



CONFIRMED MINUTES

Ordinary Council Meeting Monday, 28 October 2019

Date: Monday, 28 October 2019

Time: 5.00pm

Location: Council Chambers, York Town Hall, York

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**MINUTES OF SHIRE OF YORK
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, YORK TOWN HALL, YORK
ON MONDAY, 28 OCTOBER 2019 AT 5.00PM**

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

1 OPENING

1.1 Declaration of Opening

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

1.2 Disclaimer

The Shire President advised the following:

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

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

1.3 Standing Orders

Nil

1.4 Announcement of Visitors

Nil

1.5 Declarations of Interest that Might Cause a Conflict

Cr David Wallace - SY149-10/19 - Local Heritage Survey, Heritage List, Heritage Areas & Local Planning Policy Heritage Conservation & Development

Cr Kevin Trent - SY149-10/19 - Local Heritage Survey, Heritage List, Heritage Areas & Local Planning Policy Heritage Conservation & Development

Cr Stephen Muhleisen - SY149-10/19 - Local Heritage Survey, Heritage List, Heritage Areas & Local Planning Policy Heritage Conservation & Development

1.6 Declaration of Financial Interests

Cr Denis Warnick - SY149-10/19 - Local Heritage Survey, Heritage List, Heritage Areas & Local Planning Policy Heritage Conservation & Development

1.7 Disclosure of Interests that May Affect Impartiality

Cr Kevin Trent - SY149-10/19 - Local Heritage Survey, Heritage List, Heritage Areas & Local Planning Policy Heritage Conservation & Development – I am the Chairperson of the York Unity Church, Church Council in Centennial Avenue

Cr Kevin Trent - SY149-10/19 - Local Heritage Survey, Heritage List, Heritage Areas & Local Planning Policy Heritage Conservation & Development – I am President of the York Sub-Branch RSL

2 ATTENDANCE

2.1 Members

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

2.2 Staff

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

2.3 Apologies

Nil

2.4 Leave of Absence Previously Approved

Nil

2.5 Number of People in the Gallery at Commencement of Meeting

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

3 QUESTIONS FROM PREVIOUS MEETINGS

3.1 Response to Previous Public Questions Taken on Notice

Nil

3.2 Response to Unasked Questions from the Previous Meeting

Nil

4 PUBLIC QUESTION TIME

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

6.7 Other procedures for question time for the public

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

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

Public Question Time Commenced at: 5.02pm.

4.1 Written Questions – Current Agenda

Mr Denis Hill

The planning approval for the Allawuna metropolitan waste project expires in March 2020 and in April this year the Minister for the Environment directed the DWER to refer the project to the EPA for a full public environmental review.

Question 1:

To date has there been any contact/feedback from the EPA or DWER to the Shire of York and if so what is the nature of that contact and its affect on the proposal?

Response provided by the Acting Chief Executive Officer:

The Shire received notification that the Minister had directed the EPA to assess the Great Southern Landfill (formerly Allawuna Landfill) proposal. The Shire has had the following contact with the EPA:

- Public consultation on level of assessment. Submission made by Shire recommending level of assessment be public environmental review.
- 26 April 2019 – Notification provided by EPA of:
 - decision to assess proposal as Public Environmental Review and effect of this notice on decision making authorities under s41 the *Environmental Protection Act 1986*.
 - Nomination of Shire of York as a proponent (relevant decision making authority).

- 20 June 2019 – EPA provided a copy of the draft Environmental Scoping Document (ESD) prepared by the EPA Services setting out the preliminary key environmental factors and environmental information the Environmental Review Document must address, and invited the Shire to make comment regarding any studies or investigations which need to be considered for inclusion in the draft ESD, noting that environmental impact assessment needs to focus on plausible environmental impacts and if there were any studies identified that were considered unnecessary.
- Submission made by Shire 27 June 2019. Submission essentially provided a submission giving regard to the coverage of the draft ESD of environmental concerns raised by the community during previous public advertising of the planning applications recommending that the scoping document cover these matters.

Other consultation:

11 April 2019 – Consultation with DWER regarding extension to provide comment on level of assessment. Not supported by EPA.

17 July 2019 – EPA request to provide Shire of York comments to proponent.

Question 2:

To date has there been any contact/feedback from the proponent Alkina to the Shire of York and if so what is the nature of that contact and its affect on the proposal?

Response provided by the Acting Chief Executive Officer:

- 28 August 2019 – Proponent provided written correspondence to the Shire providing an update on the EPA review on some of the points raised by the Shire of York in its response to the draft Environmental Scoping Document and requested a meeting to discuss the points.
- 16 September 2019 – Acknowledgement letter sent by Shire of York.
- 19 September 2019 – Alkina – letter following up response from 28 August 2019 and reiterating request for meeting onsite.
- 3 October 2019 – A meeting was held on site with the proponent, Acting Chief Executive Office, Executive Manager Infrastructure & Development Service and Senior Planner, where the proponent gave an overview of the proposal relating to the Public Environmental Review.

4.2 Public Question Time

Nil

As there were no further questions – Public Question Time concluded at: 5.07pm.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 PRESENTATIONS

6.1 Petitions

Nil

6.2 Presentations

Mr Colin Luelf – Access Option for 961 Talbot Road. (SY152-10/19)

6.3 Deputations

Nil

6.4 Delegates' reports

Nil

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

RESOLUTION

031019

Moved: Cr Kevin Trent

Seconded: Cr Pam Heaton

That the minutes of the Ordinary Council Meeting held on 23 September 2019 be confirmed as a correct record of proceedings.

CARRIED: 7/0

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

9 OFFICER'S REPORTS

Declarations of Interest:

Cr Denis Warnick – Financial – Several land holders contained within the draft heritage list are clients of my business

Cr David Wallace – Proximity – Proximity to a house on Ovens Road opposite the property I own

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

Cr Stephen Muhleisen – Proximity – Owner property (part) in area covered by the survey

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

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

The Acting Chief Executive Officer read the following letter received from the Department of Local Government, Sport and Cultural Industries dated 25 October 2019:

Dear Mr Cooper – I refer to your correspondence dated 23 October 2019 and advise that, in accordance with authority delegated by the Minister for Local Government, I have approved your application, under section 5.69(3)(a) of the Local Government Act 1995 (the Act).

This approval allows disclosing members Cr Warnick, Cr Muhleisen, Cr Trent and Cr Wallace to fully participate in the discussion and decision making relating to the below mentioned item at the Sire's Ordinary Council Meeting of 28 October 2019:

SY149-10/19 – Local Heritage Survey, Heritage List, Heritage Areas and Local Planning Heritage Conservation and Development

Subject to the following conditions"

- 1. The approval is only valid for the 28 October 2019 Ordinary Council Meeting when agenda item SY149-10/19 is considered;*
- 2. The abovementioned Councillors must declare the nature and extent of their interests at the abovementioned meeting when the matter is considered, together with the approval provided;*
- 3. The CEO is to provide a copy of the Department's letter of approval to the abovementioned Councillors;*
- 4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;*
- 5. The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to the Department, to allow the Department to verify compliance with the conditions of this approval, and*
- 6. The approval granted is based solely on the interests disclosed by the abovementioned Councillors, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply. Peter Minchin, A/Deputy Director General - Regulation*

Councillors can now consider the item.

SY149-10/19 LOCAL HERITAGE SURVEY, HERITAGE LIST, HERITAGE AREAS & LOCAL PLANNING POLICY HERITAGE CONSERVATION & DEVELOPMENT

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

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive & Legislative.

PURPOSE OF REPORT

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

BACKGROUND

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

The draft Local Heritage Survey, Heritage List, Heritage Areas and revised Local Planning Policy Heritage Conservation and Development was presented to Council to adopt for the purposes of consultation at its ordinary meeting held on 29 July 2019, where Council resolved that it:

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

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

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

A total of 28 submissions have been recorded, which relate to 35 places. This includes both submissions received in writing, and submissions which have been included by officers to document the outcomes of meetings held with the Heritage Advisor and Senior Planner to inform modifications to the draft documents as discussed in these meetings.

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

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

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

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

COMMENTS AND DETAILS

It is a requirement of the *Heritage Act 2018* that the Shire prepares and maintains a survey of places within its district that are, or may become, of cultural heritage significance. The purposes of a local heritage survey include:

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

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

The Shire's Municipal Heritage Inventory (now called Local Heritage Survey by the *Heritage Act 2018*), adopted by Council in 2008 identified 145 places and two heritage precincts containing 69 places identified as having significance to the precinct (216 places in total). The 2008 inventory replaced the 1995 inventory which identified 142 places and 'Objectives and Guidelines' established in 2000 identifying five heritage precincts covering a much larger area than the two precincts adopted in 2008. In accordance with clause 5.1.2.2 of the Scheme, the Inventory is also the Heritage List.

The Shire's Local Planning Policy Heritage Precincts and Places, adopted by Council at its Ordinary Meeting on 22 September 2008, includes assessment criteria and standards to guide appropriate development within heritage precincts and heritage places on development applications received. Minor updates occurred to the 2008 MHI in 2009 and 2019, which has resulted in 145 places currently being identified, and a further 68 places recognised as having significance to a precinct.

The review of the above documents resulted in a revised Local Heritage Survey, Heritage List, Heritage Areas and Local Planning Policy Heritage Conservation and Development which Council at its ordinary meeting 29 July 2019 resolved to adopt (with modification) for public consultation.

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

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

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

- Letters were sent to Stakeholders (York Society, National Trust etc) and those who have requested to be placed on the Shire's consultation list.
- Notices were placed in a prominent location within affected heritage areas.

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

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

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

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

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

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

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

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

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

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

Recommendation: No change.

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

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

Objections to proposed listings on the basis of alterations being undertaken which has affected significance, additional information on properties for consideration, concerns regarding insurance and impact of listing on property.

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

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

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

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

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

As a result of the Council resolution at Ordinary Meeting 29 July 2019, the place is identified as a Grade C for inclusion on the Local Heritage Survey only, which does not have statutory implications or would result in any development restrictions applying as a result of heritage considerations. The place has been identified by the Shire's Heritage Advisor as having cultural heritage significance to the Shire of York worthy of inclusion on the Local Heritage Survey. Unless Council was to determine that the place is not of cultural heritage significance, it is not recommended that the place be removed from the Local Heritage Survey, as one of the listed purposes of the survey is to provide a cultural and historical record of its district. Removal of a place for reasons other than cultural heritage significance impacts the comprehensiveness and purpose of the survey.

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

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

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

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

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

OPTIONS

The following options are also available to Council:

- Adopt the draft Local Heritage Survey, Heritage List and Local Planning Policy Heritage Conservation and Development with further or alternate modifications;
- Not adopt the draft Local Heritage Survey, Heritage List and Local Planning Policy Heritage Conservation and Development. Not proceeding with a review is not recommended by officers, given the reasons previously listed for undertaking the review.
- Determine that additional consultation is required prior to adopting the documents.

IMPLICATIONS TO CONSIDER**Consultative**

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

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

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

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

Strategic2018-2028 Strategic Community Plan*Theme 2: A Leader in Cultural Heritage and Environment*

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

Particular desired outcomes:

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

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

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

Theme 3 Driving the York Economy Forward:

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

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

2018-2022 Corporate Business Plan

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

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

Draft Local Planning Strategy

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

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

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

Policy Related

There are no other known policy implications.

Financial

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

Legal and Statutory

Heritage Act 2018

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of York Town Planning Scheme No. 2

Risk Related

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

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

that conserves the elements significant to that place and new development being sympathetic to the heritage values of that place.

Workforce

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

VOTING REQUIREMENTS

Absolute Majority: No

RECOMMENDATION

That Council:

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

MOTION

RESOLUTION 041019

Moved: Cr David Wallace

Seconded: Cr Kevin Trent

That Council defer consideration of this item pending a workshop for Councillors to understand the implication of the various documents.

CARRIED: 7/0

Reason – A Workshop to be held so all Councillors (especially the newly elected Councillors) understand the implication of adopting the documents.

SY150-10/19 DEVELOPMENT APPLICATION: SHEDS FOR STORAGE OF PRIVATE ASSETS (USE NOT LISTED): LOT 494 SECOND AVENUE, YORK

File Number:	SE4.9020
Author:	Carly Rundle, Senior Planner
Authoriser:	Darren Wallace, Executive Manager, Infrastructure & Development Services
Previously before Council:	Not Applicable.
Appendices:	1. Location Plan 2. Site Plan 3. Development Application

NATURE OF COUNCIL'S ROLE IN THE MATTER

Quasi-judicial.

PURPOSE OF REPORT

For Council to make a determination on a development application for sheds for storage of private assets (use not listed) at Lot 494 Second Avenue, York.

BACKGROUND

Lot 494 Second Avenue, York is 974m² in area and zoned Rural Residential. The property adjoins a railway reserve to the east and south, is surrounded by land similarly zoned and has access via Second Avenue which connects to North Road.

The property does not contain any existing approved built structures, although is currently being used for the storage of personal assets, which has been the subject of ongoing compliance action by the Shire as development approval has not been issued for the use of the land for this purpose.

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

The landowner has submitted a development application to:

- Construct a 6m by 3.95m (23.7m²) shed to be constructed immediately for personal assets to be stored within.
- Erect five smaller sheds of 4m by 2.5m (10m²) on the property over the next two years.

The sheds are setback a minimum of 5.2m from the railway reserve and 10.2m from Second Avenue. The application proposes to utilise second hand materials in construction, where the larger shed will consist of steel and colorbond sheets painted dark grey on completion. The smaller sheds will be constructed of steel or colorbond sheets and will be painted dark grey on completion. The plans show a future house site, although relevant applications for a single house on the property have not been submitted to the Shire.

A copy of the development application submitted is provided in **Appendix 3**.

In accordance with the Shire of York Town Planning Scheme No. 2 and *Planning and Development (Local Planning Schemes) Regulations 2015*, development approval is required for the use and proposed works. The application has been referred to Council for determination as it is considered this is in the public interest and consistent with the principles of administrative accountability.

COMMENTS AND DETAILS

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

Shire of York Town Planning Scheme No. 2 (Scheme)

The property is zoned Rural Residential and located within the ‘Equine Precinct’. The erection of sheds for storage of personal assets is a use that is not mentioned in the zoning table. Clause 3.2.4 of the Scheme provides that in this instance, the local government may:

- (a) *determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or*
- (b) *determine that the use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of clause 7.2 in considering an application for planning consent;*
- (c) *determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.*

The objectives of the Rural Residential zone in clause 4.13.1 of the Scheme are:

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

The erection of sheds on rural residential properties prior to a dwelling being constructed is common in a rural environment or on rural residential zoned land within the locality, with sheds often erected to store materials to maintain larger land holdings and/or for the purposes of supporting rural pursuit/hobby farm uses occurring on properties which is considered generally consistent with the objectives of the Rural Residential zone.

The proposed development proposes to erect moderately small sheds on the property to store personal assets. The property is located adjoining a railway reserve to the east separating the property from Spencers Brook-York Road. To the west the property adjoins Second Avenue, which is a no through partly constructed road providing access to the property and adjoining properties (all adjoining properties have an alternative road frontage to either Prunster or North Road). Adjoining properties are similarly zoned Rural Residential, with dwellings located over 100m from the property. Whilst the proposed erection of the outbuildings is predominantly for storage of personal assets, the erection of the sheds will assist with maintenance of the property and hobby farm uses and the outbuildings are located and positioned in a manner which is anticipated to be consistent with established amenity of the locality.

Additional provisions of the Scheme most relevant to the development includes the following.

Provision	Proposed Development/Officer Comment
<p><u>4.13.2 General Provisions</u></p> <p>(d) The provisions for controlling subdivision and development in specific Rural Residential zones shall be laid down in Schedule 6 and future subdivision will generally accord with the outline development plan, approved in accordance with Clause 5.10, for the specified areas.</p>	<p>The property is located within the Equine Precinct.</p> <p>The proposed development complies with provisions in Schedule 6 for the Equine Precinct.</p>
<p><u>4.13.3 Site Requirements</u></p>	<p>The front setback is considered to be to Second Avenue. The development proposes a reduced minimum setback of 10.2m to Second Avenue and</p>

<p>The following minimum building setbacks shall apply: Front: 20.0m, Rear: 10.0m, Side: 10.0m</p>	<p>5.2m to the railway (rear or side setback) which is a variation to the scheme. Clause 4.6 of the Scheme gives discretion to modify development standards where the local government is satisfied that:</p> <p>(a) <i>approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality.</i></p> <p>(b) <i>The non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.</i></p> <p>The reduced setbacks are considered consistent with clause 4.6 for the following reasons:</p> <ul style="list-style-type: none"> • Second Avenue is not constructed in this location and if constructed would likely remain a no through road with negligible traffic. • The reduced setback is for a small shed(s) of less than 10m² and shed of 6m by 3.95m; • The reduced setback is not visible from the dwelling on adjoining Lot 10 (which has access from Prunster Road) due to its location on the western side of the property and existing vegetation. • The reduced side/rear setback of 5.2m is to a railway reserve. <p>The reduced setbacks do not have an adverse impact on the amenity of the locality or adjoining landowners and is considered consistent with orderly and proper planning.</p>
<p><u>4.13.4 Development Requirements</u></p> <p>Development in a Rural Residential Zone shall be in accordance with the following:</p> <p>a) Planning consent under the Scheme is required for all development including a single house.</p> <p>c) In order to conserve the rural environment or features of natural beauty all trees shall be retained unless their removal is authorized by the local government.</p> <p>d) In order to enhance the rural amenity of the land in areas the local government considers deficient in tree cover it may require as a condition of any planning consent the planting of such trees and/or groups of trees and species as specified by the local government.</p>	<p>The property is predominantly covered in vegetation, which is the result of revegetation undertaken around 2011. Prior to this the property only contained some substantial trees on the northern half of the property.</p> <p>The sheds may result in some minor modification of vegetation on site although will be minimal and is considered acceptable.</p>
<p><u>4.13.5 Proposed Development</u></p> <p>In considering an application for planning consent for a proposed building (including additions and alterations to existing</p>	<p>The proposed sheds are small in size and area compared to other outbuildings constructed in the locality and have been appropriately located to maintain the amenity of the locality.</p>

<p>development) the local government shall have regard to the following:</p> <p>a) the colour and texture of external building materials;</p> <p>b) building size, height, bulk, roof pitch;</p> <p>c) setback and location of the building on its lot;</p> <p>d) architectural style and design details of the building;</p> <p>e) relationship to surrounding development; and</p> <p>f) other characteristics considered by the local government to be relevant.</p>	<p>Second hand materials of steel and colorbond and tin are proposed for use on the exterior of the shed and are to be painted dark grey. A condition of approval will require further information on the materials to be submitted prior to construction commencing to ensure they are in good condition, and the painting of structures to ensure the finish and colour is consistent with the amenity of the locality.</p>
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Planning and Development (Local Planning Schemes) Regulations 2015

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

g) any local planning policy for the Scheme area.

Local Planning Policy Outbuildings in Residential Zones applies:

Provision	Requirement	Proposed/Officer Comment
1a	Are not attached to a dwelling	Complies. Shed are not attached to dwelling.
1b	Are non-habitable or used for commercial and industrial purposes	Complies. Sheds are proposed for storage of personal assets.
1c & d	Are not within the primary setback area and are setback at least 15m from a side or rear boundary.	The Scheme specifies a minimum side and rear setback of 10m. Refer assessment of street (front) setback above.
2a.	Outbuildings on a rural residential lot that have a combined area not exceeding 200m ² in area of 10 per cent in aggregate of the site area, whichever is the lesser.	Complies. The proposed cumulative area of the sheds will be 73.7m ² .
3a & b	Outbuildings on a rural townsite lot that has a maximum wall height less than 3m and ridge height of 4.2m. An outbuilding on a rural townsite lot that is within 5% of the requirements of the above and the applicant has provided a copy of the proposed plans (including elevations) that have been endorsed in writing indicating on the plans by the affected adjoining property owners(s) indicating that there is no objection to the proposed outbuilding.	Complies. A wall height of 3.15m, and ridge height of 4.05m from natural ground level is proposed for the 23m ² shed. The applicant has provided that the smaller sheds will not exceed an overall height of 2.4m from natural ground level. The application (including development plans) was advertised to all adjoining landowners. No submissions objecting to the proposed development were received.
b) & (c)	(b)second-hand materials may only be used where the materials are in good condition and are sufficient to provide a consistent appearance to the building. Council's Building Surveyor may request a report from a structural engineer for use of second-hand building materials. (c) Materials of low reflectivity should be used to ensure that the structure does not adversely affect neighbours	The applicant proposes to prioritise second hand materials for use in construction. The applicant has provided only high quality and/or properly finished and restored products will be used which will consist of: <ul style="list-style-type: none"> • Steel and colorbond sheets for the 6m by 3.95m shed, which are currently cream in colour. • Smaller sheds will be constructed of unpainted tin.

		<p>All external materials are proposed to be painted dark grey upon completion of each shed. A condition of approval will require further information on the materials to be submitted prior to construction commencing to ensure they are in good condition, and the painting of structures to ensure the finish and colour is consistent with the amenity of the locality.</p>
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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; and n) the amenity of the locality including the following – (i) environmental impacts of the development, (ii) the character of the locality; (ii) social impacts of the development.

The development is considered compatible with its setting and is anticipated to be consistent with the established amenity of the locality and adjoining landowners. There are no adverse environmental or social impacts anticipated as a result of the development.

y) any submissions received on the application.

The application was advertised by way of referral to adjoining landowners. No submissions were received.

za) the comments or submissions received from any authority consulted under clause 66.

Two submissions were received; one from the Department of Primary of Industries and Regional Development (as adjoining landowner of crown land) advising no objections to the development and the other from the Public Transport Authority, the authority responsible for the Railway Reserve advising:

The PTA in consultation with ARC Infrastructure has the following comments to make:

- 1. The five sheds along the rail corridor boundary are planned each with a set-back of at least 5.0m. Due to the close proximity to the rail corridor, the landowner is to ensure that no drainage is to occur into the rail corridor land from the sheds or land improvements.*
- 2. All building materials relating to shed construction are to remain within the property boundary of Lot 494.*
- 3. Access to and from the property is to be via public gazetted road, not via the rail corridor.*
- 4. Property owner to install and maintain adequate fencing along rail corridor boundary to ensure separation from rail land corridor.*

All development is proposed to occur within the property boundary and management of stormwater from sheds onsite will be conditional on approval. Officers consider that the construction of the sheds does not relate to the boundary fencing and as such it will not be a condition of approval. The landowner or the PTA will be able to install or upgrade the boundary fence should they choose to and provided it complies with relevant local laws and legislation relating to fencing.

OPTIONS

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

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

IMPLICATIONS TO CONSIDER

Consultative

The shed was referred to landowners in proximity to the property for comment. One submission was received from the Public Transport Authority which is provided and discussed above.

Strategic

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

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

Policy Related

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

Financial

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

Legal and Statutory

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

Risk Related

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

Workforce

No implications.

VOTING REQUIREMENTS

Absolute Majority: No

RESOLUTION 051019

Moved: Cr David Wallace

Seconded: Cr Kevin Trent

That Council:

Approves the development application for Sheds for Storage of Private Assets (Use Not Listed) at Lot 494 Second Avenue, York, subject to the following conditions:

- 1. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.**
- 2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plan(s) (enclosed), including any notes placed thereon in red by the Shire and except as may be modified by the following conditions.**
- 3. The sheds are not to be used for any habitable purposes whatsoever (Advice Note 4).**
- 4. The sheds are not to be used for commercial and/or industrial purposes.**
- 5. This approval is for the storage of materials or equipment inside of the sheds only.**

6. All stormwater is to be managed on site by the landowner to the satisfaction of the local government.
7. Prior to commencement of the development, the applicant shall submit photos of the second-hand materials to be used for the shed to the Shire for approval.
8. Materials to be used in construction of the sheds shall be in a good condition to ensure a consistent finish.
9. The sheds shall be painted dark grey (or other colour as approved in writing by the Shire), to the satisfaction of the Shire within 28 days of being erected

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: Note: Non-compliance against **CONDITION 3** is an offence against the Public Health Act 1911.

Note 5: The storage of materials outside the shed is not included as part of this approval.

Note 6: This approval is not a building permit. In accordance with the provisions of the Building Act 2011, an application for a building permit must be submitted to, and approval granted by the local government prior to any change of classification or prior to the commencement of any structural works within the development hereby permitted. A building permit is not required for structures which are 10m² or less in area and 2.4m in height or less.

CARRIED: 7/0

SY151-10/19 BUSHFIRE RISK MANAGEMENT PLAN - MITIGATION ACTIVITY GRANT

File Number:	FI.FAG.4
Author:	Darren Wallace, Executive Manager, Infrastructure & Development Services
Authoriser:	Darren Wallace, Executive Manager, Infrastructure & Development Services
Previously before Council:	28 May 2018 26 September 2018
Appendices:	1. Proposed Treatments

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

This report requests that if the Shire is successful in receiving a grant in 2019/20 for Bush Fire Mitigation, Council authorises the CEO to utilise the Department of Fire and Emergency Services' (being a State Government agency) Approved Mitigation Contractors List to source a suitable contractor to implement the second stage of bushfire risk mitigation works in the Shire of York.

BACKGROUND

The Shire has applied for a \$481,250 grant for the bush fire mitigation from the State Government's Mitigation Activities Fund (MAF). A list of the proposed treatments is attached (Appendix 1). The grant funding is to enable the Shire to complete the mitigation works as specified in the Council endorsed Bushfire Risk Mitigation Plan (BRMP). The grant, if successful will also allow the Shire to complete some works that were commenced, but not completed last financial year due to time constraints related to an extended fire season throughout the State.

COMMENTS AND DETAILS

As detailed to Council previously, the adopted BRMP qualifies the Shire to apply to the MAF for monies to assist in mitigation works aimed at reducing the risk to assets within the Shire of York from bushfire. If the Shire's application for funds and is successful then it would be prudent to start works as soon as possible with the aim of completing as much work as possible before the fire season is upon us.

As the works are over the \$150,000 tender threshold and in line with Council's policy F1.2 Procurement, the appointment of a contractor to undertake the mitigation works would normally require a tender process. This would take approximately three months to finalise. Therefore, for the reasons outlined above, it is recommended that the procurement of a suitable contractor be undertaken through the Department of Fire and Emergency Services' Approved Mitigation Contractors List. This is permitted in accordance with Regulation 11(2)(e) of the *Local Government (Functions and General) Regulations 1996* but needs to be approved by Council.

The project is part of the Shire's Corporate Business Plan, however there is no budget allocation in the 2019/2020 Budget. To allow the project to proceed as soon as practicable if the grant is successful, a budget amendment is requested for income and expenditure of a matching value up to \$481,250 being the total grant applied for. As the project is fully grant funded with the income to match the expenditure, there is no change to the budget bottom line.

OPTIONS

Council may:

- approve the utilisation of the Department of Fire and Emergency Services' (being a State Government agency) Approved Mitigation Contractors List to source a suitable contractor to implement the works, as allowed under the *Local Government (Functions and General) Regulation 11(2)(e)* and approve the budget amendment to allow the project to proceed as soon as grant funding is approved.
- determine to run a full tender process in accordance with *the Local Government (Functions and General) Regulations*. This would mean that the budget amendment could wait until after the grant has been approved. However, this would mean that no works would be undertaken before this fire season commences.
- choose to defer its decision pending further information.

IMPLICATIONS TO CONSIDER

Consultative

This funding is as a direct outcome of the Shire of York's BRMP Treatment Schedule following consultation between the Shire of York and the Department of Fire & Emergency Services (DFES) Office of Bushfire Risk Management. In addition, consultation with local community groups has occurred and is ongoing in order to achieve the best possible overall outcome of these works for all members of the community. This has included local ecological groups such as Conserving the Avon River Environment (CARE), York Wildflower Society, the River Conservation Society and Friends of Mt Brown. Further ongoing consultation between all stakeholders including the Indigenous community, contractors, environmental groups, landowners / managers, the Shire of York and the Department of Fire & Emergency Services will be undertaken. The Department of Local Government, Sport and Cultural Industries has confirmed that the Shire can utilise the DFES Approved Mitigation Contractors List, subject to the DFES list having been subject to a selection/vetting process. Therefore, Council can approve the use of the DFES Approved Mitigation Contractors List to source a suitable contractor.

Strategic

The proposal aligns with the aspirations of the Corporate Business Plan: Theme 1 - Open Space Assets Implement Bushfire Risk Mitigation Strategy (dependent on funding)

Policy Related

F1.2 Procurement

Financial

The grant, if successful, provides for the total amount required to complete the approved works. It will also allow for payment of some previously expended funds that were not able to be claimed in the last financial year as that section of works was not complete.

Legal and Statutory

Regulation 11 (2e) provides that: tenders do not have to be publicly invited according to the requirements of this division if the supply of the goods or services is to be supplied or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government.

Risk Related

There is a risk that once the funds are available any delay in implementing this programme could increase the exposure of the community to bushfire risk. Approving the use of a contractor from the DFES Approved Mitigation Contractors List, allows the project to be commenced in a timely manner.

There is also a financial risk that if a section of the works are not fully completed this financial year then none of the monies spent on that section of works can be claimed. The total project has been broken up into small portions to minimise this risk.

Workforce

Nil

VOTING REQUIREMENTS

Absolute Majority: Yes

RESOLUTION**061019****Moved: Cr Kevin Trent****Seconded: Cr Denis Warnick**

That Council notes the need to progress the treatments recommended in the Shire's BRMP if the MAF Grant is a success, authorises the Chief Executive Officer to:

- 1. Amend the 2019-20 budget, if the MAF Grant is successful up to the value of \$481,250, to reflect the income and expenditure resulting from the successful grant, noting a nil impact on the budget bottom line.**
- 2. Appoint a suitable contractor from the Department of Fire and Emergency Services' Approved Mitigation Contractors List in accordance with Regulation 11(2)(e) of the Local Government (Functions and General) Regulations 1996.**

CARRIED BY ABSOLUTE MAJORITY: 7/0

SY152-10/19 ACCESS OPTIONS, 961 TALBOT ROAD.

File Number:	TA2 60726, TA2 627
Author:	Darren Wallace, Executive Manager, Infrastructure & Development Services
Authoriser:	Darren Wallace, Executive Manager, Infrastructure & Development Services
Previously before Council:	? 1996 9.2.9 21 August 2006 SY116-09/18 25 September 2018
Appendices:	1. Access Options

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

To consider a request to open an unused road reserve to the public.

BACKGROUND

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

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

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

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

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

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

- "1. Agrees to progress the evaluation of options for access to 961 Talbot Road and requests officers, after obtaining a road reserve survey at the Shire's cost, to provide a further report to Council detailing the access options and the short term and long term cost and service implications of each option.*
- 2. The report on the options is to be presented to Council on or before the March 2019 Council Meeting."*

COMMENTS AND DETAILS

Due to staff issues and higher priority projects, this follow-up report has been significantly delayed beyond March 2019 as required in point 2 of the Council resolution of 25 September 2018.

The road reserve has been surveyed and the route inspected by Shire staff. A number of issues have been noted that would be required to be addressed, either as part of the construction or in most cases prior to commencement of any construction.

CURRENT ACCESS; The current access is serviceable, the first section off Talbot Road is a right of carriageway located on private property, the final section is Road Reserve no 3979. The Shire does maintenance grade the right of carriageway, as we use it to access Road Reserve 3979 to maintenance grade it. The right of carriageway and the section of Road Reserve 3979 are gravel sheeted and in reasonable condition. There are some minor drainage upgrades required on the road reserve section.

OPTION A; Option A has a significant number of trees in the road reserve that would have to be cleared for the road construction. There is also a large dam that would need to be filled in. Neither Mr Green or Mr Luelf have agreed to fund any of the construction of the road for Option A. So the Shire would have to bear the cost of the road development. This option is more palatable to Mr Luelf than Option B, although his preference is for the current situation to remain.

OPTION B; Option B has a number of trees to be removed, although considerably less than Option A. There is a power pole close to the middle of the road reserve that would need to be relocated. The intersection with Talbot Road does not have great sight distance and would require a detailed design to prove it meets the sight distance safety standards for an intersection.

There are some rocky outcrops that would need to be dealt with and the usual drainage issues to be resolved. However these issues can be dealt with as part of the road design.

The Option B route is substantially located over a gravel out crop and subject to the testing of the gravel, it maybe a suitable road building material. This would save considerable cost in building the road.

The road reserve splits Mr Luelf's properties and he has been using the road reserve in conjunction with his properties on either side. If the development of this road was approved Mr Luelf would be ultimately responsible to ensure any fencing required was in place.

Mr Luelf has presented the following reasons for not allowing the construction of this road.

- *Mr Green already has a safe legal easement for part of the access to his property.*
- *In his application he states 5 landowners want this new roadway. This is not so as at least 2 already have other road entrances. Only 3 landowners (not as Mr Green states in his application) would have any use of this road.*
- *Mr Green has another 2 surveyed roads to his property and the one from Kittlers Road would be easier to construct and not cut perfectly good paddocks in half, as would be the case if he constructs the road through our property. The other surveyed road is from Talbot Hall Road. This is shown on maps from Landgate.*
- *This proposal has implications for severe erosion as the terrain is up a long steep hill. A number of ancient powder bark trees will have to be removed and in this day of climate change every tree removed is bad for the environment and air quality. Drainage will be required.*
- *Also there is the inconvenience of splitting the paddock and the costs of fencing each side that will be incurred by us.*
- *The safety of the intersection of the proposed road with Talbot Road and lack of sight distance.*
- *The proposed road will deplete the divided paddock of water supply on one side and access. Loss of ability to farm successfully. The best section of the property is where the road will be.*

Mr Luelf raises a couple of issues such as drainage, the intersection safety and tree removal that have already been mentioned. These should be dealt, by seeking approval for the tree removals and detailed design of the road and drainage prior to any works on site occurring.

The road reserve has been in place for a long time and Mr Luelf has been aware of its existence. Shire officers understand that Council has previously, possibly in 1996, considered closing the road and returning the land to the State for it to on sell, however this did not eventuate and the Council at

the time determined to leave the road reserve in place. This does not mean that if Council considers that the issues relating to the use of the land for farming outweigh the benefits/landowners rights in providing the road, Council could not reconsider the closing of the road reserve.

If Council were to approve the building of the road Option B, it is recommended that it be treated as any other new road construction and that a full design and specification be submitted and approved by the Shire before any physical works on the road are approved. It is recommended that the road design and construction would be required to meet both the Institute of Public Works Engineers, Guidelines for Subdivisions (roads) and the Australian Road Research Boards Unsealed Roads Manual”.

If Council does not proceed with approving the road construction then it is recommended that the Council considers the formal closure of the road. This can be done in two ways.

- A closure of the gazetted road reserve under the *Land Administration Act 1997*, which would see the land handed back to the State Government as an unallocated reserve. They would then look at selling the land.
- A closure under the *Local Government Act 1995*, which leaves the road reserve gazetted in place, but the road is closed to the general public. Note the Shire would not be able to lease the road reserve, only the State Government can do that.

ALTERNATIVE OPTION; One other alternative, previously approved by Council is the dedicate the existing right of carriageway as road reserve.

At the Council meeting of 21 August 2006, Council Resolved;

“That Council advise the applicants that it supports the dedication in accordance with Appendix C subject to:

- 1. The applicants initiating the survey and subdivision and payment of all costs at their expense; and*
- 2. The effected properties to be fenced or refenced at their costs.”*

This proposal did not proceed and the reason is unknown. The ownership of the land on which the right of carriageway is located has changed hands since this resolution.

This could be a solution to the access issue, however, unless there is an additional requirement for the road to be upgraded to current standards (at no cost to Council), the Shire would inherited a substandard road.

COST TO THE SHIRE; Mr Green has offered to build the road to the Shire’s standards. To ensure that Mr Green is fully aware of the costs involved it is recommended that the Shire requires Mr Green to develop a full road design prior to commencing any work on site. This would need to be approved by the Shire and Mr Green would need to provide the Shire with a fully costed works program based on the accepted design. While this may appear to be excessive for a road that services only a few properties, the road will be open to the public and the Shire needs to ensure that the road, as a new development, is to current standards. Having the road built to current standards will also reduce the maintenance requirements (and costs) in the future. If Mr Green knows the full cost before he starts it will guard against him starting works and pulling out partway through if the costs are significantly more than he had envisaged. It is therefore considered that the construction of the road, if it proceeded, would be at no cost to the Shire.

The Shire would be responsible of ongoing maintenance, maintenance grading, verge spraying, culvert cleaning etc. The Shire would also be responsible for the asset replacement, gravel resheeting, culvert replacement etc.

If the road is built, the Shire will be able to include the road on our road inventory. This would very marginally increase our Road component of the Federal Assistance Grant and our Main Roads Direct Grant. It would increase our Roads To Recovery grant in the next 5 year round which commences 2024/2025. However, these increases would not cover the cost of one maintenance grade a year.

There would be some saving from our current maintenance cost as we maintenance grade the right of carriageway. However, the new road is slightly longer than the right of carriageway and would

therefore cost more to maintenance grade. The Shire has responsibility for resheeting the right of carriageway.

If the new road is built, even at no cost to the Shire and to current standards that reduce the ongoing maintenance, the Shires annual maintenance costs would increase slightly, but this would be partially covered by increased income. However, there would be a substantial cost in replacing the asset (gravel resheet) at some time in the future.

OPTIONS

Not precede with actioning Mr Green's request and the existing access arrangements continue as is. To clarify the status of the unused road reserves Council should undertake a road closure process either under the *Land Administration Act 1997* or under the *Local Government Act 1995*.

Agree to the opening of the Road requested by Mr Green with conditions that the road is developed to the appropriate standard at no cost to the Shire and requiring Mr Green to provide detailed road designs for the Shire's approval and a costed works program prior commencing any works on site.

Further investigate the possible dedication of the existing Right of Carriageway of a Road Reserve.

IMPLICATIONS TO CONSIDER

Consultative

There has been extensive consultation with Mr Luelf, whose property the road reserve runs through and Mr Green on behalf of the other affected landowners. Details of this consultation is included in the body of the report.

Strategic

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

Policy Related

There are no policy implications as a result of the officers recommendation

Financial

These are detailed in the body of the report. The initial road construction, if approved, is recommended to be at no cost to the Shire. The maintenance cost going forward would be of little change considering additional income. There would be a significant long term cost to the Shire for the asset replacement.

Legal and Statutory

The Shire has road maintenance and management functions as per the *Local Government Act 1995* and its subsidiary legislation.

If Council were to proceed with road closures these would be undertaken in compliance with the *Local Government Act 1995* or the *Land Administration Act 1997*

Risk Related

There are risks to public safety if the road is not built to the correct standards. This can be mitigated by requiring detailed design drawings and specifications (including quality control measures that will be in place to ensure the works are completed to the design) to be submitted and approved prior to commencement of any works.

There is a financial risk in increased maintenance if the road is not built to the correct standards. This can be mitigated by requiring detailed design drawings and specifications (including quality control measure that will be in place to ensure the works are completed to the design) to be submitted and approved prior to commencement of any works.

SY153-10/19 REQUEST FOR SPONSORSHIP - 2019 SENIOR CITIZEN APPRECIATION DAY

File Number:	CS.SSP.4
Author:	Esmeralda Harmer, Events and Economic Development Officer
Authoriser:	Suzie Haslehurst, Executive Manager, Corporate & Community Services
Previously before Council:	SY143-10/18
Appendices:	1. 2019 Seniors Appreciation Day Funding Request 2. Acquittal 2018 Seniors Appreciation Day

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

This report presents for Council's consideration a request for support to hold a Seniors Appreciation Day event in November 2019 at the Old York Mill.

BACKGROUND

For many years, Mrs Margaret Hewitt organised an annual event to recognise seniors in the form of a catered lunch and entertainment at the York Town Hall. The event is valued by the community with between 100 and 150 seniors participating each year.

Historically, Council has provided in-kind support to the event including hire of the Town Hall (\$661) and catering totalling \$2,391 in 2017 and \$2,000 in 2018.

In late 2017, Mrs Hewitt announced that she would not be hosting the event anymore. In February 2018, Mr Mark Lloyd informed officers that he would be assuming responsibility for organising the event. At the meeting, officers agreed to provide a reconciliation of the trust account and it was agreed that Mr Lloyd would open a bank account to administer the funds in future. Officers recommended that an application be submitted to the Shire's April 2018 Community Sponsorship round should Mr Mark Lloyd wish to seek the Shire's support for the 2018 event in November.

For various reasons, Mr Lloyd was unable to submit an application to the Community Sponsorship round that closed in April. As the second funding round closes at the end of October for consideration by Council at the November OCM, this would be too late to consider the funding request before the event occurred.

At a meeting held in October 2018, Mr Lloyd requested Council to consider support of \$2,000 for catering for the November 2018 event.

At Council's 2018 October OCM Council resolved the following:

- 1. Approves sponsorship of up to \$2,000 for catering of the 2018 Seniors Appreciation Day to be sourced from GL 4112 Public Relations.***
- 2. Requests the applicant to provide an event acquittal within three months of the event taking place.***
- 3. Notes that a further payment of \$789.06 will be made to support the event, representing the balance of trust account T41 as attached at Appendix A to this report.***
- 4. Resolves that any further support for this annual event will be considered in accordance with Council's Community Funding: Grants and Sponsorship Policy."***

In late May 2019, Officers received a community funding application from Mr Lloyd for the 2019 Seniors Appreciation Day. The application was received after the April 2019 Community Funding round closed and could not be considered by Council as part of the **SY066-05/19 Community Funding Applications** report included in the May 2019 agenda.

In July, Officers sought additional information from Mr Lloyd including:

- acquittal documents from the 2018 event
- the date for the 2019 event
- confirmation of other funding sought to support the event

The details requested were received in October this year, with Mr Lloyd confirming the date of the event for 12 November. The acquittal of the 2018 Seniors Appreciation Day is attached as **Appendix 2** to this report.

COMMENTS AND DETAILS

This annual event is well regarded by the community with positive feedback received each year. Furthermore, the Shire's support of the event is in accordance with the Shire of York Age-Friendly Community Plan adopted in 2017, in particular the goals relating to *Social Participation* and *Respect and Inclusion*.

Officers are therefore recommending that Council supports this request to enable the event to be held this year and to support a community member who has stepped up to continue the event for the benefit of York's seniors.

However, officers also recommend that Mr Lloyd be required to make an application as part of the Shire's Community Sponsorship Program for all future Seniors Appreciation Days.

Considering this application individually prior to the community funding applications could reduce Council's opportunity to give equal consideration to funding applications of a similar nature.

It should be noted that there are other events being held during 2019 Seniors Week in York. These include a senior's medical information day organised by the Community Resource Centre, a luncheon at Balladong Lodge and at the end of November, York Home and Community Care Services will conduct a bus trip to Perth for interested seniors.

Should Council choose not to support the Officer recommendation, Officers believe that there would be alternate senior activities available for the York community to participate in. Equal measure however should be also given to the popularity of the Seniors Appreciation Day and the continued efforts of the volunteers involved in coordinating the event.

OPTIONS

Council could choose not to support the event this year, as the applicant has not met previous recommendations made by Council in 2018 which include the deadline for submission of financial acquittals and making application through the Community Funding rounds available.

However, this would mean that while the event could still occur, there would be a financial risk to the organisers.

IMPLICATIONS TO CONSIDER

Consultative

Mr Lloyd has liaised with the Old York Mill, Bendigo Bank and York IGA to seek sponsorship for the event.

Strategic

The Place to Live

1.2 *Older citizens feel safe and valued*

SY154-10/19 YORK HONOURS REFERENCE GROUP

File Number:	CS.CCS.3
Author:	Helen D'Arcy -Walker, Council and Executive Support Officer
Authoriser:	Suzie Haslehurst, Executive Manager, Corporate & Community Services
Previously before Council:	Not Applicable
Appendices:	Nil

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

The purpose of this report is to request the Council to re-instate the current York Honours Reference Group up until and including Australia Day 2020. This will give continuity to the arrangements for the Australia Day Awards and Australia Day celebrations.

BACKGROUND

The Australia Day Awards nominations open on 1 September and close on 31 October. The York Honours Reference Group holds a meeting in early November to select the recipients of each award from the nominations received. A report is prepared and presented to Council at the November Ordinary Council Meeting. All winning recipient names are to be forwarded to Auspire – The Australia Day Council (WA) in early December for certificates and medallions to be prepared and sent back to the Shire by early January in time for the Australia Day celebrations on 26 January 2020.

The York Honours Reference Group consists of the following;

- Shire President
- Representative of the York Branch of Bendigo Bank
- Representative of the York & Districts Co-operative Board
- 4 x Community member representatives

Following local government elections, at the November Ordinary Council Meeting, Council is asked to consider membership of all Committees and Working Groups and to appoint elected members to them. The Shire's policy G2.5 Reference Groups also requires a call for nominations for community representatives. This means that potentially, the York Honours Reference Group membership could change at this time, disrupting the process outlined above.

COMMENTS AND DETAILS

Officers are proposing that Council agrees to reinstate the current members of the York Honours Reference Group until 27 January 2020 to ensure continuity and to enable the awards process to be implemented in a timely manner. Following Australia Day 2020, officers will seek nominations for the York Honours Reference Group in accordance with Council's policy G2.5 Reference Groups and prepare a report to Council seeking appointment of members.

OPTIONS

Council could choose to re-instate the current York Honours Reference Group members until the 27 January 2020 or have the Reference Group disbanded as per the *Local Government Act 1995* Section 5.11 (2)(d).

IMPLICATIONS TO CONSIDER**Consultative**

Policy G 2.5 Reference Groups requires the Shire to call for nominations via public advertising for a defined period.

Strategic

Theme 1: The Place to Live

1.7 *Positive, active and involved community*

Theme 5: Strong and Effective Leadership

5.6 *High levels of community engagement*

Policy Related

C 1.2 Australia Day Awards

G 2.5 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**091019****Moved: Cr Kevin Trent****Seconded: Cr Pam Heaton****That Council:**

- 1. Re-instates the York Honours Reference Group with the current members until 27 January 2020 after which the Group will be disbanded.**
- 2. Requests the Chief Executive Officer to;**
 - (a) Call for nominations to the York Honours Reference Group publicly for a period of 14 days following disbandment of the current Group; and**
 - (b) Submit all nominations for Council to determine appointment to the York Honours Reference Group.**

CARRIED: 7/0

SY155-10/19 OUTSTANDING RATES AND SUNDRY DEBTS - DEBT RECOVERY

File Number:	FI.DRS.2, FI.DRS.3, FI.DRS.4, FI.DRS.5
Author:	Anneke Birleson, Finance Officer (Rates & Debtors)
Authoriser:	Suzie Haslehurst, Executive Manager, Corporate & Community Services
Previously before Council:	27 May 2019
Appendices:	1. Summary - Outstanding Rates and Charges - Confidential 2. Summary - Outstanding Sundry Debts - Confidential

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

The purpose of this report is to provide Council with an update regarding current outstanding rates, charges and sundry debts for the period ending 30 September 2019.

This report seeks confirmation and direction from Council regarding the recommended courses of action to be taken against defaulting rate payers and sundry debtors.

BACKGROUND

Council has a significant number of outstanding rates and sundry debts.

Council's Policy *F1.1 Revenue Collection* adopted on 27 June 2016, outlines the legal recovery process. A number of instances have been identified when Council is to be informed and to approve the officer's recommended step for debt recovery.

On 18 September 2017, Council awarded the tender for debt collection services to CLI Lawyers Pty Ltd (previously Milton Graham Lawyers). Debts are initially referred to Milton Graham (previously Dun and Bradstreet) for pre-legal steps including phone calls, emails and a demand letter. There is no cost to the Shire or the debtor for this stage.

Where all pre-legal collection efforts result in no success, debts are then referred to CLI Lawyers for their recommendation, usually resulting in the commencement of legal action. The legal process can take time, therefore it is important for officers to be able to refer these as soon as possible for action.

COMMENTS AND DETAILS

Attached to this report is a confidential summary of all outstanding sundry debts and outstanding rates and charges. The documents include recommended strategies for implementation to recover amounts owing for Council's consideration and approval.

Sundry Debts

There are three sundry debts that have been outstanding in excess of 1,000 days. Two of them have proceeded to legal action, with one of the debtors requesting a payment arrangement. This debtor's payments will be monitored and legal action progressed if they default. The other debtor indicated they would like to make an arrangement and paid a small amount in July 2019, however, no further payments have been made. They are a pensioner and officers believe it is unlikely they have the

means to pay the debt. Therefore, to prevent further legal costs, officers intend to prepare a report for Council to consider writing off the debt.

The third matter relates to an animal control matter. The debt has been referred for pre-legal debt collection and the debtor refused to pay. The majority of the debt relates to court imposed fines and costs, therefore, officers are recommending the debt is referred to the Fines Enforcement Registry and the remaining balance be handled either via legal action or written off under Delegation 3-4.

There are four (4) outstanding sundry debts that are recommended to be referred for pre-legal debt collection after 31 October 2019, if the balances are still outstanding. One (1) outstanding debt is recommended for immediate referral.

The remaining outstanding sundry debts either have a payment arrangement in place, require officer action or require further contact attempts by officers prior to debt collection being recommended.

Rates and Charges

Pursuant to Section 6.64 of the *Local Government Act 1995* (the Act), there are currently two (2) properties in the sale of land process, both are due to settle within the next month. There is one (1) property where legal action has been exhausted and the only option now is to proceed to sell the land under the Act. Officers will present a report to Council in November for this matter.

There are two properties, known to be under possession of the mortgagees. The Shire must wait for the mortgagee to sell these properties, no legal action can be taken.

There are 35 properties where the owner is in liquidation. The Shire cannot take legal action on these properties and the liquidator has disclaimed the properties. Therefore, unless the mortgagees take possession to sell them, Council's only option is to take possession with the purpose of leasing or selling them. However, the outstanding debts, including water charges and strata levies are greater than the current sale prices of similar properties. Due to the complexities of these debts, the Shire has sought legal advice from its debt collection service provider and once the advice is received and reviewed, a report is to be presented to Council with options moving forward.

In addition, officers have recently received a settlement offer from a mortgagee for 17 of these liquidated units and this offer is subject of another Council report as acceptance of the offer will involve a substantial write off.

There are 18 debts where legal action has commenced and the recommendation is to continue with legal action, based on recommendations from CLI Lawyers. Five (5) additional properties are now being recommended for legal action to commence.

There are at least two (2) properties where the mortgagee is now in possession. Once a mortgagee is in possession there is not much the Shire can do other than wait for sale or payment by the mortgagee. There may be circumstances where the Shire can proceed under Section 6.64 of the Act but requires approval of the mortgagee to do so.

There are 327 properties where pre-legal action is recommended to continue or commence. The majority of these are where no payment has been received as at 30 September. Not all of these may require referral as the balances may be paid prior to this report being considered and in some cases, contact from an officer may prompt payment. They have been flagged for pre-legal so officers can refer them, if required after 31 October 2019.

Officers have included a list of outstanding rates for pensioners. Officers have identified five (5) properties where the ratepayer has a registered pension or senior card but is not eligible to defer and is not making any payments. Officers are recommending pre-legal debt collection is commenced, however, prior to referral officers will send a letter and attempt telephone contact in an attempt to offer the opportunity to make arrangements. In addition, only the arrears will be referred, due to the ratepayers' ability to receive a rebate on the current rates and Emergency Services Levy.

There are 27 properties with current payment arrangements (not instalments), approved under Delegation 3-3 or by Council Resolution. Officers continue to monitor the payments made and contact debtors if they default on the arrangements.

In accordance with Council Policy F1.1, once legal action is initiated the Chief Executive Officer will monitor the process and make decisions regarding courses of action, unless there is an issue that requires Council input, such as proceeding to sell land under a Property Seizure Sale Order or actions taken under Section 6.64 of the Act.

OPTIONS

Council could choose to alter the recommended course of action for any of the properties listed. However, officers have made the recommendations based on the level of debt and knowledge of the ratepayer's history and likelihood of payment without legal action being initiated.

IMPLICATIONS TO CONSIDER

Consultative

CLI Lawyers (previously Milton Graham Lawyers)
Milton Graham (Previously Dun and Bradstreet)
Baycorp

Strategic

Theme 5: Strong Leadership and Governance

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

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

Policy Related

F1.1 Revenue Collection

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

Financial

As at 30 September 2019 the amount of outstanding rates and charges was \$3,883,339.11 not including payments in advance. This includes those on instalments and pensioners.

As at 30 September 2019 the amount of outstanding sundry debts was \$128,263.77.

Legal and Statutory

Local Government Act 1995

Subdivision 5 — Recovery of unpaid rates and service charges

6.55. Recovery of rates and service charges

- (1) *Subject to subsection (2) and the Rates and Charges (Rebates and Deferments) Act 1992 rates and service charges on land are recoverable by a local government from —*
 - (i) *the owner at the time of the compilation of the rate record; or*
 - (ii) *a person who whilst the rates or service charges are unpaid becomes the owner of the land.*

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

6.56. Rates or service charges recoverable in court

- (1) *If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction.*
- (2) *Rates or service charges due by the same person to the local government may be included in one writ, summons, or other process.*

Subdivision 6 — Actions against land where rates or service charges unpaid

6.64. Actions to be taken

- (1) *If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —*
 - (a) *from time to time lease the land; or*
 - (b) *sell the land; or*
 - (c) *cause the land to be transferred to the Crown; or*
 - (d) *cause the land to be transferred to itself.*
- (2) *On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.*
- (3) *Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.*

Risk Related

The current situation can be assessed as follows:

The Financial Impact is Extreme (5)

The Likelihood of Recurrence is currently likely (4).

This results in an Extreme (20) Risk to the Shire of York.

This assessment may be significantly reduced depending on the success of the debt recovery process. The risk is mitigated by having a debt recovery policy and procedures in place. Engaging CLI Lawyers also ensures the Shire has relevant legal advice. Unfortunately, despite the Shire's best efforts to recover debts there are often factors outside of the Shire's control resulting in some debts becoming irrecoverable.

Workforce

Due to the current level of debt, the debt recovery process has a significant impact on the existing workforce. However, being able to refer debts for pre-legal collection action and subsequent legal action reduces this demand to ongoing monitoring and decision making.

VOTING REQUIREMENTS

Absolute Majority: No

**RESOLUTION
101019****Moved: Cr Kevin Trent****Seconded: Cr Pam Heaton****That Council:**

- 1. Receives the current summary of Outstanding Rates and Sundry Debtors as at 30 September 2019 attached to this report as Confidential Appendices 1 and 2 and notes the work undertaken by officers to date to recover outstanding monies owed to the Shire.**
- 2. Approves the recommendations contained in Confidential Appendix 1 – Outstanding Rates, noting that;**
 - (a) in two (2) instances, the Shire will continue with actions in accordance with Section 6.64 of the Local Government Act 1995;**
 - (b) in twenty three (23) instances, the Shire will continue or commence legal action;**
 - (c) in 332 instances, the debts are to be referred for pre-legal debt collection, if the balance is greater than \$500.00 and no arrangements are in place, after 31 October 2019.**
- 3. Approves the recommendations contained in Confidential Appendix 2 – Outstanding Sundry Debtors noting that in five (5) instances the debtor is to be referred for pre-legal debt collection.**

CARRIED: 7/0

SY156-10/19 OUTSTANDING RATES AND CHARGES - PAYMENT AGREEMENTS

File Number:	FI.DRS.3.1
Author:	Anneke Birleson, Finance Officer (Rates & Debtors)
Authoriser:	Suzie Haslehurst, Executive Manager, Corporate & Community Services
Previously before Council:	23 September 2019
Appendices:	1. Summary of Agreement Applications - October 2019 - Confidential

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

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

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

BACKGROUND

At the Ordinary Council Meeting held on 25 February 2019, Council resolved to accept a revised Finance Policy F1.1 Revenue Collection.

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

COMMENTS AND DETAILS

Council has considered twelve (12) applications for the 2019/20 financial year.

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

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

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

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

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

OPTIONS

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

IMPLICATIONS TO CONSIDER

Consultative

Not Applicable

Strategic

Theme 5: Strong Leadership and Governance

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

Policy Related

F1.1 Revenue Collection

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

Financial

The total debt associated with the payment arrangements relating to rates and charges, as at 2 October 2019 is \$4,374.24.

This represents approximately 0.1% of the outstanding rates and charges as at 30 September 2019.

The total debt associated with the payment arrangement relating to sundry debts is \$1,252.50, representing approximately 0.9% of the outstanding sundry debts as at 30 September 2019.

Legal and Statutory

Local Government Act 1995

6.49. Agreement as to payment of rates and service charges

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

Risk Related

The Financial Risk is Minor (2).

The Likelihood of Recurrence is Possible (3).

The overall risk rating is Moderate (6).

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

The financial risk reduces as debts are paid.

Workforce

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

VOTING REQUIREMENTS

Absolute Majority: No

RESOLUTION

111019

Moved: Cr Kevin Trent

Seconded: Cr Pam Heaton

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

CARRIED: 7/0

SY157-10/19 FINANCIAL REPORT FOR SEPTEMBER 2019

File Number:	FI.FRP
Author:	Tabitha Bateman, Finance Manager
Authoriser:	Suzie Haslehurst, Executive Manager, Corporate & Community Services
Previously before Council:	Not Applicable
Appendices:	<ol style="list-style-type: none">1. Monthly Financials - September 20192. Creditor Payments Listing - September 20193. Business Card Transaction Summary - August 2019

NATURE OF COUNCIL'S ROLE IN THE MATTER

- Legislative
- Review

PURPOSE OF REPORT

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

BACKGROUND

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

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

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

COMMENTS AND DETAILS

The Financial Report for the period ending 30 September 2019 is presented for Council's consideration and includes the following;

- Monthly Statements for the period ended 30 September 2019
- List of Creditor Payments
- Business Card Statement and Transaction Summary

The following information provides balances for key financial areas for the Shire of York's financial position as at 30 September 2019;

Outstanding Rates and Services

The total outstanding rates balance at the end of September was \$3,864,460 compared to \$5,380,545 as at 31 August 2019.

Current Year	Properties	30/09/2019	%	Properties	30/09/2018	%
3 years and over	97	\$552,762.94	14%	74	\$475,287.12	12%
2 years and over	110	\$206,795.69	5%	118	\$252,365.51	6%
1 year and over	258	\$337,571.65	9%	281	\$361,740.68	9%
Total Prior Years outstanding		<u>\$1,097,130.28</u>	28%		<u>\$1,089,393.31</u>	28%
Current Rates	1444	<u>\$2,767,329.64</u>	72%	1415	<u>\$2,826,809.99</u>	72%
Total Rates Outstanding		<u>\$3,864,459.92</u>			<u>\$3,916,203.30</u>	

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

Outstanding Sundry Debtors

Total outstanding sundry debtors as at 30 September 2019 were \$128,475 compared to \$142,569 reported at 31 August 2019. At the Ordinary Meeting held in June, Council resolved to write off the long-outstanding single debt of \$252,000. This debt had been held on the balance sheet since 2016 as a provision for doubtful debts pending investigation into all avenues for collection. Following a lengthy process and legal advice received, officers recommended to Council that this debt be written off as can be seen between the balances in the 90 days and over category reported below.

Current Year	30/09/2019	%	30/09/2018	%
90 days and over	\$106,269.22	83%	\$267,881.02	42%
60 days and over	\$1,630.59	1%	\$519.80	0%
30 days and over	\$14,787.24	12%	\$9,044.89	1%
Current	<u>\$5,787.69</u>	5%	<u>\$364,176.85</u>	57%
Total Debtors Outstanding	<u>\$128,474.74</u>		<u>\$641,622.56</u>	

OPTIONS

Not applicable

IMPLICATIONS TO CONSIDER

Consultative

Not applicable

Strategic

Theme 5: Strong and Effective Leadership

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

Policy Related

Policy F1.2 Procurement

Policy F1.6 Credit Cards

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

DE 3.1 Authority to make Payments from Trust and Municipal Funds

Financial

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

Legal and Statutory

Local Government Act 1995

6.10. *Financial Management Regulations may provide for —*

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

Local Government (Financial Management) Regulations 1996

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

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

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

(1A) *In this regulation —*

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

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

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

Risk Related

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

Workforce

Not applicable

VOTING REQUIREMENTS

Absolute Majority: No

**RESOLUTION
121019**

Moved: Cr Kevin Trent

Seconded: Cr Ashley Garratt

That Council receives the Monthly Financial Report and the list of payments drawn from the Municipal and Trust accounts for the period ending 30 September 2019 as summarised below:

Sep-19

MUNICIPAL FUND	AMOUNT
Cheque Payments	5,275.02
Payroll Debits	198,356.34
Electronic Funds Payments	405,968.63
Payroll Debits - Superannuation	41,815.88
Bank Fees	4,245.19
Corporate Cards	3,363.03
Fuji Xerox Equipment Rental	236.62
Fire Messaging Service	82.50
Sub total - Municipal	659,343.21
TRUST FUND	
Electronic Funds Payments	4,084.43
Cheque Payments	-
Direct Debits Licensing	118,452.50
Sub total - Trust	122,536.93
TOTAL DISBURSEMENTS	781,880.14

CARRIED: 7/0

SY158-10/19 INVESTMENTS - SEPTEMBER 2019

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

NATURE OF COUNCIL'S ROLE IN THE MATTER

- Legislative
- Review

PURPOSE OF REPORT

To report to Council the balance and distribution of investments held by the Shire of York as at 30 September 2019.

BACKGROUND

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

COMMENTS AND DETAILS

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

- a) Council's Investments as at 30 September 2019
- b) Application of Investment Funds
- c) Investment Performance

OPTIONS

Not applicable

IMPLICATIONS TO CONSIDER**Consultative**

Standard and Poor's Australia - Global ratings

Financial institutions

Strategic

Not applicable

Policy Related

Policy F1.4 *Investment*

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

Financial

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

Legal and Statutory

Local Government Act 1995

6.14. Power to invest

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

Local Government (Financial Management) Regulations 1996

19. Investments, control procedures for

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

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

- (1) *In this regulation —*

authorised institution means —

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

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

(e) *invest in a foreign currency.*

Risk Related

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

Workforce

Not applicable

VOTING REQUIREMENTS

Absolute Majority: No

RESOLUTION

131019

Moved: Cr Denis Warnick

Seconded: Cr Kevin Trent

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

CARRIED: 7/0

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

MOTION

**RESOLUTION
141019**

Moved: Cr Kevin Trent

Seconded: Cr Denis Warnick

That Council agrees to accept and consider the Late Report – SY160-10/19 Nomination of Elected Members to the Avon-Midland Country Zone of WALGA and Development Assessment Panel.

CARRIED: 7/0

SY160-10/19 NOMINATION OF ELECTED MEMBERS TO THE AVON-MIDLAND COUNTRY ZONE OF WALGA AND DEVELOPMENT ASSESSMENT PANEL

File Number:	OR.IGR.5.1; PS.GEN.3
Author:	Suzie Haslehurst, Executive Manager, Corporate & Community Services
Authoriser:	Suzie Haslehurst, Executive Manager, Corporate & Community Services
Previously before Council:	SY139-11/17 Committees and Reference/Working Groups
Appendices:	1. WALGA Zone Correspondence 2. Development Assessment Panel Nominations

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

This report seeks Council's nomination of members and alternate members to the Avon-Midland Country Zone of WALGA and the Development Assessment Panel.

BACKGROUND

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

Council generally considers this matter at its November Ordinary Council meeting following the biennial local government election, which this year will be held on 25 November 2019.

However, the Shire has received correspondence from the WA Local Government Association (Appendix 1) and the Department of Planning, Lands and Heritage (Appendix 2) requesting nominations to the the Avon-Midland Country Zone of WALGA and the Development Assessment Panel respectively, by 8 November 2019.

Therefore, officers have prepared a late report to enable Council to consider membership of these two externally administered committees and meet the deadline imposed by the relevant organisation.

COMMENTS AND DETAILS**Avon-Midland Country Zone of WALGA**

The WA Local Government Association exists to advocate and negotiate on behalf of the WA local government sector and is governed by the 24-member State Council. This consists of 12 members nominated from metropolitan zones of WALGA and 12 representatives of country zones.

Zones of WALGA are groupings of local governments convened together on the basis of population, common interests and geographic alignment and contribute to the direction and policy of WALGA and the State Council. The Shire of York is requested to appoint an elected member to the Avon-Midland Country Zone of WALGA (Zone) and nominate a further elected member as Deputy.

Development Assessment Panel

On 1 July 2011, Development Assessment Panels (DAP) came into operation under the *Planning and Development (Development Assessment Panels) Regulations 2011*. Each DAP determines development applications that meet set type and value thresholds as if it were the responsible authority under the relevant town planning scheme.

The DAP is required to determine all development applications within the local government area in excess of \$10 million in value (mandatory DAP application) and optional "opt-in" (determined by DAP at the choice of the applicant) for applications between \$2 million and \$10 million in value (provided they are not development types within the exempt category).

The Shire is required to nominate two local government members and two alternate local government members to the relevant DAP which are then appointed by the Minister for Planning. The alternates will sit on the panel in the event that a local government member is not able to attend the DAP meeting.

Councillors Smythe and Ferro were appointed to the DAP until 26 July 2020 with Councillors Warnick and Trent as alternates. However, appointment is on the basis that the nominee is a member of Council, and if a councillor's term of office ceases, appointment as a DAP local government member expires at the same time. Following the recent local government elections, two vacancies exist for members of the DAP. Council is requested to nominate two Councillors as members for consideration by the Minister for Planning. Should Council choose to nominate either or both of the current alternates as members, new alternates will also need to be nominated.

OPTIONS

Council could choose to defer nominations for the above memberships until it considers all other Committee and Working/Reference Group memberships at the Ordinary Council on 25 November 2019. However, the correspondence attached outlines the reasons for requesting prompt consideration by Council of nominations to the Zone and the DAP.

While Councillors Warnick and Trent are appointed as alternates to the DAP until 26 January 2020, Council could choose to nominate one or both as members and appoint new alternates.

IMPLICATIONS TO CONSIDER

Consultative

WA Local Government Association (WALGA)

WA Department of Planning, Lands and Heritage - DAPs

Strategic

Strong and Effective Leadership

5.1 Effective and informed governance and decision-making

5.5 A Strong collective voice

Policy Related

Nil

Financial

There may be some travel costs involved in attendance by members at Zone and/or DAP meetings.

Legal and Statutory

Planning and Development (Development Assessment Panels) Regulations 2011

23. *LDAP members*

- (1) *The members of a LDAP are —*
 - (a) *2 persons appointed to the LDAP as local government members; and*
 - (b) *3 persons appointed to the LDAP as specialist members.*
- (2) *The members must be appointed in writing by the Minister.*
- (3) *Regulation 24 applies to the appointment of local government members.*

**RESOLUTION
181019**

Moved: Cr Kevin Trent

Seconded: Cr Ashley Garratt

That Council opens the meeting to the public 5.52pm.

CARRIED: 7/0

13.2 Public Reading of resolutions to be made public

As there was no public in the Gallery the Resolution was not read out.

14 CLOSURE

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

The minutes were confirmed by the Council as a true and accurate record at the Council Meeting held on 25 November 2019.

SHIRE PRESIDENT