal cultural significance. With the creation of the new Trails Masterplan highlighting possible increased use and changes to use of such land, these responsibilities have been brought sharply into focus. On 24 June 2019 Council passed a resolution to undertake a Noongar Cultural Heritage Survey on Wongborel/Mt.Brown.

Although some informal consultation has taken place with the local Noongar community about various matters, it is necessary to formalise this process, utilising the proper existing structure of a Standard Noongar Heritage Agreement.

**COMMENTS AND DETAILS**

The Agreement covers the types of activity which need to be notified through an Activity Notice. Where no previous Aboriginal Heritage Survey has been conducted, there is a presumption that a Survey is required. Most of the Shire-managed or owned open spaces will fall under this category.

There is a standardised procedure for notifying the South West Aboriginal Land and Sea Council (SWALSC) of proposed works, applying for permissions, issuing of Activity Notices and undertaking Heritage Surveys, including the selection of Aboriginal Heritage service providers [anthropologists/archaeologists/liaison officers] and the members of survey consultation teams. These are generally selected by and/or contracted through SWALSC. Reports must be issued in a standardised format and payments made at standard rates. SWALSC will also hold all intellectual property rights to material generated but grants the proponent [in this case the Shire of York] licences

to use the material. There are a number of other matters described fully in the document, but in essence this Agreement formalises and standardises all dealings with land use in relation to Aboriginal cultural heritage matters.

In relation to the Trails Master Plan, this recommends under Objective 1 (1.4) Ensure appropriate engagement with Aboriginal stakeholders is undertaken in all stages of trail development, consistent with relevant legislation and the South West native title settlement. In addition, the National Trust (WA) publication 'We're a Dreaming Country' Guidelines for Interpretation of Aboriginal Heritage (2012) provides ethical guidelines for interpretation processes. Cultural considerations, such as areas for secret/sacred ritual, landmarks with particular significance and oral histories associated with a site are likely to be part of the intangible Noongar heritage of the area and no trails development should take place without full consultation. Undertaking the proper, formal processes of consultation and surveying under a Noongar Standard Heritage Agreement will provide the structure upon which to build better relationships with the Noongar community and protection of Aboriginal heritage. Information which the Noongar community are happy to make available in the public domain [not all information will be so] can then contribute to the broader public understanding of Aboriginal heritage and can empower Noongar tourism-related enterprises.

## **OPTIONS**

Option 1 - Enter into a Noongar Standard Heritage Agreement with SWALSC

Option 2 - Not enter into a Noongar Standard Heritage Agreement with SWALSC

Option 1 is recommended as this will ensure the Shire of York is complying with its obligations under the Aboriginal Heritage Act [and any subsequent review of the Act, pending].

Option 2 is not recommended.

## **IMPLICATIONS TO CONSIDER**

### **Consultative**

Officers have consulted with the Senior Legal Officer at SWALSC and the Senior Heritage Project Officer, Aboriginal Heritage, Department of Planning Lands and Heritage for advice regarding the process.

### **Strategic**

#### **The Corporate Business Plan:**

Economic Development: Theme 3: Prepare a comprehensive Trails Master Plan that incorporates walk, bike, drive, bridle trails, signage and interpretation, 2019/20

Priority Budgeted Strategic Capital Projects; Open Space Assets: Theme 4: Improvement Programme – Mt. Brown, planning phase 2019/20, delivery phases 2020/21, 2021/22

#### **The Strategic Community Plan:**

Revitalisation: Driving the York Economy Forward, in the context of: 'a programme to use the town's strengths, including heritage' and the Key Challenge of Leveraging the 'Leap Forward' in Heritage and Tourism.

Theme 2: A leader in Cultural Heritage and the Environment, particularly:

- 2.1 Aboriginal culture is respected and showcased under the guidance of the Aboriginal community,
- 2.5 The Avon River and river edges are restored to health, have high levels of biodiversity and people are able to use and enjoy both,
- 2.6 The Shire's wildflower and at-risk habitats are protected,
- 2.9 There is a high level of community involvement in heritage and environmental conservation.

Theme 3: Driving the York Economy forward, particularly:

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

### **Policy Related**

CP 1.1 Execution of Documents and Use of the Common Seal

This document requires the Use of the Common Seal. As there is a financial implication it may be considered a Category 1 document under:

Deeds of Agreement and Release in respect of the sale, purchase or **other commercial dealing relating to the Shire's assets, including equitable assets;**

or a Category 2 document, under:

General and legal service agreements not already listed in this policy;

### **Financial**

In the Agreement, Schedule 5 – Costs for Conduct of a Survey indicate the standard rates for various providers and survey participants. Examples are:

Aboriginal Heritage Service Providers [anthropologists/archaeologists etc] – approx. \$1,000 per day

Principal Aboriginal Heritage Consultant [often the senior Elder of the area] – approx. \$1,000 per day

Other Aboriginal Heritage Consultants [Elders/others with local knowledge] – approx. \$500 per day

Please see the Agreement Schedule 5 for fuller details.

### **Legal and Statutory**

Destruction, damage or alteration (impact) to an Aboriginal site without the prior consent of the Minister for Aboriginal Affairs (Minister) is an offence under section 17 of the *Aboriginal Heritage Act (1972)*. (Any ground disturbing works to land can be classified as destruction, damage or impact).

### **Risk Related**

Without a formal consultation and survey process in place the Shire of York runs a major Reputational risk if works are undertaken in areas of public open space that are likely to be culturally sensitive.

It could be possible to cause catastrophic, irreversible damage to an Aboriginal heritage site, which if, as is likely, is a natural landscape feature, so running a critical Environmental risk of irreversible damage.

### **Workforce**

There will be an additional workload for Officers as the liaison processes and administration of Activity Notices, Surveys, etc, are quite complex and time-consuming, although these will be intermittent and project – based and can be managed as such.

## **VOTING REQUIREMENTS**

**Absolute Majority: No**

### **RESOLUTION 120420**

**Moved: Cr Kevin Trent**

**Seconded: Cr Ashley Garratt**

**That Council resolves to enter into a Noongar Standard Heritage Agreement with the South West Aboriginal Land and Sea Council and authorises the Shire President and Chief Executive Officer to affix the Common Seal to the Agreement.**

**CARRIED: 6/0**

**SY058-04/20 EARTHQUAKE MITIGATION PROJECT COLLABORATION AGREEMENT**

<b>File Number:</b>	<b>RS.FES.13</b>
<b>Author:</b>	<b>Carol Littlefair, Arts and Cultural Heritage Officer</b>
<b>Authoriser:</b>	<b>Chris Linnell, Chief Executive Officer</b>
<b>Previously before Council:</b>	<b>24 April 2019 29 July 2019 23 September 2019 25 February 2020</b>
<b>Appendices:</b>	<b>1. Quoin Consulting Report York Residency Museum 2. Letter of Offer of Grant Funding from DPLH</b>

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

Executive

**PURPOSE OF REPORT**

To present for Council's consideration the options for progressing the NRDP 1819-05 Earthquake Building Mitigation Project.

To update Council on the progress of the project. In particular, to put forward the options for retrofit structural reinforcement and conservation works to the Residency Museum as a pilot example for the project and to seek Council's approval for progressing the selected option.

**BACKGROUND**

The Shire of York has been awarded a grant of \$250,000 under the DFES Natural Disaster Resilience Program, to enhance Western Australia's resilience to natural disasters through research into the mitigation of damage to heritage buildings by earthquakes. The grant was formally accepted by Council on 29 July 2019.

At the Council meeting on 23 September 2019, Council requested a Funding Agreement be drawn up that sets out the parameters of the disbursement of grant monies between the collaborating organisations [GeoScience Australia, The University of Adelaide, Department of Planning Lands and Heritage WA, Department of Fire and Emergency Services WA]. This was accepted by Council at the 25 February Ordinary Council Meeting.

As outlined in the previous 25 February Report to Council, further details of likely costs are now available and presented to Council for their consideration.

**COMMENTS AND DETAILS**

The Earthquake Mitigation Project Working Group also undertook a site visit to the Residency Museum to discuss the possibility of undertaking retrofit stabilisation on its chimneys as a pilot project in the 2020/21 financial year.

A specialist Heritage Engineer, Martin Silk of Quoin Consulting was engaged to assess the Residency Museum building, with particular reference to its roof and chimneys. The structural assessment report is included as Appendix 1 to this report.

Shire Officers discussed the report with the Department of Planning Lands and Heritage (DPLH). DPLH stressed the importance of taking the opportunity if scaffolding was in place and roofing removed, to undertake any other major building conservation work required. The Quoin report highlighted several other major conservation concerns about the building structure.

The Earthquake Mitigation project is raising York's profile as a proactive regional Council collaborating with other organisations at the cutting edge of hazard prevention and heritage protection at a National level. Geoscience Australia will be hosting a Parliamentary Lunch event at Parliament House, hopefully in October [postponed from March due to Covid-19], with the aim of increasing parliamentary awareness of Geoscience Australia's work and in particular, some of the impacts and benefits this work is having at the local level. The Shire President is being featured and quoted in relation to this project, to which all Australian MPs and Senators will be invited including the local Federal member for Pearce.

The outcomes of the project are forecast to be publicised at State and National level and will be published and hopefully actioned nationally and possibly internationally. It is in York's interest to be a 'study town' with real, practical examples of the techniques used put into practice here and available for future study by others who can benefit from the applied research.

It is also in York's best interest, as a town with a disproportionately high number of heritage buildings – 31 on the State Register and over two hundred on the Shire Heritage List to address the conservation of one of the State's most important early convict buildings. The Residency Museum is the last remaining part of the York Convict Depot, built 1851-54 and one of very few Convict Depot buildings still in existence in Western Australia.

There is also the more recent consideration of the economic stimulus that will be required for the Shire of York post Covid-19. The retrofit proposals put forward by GeoScience Australia and the University of Adelaide stress the need to upskill the local building trade in work on heritage buildings. Acceptance of this grant offer could provide work for several local tradespeople/firms, including builders, roofers, plumbers, carpenters and painters at a time when it will be sorely needed. Officers consider that this is one of the most cost-effective grant offers to assist the local economy that it is possible to obtain, providing jobs and ultimately saving a priceless tourism asset of State significance for the Shire.

On 14 April 2020 a Letter of Offer of grant funding of up to \$110,000 for the pilot project, subject to 50:50 matched funding from the Shire of York was received from DPLH. The Letter of Offer is attached as Appendix 2

This is a strategic golden opportunity that rarely occurs, as DPLH grant-aid is not normally available to Local Government (only private owners) and is often capped at \$50,000 per State Registered Place.

## **OPTIONS**

Option 1 - To accept the full offer of \$110,000 and provide matched-funding through utilisation of Building Reserve 30, with re-prioritisation of \$42,000 from that Reserve.

Option 2 - Council could prioritise the works and accept a lesser amount of grant funding for a lesser scoped project.

Option 3. Not accept the offer.

Option 1 is Recommended.

## **IMPLICATIONS TO CONSIDER**

### **Consultative**

Consultation has taken place with the Department of Planning Lands and Heritage.

### **Strategic**

The maintenance of built heritage is an important theme in the Council's Strategic Community Plan, particularly:

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 for the care taken by the community of both.

Involvement in this research will develop practical working knowledge about how to mitigate heritage buildings against earthquakes in York.

### **Policy Related**

Not Applicable

### **Financial**

The Quoin Report details projected costs. DPLH stressed the importance of taking the opportunity if scaffolding was in place and roofing removed, to undertake any other major building conservation work required. Scaffolding and labour for same is a major expense in such a project. Replacement of wooden verandah structures is only possible when the roof is off, so it makes sense to undertake these aspects all at the same time. Officers consider that by the use of local tradespeople/firms there will be considerable cost savings, as the Quoin report includes the presumption that accommodation for tradespeople (presumably from Perth) would have to be found. Therefore most, if not all of the identified works can be completed for \$220,000, the joint total from DPLH match-funded by Shire of York.

There is currently \$375,000 in Reserve 30 – Building Reserve.

Of this, there is approximately \$68,000 remaining (untied) that could be utilised to support the Museum Earthquake Mitigation project. In order to match-fund the DPLH offer, re-prioritisation of the Building Reserve 30 will be necessary.

### **Legal and Statutory**

Not Applicable

### **Risk Related**

The consequences of not accepting the grant aid are likely to be moderate to major reputational damage, as defined by the Shire of York Measures of Risk consequence.

### **Workforce**

It is anticipated that apart from engaging specialist external expertise for the Museum retrofit, project management can be undertaken withing the usual work of the Executive Manager Infrastructure and Development Services with support from Officers within that department and the Arts & Cultural Heritage Officer for administration.

## **VOTING REQUIREMENTS**

**Absolute Majority: No**

### **RESOLUTION 130420**

**Moved: Cr Stephen Muhleisen                      Seconded: Cr Kevin Trent**

**That, with regard to the grant offer from the Department of Planning, Lands and Heritage to support conservation works to the Residency Museum, Council:**

- 1. Resolves to accept the Letter of Offer for \$110,000 for this project.**
- 2. Resolves to re-prioritise \$42,000 funds from Building Reserve 30 and include in the draft 2020/2021 budget.**

***CARRIED: 6/0***

**SY059-04/20 APPOINTMENT OF YORK HONOURS REFERENCE GROUP MEMBERS**

<b>File Number:</b>	<b>CS.CCS.3</b>
<b>Author:</b>	<b>Helen D'Arcy -Walker, Council and Executive Support Officer</b>
<b>Authoriser:</b>	<b>Chris Linnell, Chief Executive Officer</b>
<b>Previously before Council:</b>	<b>28 October 2019</b>
<b>Appendices:</b>	<b>1. Nominations Received for the York Honours Reference Group - Confidential</b> <b>2. Updated Terms of Reference</b>

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

Executive

**PURPOSE OF REPORT**

The purpose of this report is to consider the nominations and appointment of community members to the York Honours Reference Group following the disbandment of the group on 27 January 2020.

**BACKGROUND**

Following local government elections in October 2019, Council is asked to consider membership of all Committees and Working Groups at the November 2019 Ordinary Council Meeting. The Shire's policy G2.5 Reference Groups also requires a call for nominations for community representatives.

At the Ordinary Council Meeting in October 2019 Council was requested to re-instate the York Honour Reference Group with the current members until 27 January 2020.

**COMMENTS AND DETAILS**

The York Honours Reference Group consists of 1 Councillor and 6 Community Representatives. The community representatives are made up of 1 representative from the York & Districts Community Bank Branch of Bendigo Bank, 1 representative from the York & District Co-Operative Ltd and 4 members of the community.

Following Australia Day 2020, Officers sought nominations from community members for the York Honours Reference Group in accordance with Council's policy G2.5 Reference Groups by advertising in the York Community Matters newspaper, on the Shire's website and via the Shire's Facebook page.

Four nominations were received from community members for the four available places.

Nominations were received from:

- Mrs Margaret Wallace
- Mrs Bev Penny
- Mrs Gwen Gentle
- Mrs Elaine Ashford

The York & Districts Community Bank Branch of Bendigo Bank representative will remain as Mr Graham Edmonds.

The York & District Co-Operative Ltd representative will remain as Ms Brenda Treloar.

Cr Denese Smythe, Shire President will remain as the Presiding member.



Mr Wayne Collins did not re-nominate for a place on the York Honours Reference Group.

## **OPTIONS**

Council can accept or reject the Officers recommendation. However, if Council rejects any of the nominations then the Shire will need to re-advertise the positions.

## **IMPLICATIONS TO CONSIDER**

### **Consultative**

As outlined above, nominations for the vacant positions were sought via public advertising in the Community Matters newspaper, on the Shire's website and via Facebook.

### **Strategic**

This report addresses the following outcomes of the Shire's Strategic Community Plan

#### *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.
- 5.5 There is a strong collective voice on key issues of concern to the community.
- 5.6 There are high levels of community engagement in decision-making.
- 5.7 The Shire and community exhibit a 'can-do' philosophy.
- 5.8 Communication between the Shire and the community is open, smart, and efficient, uses a range of methods including social media, is factually informative and makes use of collaborative community networks.
- 5.9 Community networks are supported and promoted as a way of increasing people's involvement in civic life.

### **Policy Related**

G2.5 Reference Groups

### **Financial**

Nil

### **Legal and Statutory**

The York Honours Reference Group is not a formally constituted Committee under Section 5.8 of the *Local Government Act 1995*.

### **Risk Related**

Nil

### **Workforce**

Nil

## **VOTING REQUIREMENTS**

**Absolute Majority: No**

**RESOLUTION****140420****Moved: Cr Pam Heaton****Seconded: Cr Kevin Trent****That with regard to the York Honours Reference Group, Council:****1. Appoints the following representatives:**

- Mrs Margaret Wallace**
- Mrs Bev Penny**
- Mrs Gwen Gentle**
- Mrs Elaine Ashford**
- Ms Brenda Treloar – York & District Co-Operative Ltd**
- Mr Graham Edmonds - York & Districts Community Bank Branch of Bendigo Bank**
- Cr Denese Smythe, Shire President – Presiding Member**

**2. Thanks Mr Wayne Collins for his contribution to the York Honours Reference Group over many years****3. Adopts the updated Terms of Reference for the York Honours Reference Group.*****CARRIED: 6/0***

**SY060-04/20 FINANCIAL REPORT FOR MARCH 2020**

<b>File Number:</b>	<b>FI.FRP</b>
<b>Author:</b>	<b>Tabitha Bateman, Finance Manager</b>
<b>Authoriser:</b>	<b>Suzie Haslehurst, Executive Manager, Corporate &amp; Community Services</b>
<b>Previously before Council:</b>	<b>Not Applicable</b>
<b>Appendices:</b>	<b>1. Monthly Financial Statements - March 2020 2. Creditors Payments Listing - March 2020 3. Business Card Statement and Transaction Summary</b>

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

- Legislative
- Review

**PURPOSE OF REPORT**

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

**BACKGROUND**

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

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

**COMMENTS AND DETAILS**

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

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

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

Outstanding Rates and Services

The total outstanding rates balance at the end of March was \$1,404,051 compared to \$1,999,043 as at 29 February 2020. The final instalment was due 20 March 2020 representing the significant reduction between months.

Current Year	Properties	31/03/2020	%	Properties	31/03/2019	%
3 years and over	85	\$413,121.10	29%	67	\$382,056.57	27%
2 years and over	90	\$172,822.15	12%	94	\$203,728.21	14%
1 year and over	128	\$252,525.56	18%	143	\$256,062.21	18%
<b>Total Prior Years outstanding</b>		<b>\$838,468.81</b>	<b>60%</b>		<b>\$841,846.99</b>	<b>59%</b>
Current Rates	772	\$565,581.99	40%	733	\$586,933.45	41%
<b>Total Rates Outstanding</b>		<b>\$1,404,050.80</b>			<b>\$1,428,780.44</b>	

In accordance with Council's Revenue Collection policy, requests for payment arrangements are presented to Council for consideration. Officers are currently managing a number of payment arrangements outside of the ordinary payment options adopted by Council as presented to Council from time to time. In the event a payment arrangement is not entered into, outstanding balances may be referred for debt collection.

In addition to the option to enter into payment arrangements, officers have presented a Hardship Policy for Council's consideration at a Special Council meeting scheduled to be held 21 April 2020 in an effort to help alleviate financial difficulties brought about as a result of the COVID-19 pandemic.

Outstanding Sundry Debtors

Total outstanding sundry debtors as at 31 March 2020 were \$300,638 compared to \$95,437 reported at 29 February 2020. During the month, officers raised the final invoice for the second round of Bushfire Risk Mitigation Activity Funding of \$240,625 with works expected for completion in June 2020. The significant variance between years relates to a long outstanding debt written off by Council resolution in June 2019.

Current Year	31/03/2020	%	31/03/2019	%
90 days and over	\$18,622.01	6%	277,659.19	88%
60 days and over	\$25,816.54	9%	\$5,835.28	2%
30 days and over	\$13,744.50	5%	\$7,029.71	2%
Current	\$242,454.64	81%	\$25,758.37	8%
<b>Total Debtors Outstanding</b>	<b>\$300,637.69</b>		<b>\$316,282.55</b>	

**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  
150420**

**Moved: Cr Pam Heaton**

**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 March 2020 as summarised below:**

**Mar-20**

<b>MUNICIPAL FUND</b>	<b>AMOUNT</b>
<b>Cheque Payments</b>	<b>9,119.76</b>
<b>Payroll Debits</b>	<b>208,119.55</b>
<b>Electronic Funds Payments</b>	<b>224,859.80</b>
<b>Payroll Debits - Superannuation</b>	<b>46,495.04</b>
<b>Bank Fees</b>	<b>1,146.00</b>
<b>Corporate Cards</b>	<b>6.15</b>
<b>Fuji Xerox Equipment Rental</b>	<u><b>236.62</b></u>
<b>Sub total - Municipal</b>	<b>489,982.92</b>
 <b>TRUST FUND</b>	
<b>Electronic Funds Payments</b>	<b>1,187.15</b>
<b>Direct Debits Licensing</b>	<u><b>112,981.95</b></u>
<b>Sub total - Trust</b>	<b>114,169.10</b>
 <b>TOTAL DISBURSEMENTS</b>	 <b>604,152.02</b>

***CARRIED: 6/0***

**SY061-04/20 INVESTMENTS - MARCH 2020**

<b>File Number:</b>	<b>FI.FRP</b>
<b>Author:</b>	<b>Tabitha Bateman, Finance Manager</b>
<b>Authoriser:</b>	<b>Suzie Haslehurst, Executive Manager, Corporate &amp; Community Services</b>
<b>Previously before Council:</b>	<b>Not applicable</b>
<b>Appendices:</b>	<b>1. Investment Register - March 2020</b>

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

- Legislative
- Review

**PURPOSE OF REPORT**

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

**BACKGROUND**

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

**COMMENTS AND DETAILS**

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

- a) Council's Investments as at 31 March 2020
- b) Application of Investment Funds
- c) Investment Performance

**OPTIONS**

Not applicable

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

Standard and Poor's Australia - Global ratings

Financial institutions

**Strategic**

Not applicable

**Policy Related**

Policy F1.4 *Investment*

DE 3-2 Invest Money Held in Municipal and Trust Funds



## Financial

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

## Legal and Statutory

### **Local Government Act 1995**

#### **6.14. Power to invest**

- (1) *Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the Trustees Act 1962 Part III.*
- (2A) *A local government is to comply with the regulations when investing money referred to in subsection (1).*
- (2) *Regulations in relation to investments by local governments may —*
  - (a) *make provision in respect of the investment of money referred to in subsection (1); and*
  - [(b) deleted]*
  - (c) *prescribe circumstances in which a local government is required to invest money held by it; and*
  - (d) *provide for the application of investment earnings; and*
  - (e) *generally provide for the management of those investments.*

### **Local Government (Financial Management) Regulations 1996**

#### **19. Investments, control procedures for**

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

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

- (1) *In this regulation —*

**authorised institution** means —

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

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

(e) *invest in a foreign currency.*

**Risk Related**

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

**Workforce**

Not applicable

**VOTING REQUIREMENTS**

**Absolute Majority: No**

**RESOLUTION**

**160420**

**Moved: Cr Denis Warnick**

**Seconded: Cr Pam Heaton**

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

***CARRIED: 6/0***

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

*Nil*

**11 QUESTIONS FROM MEMBERS WITHOUT NOTICE**

*Cr Kevin Trent –*

*Question 1:*

*With changes to community requirements with COVID-19, will the Shire be opening up the Administration Office to visit, similar to the Bendigo Bank who only allow 1 or 2 people in the Bank at any one time?*

*Response by the Chief Executive Officer –*

*Yes we will. We are planning to open the doors, hopefully, on Thursday. DoT has given permission for licensing to recommence. With gatherings of 10 people being allowed, this should cover the people in the office. We will need to consider hygiene and staff safety. We will also look at opening the bowling greens and tennis courts at the YRCC as per current directives.*

*Question 2:*

*Will the Council allow the public to pay their rates through the Post Office as per the request received from the Post Office?*

*Response by the Chief Executive Officer –*

*The Chief Executive Officer has only had an opportunity to read this request and has not discussed with key Shire staff at this point. The Chief Executive Officer sees this as an administrative matter and will inform Council of the outcome.*

*Question 3:*

*Is there any feedback on the pigeon cull?*

*Response by the Chief Executive Officer –*

*I will defer the question to the Executive Manager Infrastructure & Development Services. The EMIDS replied that at this stage there has been no culling as the contractor is busy with his normal work load. The EMIDS will provide an update at the next briefing session.*

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

*Nil*

**13 MEETING CLOSED TO THE PUBLIC****13.1 Matters for which the Meeting may be closed**

*Nil*

**13.2 Public Reading of resolutions to be made public**

*Nil*

**14 CLOSURE**

*The Shire President thanked everyone for their attendance and closed the meeting at 5.43pm.*

*The minutes were confirmed by the Council as a true and accurate record at the Council Meeting held on 26 May 2020.*

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