



# **CONFIRMED MINUTES**

## **Ordinary Council Meeting Tuesday, 30 June 2020**

**Date: Tuesday, 30 June 2020**

**Time: 5.00pm**

**Location: Council Chambers**

## Order Of Business

<b>1</b>	<b>Opening .....</b>	<b>4</b>
1.1	Declaration of Opening.....	4
1.2	Disclaimer .....	4
1.3	Standing Orders .....	4
1.4	Announcement of Visitors .....	4
1.5	Declarations of Interest that Might Cause a Conflict .....	4
1.6	Declaration of Financial Interests .....	4
1.7	Disclosure of Interests that May Affect Impartiality .....	4
<b>2</b>	<b>Attendance .....</b>	<b>5</b>
2.1	Members .....	5
2.2	Staff .....	5
2.3	Apologies .....	5
2.4	Leave of Absence Previously Approved .....	5
2.5	Number of People in the Gallery at Commencement of Meeting .....	5
<b>3</b>	<b>Questions From Previous Meetings .....</b>	<b>5</b>
3.1	Response to Previous Public Questions Taken on Notice .....	5
3.2	Response to Unasked Questions from the Previous Meeting .....	8
<b>4</b>	<b>Public Question Time .....</b>	<b>8</b>
4.1	Written Questions – Current Agenda.....	9
4.2	Public Question Time .....	9
<b>5</b>	<b>Applications For Leave of Absence .....</b>	<b>9</b>
<b>6</b>	<b>Presentations .....</b>	<b>9</b>
6.1	Petitions .....	9
6.2	Presentations .....	9
6.3	Deputations.....	9
6.4	Delegates' reports .....	9
<b>7</b>	<b>Confirmation of Minutes of Previous Meetings .....</b>	<b>10</b>
<b>8</b>	<b>Announcements by Presiding Member without Discussion.....</b>	<b>10</b>
<b>9</b>	<b>Officer's Reports .....</b>	<b>11</b>
SY082-06/20	Minutes of the Audit and Risk Committee Meeting held on 9 June 2020 .....	11
SY083-06/20	Development Application: Veterinary Centre: Lot 547 (14) Macartney Street, York .....	14
SY084-06/20	Request from Avon Valley Motor Museum Association (Inc) to be issued a permit to park a vintage vehicle in Avon Terrace contrary to the 2-Hr parking restriction.....	23
SY085-06/20	Adoption of Strategic Community Plan 2020 - 2030 .....	27
SY086-06/20	COVID-19 Response Strategy and Recovery Action Plan .....	30

	SY087-06/20 Earthquake Mitigation Project - Collaboration Agreement Updates Approval Request.....	34
	SY088-06/20 Resignation and Vacant Elected Members Position & Extraordinary election.....	36
	SY089-06/20 Appointment of a Member to Council Committees and Working Groups Due to Resignation of a Councillor .....	40
	SY090-06/20 Australian Citizenship Ceremonies Code - Dress Code.....	44
	SY091-06/20 Financial Report for May 2020 .....	47
	SY092-06/20 Investments - May 2020 .....	52
<b>10</b>	<b>Motions of Which Previous Notice Has Been Given .....</b>	<b>55</b>
<b>11</b>	<b>Questions from Members without Notice .....</b>	<b>55</b>
<b>12</b>	<b>Business of an Urgent Nature Introduced by Decision of the Meeting.....</b>	<b>56</b>
	SY098-06/20 Appointment of a Senior Officer - Executive Manager Corporate and Community Services .....	56
<b>13</b>	<b>Meeting Closed to the Public .....</b>	<b>59</b>
	13.1 Matters for which the Meeting may be closed.....	59
	SY093-06/20 - Confidential - Application for Rates Exemption - A9130 .....	60
	SY094-06/20 - Confidential - Application for Rates Exemption - A12191 .....	60
	SY095-06/20 - Confidential - Application for Rates Exemption - A50040 .....	60
	SY096-06/20 - Confidential - Rates Exemptions - Section 6.47.....	61
	SY097-06/20 - Confidential - Chief Executive Officer - Interim/Probation Review.....	62
	13.2 Public Reading of resolutions to be made public .....	63
<b>14</b>	<b>Closure .....</b>	<b>63</b>

**MINUTES OF SHIRE OF YORK  
ORDINARY COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBERS  
ON TUESDAY, 30 JUNE 2020 AT 5.00PM**

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

**1 OPENING**

**1.1 Declaration of Opening**

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

**1.2 Disclaimer**

The Shire President advised the following:

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

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

**1.3 Standing Orders**

*No Change*

**1.4 Announcement of Visitors**

*Shire of Toodyay – Shire President, Cr Rosemary Madacsi and Cr Susan Pearce*

**1.5 Declarations of Interest that Might Cause a Conflict**

*Nil*

**1.6 Declaration of Financial Interests**

*Cr Denis Warnick – SY096-06/20 – Rates Exemption Section 6.47*

*Mr Chris Linnell – SY097-06/20 – Chief Executive Officer – Interim/Probation Review*

**1.7 Disclosure of Interests that May Affect Impartiality**

*Cr Denis Warnick – SY083-06/20 – Development Application: Vet Centre: Lot 547 (14) Macartney Street, York*

*Cr Kevin Trent - SY083-06/20 – Development Application: Veterinary Centre: Lot 547 (14) Macartney Street, York*

*Cr Denese Smythe – SY096-06/20 – Rates Exemption Section 6.47*

*Cr Kevin Trent - SY096-06/20 – Rates Exemption Section 6.47*

*Cr Kevin Trent - SY096-06/20 – Rates Exemption Section 6.47*

## 2 ATTENDANCE

### 2.1 Members

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

### 2.2 Staff

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

### 2.3 Apologies

*Nil*

### 2.4 Leave of Absence Previously Approved

*Nil*

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

*There were four (4) 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

**Mr Mike Gill**

**Mr Michael Gill**

**B Eng. Civil Hons**

**MIE Aust CP Eng. NER 860131**

**On Behalf of Avon Civil Engineering**

#### **Question 1:**

My question is to the CEO

*I refer to Item 3 of the 2019 Tender Review of Tender 01/1617 - Which states "Concerns have been raised about the Shire engaging Howson Technical to be on the assessment panel and undertake the design for the road construction and upgrade works. Officers are satisfied that this is not a conflict of interest as can be seen from the email engaging Howson Technical to do both parcels of work. This occurred on the same day, therefore prior to Howson Technical undertaking the review of the tenders. It could have been a potential conflict of interest if Howson Technical had assessed the tenders, then recommended that the design elements be removed and then was awarded the work."*

*I quote directly from the Tender Assessment Document received by the Shire on 12<sup>th</sup> January 2017 which states "It is recommended that both the survey and design be removed from the contract and handle by the Shire of York, as none of the tenderers have the design capacity and would need a to subcontract this to a separate consultancy firm."*

This tender assessment recommendation to remove the tender design appears to contradict the Tender Review Document which states that the design had been removed from the tender in December 2016 prior to the tender assessment commencing.

My question is do you still believe that a conflict of interest did not occur during this engagement process?

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

Thank you for your question. The Corruption and Crime Commission (CCC) has completed a thorough investigation into the allegations made and did not find any evidence of serious misconduct.

**Question 2:**

My question is to the CEO

I refer to page 78 of your review of Tender 01/1617 which states: - *"Therefore, notwithstanding the issues raised regarding compliance with the Procurement Policy identified above, based upon the information available at this time, officers are satisfied with the engagement of Howson Technical to undertake the design".* Page 79 of the tender review then states:

*In conducting this review, the following organisations have been consulted:*

- *WALGA; Public Sector Commission; Office of the Auditor General; Crime and Corruption Commission*

Am I correct in interpreting these two statements as indicating that the Crime and Corruption Commission and the Office of the Auditor General have reviewed the circumstances surrounding the engagement of Howson Technical and have concurred with your position regarding the engagement?

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

Thank you for your question. The Corruption and Crime Commission (CCC) has completed a thorough investigation into the allegations made and did not find any evidence of serious misconduct.

**Question 3:**

My question is to the CEO

Your review of Tender 01-1617 has identified that 3 of the 4 tenders received were non conforming bids, i.e. they did not meet the criterium set out in then tender document. Given that the Tender Assessment is silent on the matter of non conforming bids, can you confirm (a) that it was the conforming bid, i.e. the tenderer who correctly submitted a price for design and construct, that was awarded the Contract and if not, (b) was the conforming tenderer given the opportunity to match the prices submitted by the 3 non conforming tenderers?

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

Thank you for your question. The Corruption and Crime Commission (CCC) has completed a thorough investigation into the allegations made and did not find any evidence of serious misconduct.

**Question 4:**

My question is to the CEO

I refer to the aforementioned Tender Review document and quote page 78. *"A review also identified that there were a number of examples when purchase orders for the engagement of Howson Technical were raised after invoices had been received. It should be noted that this was not limited to Howson Technical but an issue across the organisation in the 2016/17 financial year."* *"This was identified in the Audit Regulation 17 review conducted by Moore Stephens in May 2017 and adopted by the Audit Committee in August 2017".*

Via freedom of information it has been established that on the 5<sup>th</sup> October 2017 the Shire issued Howson Technical with Order Number 4174, for the sum of \$9187.20 relating to the preparation of the 2017/18 works program, after having received an invoice for that amount a month earlier on the 4<sup>th</sup> September 2017.

It has also been established that there were no quotations sought for these works in direct contravention of the Shire's Procurement Policy.

This breach brings to 24 the number of times Howson Technical was issued with order numbers after an invoice had been received.

Can you explain why your administration failed to correct its procedures some 5 months after the issue had been identified by Moore Stephens in the Audit Regulation 17 review?

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

None of the staff involved are still with the Shire, therefore it is difficult to comment on why one staff member continued the practice after it was identified. However, staff are now regularly reminded of the need to ensure the Purchase Orders are written prior to the works commencing. This is supported by comprehensive training based on the outcomes of the Tender Review as presented to the Audit and Risk Committee in December 2018.

A Project Management Group was established to undertake a review of procurement practices, from this the following was developed;

- Amended Procurement and Credit Card Policies.
- Development of a Statement of Business Ethics.
- Development of a Procurement Manual for use by all staff.

These documents were presented to Council in July 2019 and training sessions were held with all staff in October 2019. Refresher training is scheduled annually.

**Question 5:**

My question is to the Shire President

I refer to the following statement made in the Tender Review *"In the absence of any written direction otherwise, it could be argued that the contractor was required to construct the roads in question in accordance with the RFT and therefore to the ARRB standards. Consequently, Officers are recommending that legal advice is sought in regard to the contractual obligations of SPA and the Shire for constructing the roads to the required standard."*

Can you tell me what legal advice you have received regarding these contractual obligations having requested the CEO in December 2018 to obtain legal advice to determine if the contractor has any responsibility to rectify the issues associated with Talbot, Quellington and Spencers Brook roads constructed as part of this contract?

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

The Shire has not yet obtained Legal Advice as it has very recently started discussions with SPA to rectify the issues associated with the section of Talbot Road.

**Question 6:**

My question is to the Shire President.

I refer to the final two options identified by the CEO to the Committee and Council in his tender review document :

- 4) "Refer any of these issues identified as part of this review to the Public Sector Commission or other agency if they believe that misconduct or corruption has or may have occurred"
- 5) "Determine that the issues identified in this review or other matters are complex and involve many people in the organisation and therefore an independent review should also be undertaken by an external party"

Can you tell me if Council intends to pursue either or both of these options and if not why not?

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

The above are some of the options that were presented in the report to the Audit and Risk Committee and Council in December 2018. The resolution adopted by the Committee and Council did not include either of these options for the Administration to pursue.

**3.2 Response to Unasked Questions from the Previous Meeting**

*Nil*

**4 PUBLIC QUESTION TIME**

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

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

- (1) A member of the public who wishes to ask a question during question time must identify themselves and register with a Council Officer immediately prior to the meeting.
- (2) A question may be taken on notice by the Council for later response.
- (3) When a question is taken on notice the CEO is to ensure that—
  - (a) a response is given to the member of the public in writing; and
  - (b) a summary of the response is included in the agenda of the next meeting of the Council.
- (4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to—
  - (a) declare that he or she has an interest in the matter; and
  - (b) allow another person to respond to the question.
- (5) Each member of the public with a question is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions.
- (6) Where a member of the public provides written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
- (7) The Presiding Member may decide that a public question shall not be responded to where—



- (a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;
  - (b) the member of the public uses public question time to make a statement, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or
  - (c) the member of the public asks a question that is offensive or defamatory in nature, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.
- (8) A member of the public shall have 2 minutes to submit a question.
  - (9) The Council, by resolution, may agree to extend public question time.
  - (10) Where any questions remain unasked at the end of public question time they may be submitted to the CEO who will reply in writing and include the questions and answers in the agenda for the next ordinary Council meeting.
  - (11) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.

Public Question Time Commenced at: 5.03pm.

#### 4.1 Written Questions – Current Agenda

*Nil*

#### 4.2 Public Question Time

*Nil*

As there were not any questions received from the Gallery – Public Question Time concluded at: 5.03pm.

### 5 APPLICATIONS FOR LEAVE OF ABSENCE

*Nil*

### 6 PRESENTATIONS

#### 6.1 Petitions

*Nil*

#### 6.2 Presentations

*Nil*

#### 6.3 Deputations

*Nil*

#### 6.4 Delegates' reports

*Nil*

**7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS****RESOLUTION  
020620****Moved: Cr Kevin Trent****Seconded: Cr Pam Heaton****That the minutes of the Ordinary Council Meeting held on 26 May 2020 and the Special Council Meeting held on 9 June 2020 be confirmed as a correct record of proceedings.*****CARRIED: 6/0*****8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

## Shire Presidents Meetings May 2020

1st	AROC Presidents	E-meeting
1st	COVID-19	WALGA Webinar
1st	Ratepayer query re spraying	Telephone
4th	CEO re COVID-19	Zoom
5th	Concept Forum	Zoom
8th	AROC Presidents	E-meeting
8th	COVID-19	WALGA Webinar
11th	CEO	Meeting
15th	AROC Presidents	E-meeting
15th	Radio	Interview
18th	John Phillips re CEO KPI's	Telephone
19th	Agenda Briefing & Budget	Chambers
22nd	AROC Presidents	E-meeting
22nd	COVID-19	WALGA Webinar
23rd	COVID Safety Plan	Webinar
25th	CEO – Men's Shed Lease	Office
26th	OCM	Town Hall
29th	AROC Presidents	E-meeting
29th	Radio	Interview
29th	COVID-19	WALGA Webinar

## 9 OFFICER'S REPORTS

### SY082-06/20 MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD ON 9 JUNE 2020

**File Number:** FI.FRP.6

**Author:** Tabitha Bateman, Finance Manager

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

**Previously before Council:** Not applicable

**Appendices:** 1. Minutes of the Audit and Risk Committee Meeting held 9 June 2020

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

Legislative

### PURPOSE OF REPORT

To receive the minutes and adopt the recommendations of the Audit and Risk Committee Meeting held on Tuesday, 9 June 2020.

### BACKGROUND

The minutes of the Audit and Risk Committee meetings are provided for Council and community information.

### COMMENTS AND DETAILS

At the meeting of the Audit and Risk Committee held 9 June 2020, the following items were presented:

- Finance and Costing Review 2019/20 – Quarter 3
- Review of Policy F1.6 Corporate Credit Cards and Activation of second Credit Card

#### Finance and Costing Review – Quarter 3

In accordance with the Shire's procedure for Finance and Costing Reviews, responsible officers reviewed their assigned accounts following the close of the third quarter ending 31 March 2020. Officers considered potential variations to the adopted budget and year end position and this information was used in the development of the 2020/21 budget process.

The review resulted in an expected year end surplus of \$1,442,918. A major component of this estimate comprises the early payment received for the 2020/21 Financial Assistance Grants of \$779,903. A further \$270,851 relates to plant purchases that could not be finalised prior to 30 June 2020 and the remaining \$392,164 comprises a number of operating and capital projects expected to be carried forward for inclusion in the 2020/21 budget.

Following Council consideration, the financial reports will be updated to incorporate budget amendments as adopted. These budget amendments effectively replace the current budget adopted by Council and previous amendments adopted throughout the year.

#### Review of Policy F1.6 Credit Cards and activation of the second card

In September 2019, following the departure of the previous CEO, Council approved the allocation of a corporate credit card to the EMCCS. Currently, the policy indicates that only one card is active.

Due to the recent resignation of Ms Haslehurst (EMCCS), officers are proposing a change to the policy to reflect the allocation of a corporate credit card to the CEO, Mr Chris Linnell to ensure minimal disruption to operations.

## **IMPLICATIONS TO CONSIDER**

### **Consultative**

Department of Local Government, Sport & Cultural Industries

Moore Stephens

Office of the Auditor General

### **Strategic**

*Theme 5: Strong Leadership and Governance*

5.3 A financially sustainable Shire

5.4 Open and accountable systems

### **Policy Related**

F1.6 Use of Corporate Credit Cards

### **Financial**

The financial impact of the items considered by the Audit and Risk Committee is detailed within the meeting minutes and the individual attachments to each report - see Appendix 1.

### **Legal and Statutory**

*Local Government Act 1995, Part 7*

*Local Government (Audit) Regulations 1996*

### **Risk Related**

It is a legislative requirement for local governments to establish an audit committee. The Audit Committee plays a key role in overseeing the local government's responsibilities in relation to financial reporting, risk management and legislative compliance. This report mitigates the risk of non-compliance with the regulations.

### **Workforce**

Not applicable

## **VOTING REQUIREMENTS**

**Absolute Majority: Yes**

**RESOLUTION****030620****Moved: Cr Kevin Trent****Seconded: Cr Denis Warnick**

**That Council receives the minutes of the Audit and Risk Committee meeting held 9 June 2020 and adopts the recommendations of the Committee:**

**That Council:**

- 1. Adopts the results of the Finance and Costing Review for the third quarter of the 2019/20 financial year as attached to this report.**
- 2. Requests the Chief Executive Officer to amend the budget in accordance with the variations presented in Appendix 1.**
- 3. Notes that, in accordance with F1.6 Corporate Credit Card policy, the active corporate credit card will be destroyed upon the departure of exiting Executive Manager, Corporate and Community Services, Ms Suzie Haslehurst.**
- 4. Notes the activation of the second corporate credit card account and the issue of a card in the name of Mr Chris Linnell (CEO).**
- 5. Requests that:**
  - (a) F1.6 Corporate Credit Card Policy is amended to reflect the activation of the second corporate credit card;**
  - (b) a report is submitted to Council once a permanent EMCCS has been appointed to determine the need for two corporate credit cards.**

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

**Disclosure of Interest –**

**Cr Denis Warnick– Impartial – I frequently use the York vet and have developed a friendship with several of the vets**

**Cr Denis Warnick read the Impartiality Declaration - ... With regard to the Development Application: Veterinary Centre: Lot 547 (14) Macartney Street, York the matter in Item SY083 06/20 I disclose that I have an association with the applicant (or person seeking a decision). The association is I frequently use the York vet and have developed a friendship with several of the vets. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.**

**Cr Kevin Trent – Impartial – The Heartlands Veterinary Practice treat my wife's dog**

**Cr Kevin Trent read the Impartiality Declaration - ... With regard to the Development Application: Veterinary Centre: Lot 547 (14) Macartney Street, York the matter in Item SY083 06/20 I disclose that I have an association with the applicant (or person seeking a decision). The association is the Heartlands Veterinary Practice treat my wife's dog. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.**

**SY083-06/20 DEVELOPMENT APPLICATION: VETERINARY CENTRE: LOT 547 (14) MACARTNEY STREET, YORK**

**File Number: MA1.30780**

**Author: Carly Rundle, Senior Planner**

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

**Previously before Council: Not Applicable**

**Appendices:**

- 1. Applicants Submission**
- 2. Development Plans**
- 3. Copy of Submissions**
- 4. Heritage Advisor Submission**
- 5. Officer Assessment**

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

Quasi-judicial.

**PURPOSE OF REPORT**

For Council to make a determination on a development application for a veterinary centre at Lot 547 (14) Macartney Street, York.

**BACKGROUND**

Lot 547 (14) Macartney Street is 6,283m<sup>2</sup> in area and vacant of development. The property adjoins Macartney Street to the south, Neville Street to the east, Christie Retreat to the north, and to the west adjoins the railway and a reserve vested with the Shire to manage for the purpose of 'municipal purposes, town centre car park and associated uses'.

A location plan, site plan and site photos are provided in the applicant's submission at Appendix 1. Site Photos.

A development application has been received from Heartlands Vet Hospital (currently operating from Lot 3 Avon Terrace) and Quality Design Solutions to construct a new building, car park and associated outdoor yard and shed for use as a Veterinary Centre. Key components of the development include:

- New veterinary centre building with total floor area of 511.7m<sup>2</sup>;
- Construction of 22 onsite car parking bays;
- A 400m<sup>2</sup> horse holding area;
- a 50m<sup>2</sup> shed to the rear of the horse holding area;
- Landscaping to support the development including shade trees in the car parking area, and landscaping in the front setback of the parking area;
- Installation of signage panels for the business.

Development plans are provided at Appendix 2.

The application was publicly advertised inviting submissions to be made on and referred to the Department of Health (DoH) and Department of Primary Industries and Regional Development (DPIRD). Two public submissions and a response from the DoH and DPIRD was received. A copy of submissions is provided in Appendix 3.

Council is requested to consider the application; submissions received and determine to either approve with conditions or refuse and list reasons why.

## COMMENTS AND DETAILS

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

A detailed assessment of the application against all provisions is included in Appendix 5.

An overview of the most relevant aspects of the development is provided below.

### Zoning and Land Use

The property is zoned 'Special Use 2' (SU2), which allows for it to be used for either residential uses or uses permissible in the Town Centre zone and sets out development provisions specific to the property.

The development proposes to construct a new veterinary centre and storage shed, which involves a variety of veterinary services including medicine, consultations, treatments, x-rays, hospitalisation of animals and surgery for animals and includes provision for the treatment of large animals onsite.

The development is consistent with the land use of 'Veterinary Centre' defined as:

*"means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animals diseases or disorders".*

A Veterinary Centre is an 'SA' use in the Town Centre zone, which means it may be permitted provided that the local government has exercised its discretion by granting planning consent and has given public notice of the development.

A Veterinary Centre is a commercial use and the building has been designed to have frontage to Macartney Street in accordance with provisions of the SU2 zone.

The applicant currently operates an existing Veterinary Centre approximately 100m from the property at 148 Avon Terrace which will be relocated should this development be approved and implemented. Operation of this use, which adjoins buildings used for residential, retail and tourist accommodation has occurred without complaint. It is acknowledged that this proposed development is larger in scale than the existing Avon Terrace facility and proposes the treatment of large animals on site, however it is also acknowledged that the proposed development is on a substantially larger development site,

and has increased separation from adjoining land uses, being located on a corner lot which is separated from adjoining properties by road reserves and a railway.

Provided that measures are put in place to ensure the amenity of adjoining properties are maintained, it is considered that the use is compatible with the objectives of the Town Centre zone and SU2 zone.

#### Amenity

Hours of operation are proposed to be from 8.30am to 5.30pm Monday to Friday and 9am to 12pm on Saturdays. Outside of these hours emergency services would operate which is on an as-needed basis, and the vet would be on-call.

Small animals will be treated within the interior of the building and may be kept overnight as required, as occurs with the current business operating at Avon Terrace. Sound proofing is proposed to be installed within the building as required and the applicant has provided that they will be consulting with energy and acoustic consultants to provide a compliant design for submission at the building permit stage.

Given that the current use on Avon Terrace has operated without complaint and veterinary centres are commonly located in close proximity to other sensitive uses, officers are satisfied that sound proofing will be sufficient to manage potential noise impacts within the building, although will condition further details on approval to ensure that sound proofing is appropriately carried out.

The applicant has provided that medical waste is disposed of via bulk cremation and deceased animals are placed in cold storage until they are disposed of via cremation offsite. A condition will be included advising that no cremation is to take place onsite without further approval. Other waste is disposed of in a normal manner, and the applicant has advised that there have been no issues with this practice in the past.

A horse holding area is also proposed at the rear of the building, where large animals including horses, donkeys, goats, sheep and alpacas would be seen to outside at the practice and may be housed in the paddock for short term observation if required. The applicant has provided the following regarding the treatment of large animals:

- short term observation would vary from a period of several hours up to an overnight stay.
- That it is unlikely that any more than one large animal would be on the property at any one time (has not occurred in the last twelve months), and that in 2019 97 large animal patients were seen across the year, with the remainder being on-farm visits. 10 patients (horses) in the last 12 months were admitted for overnight observation, hence it is very rare and that when admitted they would be regularly checked by the on-call veterinarian afterhours.
- That it is envisioned that the rear paddock will be grassed and irrigated to ensure there is no dust.
- That cattle would not be treated at the practice and would be seen on farm.
- Manure from large animals in the outside paddock will be collected and disposed of off-site.

There could be potential amenity impacts to nearby properties associated with the keeping of large animals such as visual, dust, odour, pests and noise. However, given the large size of the site, that it is separated from adjoining properties by road reserves and railways and that the keeping of large animals onsite will not be constant, overnight stays are infrequent and animals will be monitored whilst onsite, it is considered that potential impacts will be minimised, and/or can be appropriately managed.

To ensure that appropriate measures are put in place it is recommended the following conditions be included on approval:

- the erection of fence of a height of 1.8m to screen the horse holding area from Neville Street.
- A condition confirming that the stabling of large animals which is not associated with the diagnosing or treatment of the animal as part of the veterinary centre use is not permitted.



- A large animal management plan to the satisfaction of the Shire setting out measures to prevent amenity impacts on adjoining properties including:
  - Noise management, including minimising the number and type of animals permitted onsite at any one time.
  - Waste & odour management;
  - Dust management;
  - Pest management; and
  - Complaints management.

### Heritage Considerations

The property is located within the Central York Heritage Area. Local Planning Policy Heritage Conservation and Development sets out guidelines to ensure development occurs in a manner which is sympathetic to and conserves the heritage values of the area. The application was also referred to the Shire's Heritage Advisor for comment (attached at Appendix 4).

The development complies with provisions of the policy, although proposes variation including:

- Use of a bullnose profile verandah which is not considered a contemporary simple awning as per policy provisions;
- The central entry is not recessed;
- Use of a trimwall profile (not corrugated or mini orb as per policy provisions);
- The use of aluminium windows in silver finished, which is not box powder coated as per policy provisions; and
- Gutter profile of quarter road does not comply with policy provisions which specifies they should be quad or half round profile.

The Heritage Advisor was supportive of the development, subject to the verandah being modified to a straight pitched verandah.

A bullnose profile is recognised as a detailed traditional verandah type in the heritage area. The policy requires new development to be sympathetic, but not replicate traditional development forms, such as verandahs profiles, so that heritage buildings can be easily distinguished from newer buildings. The policy also allows for re-instatement of traditional verandahs where it is based on archival evidence.

The current verandah types on Avon Terrace, distinguish between those that are original and those that have been modified and allowing replications of traditional forms has potential to detract from the objectives of the policy. Given that the building is a new build, it is recommended that the heritage advisors' comments be supported, and a condition be included requiring the verandah to be modified to a straight pitched profile. The siting of the building will also be slightly modified to reflect that the verandah poles should not be located centrally within the road verge and a condition included to reflect that development which encroaches into a public space (road verge) should have a minimum clearance of 2.75m to the underside in accordance with provisions of the *Building Regulations 2012*. The Shire's Building Surveyor has provided that should the verandah, in response to the condition regarding relocation of the verandah, be located fully within the property boundaries, there is no minimum clearance height that applies.

With regard to other variations identified:

- The central recessed entry is supported;
- the shed wall material is supported given it is at the rear of the building setback 17m from Neville Street which has been developed to function as a rear laneway.
- The aluminium windows and gutter profile are supported given it is a new build which is well separated from other existing buildings identified as having significance.

It is also recommended a condition of approval be included requiring the painted fibre cement to have the appearance of smooth render to the satisfaction of the Shire, to ensure it complies with policy provisions. Colours proposed comply with the policy although will be re-conditioned on approval as the applicant has indicated that this may change.

#### Vehicular & Pedestrian Access & Car Parking

Access to the development is to occur via a crossover from Macartney Street where vehicles can access the car parking area and horse holding area to the rear.

The proposed access to and within the property is appropriate and has been designed to accommodate vehicles with trailers/floats which will be associated with the use. 22 car bays are proposed to be provided which complies with requirements of the Scheme (4 bays for every 100m<sup>2</sup> Net Lettable Area).

One of the submissions received raised concerns with the crossover location and obscured sightlines due to the raised nature of the railway crossing on Macartney Street. Whilst it is noted that a crossover located on Neville Street or Christie Retreat would have increased sightlines, the proposed crossing has sightlines which complies with the minimum sight distances as prescribed in the Australian/New Zealand Standard Parking Facilities Part 1: Off-Street Car Parking and is therefore supported.

A 3m by 3m (4.24m) truncation area will also be required to be kept clear at the Neville Street/Mcartney Street for sightlines and future road needs.

The applicant has provided that traffic is anticipated to be less than 10 vehicles per peak hour. The amount of traffic likely to be generated is considered 'low' which does not require additional information to be submitted. Macartney Street is of a suitable standard which has capacity to accommodate additional traffic from the development.

It is noted that Neville Street and Christie Retreat where it adjoins the development are of a gravel standard, where Neville Street is not of a trafficable width suitable for two-way traffic and Christie Retreat does not have a cul-de-sac construction. The development does not propose direct access to Christie Retreat or Neville Street and with access to and from the property via Macartney Street it is considered unlikely that the development will result in additional traffic on these roads which would generate a need for upgrading.

The development will generate pedestrian movement to and from the town centre. Footpaths are currently only constructed on the southern side of Macartney Street, and on the North side of Macartney Street between Avon Terrace and Neville Street. In accordance with Local Planning Policy Developer Contributions for Road and Footpath Upgrading, if there is a need and nexus between the requirement for a footpath and the development Council will seek a financial contribution or the applicant to undertake the necessary upgrading. A condition of approval will require the construction of a footpath on Macartney Street from Neville Street to the proposed crossover at the full cost of the applicant.

#### **OPTIONS**

The following options are available to Council:

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

*"That Council refuses the development application for a Veterinary Centre at Lot 547 (14) Macartney Street, York, because of the following reasons:*

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

## IMPLICATIONS TO CONSIDER

### Consultative

The application was publicly advertised by placing a notice in the local paper, on the Shire's website and notice was posted to landowners in proximity to the site.

Two public submissions were received. One of these advised no objections or comments to make. The other provided support for the development, although raised safety concerns with the crossover locations proximity to the raised railway crossing may partially obstruct sightlines. The submitter recommended use of Neville Street or Christie Retreat as a safer option for access.

As discussed in officer comments above, sightlines for the proposed crossover are compliant with the minimum required. Whilst an increase distance to the railway would provide improved sight distance, provision of direct access onto Neville Street or Christie Retreat, which are currently of a lesser standard and would likely need to be upgraded, which may be the full or partial cost of the applicant. As the sight distance from the proposed crossover is compliant with the minimum required, officers are recommending approval.

The development was also sent to DoH and DPIRD. DPIRD advised no objection. The DOH advised no objection subject to the development connecting to scheme water and reticulated sewerage and having appropriate management plans in place to address any adverse impacts of human health.

The development proposes to connect to reticulated sewerage and water and a large animal management plan will be conditioned on approval.

### Strategic

Subject to conditions being implemented, the proposal and officer's recommendation is considered to be consistent with the Shire of York's 2018-2028 Strategic Community Plan and the following desired outcomes:

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

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

### Policy Related

There are no policy related implications associated with consideration of the subject proposal other than those discussed above and in Appendix 5.

### Financial

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

### Legal and Statutory

The proposal has been assessed by officers and subject to conditions being implemented is considered to be in accordance with the statutory requirements of the Shire of York Town Planning Scheme No. 2 and the Planning and Development (Local Planning Schemes) Regulations 2015.

### Risk Related

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

There are no workforce implications associated with the recommendation.

## VOTING REQUIREMENTS

**Absolute Majority: No**

**RESOLUTION****040620****Moved: Cr Kevin Trent****Seconded: Cr Pam Heaton**

**That Council approves the development for a Veterinary Centre at Lot 547 (14) Macartney Street, 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 keeping or stabling of animals on the property where it is not associated with the diagnosing or treatment of the animal as part of the veterinary centre use is not permitted.**
- 4. No cremation is to take place within the property boundaries.**
- 5. No flashing or illuminated signage is hereby permitted without the prior approval of the local government.**
- 6. Windows facing Macartney Street are not to be tinted or treated with reflective film, and a minimum of 80% of all window space shall be kept transparent and not rendered opaque by advertising signage.**
- 7. The fibre cement render walls shall be finished to have an appearance consistent with that of smooth render.**
- 8. Prior to erection of the free-standing sign, details and/or plans of the sign are to be provided to the Shire for approval, which will be required to comply with Local Planning Policy: Heritage Conservation & Development.**
- 9. Prior to the installation or erection of any exterior lighting, details of lighting are to be provided to the Shire for approval. Exterior Lighting shall comply with Local Planning Policy Heritage Conservation and Development.**
- 10. The development hereby approved shall not commence until the following plans or details have been submitted to the Shire's Planning department and have been approved in writing:**
  - (a) Plans that satisfactorily address the following required design changes (and as may be indicated in red on the Approved Development Plan(s):**
    - i) The verandah being modified to a straight pitched verandah which shall comply with Local Planning Policy Heritage Conservation and Development.**
    - ii) The verandah posts are not to be located centrally within the verge of the Macartney Street road reserve. The development plans shall be modified so that either:**
      - ☐ **The verandah posts are located 300mm to 600mm from the kerb/trafficable sealed section of Macartney Street; or**
      - ☐ **Located on the lot boundary with Macartney Street.**
    - iii) Verandahs which encroach into the road reserve shall have a minimum height of 2.75m to the underside (clearance) above the finished footpath.**
    - iv) A truncation area of 3m by 3m (4.24m) within the lot boundary on the corner of Macartney Street and Neville Street is to be kept clear of development (excluding landscaping which does not exceed a height of 750mm).**

- v) The 1.8m fence being extended to provide screening of the horse holding area from Neville Street.
- vi) A detailed schedule of colours, which shall comply with Local Planning Policy Heritage Conservation and Development.
- (b) Details of insulation and sound proofing to be provided to the satisfaction of the shire.
- (c) Stormwater Plan.
- (d) Details of materials to be used for the crossover which shall comply with Local Planning Policy: Heritage Conservation and Development.
- (e) A Large Animal Management Plan to the satisfaction of the shire, which shall include measures to prevent and manage potential amenity impacts on adjoining properties, which shall address:
  - i) Noise, including minimising the number of animals to be kept on site at any one time and types of animals permitted;
  - ii) Waste and Odour
  - iii) Dust
  - iv) Pests; and
  - v) Complaints.
- (f) Arrangements being made with the Shire for the construction of footpath on Macartney Street from Neville Street to the proposed crossover at the full cost of the applicant (Advice Note 6).

11. The development hereby approved shall not be occupied, or used, until all plans, details or works required by Condition(s) 2, 7 and 10 have been implemented; and, the following conditions have been complied with:

- (a) Car parking bays (inclusive of disabled bay) as shown on the approved development plan are to be provided on site. The parking area(s), driveway(s) and point(s) of ingress and egress shall be constructed, drained and marked and associated signage erected.

12. The works undertaken to satisfy condition(s) of this approval (with the exception of the footpath in the road reserve) shall be subsequently maintained for the life of the development.

#### Advice Notes

1. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
2. Where an approval has lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained. Should the approval period lapse, a new planning application with relevant retrospective fees may be required by the Shire of York.
3. If the applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.
4. A crossover application is required to be submitted and approved prior to works on the crossover commencing.
5. In accordance with the provisions of the Building Act 2011, and Building Regulations 2012, an application for a building permit must be submitted to, and approval granted by the Shire, prior to the commencement of the development hereby permitted.
6. Construction of a footpath within the road reserve is required to meet engineering and design specifications of the Shire. Please contact the Shire to confirm requirements. Payment of a fee

for construction of the footpath can be made to the Shire to carry out the works in the road reserve. At the current time costs of footpath construction are calculated at approximately \$105 per square metre. This fee may vary depending on construction costs and inflation; therefore, the cost will be determined at the time of payment.

***CARRIED: 6/0***

**SY084-06/20 REQUEST FROM AVON VALLEY MOTOR MUSEUM ASSOCIATION (INC) TO BE ISSUED A PERMIT TO PARK A VINTAGE VEHICLE IN AVON TERRACE CONTRARY TO THE 2-HR PARKING RESTRICTION.**

**File Number:** RS.VEC

**Author:** John Goward, Ranger

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

**Previously before Council:** Not applicable

**Appendices:**

1. Avon Valley Motor Museum Application
2. Survey Submission

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

- Legislative

**PURPOSE OF REPORT**

The purpose of this report is for Council to consider a request from the Avon Valley Motor Museum Association (Inc) to authorise an exemption to park a vintage vehicle in a 2-hour time restricted parking bay in front of the museum for extended periods during regular trading hours and to display a permit whilst parked.

**BACKGROUND**

On 3 February 2020 the Shire of York received a written request from Mr Julian Krieg, Chairman of the Avon Valley Motor Museum Association (Inc). The request is as follows:

*It has been brought to the attention of the Museum managers that parking a vintage vehicle outside the museum for display purposes for longer than two hours breaches the Council bylaws for parking in Avon Terrace.*

*The museum does not plan on parking a vehicle on the street all the time but from time to time, if we have access to a suitable licensed vehicle, we would like permission to be able to use one of the parking bays for this purpose as it does impact in a positive way on Avon Terrace.*

*That the Shire authorises the museum management to park a vehicle, on occasions when a suitable vehicle is available, for extended periods during regular trading hours. A suitable "Permit" could be displayed in the vehicle for the benefit of informing the ranger.*

On 25 September 2018 Council approval was given to the Museum for the limited use of two designated parking bays in front of the Museum to operate horse drawn carriage rides: (report SY118-Trading in Public Places - (Inc) Horse Drawn Carriage Rides).

The Council approved a proposal for the museum to operate a commercial business, being that of horse drawn carriage rides around town for a 12-month trial period.

The use of 2 designated 2-hour time restricted parking bays for this use were approved for this purpose with strict hours of operation granted.

It has been confirmed with Mr Gary Byfield the manager of the Museum that this approval for horse drawn carriage rides was never acted on as the horse went lame and that the Museum does not intend to carry out this activity in the future.

## COMMENTS AND DETAILS

The location of the parking bay in front of the museum the subject of this request is located within the 'Parking Region', the subject to the Shire of York Parking and Parking Facilities Local law.

The applicants preferred parking bay in front of the Motor Museum is a parallel parking bay.

The parking bays along Avon Terrace, within the Parking Region (bound by South Street to the South) have been determined by the Shire via sign posting to allow 2-hour parking from 8am to 5pm Monday to Friday, and 8am to 12pm Saturdays.

As the Museum has confirmed that it does not intend to proceed with the horse drawn carriage rides, it can be assumed that the trial has ended, even though it never began. Council will need to determine the trial has ended and resolve to remove the previous approval. This would mean that if anyone wanted to introduce horse drawn carriage rides with designated parking bays in the future, they would need to reapply to the Shire.

This in theory, frees up two bays on Avon Terrace that could have been used for horse drawn carriage rides.

The Avon Valley Motor Museum Association (Inc) is a not-for-profit organisation that operates the Motor Museum, one of the major tourist attractions in York.

Taking this into account and;

1. the freeing up of parking bays, by the cancelling the horse drawn carriage rides approval to take up two parking bays,
2. the promotion to the town and the Motor Museum that having a show piece motor vehicle parked on Avon Terrace would give,

It is considered that the Avon Valley Motor Museum Association (Inc) request to park a display vehicle for longer than two hours would overall be beneficial to York.

There has been consultation with the businesses along Avon Terrace (details below) and there was almost unanimous support for the proposal. Therefore, the request is supported.

In accordance with *Shire of York Parking and Parking Facilities Amendment Local Law 2013*, the local government may by resolution constitute, determine and vary permitted classes of vehicles which may park in parking stalls.

Where the local government makes such a determination it shall erect signs to that effect.

The resolution could include the issue of a parking permit to the vehicle in question exempting it upon display from the applicable time restriction.

To conform with the requirement of the parking local law, the following additional lettering could then be added to the existing parking restriction sign 'VEHICLE DISPLAYING A PERMIT IS EXEMPTED'.

## OPTIONS

1. In accordance with the Shire's parking local law, Council can by resolution, permit a vintage vehicle from the Motor Museum to be parked in a 2-hour parking bay in front of the Museum for longer than this time restriction by it displaying a permit issued by the shire to do so.
2. The Council could choose not to approve the Avon Valley Motor Museum Association's request and maintain the existing parking conditions.



## IMPLICATIONS TO CONSIDER

### Consultative

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

A request for exemption to park a vintage vehicle in a 2-hour restricted parking bay in front of the Motor Museum flyer was given to each retailer.

The flyer was accompanied by a survey form to ascertain those in favour or against the request.

The Ranger explained the proposal in detail and answered questions.

Other than one person objecting to the request and the manager of the Bendigo Bank wishing to gain approval from the board prior to commenting there was total support for the request from the residents spoken to.

The residents within the Town Centre were also advised both verbally and on the flyer that further comments could be emailed to [records@york.wa.gov.au](mailto:records@york.wa.gov.au) by 4.00pm Monday 23<sup>rd</sup> March 2020.

Emailed support for the request was received from the Bendigo Bank on Thursday 19 March 2020.

### Strategic

- |  |   |
|--|---|
| 1. <b>The place to live</b>                | 1.7 Positive, active involved community.    |
| 5. <b>Strong leadership and governance</b> | 5.1 Effective and informed decision making. |

### Policy Related

No current policy.

### Financial

There would be minor costs incurred resulting from the purchase of appropriate signage lettering- 'VEHICLE DISPLAYING A PERMIT IS EXEMPTED' and labour cost to install the lettering on the existing sign.

### Legal and Statutory

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

*Determination of Parking Stalls*

*Part 2-Clause 2.1-Parking Stalls and Parking Stations, Part (1) c and Part (2) of the Shires Parking Local Laws have statutory implications for this proposal as indicated below:*

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

**Risk Related**

Reputational risks may exist for the following:

Failing to recognise a request by the Avon Valley Motor Museum to advertise by displaying a vintage vehicle from time to time after almost unanimous community support of those polled may incur some community criticism.

Alternatively, there is a risk of being seen to allow parking bays be used as promotional spaces rather than commercial customers. Also, others may follow suit without permission, reducing the amount of parking available on weekends.

**Workforce**

Minimal.

**VOTING REQUIREMENTS**

**Absolute Majority: No**

**RESOLUTION****050620****Moved: Cr Kevin Trent****Seconded: Cr Stephen Muhleisen****That Council**

- 1. Cancels the conditional approval to the Avon Valley Motor Museum Association (Inc) to operate a commercial business, being that of horse drawn carriage rides around town as the 12 month trial period has finished and the Avon Valley Motor Museum Association (Inc) have indicated that they no longer intend to operate the business.**
- 2. Approves the request from the Avon Valley Motor Museum Association (Inc) for an exemption to the 2-Hour time restriction, to allow parking a vintage vehicle in the parking bay located immediately in front of the Avon Valley Motor Museum and undertake the required signing and issuing of permits at no cost to the Avon Valley Motor Museum Association (Inc).**

***CARRIED: 6/0***

**SY085-06/20 ADOPTION OF STRATEGIC COMMUNITY PLAN 2020 - 2030**

<b>File Number:</b>	<b>OR.CMA.2.5</b>
<b>Author:</b>	<b>Joanna Bryant, Acting Manager Community</b>
<b>Authoriser:</b>	<b>Chris Linnell, Chief Executive Officer</b>
<b>Previously before Council:</b>	<b>28 April 2020 Ordinary Council Meeting</b>
<b>Appendices:</b>	<b>1. Strategic Community Plan 2. Community Feedback to SCP 3. Community Feedback to SCP - summary table</b>

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

Executive

**PURPOSE OF REPORT**

This report presents Council with the feedback received on the draft Strategic Community Plan for consideration and adoption of the final document.

**BACKGROUND**

At the April 2020 Ordinary Council Meeting, it was resolved:

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

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

**COMMENTS AND DETAILS**

The draft Strategic Community Plan was advertised for public consultation during the period 1 – 29 May 2020. **See appendix 1. Strategic Community Plan.**

The media release advertising the public consultation period was the key item on the Shire of York's website home page for 2 weeks. It was the topic of two Facebook posts, and these were shared to local community Facebook groups. It was mentioned twice in the Shire President's weekly radio interview and in two weekly update media releases. In addition, it was included in the May issue Community Matters local newspaper.

The community was asked to respond to two questions in particular:

1. Does the draft Strategic Community Plan accurately reflect your vision for the future of York?
2. How could the Shire immediately align funds and prioritise projects to support recovery following the COVID Pandemic in the 2020/21 budget.

A total of 5 submissions have been received from the community during the public comment period. As part of the commitment from the organisation to be more transparent in its operations a copy of every submission received is attached to the agenda for Councillors reference (with the submitters contact details removed). **See appendix 2. Community feedback to SCP**

In addition, Officers have prepared a schedule of submissions table. **See appendix 3. Community Feedback to SCP - summary table.** This table attempts to summarise the themes of the submission, provide some comment from Officers on the issues raised and then provides Council with a recommendation for any amendments and/or additions to the major review documents. Some of the suggestions are administrative in nature and can be progressed without being reflected in the Corporate Business Plan.

## OPTIONS

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

## IMPLICATIONS TO CONSIDER

### Consultative

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

### Strategic

#### *Strong and Effective Leadership*

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

### Policy Related

- G2.9 Community engagement and consultation
- G4.1 Integrated Planning and Reporting (Planning)

### Financial

The 2019/20 budget includes an allocation of \$40,000 (GL 41124 Strategic Planning) for the Major Strategic Review. Community engagement activities were undertaken within this allocation.

### Legal and Statutory

#### Local Government Act 1995

##### 5.56. Planning for the future

*(1) A local government is to plan for the future of the district.*

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

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

#### Local Government (Administration) Regulations 1996

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

*(9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*

*(10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

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

### **Risk Related**

Compliance – if Council doesn't adopt the SCP there is high compliance risk by not meeting the requirements of the Integrated Planning & Reporting Framework.

### **Workforce**

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

### **VOTING REQUIREMENTS**

**Absolute Majority: No**

#### **RESOLUTION**

**060620**

**Moved: Cr Kevin Trent**

**Seconded: Cr Ashley Garratt**

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

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

**CARRIED: 6/0**

**SY086-06/20 COVID-19 RESPONSE STRATEGY AND RECOVERY ACTION PLAN**

<b>File Number:</b>	<b>RS.RES.5.3</b>
<b>Author:</b>	<b>Joanna Bryant, Acting Manager Community</b>
<b>Authoriser:</b>	<b>Chris Linnell, Chief Executive Officer</b>
<b>Previously before Council:</b>	<b>28 April 2020 Ordinary Council Meeting</b>
<b>Appendices:</b>	<b>1. COVID Recovery Strategy and Action Plan 2. York Business Survey Results 3. COVID19 Event Recovery Calendar</b>

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

Executive

**PURPOSE OF REPORT**

This report presents the proposed COVID-19 Response Strategy (CRS) for adoption by Council.  
**See Appendix 1. COVID Recovery Strategy and Action Plan**

**BACKGROUND**

The unprecedented public health emergency due to COVID-19 has had significant health, social and economic effects globally, nationally, on the Shire and its community, prompting responses from various levels of government.

Local government is responsible for managing recovery following an emergency affecting its community.

To fulfil its role in managing the Shire's recovery from the impacts of COVID-19, it is proposed that Council adopt the attached COVID-19 Response Strategy (CRS) outlining its direction in the short, medium and long term and its focus during each period.

**COMMENTS AND DETAILS**

In accordance with section 36 of the Emergency Management Act 2005, local government's role in responding to the pandemic includes 'managing recovery following an emergency affecting its district'.

To fulfil this role, it is recommended that Council adopt the attached CRS to set the strategic direction in responding to the impacts of the pandemic.

**COVID-19 Response Strategy**

To ensure that the Shire's efforts are focused and strategically aligned to its community's vision and mission, an overarching strategy has been developed to formalise its approach to the different impact stages of the pandemic. These include:

- a. **Endure** – the short-term/ immediate post - impact relief stage
- b. **Renew** – the medium-term recovery stage which is the core role of local government in the Emergency Management Act 2005
- c. **Prosper** – the long-term stage once the Shire moves past recovery

The multi-phase strategy gives guidance of Shire's operations and leadership to the community – not only in its statutory recovery role, but in crisis response and in moving beyond the crisis in the future.

This strategy has been developed from insights gained from the business survey undertaken during May 2020. **See Appendix 2. York Business Survey Results**

The strategy has been developed to include short, medium and long-term, focus areas, based on the efforts of other government bodies and the specific needs of the Shire and its community.

The proposed strategy seeks to ensure Council's direction is captured in a way that is easy and simple for the community to understand – particularly in this time of rapid change and complexity.

The strategy comprises of three key parts:

- (a) What we know - this section aims to put the strategy into the context of the current pandemic
- (b) What we'll do - this section articulates Council's goals, priorities in responding to impacts of the pandemic in the short, medium and long term and its measures of success.
- (c) How we'll do it - this section outlines how the strategy is to be achieved

The Shire of York is looking at the recovery period in three established timeframes, and have applied these as;

- Short term - 27 February 2020 to 30 June 2020
- Medium term - 1 July 2020 to 30 June 2021
- Long term - 1 July 2021 and beyond.

A COVID-19 Recovery Group comprising of CEO and executive staff has been formed. The group meets regularly to monitor and report on recovery activities related to this strategy.

### **Major Strategic Review**

In accordance with the *Local Government (Administration) Regulations 1996*, the Shire is currently undertaking a major strategic review to update its Strategic Community Plan (SCP) and Corporate Business Plan (CBP).

The SCP provides a long-term view (10 plus year timeframe) for the Shire and sets out the vision, aspirations and objectives of the community. The CBP translates the strategic direction of the Shire, articulated within the SCP, into specific priorities and actions at an operational level. The CBP captures the actions contained within the Long-Term Financial Plan, Capital Works Programs and various informing strategies. The annual budget reflects the priorities contained in each year of the CBP.

Given the current circumstances, it is anticipated that the COVID Response Strategy will sit alongside the first year of the Shire's CBP, informed by the community engagement that has already taken place.

### **Business Grant Program**

As part of the 2020/21 budget process, an allocation of \$30,000 is suggested under GL041105 Sponsorships to support York businesses recover from the impact of the global pandemic. Business would be invited to submit applications that:

- Encourage day and night trade economy
- Support staff training and skills development for tourism specific businesses
- Support assistance to participate in paid tourism advertising and marketing campaigns

The draft Business Grant Program Guidelines have been developed and will be workshopped with Council at its July Concept Forum.

## **Event Recovery Calendar**

York has two annual events remaining on the 2020 event calendar, one in September and one in December. The proposed 2020/21 event recovery calendar aims to:

- Include smaller scale, frequently occurring events as identified in the latest Strategic Community Plan
- attract intra-regional travellers
- encourage isolated and vulnerable community members to re-engage in civic life
- utilise funds from GL132150 Festivals Assistance, which has an available budget to support 2020 annual events that did not occur.

**See Appendix 3. COVID-19 Event Recovery Calendar.**

## **Community Funding Program**

At April's Ordinary Council Meeting, Council resolved to defer the Community funding program until the relevant COVID-19 restrictions have been lifted.

With the continued easing of restrictions, Officers are now proposing;

- the community funding program opens for application in late September / early October
- the program considers applications for projects and events occurring up until June 30, 2021
- following the four week application period, all eligible applications be presented to Council at its November Ordinary Council Meeting for consideration

This approach would bring the Community Funding program back into its usual calendar cycle, however does mean that there would only be one funding round offered for application in the 2020 year.

## **Rates Incentive & Shop Local program**

A plan is being developed to support and stimulate the local economy by partnering with the York Business Association to roll out a shop local initiative, giving early and on time rate payers 'York Dollars' to spend with local businesses.

Similar shop local and incentive programs have been effective with several other Shires including Narrogin and Northam.

The York Business Association is keen to work with the Shire to partner in this initiative with all registered local businesses encouraged to sign up to this shop local scheme.

Under the 2020/21 rates incentive model, it is proposed that every ratepayer who pays in full up front, receives a 1.5% discount, plus an additional \$50 York Dollars to spend with a local business.

Rate payers who pay by quarterly instalments will also benefit by incurring no additional instalment charges and will also receive \$20 of York Dollars to spend locally.

## **OPTIONS**

Council could choose not to adopt the COVID-19 Response Strategy, instead relying on the Corporate Business Plan year 1. Given the global impact of the pandemic, the anticipated long-lasting impacts on the community and the Business Continuity Plan that was adopted in response to the State of Emergency, it is recommended that a strategy is adopted that specifically focuses on supporting the recovery of the community over the longer term.

## **IMPLICATIONS TO CONSIDER**

### **Consultative**

Town of Victoria Park

York Business Association



**Strategic*****Strong and Effective Leadership***

- 5.1 *Effective and informed governance and decision-making*
- 5.3 *A financially sustainable Shire*
- 5.7 *Shire and community exhibit a responsive can-do philosophy*

**Policy Related**

- G4.3 Financial Planning and Sustainability
- G4.6 Risk Assessment and Management

**Financial**

Future budget impacts resulting from the implementation of this strategy will be listed for consideration in the draft 2020/21 Annual Budget.

**Legal and Statutory**

Section 36 of the Emergency Management Act 2005

**Risk Related**

Reputational - Negative public perception towards the Shire may result if it fails to inform and lead the community in getting through the impacts of COVID-19. This can be mitigated by the adoption of the COVID-19 Response Strategy. Supporting this, State Government has clearly articulated its support for Local Government to develop response plans to combat the effects of the global pandemic and this includes regulatory adjustments for example to allow for the re-purposing of reserves.

**Workforce**

Whilst the impact of COVID-19 has created a new normal in the workplace, it is anticipated that the workload can be managed within current resources.

**VOTING REQUIREMENTS**

**Absolute Majority: No**

**RESOLUTION  
070620**

**Moved: Cr Kevin Trent**

**Seconded: Cr Pam Heaton**

**That in consideration of its response of the COVID-19 pandemic, Council resolves to;**

- 1. Adopt the COVID-19 Response Strategy, Appendix 1.**
- 2. Note the results of the York Business Survey, Appendix 2**
- 3. Note the COVID-19 Event Recovery Calendar, Appendix 3**
- 4. Request that the Chief Executive Officer reports on the COVID Response Strategy to Council as part of the quarterly Finance and Costing Review (FACR) process.**

**CARRIED: 6/0**

**SY087-06/20 EARTHQUAKE MITIGATION PROJECT - COLLABORATION AGREEMENT  
UPDATES APPROVAL REQUEST**

**File Number:** RS.FES.13

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

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

**Previously before Council:** 24 April 2019  
29 July 2019  
23 September 2019  
25 February 2020

**Appendices:**

1. Changes requested to Collaboration Agreement
2. Updated Collaboration Agreement
3. Collaboration Agreement as approved in February 2020

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

Executive

**PURPOSE OF REPORT**

To present for Council's approval, updates requested to the Collaboration Agreement for the NRDP 1819-05 Earthquake Building Mitigation Project, as approved by Council at the February 2020 Ordinary Council Meeting.

**BACKGROUND**

The Collaboration Agreement as provided to the Shire of York by GeoScience Australia was approved at the February Council meeting. Unfortunately, the other parties to the Agreement, the University of Adelaide and Department of Fire and Emergency Services, have since requested some minor changes to this document.

**COMMENTS AND DETAILS**

The changes requested do not materially affect the Collaboration Agreement but have been requested to clarify points. Minor details have also been updated by the Shire of York. Changes are detailed in Appendix 1 for ease of viewing.

**OPTIONS**

1. To accept the updates to Collaboration Agreement.
2. To amend the Collaboration Agreement: Council may wish to make other/further amendments to the Collaboration Agreement and request the CEO to make such amendments.
3. Not accept the updates to Collaboration Agreement.

Option 1 is the recommended option.

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

There is a constant and ongoing dialogue between the project researchers [GeoScience Australia and the University of Adelaide] Shire of York, Department of Planning Lands and Heritage and Department of Fire and Emergency Services.

**Strategic**

The maintenance of built heritage is an important theme in the Council's Strategic Community Plan. Involvement in this research will develop practical working knowledge about how to mitigate heritage buildings against earthquakes in York.

**Policy Related**

N/A

**Financial**

N/A

**Legal and Statutory**

The use of a Collaboration Agreement is best practice to protect all parties involved in financial disbursements from a grant.

**Risk Related**

Not updating the Collaboration Agreement will have the consequence of a minor to moderate service interruption to the progression of the Earthquake Mitigation Project as the issues will need to be resolved before the project progresses. Due to the delays caused by the COVID-19 situation there has been no urgency to activate the grant disbursements, however, this will be required next financial year.

**Workforce**

Project management can be undertaken within the usual work of the Executive Manager Infrastructure and Development Services with support from Officers within that department and the Arts & Cultural Heritage Officer for administration.

**VOTING REQUIREMENTS**

**Absolute Majority: No**

**RESOLUTION  
080620**

**Moved: Cr Kevin Trent**

**Seconded: Cr Denis Warnick**

**That Council resolves to adopt the Collaboration Agreement (Appendix 2) and authorises the Chief Executive Officer to engross the Agreement.**

***CARRIED: 6/0***

**SY088-06/20 RESIGNATION AND VACANT ELECTED MEMBERS POSITION & EXTRAORDINARY ELECTION**

**File Number:** OR.ELN.4

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

**Authoriser:** Joanna Bryant, Acting Manager Community

**Previously before Council:** Not Applicable

**Appendices:** 1. WA Electoral Commission - Cost Estimate - Confidential (under separate cover)

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

Legislative.

**PURPOSE OF REPORT**

It is proposed that Council declares the Electoral Commissioner to be responsible for the conduct of an extraordinary election and that the method of conducting the election will be as a postal election.

**BACKGROUND**

On the 8 June 2020 Cr David Wallace submitted his resignation from the office of Councillor, with his resignation effective immediately.

The Chief Executive Officer notified the Shire President followed by all Councillors of Cr Wallace's resignation.

**COMMENTS AND DETAILS**

Councillor Wallace's resignation was effective 8 June 2020.

The resignation of Councillor Wallace brings the number of Councillors to six (6).

The Council is required to nominate a suitable date to hold the extraordinary election for the vacated position. The extraordinary election date can't be more than four (4) months from the resignation date.

The Council needs to notify the Electoral Commissioner of its intention to hold an extraordinary election for the vacated position and engage the electoral commission to administer and run the election process.

Having only recently held the biennial ordinary local government elections in October 2019, the next ordinary elections are not scheduled until October 2021.

It is considered highly unlikely that the Minister for Local Government would approve an elected member position to remain vacant for this length of time.

**OPTIONS****Option 1**

Hold an in-person election. The last in-person election was held in October 2017.

**Option 2**

Hold a Postal Voting Election, as per the previous local government ordinary election held 19 October 2019. Even though the postal voting option was done for the first-time last year, it is still front of mind with the community.

It is noted that the percentage of votes received through postal voting is generally higher than that of in-person voting.

#### Option 3

Request to the Minister that the vacancy be carried until the October 2021 election. Officers consider this option is high risk, due to the length of time that the vacancy would require to be carried and the unlikelihood of a 6 person council being approved by the Minister for Local Government.

Option 2 is the preferred option.

### **IMPLICATIONS TO CONSIDER**

#### **Consultative**

Shire President  
Executive Team  
WA Electoral Commission

#### **Strategic**

Theme 5: Strong Leadership and Governance

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

It is important to note that Council will be operating with six (6) councillors until the extraordinary election is completed.

#### **Policy Related**

G2.9 Community Engagement and Consultation  
G4.6 Risk Assessment and Management

#### **Financial**

Council will need to consider the cost of engaging the Electoral Commission to conduct the extraordinary election in the 2020/21 budget.

The quote estimate for conducting a postal ballot is \$18,000 including GST, which is based on the following assumptions (Appendix 1 refers):

- 2,750 electors;
- Use of Australia Post regular mail service;
- Response rate of approximately 50%;
- Appointment of a local Returning Officer; and
- Count to be conducted in York.

Costs not incorporated in this estimate include

- Non-statutory advertising (ie: additional advertisements in community newspapers and promotional advertising); and
- Any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns.

Note: Last year Council opted for the Australia Post Priority Service for the lodgement of election packages which was an additional cost of approx. \$560.00

The cost of conducting the Local Government Ordinary Election in October 2019 by postal ballot was \$23,243.79 inc gst.

## Legal and Statutory

### Local Government Act 1995 – Division 4 – Extraordinary Elections

#### 4.8. Extraordinary elections

- (1) *If the office of a councillor or of an elector mayor or president becomes vacant under section 2.32 an election to fill the office is to be held.*
- (2) *An election is also to be held under this section if section 4.57 or 4.58 so requires.*  
**(4.57 Less candidates than vacancies or 4.58 death)**
- (3) *An election under this section is called an **extraordinary election**.*  
*[Section 4.8 amended: No. 2 of 2012 s. 10.]*

#### 4.9. Election day for extraordinary election

- (1) *Any poll needed for an extraordinary election is to be held on a day decided on and fixed —*
  - (a) *by the mayor or president, in writing, if a day has not already been fixed under paragraph (b); or*
  - (b) *by the council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).*
- (2) *The election day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.*
- (3) *If at the end of one month after the vacancy occurs an election day has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commissioner is to —*
  - (a) *fix a day for the holding of the poll that allows enough time for the electoral requirements to be complied with; and*
  - (b) *advise the CEO of the day fixed.*

#### 4.10. Extraordinary election can be held before resignation has taken effect

*If a member resigns —*

- (a) *the vacancy is to be regarded for the purposes of sections 4.8(1) and 4.9 as occurring when the CEO receives the notice of resignation even if the resignation takes effect on a later day; but*
- (b) *the election day fixed for the extraordinary election cannot be earlier than one month before the resignation actually takes effect.*

#### 4.20. CEO to be returning officer unless other arrangements made

- (4) *A local government may, having first obtained the written agreement of the Electoral Commissioner, declare\* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.*

*\* Absolute majority required.*

**4.61. Choice of methods of conducting election**

(2) *The local government may decide\* to conduct the election as a postal election.*

*\* Absolute majority required.*

**Risk Related**

Reputational risk if not conducted effectively. (High).

**Workforce**

Although the Electoral Commission conduct the extraordinary election, there is still a significant impact on the workforce to assist the electoral commissioner.

**VOTING REQUIREMENTS**

**Absolute Majority: Yes**

**RESOLUTION****090620****Moved: Cr Kevin Trent****Seconded: Cr Denis Warnick****That Council:**

- 1. Thank Cr David Wallace for his service as Shire President and Councillor since 2013;**
- 2. Declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the extraordinary election;**
- 3. Decide, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the extraordinary election will be as a postal election;**
- 4. Request approval to conduct an extraordinary election on Friday 18 September 2020; and**
- 5. Request the Chief Executive Officer to include an allocation in the 2020/21 annual budget for expenditure to engage the electoral commission to administer and run the extraordinary election process.**

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

**SY089-06/20 APPOINTMENT OF A MEMBER TO COUNCIL COMMITTEES AND WORKING GROUPS DUE TO RESIGNATION OF A COUNCILLOR**

**File Number:** FI.PRP.6

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

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

**Previously before Council:** November 2019

**Appendices:** 1. Update - Committee Booklet of 31 March 2020

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

Executive

**PURPOSE OF REPORT**

This report seeks Council to consider the replacement of an elected member to three community groups.

**BACKGROUND**

Due to the resignation of a Councillor on Monday, 8 June 2020 three community groups no longer have a representative of Council.

**COMMENTS AND DETAILS**

The three community groups that do not have an elected member representative are the River Conservation Society, the York Hospital Advisory Group and the Rural Water Council.

**OPTIONS**

1. Council could elect a representative to fill the position for the three community groups.
2. Council could elect to leave the vacancy on the committees until the extra-ordinary election is held.

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

Nil

**Strategic***Strong and Effective Leadership*

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



**Policy Related****G 2.5 Reference Groups****Financial**

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

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

**Legal and Statutory****Local Government Act 1995****Subdivision 2 — Committees and their meetings****5.10. Committee members, appointment of**

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

*\* Absolute majority required.*

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

*the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.*

**5.11A. Deputy committee members**

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

*\* Absolute majority required.*

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

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

### **5.11. Committee membership, tenure of**

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

### **Risk Related**

Tenure of Committee Membership is in accordance with the *Local Government Act 1995* Section 5.11. Due to the resignation of an elected member, Council is therefore required by legislation to review membership of Council Committees and Reference/Working Groups.

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

### **Workforce**

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

### **VOTING REQUIREMENTS**

**Absolute Majority: Yes**

**AMENDMENT****RESOLUTION  
100620****Moved: Cr Ashley Garratt****Seconded: Cr Kevin Trent****That Council:**

- 1. Appoints Cr \_\_\_\_\_ as the Shire's representative on the River Conservation Society Committee and Cr \_\_\_\_\_ as Deputy.**
- 2. Appoints Cr \_\_\_\_\_ as the Shire's representative on the York Hospital Advisory Group and Cr \_\_\_\_\_ as Deputy.**
- 3. Appoints Cr \_\_\_\_\_ as Deputy to the Rural Water Council with Cr Denis Warnick.**
- 4. Requests the Chief Executive Officer to:**
  - a. Update the Committee Booklet to reflect the appointment of the above members**
  - b. Make any minor editorial amendments as required; and**
  - c. Place a copy of the booklet on the Shire's website when updated.**
  - d. That the item be brought back to Council following the Extraordinary Election.**

**CARRIED: 6/0***Reason: Additional point (d) was included for clarity***RESOLUTION  
110620****Moved: Cr Ashley Garratt****Seconded: Cr Kevin Trent****That Council:**

- 1. Appoints Cr Ashley Garratt as the Shire's representative on the River Conservation Society Committee and Cr Kevin Trent as Deputy.**
- 2. Appoints Cr Denese Smythe as the Shire's representative on the York Hospital Advisory Group and Cr Pam Heaton as Deputy.**
- 3. Appoints Cr Stephen Muhleisen as Deputy to the Rural Water Council with Cr Denis Warnick.**
- 4. Requests the Chief Executive Officer to:**
  - a. Update the Committee Booklet to reflect the appointment of the above members**
  - b. Make any minor editorial amendments as required; and**
  - c. Place a copy of the booklet on the Shire's website when updated.**
  - d. That the item be brought back to Council following the Extraordinary Election.**

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

**SY090-06/20 AUSTRALIAN CITIZENSHIP CEREMONIES CODE - DRESS CODE**

**File Number:** CS.CIT.1

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

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

**Previously before Council:** Not Applicable

**Appendices:**

1. Australian Citizenship Ceremonies Code
2. Letter from Hon David Coleman MP - Australian Citizenship Ceremonies Code

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

Review

**PURPOSE OF REPORT**

This purpose of this report is for Council to endorse their preferred Dress Code for attendees at Citizenship Ceremonies.

**BACKGROUND**

The Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs recently proposed a number of changes to the *Australian Citizenship Ceremonies Code* and invited feedback from Australian Local Government Councils. Having considered the views of Councils, a new version of the *Australian Citizenship Ceremonies Code* has been released. See Appendix 1.

One of the key changes was for individual Councils to establish a Dress Code for ceremonies to reflect the significance of the occasion and provide a copy of their Dress Code to the Department of Home Affairs.

**COMMENTS AND DETAILS**

The new Australian Citizenship Ceremonies Code (the Code) states on page 25:

*The attire of attendees at citizenship ceremonies should reflect the significance of the occasion.*

*A Dress Code is to be set by individual councils.*

*Councils must provide a current copy of their Dress Code to the Department of Home Affairs.*

Some examples that have been provided to the Department from other local government councils are:

- Smart casual, national/cultural dress welcomed;
- What you wear should reflect the significance of the occasion. You may wear national or cultural dress if you wish;
- Neatly dressed or business attire respecting the significance of the ceremony; or
- Formal, Business or smart casual attire. Conferees are welcome to wear traditional, national or cultural dress

The City of Vincent Dress Code stated on their website is – Smart attire is required. National or cultural dress is welcomed.

**OPTIONS**

Option 1: Smart attire is required. National or cultural dress is welcomed.

Option 2: Smart casual, national/cultural dress welcomed.

Option 3: What you wear should reflect the significance of the occasion. You may wear national or cultural dress if you wish.

Option 4: Neatly dressed or business attire respecting the significance of the ceremony.

Option 5: Formal, Business or smart casual attire. Conferees are welcome to wear traditional, national or cultural dress.

Option 1 is the recommended option.

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

Department of Home Affairs

**Strategic**

Nil

**Policy Related**

Nil

**Financial**

Nil

**Legal and Statutory**

Nil

**Risk Related**

There is reputation risk to the Shire of York should it appear that citizenship ceremonies are not conducted according to the new Australian Citizenship Ceremonies Code.

**Workforce**

The officer time to organise citizenship ceremonies can be managed within existing resources.

**VOTING REQUIREMENTS**

**Absolute Majority: No**

**RESOLUTION****120620****Moved: Cr Kevin Trent****Seconded: Cr Ashley Garratt**

**That Council adopts a Dress Code as required in the new Australian Citizenship Ceremonies Code.**

- 1. Dress Code – Smart attire is required. National or cultural dress is welcomed.**
- 2. Requests the Chief Executive Officer to forward the Dress Code to the Department of Home Affairs.**
- 3. Place the Dress Code on the Shire of York website.**

***CARRIED: 6/0***

**SY091-06/20 FINANCIAL REPORT FOR MAY 2020**

**File Number:** FI.FRP

**Author:** Tabitha Bateman, Finance Manager

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

**Previously before Council:** Not Applicable

**Appendices:**

1. Monthly Financial Report - May 2020
2. Creditors Payments Listing - May 2020
3. Business Card Transaction Listing and Summary - April 2020

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

- Legislative
- Review

**PURPOSE OF REPORT**

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

**BACKGROUND**

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

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

**COMMENTS AND DETAILS**

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

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

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

Outstanding Rates and Services

The total outstanding rates balance at the end of May was \$1,235,534 compared to \$1,285,131 as at 30 April 2020.

Current Year	Properties	31/05/2020	%	Properties	31/05/2019	%
3 years and over	84	\$ 406,165.55	33%	65	\$ 374,900.13	30%
2 years and over	88	\$ 169,178.56	14%	92	\$ 194,131.62	16%
1 year and over	122	\$ 241,153.21	20%	130	\$ 238,851.25	19%
<b>Total Prior Years outstanding</b>		<b>\$ 816,497.32</b>	<b>66%</b>		<b>\$ 807,883.00</b>	<b>65%</b>
Current Rates	724	\$ 419,036.55	34%	687	\$ 432,915.11	35%
<b>Total Rates Outstanding</b>		<b>\$ 1,235,533.87</b>			<b>\$ 1,240,798.11</b>	

Officers expected to see a reduction in rates payments for the month due to the financial difficulties experienced in the community as a result of COVID-19. In an effort to alleviate additional financial stress, interest on outstanding rates was frozen from 1 April to 30 June 2020 and a new hardship policy was adopted at the Special Council meeting held 21 April 2020. Further, debt collection processes have been relaxed and payment arrangements outside of the ordinary payment options can be requested and are presented to Council from time to time.

Outstanding Sundry Debtors

Total outstanding sundry debtors as at 31 May 2020 were \$273,427 compared to \$275,784 reported at 30 April 2020. During the month of April, the first milestone payment was claimed for the Skate Park Project totalling \$200,000. As at 31 May 2020, this amount remains outstanding.

Current Year	31/05/2020	%	31/05/2019	%
90 days and over	\$49,758.89	18%	\$272,426.15	96%
60 days and over	\$313.50	0%	\$3,549.42	1%
30 days and over	\$217,668.02	80%	\$7,723.64	3%
Current	\$5,687.08	2%	\$732.90	0%
<b>Total Debtors Outstanding</b>	<b>\$273,427.49</b>		<b>\$284,432.11</b>	

**OPTIONS**

Not applicable

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

Not applicable

**Strategic**

Theme 5: Strong and Effective Leadership

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

**Policy Related**

Policy F1.2 Procurement  
Policy F1.6 Credit Cards



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

DE 3.1 Authority to make Payments from Trust and Municipal Funds

## Financial

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

## Legal and Statutory

### **Local Government Act 1995**

6.10. *Financial Management Regulations may provide for —*

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

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

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

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

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

(1A) *In this regulation —*

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

- (1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —*
  - (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*
  - (b) *budget estimates to the end of the month to which the statement relates; and*
  - (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*
  - (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
  - (e) *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing —*

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

**Risk Related**

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

**Workforce**

Not applicable

**VOTING REQUIREMENTS**

**Absolute Majority: No**

**RESOLUTION  
130620**
**Moved: Cr Kevin Trent**
**Seconded: Cr Pam Heaton**

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

**May-20**

<b>MUNICIPAL FUND</b>	<b>AMOUNT</b>
Cheque Payments	0.00
Payroll Debits	191,543.64
Electronic Funds Payments	1,359,201.36
BPay Payments - Utilities	36,542.93
Payroll Debits - Superannuation	41,443.88
Bank Fees	336.96
Corporate Cards	3,741.56
Fuji Xerox Equipment Rental	<u>236.62</u>
Sub total - Municipal	1,634,255.41
 <b>TRUST FUND</b>	
Electronic Funds Payments	2,802.40
Direct Debits Licensing	<u>71,441.00</u>
Sub total - Trust	74,243.40
 <b>TOTAL DISBURSEMENTS</b>	 <b>1,708,498.81</b>

**CARRIED: 6/0**

**SY092-06/20 INVESTMENTS - MAY 2020**

**File Number:** FI.FRP

**Author:** Tabitha Bateman, Finance Manager

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

**Previously before Council:** Not applicable

**Appendices:** 1. Investment Register - May 2020

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

- Legislative
- Review

**PURPOSE OF REPORT**

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

**BACKGROUND**

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

**COMMENTS AND DETAILS**

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

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

**OPTIONS**

Not applicable

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

Standard and Poor's Australia - Global ratings  
Financial institutions

**Strategic**

Not applicable

**Policy Related**

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

## Financial

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

## Legal and Statutory

### **Local Government Act 1995**

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

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

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

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

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

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

- (1) *In this regulation —*
  - authorised institution** *means —*
    - (a) *an authorised deposit-taking institution as defined in the Banking Act 1959 (Commonwealth) section 5; or*
    - (b) *the Western Australian Treasury Corporation established by the Western Australian Treasury Corporation Act 1986;*
  - foreign currency** *means a currency except the currency of Australia.*
- (2) *When investing money under section 6.14(1), a local government may not do any of the following —*
  - (a) *deposit with an institution except an authorised institution;*
  - (b) *deposit for a fixed term of more than 3 years;*
  - (c) *invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;*
  - (d) *invest in bonds with a term to maturity of more than 3 years;*

(e) *invest in a foreign currency.*

**Risk Related**

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

**Workforce**

Not applicable

**VOTING REQUIREMENTS**

**Absolute Majority: No**

**RESOLUTION****140620****Moved: Cr Kevin Trent****Seconded: Cr Denis Warnick**

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

**CARRIED: 6/0**

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

*Nil*

**11      QUESTIONS FROM MEMBERS WITHOUT NOTICE**

*Nil*

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

### MOTION

#### RESOLUTION

150620

Moved: Cr Kevin Trent

Seconded: Cr Pam Heaton

That Council agrees to accept and consider the Late Report -

**SY098-06/20 - Appointment of a Senior Officer - Executive Manager Corporate and Community Services.**

**CARRIED: 6/0**

### SY098-06/20 APPOINTMENT OF A SENIOR OFFICER - EXECUTIVE MANAGER CORPORATE AND COMMUNITY SERVICES

**File Number:** PE.REC.138

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

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

**Previously before Council:** Not Applicable

**Appendices:** 1. Recruitment and Selection Report - Confidential

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

Executive

### PURPOSE OF REPORT

This report presents Council with a report on the recruitment process for the role of Executive Manager Corporate and Community Services (EMCCS) for consideration.

### BACKGROUND

Following the resignation of Ms Suzie Hazlehurst from the position of Executive Manager Corporate and Community Services the Chief Executive Officer began a recruitment process to fill the vacancy.

As the result of a quotation process in accordance with Policy *F1.2 Procurement*, the Chief Executive Officer appointed Lydia Highfield Consultancy (LHC) to facilitate the recruitment process for the role of EMCCS.

### COMMENTS AND DETAILS

Attached at Appendix 1 is the confidential recruitment report prepared by Lydia Highfield Consultancy. The process for recruitment has involved the following steps:

- Advertising of the role in print and online forums.
- Lydia Highfield Consultancy preparing a shortlist of applicants for interview which was provided to the Chief Executive Officer.
- The Chief Executive Officer, Executive Manager Infrastructure and Development Services and Lydia Highfield interviewed the shortlisted applicants.
- Referee and qualifications checks were undertaken by Lydia Highfield Consultancy.



- Recommendation Report provided to the Chief Executive Officer.

Based upon the process outlined above the Chief Executive Officer is providing a recommendation to Council on the appointment of the preferred candidate in accordance with Section 5.37 of the *Local Government Act 1995*.

Following acceptance of this report the Chief Executive Officer will negotiate the terms of the contract with the preferred candidate which will be aligned to the conditions advertised. A contract term of three-five years will be offered.

## OPTIONS

In accordance with Section 5.37 of the *Local Government Act 1995* as outlined below Council can either accept or reject the recommendation from the Chief Executive Officer. If Council chooses to reject the recommendation, it must provide reasons for doing so.

## IMPLICATIONS TO CONSIDER

### Consultative

Nil.

### Strategic

*Strong and Effective Leadership*

*5.2 Skilled, effective and committed staff*

### Policy Related

F1.2 *Procurement*

G1.11 *Organisational Structure and Designation of Senior Staff*

### Financial

The salary package negotiated with the preferred applicant by the Chief Executive Officer will be within budget allocations and aligns with the package advertised as part of the recruitment process. Reimbursement of relocation expenses will also be offered with clauses relating to repayment of these costs in the event of departure included in the contract of employment.

The accepted quotation for the recruitment process was \$5,000 for recruitment services plus \$2,888 for advertising. These costs have been allocated to GL 42169 and GL 42185 respectively and are within budget allocations.

### Legal and Statutory

#### **5.37. Senior employees**

- (1) *A local government may designate employees or persons belonging to a class of employee to be senior employees.*
- (2) *The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.*
- (3) *Unless subsection (4A) applies, if the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.*
- (4A) *Subsection (3) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.*

- (4) *For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.*

*[Section 5.37 amended by No. 49 of 2004 s. 45 and 46(4); No. 17 of 2009 s. 22.]*

### **Risk Related**

The risks associated with recruitment relate to the ability to recruit appropriately skilled, experienced and qualified staff. The decision to engage a recognised and respected recruitment consultant was designed to mitigate this risk.

### **Workforce**

This position is a Senior Officer of the Shire of York.

### **VOTING REQUIREMENTS**

**Absolute Majority: No**

#### **RESOLUTION**

**160620**

**Moved: Cr Kevin Trent**

**Seconded: Cr Stephen Muhleisen**

**That, in accordance with Section 5.37(2) of the Local Government Act 1995, the Council:**

- 1. Accepts the recommendation from the Chief Executive Officer contained in the Recruitment Report attached as confidential Appendix 1 regarding the employment of the Executive Manager Corporate and Community Services as a Designated Senior Officer.**
- 2. Note that the Chief Executive Officer will negotiate the terms of the contract with the preferred candidate which is aligned to the conditions advertised. A contract term of three-five years will be offered.**

***CARRIED: 6/0***

**13 MEETING CLOSED TO THE PUBLIC****13.1 Matters for which the Meeting may be closed****RESOLUTION****170620****Moved: Cr Kevin Trent****Seconded: Cr Pam Heaton**

**That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 5.23(2) of the Local Government Act 1995:**

**SY093-06/20 - Confidential - Application for Rates Exemption - A9130**

**This matter is considered to be confidential under Section 5.23(2) - e(iii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government.**

**SY094-06/20 - Confidential - Application for Rates Exemption - A12191**

**This matter is considered to be confidential under Section 5.23(2) - e(iii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government.**

**SY095-06/20 - Confidential - Application for Rates Exemption - A50040**

**This matter is considered to be confidential under Section 5.23(2) - e(iii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government.**

**SY096-06/20 - Confidential - Rates Exemptions - Section 6.47**

**This matter is considered to be confidential under Section 5.23(2) - e(iii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government.**

**SY097-06/20 - Confidential - Chief Executive Officer - Interim/Probation Review**

**This matter is considered to be confidential under Section 5.23(2) - a of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter affecting an employee or employees.**

***CARRIED: 6/0***

The Gallery left the meeting at 5.21pm and the doors were closed.

**SY093-06/20 - CONFIDENTIAL - APPLICATION FOR RATES EXEMPTION - A9130****RESOLUTION  
180620****Moved: Cr Kevin Trent****Seconded: Cr Pam Heaton****That Council:**

1. Grants the application for a rates exemption for A9130 under Section 6.26 (2)(g) of the *Local Government Act 1995*.
2. Notes the Emergency Services Levy and any other applicable charges, such as rubbish collection are payable by the applicant.
3. Requests the Chief Executive Officer to review the exemption every three (3) years, with the next review occurring prior to 1 July 2023.

**CARRIED: 6/0****SY094-06/20 - CONFIDENTIAL - APPLICATION FOR RATES EXEMPTION - A12191****RESOLUTION  
190620****Moved: Cr Ashley Garratt****Seconded: Cr Kevin Trent****That Council:**

1. Grant a rates exemption for A12191, under Section 6.26 (2)(g) of the *Local Government Act 1995*, with the exemption being applicable from 1 July 2020.
2. Notes the Emergency Services Levy and any other applicable charges, such as rubbish collection are payable by the applicant.
3. Requests the Chief Executive Officer to review the exemption every three (3) years, with the next review occurring prior to 1 July 2023.

**CARRIED: 6/0****SY095-06/20 - CONFIDENTIAL - APPLICATION FOR RATES EXEMPTION - A50040****RESOLUTION  
200620****Moved: Cr Kevin Trent****Seconded: Cr Ashley Garratt****That Council:**

1. Grant a rates exemption for A50040, under Section 6.26 (2)(g) of the *Local Government Act 1995*, with the exemption being applicable from 1 July 2020.
2. Notes the Emergency Services Levy and any other applicable charges, such as rubbish collection are payable by the applicant.
3. Requests the Chief Executive Officer to review the exemption every three (3) years, with the next review occurring prior to 1 July 2023.

**CARRIED: 6/0**

**Declaration of Interest –**

**Cr Denis Warnick – Financial – I am the President of the Talbot Brook Community Group**

**At 5.26 pm, Cr Denis Warnick left the meeting.**

**Cr Kevin Trent – Impartial – I am a member of the York Men's Shed who lease land from the Shire**

*Cr Kevin Trent read the Impartiality Declaration - ... With regard to Confidential – Rates Exemptions– Section 6.47 the matter in Item SY096 06/20 I disclose that I have an association with the applicant (or person seeking a decision). The association is I am a member of the York Men's Shed who lease land from the Shire. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.*

**Cr Kevin Trent – Impartial – My wife, Maureen Trent is Chair of the Wheatbelt Women's Health Hub**

*Cr Kevin Trent read the Impartiality Declaration - ... With regard to Confidential – Rates Exemptions– Section 6.47 the matter in Item SY096 06/20 I disclose that I have an association with the applicant (or person seeking a decision). The association is My wife, Maureen Trent is Chair of the Wheatbelt Women's Health Hub. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.*

**Cr Denese Smythe – Impartial – I am a life member of the Wheatbelt Women's Health hub**

*Cr Denese Smythe read the Impartiality Declaration - ... With regard to Confidential – Rates Exemptions– Section 6.47 the matter in Item SY096 06/20 I disclose that I have an association with the applicant (or person seeking a decision). The association I am a life member of the Wheatbelt Women's Health Hub. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.*

**SY096-06/20 - CONFIDENTIAL - RATES EXEMPTIONS - SECTION 6.47****RESOLUTION  
210620****Moved: Cr Ashley Garratt****Seconded: Cr Stephen Muhleisen****That Council**

- 1. Approves the officer recommendation to grant rates exemptions under Section 6.47 of the Local Government Act 1995, for the period of the respective leases for:**
  - **Wheatbelt Women's Health Hub**
  - **York Pony Club**
  - **Voice of the Avon**
  - **Men's Shed**
  - **Croquet Club**
  - **Talbot Brook Community Group**
- 2. Notes the Emergency Services Levy and any other applicable charges, such as rubbish collection are payable by the lessees.**

**CARRIED BY ABSOLUTE MAJORITY: 5/0**

**At 5.30 pm, Cr Denis Warnick returned to the meeting.**

**Declaration of Interest –**

**Mr Chris Linnell – Financial – I am employed by the Shire of York as CEO**

**At 5.31 pm, Mr Chris Linnell, Mr Darren Wallace, Mrs Jo Bryant and Mrs Tabitha Bateman left the meeting.**

**Mrs Helen D’Arcy-Walker remained in the room for Minute taking purposes.**

**SY097-06/20 - CONFIDENTIAL - CHIEF EXECUTIVE OFFICER - INTERIM/PROBATION REVIEW**

**RESOLUTION  
220620**

**Moved: Cr Kevin Trent**

**Seconded: Cr Ashley Garratt**

**That Council:**

- 1. Endorses the overall performance rating for Mr Linnell as the Shire of York’s CEO for the review period February to June 2020 as ‘Meets Performance Requirements’ (and to a high standard).**
- 2. Confirms the contract of employment between Council and Mr Linnell.**
- 3. Endorses the Focus Areas and Actions for 2020/21.**
- 4. Schedules the 2021 annual appraisal to be commenced by the July 2021 Ordinary Meeting of Council and completed by the August 2021 Ordinary Meeting of Council.**

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

**At 5.34 pm, Mr Chris Linnell, Mr Darren Wallace, Mrs Jo Bryant and Mrs Tabitha Bateman returned to the meeting.**

**RESOLUTION**

**230620**

**Moved: Cr Kevin Trent**

**Seconded: Cr Pam Heaton**

**That Council opens the meeting to the public at 5.34pm.**

**CARRIED: 6/0**

13.2 Public Reading of resolutions to be made public

*The Shire President read the Resolutions to all the Confidential items.*

**14 CLOSURE**

*The Shire President thanked everyone for their attendance and closed the meeting at 5.41pm.*

*The minutes were confirmed by the Council as a true and accurate record at the Council Meeting held on 28 July 2020.*

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