



SHIRE OF YORK

**MINUTES OF THE ORDINARY
MEETING OF THE COUNCIL
HELD ON 27 AUGUST 2018
COMMENCING AT 5.02PM
IN COUNCIL CHAMBERS
YORK TOWN HALL, YORK**

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SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL
HELD ON MONDAY, 27 AUGUST 2018, COMMENCING
AT 5.02PM IN COUNCIL CHAMBERS, YORK TOWN HALL, YORK

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

1. OPENING

1.1 Declaration of Opening

Cr David Wallace, Shire President, declared the meeting open at 5.02pm.

1.2 Disclaimer

The Shire President advised the following:

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

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

1.3 Standing Orders

Nil

1.4 Announcement of Visitors

Nil

1.5 Declarations of Interest that Might Cause a Conflict

Nil

1.6 Declarations of Financial Interest

Nil

1.7 Declarations of Interest that May Affect Impartiality

Cr Kevin Trent – SY103-08/18 – Evaluation Report – York's Anzac Stories Remembering Them Exhibition

2. ATTENDANCE

2.1 Members

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

2.2 Staff

Paul Martin, Chief Executive Officer; Suzie Haslehurst, Executive Manager Corporate and Community Services; Helen D'Arcy-Walker, Council and Executive Support Officer

2.3 Apologies

Darren Wallace, Executive Manager Infrastructure & Development Services

2.4 Leave of Absence Previously Approved

Nil

2.5 Number of People in Gallery at Commencement of Meeting

There were 7 people in the Gallery at the commencement of the meeting

3. QUESTIONS FROM PREVIOUS MEETING

3.1 Response to previous public questions taken on notice

Mr Mike Gill

On Behalf of Avon Civil Engineering

Question 3:

My question is to the CEO

Does the Shire have Final Drawings and As Constructed Drawings for the roads constructed under the Design and Construct Contract 01-1617?

Response provided by the Chief Executive Officer:

To provide context to your question and my answer I will commence by repeating a response provide to a question you asked at the July Ordinary Council Meeting.

Tender 01-16/17 undertaken during the 2016/17 financial year was for a large scope of works including Reseals, Asphalt, Construction and Upgrade, Gravel Re-sheeting and works resulting from Storm Damage.

The construction and upgrade works required the tenderers to undertake a design and construct process to upgrade the following sections of roads to ARRB standards:

- Talbot Hall Road – slk 4.40 to 5.90
- Cut Hill Road – slk 0.10 to 1.08
- Quellington Road – slk 3.60 to 5.60
- Spencers Brook Road – slk 0.00 to 1.60
- Top Beverley Road. – slk 9.78 to 11.78
- Intersection of Berry Bow Road and Great Eastern Highway

Based upon the tenders received, Officers determined that the design of the roads should be undertaken by the Shire not by the tenderers. The Shire then engaged Howson Technical to prepare the design.

Draft designs for these roads were provided to the Shire and were tabled at a meeting between the contractor Howson Technical and Shire Officers. The Shire then paid for these designs to be finalised. However the Officer dealing with this matter no longer works at the Shire and we are unable to locate a copy of the final drawings for these road designs on the Shire's records system. Officers have requested Howson Technical to provide a copy of the final drawings.

Neither the contractors nor Howson Technical were required to provide the Shire "As constructed" drawings once the jobs were completed. However, the Shire has recently had these roads surveyed as part of the review being conducted into this tender and this will form part of the report being prepared for the Audit Committee.

3.2 Response to unasked questions from the previous meeting

Mrs Sharon Macdonald

Item No: **SY092-07/18 – 2018 YORKids Event Acquittal**

Question 1:

What was the Shire Staff wages component for this event in particular Events, Economic Development Officer?

Response provided by the Chief Executive Officer:

Of the \$4,000 detailed in the financial table in the report \$1,966.32 are the wages charged directly to this event for those hours worked by the outside workforce and additional cleaning undertaken by the Shire's cleaner. The wages for any inside employees, including the Events, Economic Development Officer, are not charged to this event.

Question 2:

What will happen to the surplus \$2,926 of the event?

Response provided by Chief Executive Officer

This will be included as part of the organisation's surplus carried forward from the 2017/18 Financial Year to the 2018/19 Financial Year as with other savings across the organisation.

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: 5.04pm

4.1 Written Questions – Current Agenda

Ms Melissa Webb

Question 1:

I have tried to locate without success, what exactly the annual cost is to the Council / Ratepayers, to maintain and provide the service of the Free RV facility.

Can you provide an itemised annual account of the costings?

I realise that encouraging visitors to stay in the town benefits local businesses, but I'd like to see what amount of money needs to be redeemed for its viability. Or, how much of a financial loss it is, especially as a substantial amount of money has already been spent on the facility with its set-up and then relocation.

Response provide by the Chief Executive Officer:

The annual costs specific to the RV Park at its current location have not been itemised in the annual budgets to date.

The RV parking area is not specifically metered although the electricity has been estimated to cost in the vicinity of \$350-500pa. The cost of water consumption for Avon Park as a whole, has increased noticeably over recent years due to increased watering however, the cost of water specifically for the Avon Park Toilets is around \$3,600 per year.

While in a transition period between the two sites, the 2018/19 budget includes an allocation of \$4,932 for maintenance at the new site. Future budgets will include a specific allocation for maintenance of the new site which has been estimated to be around \$25,000pa.

Mr Mike Gill
On Behalf of Avon Civil Engineering

On the 28th November 2017 Tenders closed for SOY Tender number 01-1718. The tender was for construction works on Goldfields Road, Top Beverley Road, Wilberforce Siding and Mackie Siding. The Tender Documents included drawings prepared by Howson Technical, these drawings are marked "Draft not for construction" and are marked as not checked and not approved.

Question 1:

Can you explain why these unchecked, unapproved, not for construction drawings were issued as part of the Tender Documents for Tender 01-1718?

Response provided by the Chief Executive Officer:

This tender was conducted shortly after the resignation of the previous Executive Manager Infrastructure & Development Services and at that time the Shire didn't have the resources or expertise to do any more than what occurred, noting that the inclusion of drawings with the tender documentation was an improvement on previous tenders undertaken by the Shire.

Question 2:

Was the successful Tenderer issued with Construction Drawings that were checked and approved by a suitably qualified professional engineer prior to construction works commencing?

Response provided by the Chief Executive Officer:

The Regional Manager of Main Roads Wheatbelt has advised the Shire that there is no requirement in WA for roads designs to be signed off by qualified engineers.

Following the two questions asked by Mr Gill, the Shire President then invited questions from other members of the public.

4.2 Public Question Time

Ms Darlene Barratt
On Behalf of Mr Mario Ameduri

Mortlock River Bogling Road Culvert - Last year the shire fixed the culvert, I informed the workers for this to be done properly it needed 2 more culverts and concrete and rock on the right hand side, that the gravel would just wash away. The Shire put gravel and compacted, no concrete, it washed away. This year the same thing, informed the workers what was needed, it was again filled with gravel and yes it washed away.

The following week I again talked to the workers, told them what was needed, this time the council widened the road, they cut the trees down and they asked me if the trees could be put on my property and I could use them or just burn them to save cost in carting them away, which I wanting to do my bit and help the council save money agreed. At this time I said make another two culverts 800 to a meter, rocks and concrete and this job will last. Again it wasn't done and it washed away.

At this point I went to see Paul Martin, I said fantastic job but I would have done 2 more culverts and concrete and rocks where the water banks up. I even made a call to Councillor Wallace that was not returned. The rains came and washed it away again that's about 15 trucks of gravel now washed down the Mortlock River. The last attempt to fix the culvert, I saw the supervisor on the job, I asked him are you going to fix it this time, his reply was no we have to do a band aid job. They then took the gravel that was left on the top and pushed it into the culvert. The money for this work I have been told came from the government (Royalty's for Regions).

Question 1:

How much money has gone down the river while the shire has been band aiding this problem as this is the third time under the current CEO's watch? I would like to know the exact cost so far?

Response provided by the Chief Executive Officer:

This question will be Taken on Notice.

Question 2:

Why wasn't this fixed properly after I have told you and made you aware? Not in the same for same period. Is the shire going to fix this problem with the use of a professional not the current unqualified staff?

Response provided by the Chief Executive Officer:

This job was funded by WANDRRA which only funds the replacement as like for like. The option is available to Council for it to consider improvements to the culvert.

Response provided by the Shire President:

That is the issue with WANDRRA funding – it replaces like for like. The upgrade must be a separate issue.

Mr Geoff Davis

I put in an application to live on my property and was under the impression that it would be dealt with at this meeting by Mr George Johnson and Mr Paul Martin. Why was it not on the Agenda?

Response provided by the Chief Executive Officer:

The administration has had meetings with Mr Davis and Ms Barratt regarding Mr Davis's application to live on his property and a report will be presented to the next Council meeting.

Mrs Kath Murray

Question 1:

With regards to the Dog Park – is there an answer to moving the dog park. Also, will the agility items be moved that are at the current Dog Park?

Response provided by the Chief Executive Officer:

The potential relocation of the Dog Park is an Agenda item to be considered later in this meeting. Council could consider moving the agility items at this time, however this was not considered as part of the original plan.

The Shire President invited Mike Gill to put two more questions to Council.

**Mr Mike Gill
On Behalf of Avon Civil Engineering**

Question 3:

Does Howson Management/Howson Technical have Professional Indemnity and Public Liability Insurances for Civil Engineering Design?

Response provide by the Chief Executive Officer:

The Chief Executive Officer has sought clarification from Howson Management/Howson Technical on this matter who have advised the following:

- Insurance cover is for Project Management Consultant for Civil Construction and Engineering Projects.

Question 4:

Do the works completed under this Contract comply with Main Roads Standard Specifications as was stipulated in the Tender Documents?

Response by the Chief Executive Officer:

We have experienced an issue with the works done on Top Beverley Road. In this case the contractors have admitted they experienced issues within their company which impacted upon their ability to construct the road in accordance with the design.

When this became know the following occurred:

- The Chief Executive Officer engaged Cardno to assess the works undertaken and provide an independent report to the Shire on how the works comply with the design and the required standards.
- Given Howson Technical was engaged by the previous Executive Manager Infrastructure & Development Services to prepare the design prior to being appointed to the role of Acing Executive Manager Infrastructure & Development Services the Chief Executive Officer required Bret Howson be excluded from review of these works.
- Payment for these works were held back from the contractors until the independent report was received and assessment could be made.
- When the new Executive Manager Infrastructure & Development Services commenced he assessed the works and the report from Cardno and determined that that the majority of the road is fit for purpose and released 90% of the payment for the project (withholding 10% of the costs for a period of 12 months). He also invited the contractor to supply the Shire with a plan/offer to remedy the non-conformance.

As the allotted 15 minutes for Public Question Time had expired in accordance with the Local Law, the Shire President asked if Council wanted to extend Public Question Time by Council Resolution.

**RESOLUTION
010818**

Moved: Cr Saint

Seconded: Cr Ferro

“That Council extends Public Question Time by 10 minutes.”

CARRIED: 7/0

Public Question Time continued at 5.23pm.

**Mr Mike Gill
On Behalf of Avon Civil Engineering**

Question 5:

My question is to the CEO.

In your response to a question taken on notice, you state that you have recently surveyed the roads built under Contract 01-1617 as part of a Tender review, this would imply that no other post construction survey had been conducted. I therefore ask you to confirm that you did not carry out any surveys of these roads immediately following completion of the construction.

Response provided by the Chief Executive Officer:

This question to be Taken on Notice.

Question 6:

My question is to the CEO.

In the Confidential Appendix of the February 2016 Ordinary Council Meeting, Point 4 of Section 6.1 Basis for Recommending a Tender clearly states ‘as constructed drawings will be presented to the Shire for assessment against the design on completion of the construction.’

Can you confirm that ‘As constructed’ drawings were not prepared by any party following completion of the construction.

Response provided by the Chief Executive Officer:

This question to be Taken on Notice.

Ms Darlene Barratt

Question 1:

Bogling Road – fixed like for like – why can’t the Shire put in extra money to fix it properly?

Response provided by the Chief Executive Officer:

This is a matter that the Council may need to now consider given what has occurred.

Question 2:

Did the Shire not save money by putting the trees on Mr Ameduri’s block?

Response provided by the Shire President:

Many land owners across the Shire allow the Shire to put trees in their properties to save them from being carted away. I would like to thank the people of York for allowing the trees onto their property.

Question 3:

Where did the money go with the savings?

Response provided by the Shire President:

This is factored into the job upon commencement.

Ms Melissa Webb

Question 2:

I have submitted a concern regarding Spencers Brook Road. The Works Officer came out and stated that work needed to be done. Is there anything on the works list for the work to be carried out.

Response provided by the Chief Executive Officer:

Following the onsite meeting you had with Mr Howson, grading occurred on Spencers Brook Road to improve drainage and shoulders of the road. Funds have been included in this years budget to upgrade the road.

Response provided by the Shire President:

The Shire will contact you separately and advise how much has been included in the budget this year for this project.

Public Question time concluded at 5.30pm as there were no further questions from the Gallery.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Cr David Wallace requested Leave of Absence from 8 September to 21 September 2018 inclusive.

**RESOLUTION
020818**

Moved: Cr Smythe

Seconded: Cr Trent

“That Council approves Leave of Absence for Cr David Wallace from the 8 September 2018 to 21 September 2018 inclusive.”

CARRIED: 7/0

PRESENTATIONS

5.1 Petitions
Nil

5.2 Presentations
Nil

5.3 Deputations
Nil

5.4 Delegates reports
Nil

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Minutes of the Ordinary Council Meeting held 23 July 2018

Confirmation

**RESOLUTION
030818**

Moved: Cr Trent

Seconded: Cr Heaton

“That the minutes of the Ordinary Council Meeting held 23 July 2018 be confirmed as a correct record of proceedings.”

CARRIED: 7/0

7. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

8. OFFICER’S REPORTS

SY098-08/18 – Road Naming Request – Unnamed Road - Talbot

FILE REFERENCE:	PS.NAM.2
APPLICANT OR PROPONENT(S):	Shire of York
AUTHORS NAME & POSITION:	Carly Rundle, Senior Planner
RESPONSIBLE OFFICER:	Darren Wallace, Executive Manager Infrastructure & Development Services
PREVIOUSLY BEFORE COUNCIL:	Nil
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	A – Location Plan B – Site Plan C – Road Name Register

Nature of Council’s Role in the Matter:

- Quasi-judicial

Purpose of the Report:

For Council to consider the addition of names to the Road Name Register, and to name an un-named road in Talbot.

Background:

A request has been received to name an ‘un-named’ road, accessed off Talbot Road, Talbot. A location plan, and site plan showing the subject road is provided at **Appendices A and B** respectively.

The un-named road reserve is 1.3km long, of which only approximately 540m is constructed to a gravel standard.

There are approximately three lots accessing their properties via this road, and three rural street addresses for these properties registered with Landgate on Talbot Road. Rural street numbers indicate the measured distance from a point on Talbot Road. The Shire’s records indicate that postal addresses for proprietors of these properties are registered as ‘post office boxes’, although there is one mailbox located at the intersection of Talbot Road and the un-named road reserve. Should the road be named, lots using this road for access will need to be assigned new rural street numbers.

Landgate has confirmed that this road is currently un-named and should there be a request to name the road, a suitable name would need to be endorsed by Council through the normal road naming process. The naming of roads is generally seen as beneficial as it can allow for improved addressing and easier location of properties by emergency services. Landgate’s policy is that all roads shall be named, which are open to public access or for the delivery of services.

The naming of roads requires the approval of Landgate’s Geographic Names Committee and names are required to meet criteria as set out in the ‘Policies and Standards for Geographical Naming in Western Australia, version 01:2017’. This generally requires the local government to endorse a road name which complies with the criteria of the policies and standards above, consult with the immediate community whose addresses may be altered, and submit the proposal to Landgate for approval.

The Shire of York has an existing approved Road Name Register, which according to the Shire's records is a list of names which were endorsed at Ordinary Council Meetings 27 April 2011 and 15 March 2010. A copy of the resolutions and approved names is provided as the 'Road Name Register' in **Appendix C**. The 2011 resolution authorised the Chief Executive Officer (CEO) to allocate names from the Road Name Register to roads within the Shire of York, as required. It is understood that the Road Name Register consists of names taken from the War Memorial Plaque at that time, and that names not eligible for use were deleted from the list. A road name register and delegation ensures the CEO can authorise a road name and forward through to Landgate in an efficient and timely manner, and any new road names proposed not on this register will require Council approval.

In consulting with the Honour's Reference Group (HRG) regarding suitable names for the subject road and following research being undertaken, four names were recommended by the HRG which were relevant to the Talbot area. Not all names were on the approved Road Name Register and therefore are being presented to Council for addition.

Comments and details:

The approved Road Name Register is made up of names from the War Memorial Plaque, with persons who served in World War 1, although contains limited detail to advise where in the Shire approved names would be suitable for use.

The HRG requested research be undertaken to identify names suitable for use in the Talbot locality. This research included a title search and archival research of a variety of resources. As a result, it was identified that the following names were relevant to the Talbot area and are recommended by the HRG at the meeting dated 6 August 2018 for naming of the subject road:

1. Wiseman

A historical title search indicates the name Wiseman correlates to historical ownership of lots on the subject road dating back to the 1950's. Four 'Wiseman' brothers were enlisted in World War 1 and were linked to a farm called 'Stanhope' in the Talbot area. The Honours Reference Group also advised that the road is commonly referred to as 'Wiseman Road' by locals. The use of Wiseman Road was recommended by the Honours Reference Group as the preferred name for the road.

Generally, more than one name is required to be submitted to Landgate for approval, in the event that the first name does not meet the criteria of the Policies and Standards for Geographical Naming in Western Australia. As such the following names were also endorsed for the subject road in the following order:

2. Pettit.

This name is already on the Road Name Register and relates to Stanley Edward Pettit who served in World War 1 and was the son of Edward and Rachel Pettit of Talbot Brook.

3. Sargent.

Philp Sargent served in World War 1 and is identified as being from the Talbot locality.

4. Maclachlan.

Relates to Roy Maclachlan who served in World War 1 and is identified as being from the Talbot locality.

The above names were checked on Landgate's online form, and received preliminary validation indicating these names may be suitable for use and are likely to comply with the following criteria, where names submitted cannot be:

- homonymous, for example similar in spelling to an existing road name.
- similar in sound to an existing road name.
- in the same locality as an existing road name.
- in an adjoining locality.
- in the same local government area.
- duplicated more than six times in the metropolitan area, three north and three south of the Swan River.
- duplicated more than 15 times within Western Australia.
- less than 10km from the existing duplication in the metropolitan area;
- less than 50km from an existing duplication in rural areas.
- road name duplication should be avoided in adjoining local governments.

The updated Landgate policies include specific criteria for use of personal names, where the approval of names will only be considered:

- Posthumously.
- With permission of the immediate family, or in the case of the person being deceased for more than ten years and the family cannot be contacted, appropriate consultation must be carried out.
- Where a demonstrated record of achievement is shown.
- When there is demonstration of a direct and long-term association with the location, and a significant contribution to the area.
- With evidence of broad community support for the proposal.

All names or persons associated with World War 1 are posthumous, there is a contribution to the community by their serving/enlisting, and there are records linking them to the Talbot locality.

Should Council endorse the addition of the names to the Road Name Register, consultation with immediate family and immediate community will need to be undertaken as outlined below.

All road names are required to include a road type selected from the Australian Standards AS/NZS 4819:2011 Rural and Urban Addressing – Appendix A, Road Types – Australia. The Road Type chosen shall convey the function and characteristics of the road. Landgate has advised that the road type ‘retreat’ would be appropriate for use for the subject road, which is a no-through road, and is suitable for shorter roads where you may wish to discourage general public from entering.

Options:

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

- Refuse to add the names to the Road Name Register and to name the subject road and list reasons why;
- Amend the names and/or order for road naming. Please note that roads names submitted to Landgate are required to meet specific criteria.

Implications to consider:

- **Consultative:**

The recommended road names for the subject road have been endorsed by the HRG at the meeting dated 6 August 2018 in the order as outlined in officers' comments.

Should Council resolve to add the recommended names to the Road Name Register and endorse these names to be used for the subject road as per the officers recommendation, further consultation/permission will need to be undertaken/obtained with immediate family.

Of the names available for use on the subject road, immediate consultation will need to be undertaken regarding the proposed road naming, as set out in the Policies and Standards for Geographical Naming in Western Australia. This requires consultation of any naming proposal which affects addresses to be undertaken with affected residents, businesses and any visitor groups and government or non-government organisations with an interest in the area. Any objections received must be given consideration by the local government, and are to be included in an assessment report, stating the objection and indicating relevance to the guidelines and council's consideration/response to said objection. The policy and standards outline that consideration need only be given to those objections that relate to concerns of non-conformance to the naming. Should an objection to the road naming be received and the objection relate to concerns of non-conformance with the road naming, the road naming will be referred back to Council for consideration.

A consultation period of 30 days is required in the format required by Landgate's Policy and Standards, which also advises that local government is expected to meet costs of consultation.

- **Strategic**

The naming of roads is not specifically provided for in strategic plans for York, although it is beneficial for providing accurate addresses of residents in this area and will provide benefits for emergency services in being able to locate properties better in an emergency. The names recommended recognise world war 1 veterans and are relevant to the locality.

The recommendation is broadly considered consistent with the Shire of York Strategic Community Plan 2018-2028.

- **Policy implication:**

Council Policy G2.5 Reference Groups

The York Honours Reference Group has been appointed in accordance with Council Policy G2.5 Reference Groups to provide advice to Council on matters relating to the community including roads, reserve and place names.

There are no local policies adopted to provide guidance on the road naming process.

- **Financial:**

There are no financial implications associated with the officer's recommendation to add names to the Road Name Register.

The allocation of names from the Road Name Register is anticipated to have associated costs such as:

- New rural street numbers will need to be allocated, a typical application fee of \$101 applies, involving staff time, and erection of a new green number onsite.

- Cost and installation of a new road name sign, and associated signs (i.e no through road) is anticipated to be approximately \$330, including allowance of staff time to install.
- Consultation may involve placing a notice in the local paper, which is anticipated to cost approximately \$330.

The Honours Reference Committee has recommended that the Shire meets the above costs. There may be costs associated with the changing of addresses from the issuing of new rural street addresses, which are expected to be met by affected landowners.

- **Legal and Statutory:**

Land Administration Act 1997

The naming of features, localities and roads is covered under Section 26A of the Act and is supported by mandatory policies and processes which provide necessary information for a person or group in the naming and determination of extents of roads.

Australian Standard AS/NZS 4819:2011 Rural and Urban Addressing

All WA rural and urban address allocations are recorded by Landgate and are in accordance with AS/NZS 4819:2011.

- **Risk related:**

The naming of roads which are accessible is considered beneficial to allow for easier identification of properties by emergency services, and in this sense reduces risk.

The road is only partially constructed. LGIS was consulted in regards to implications of naming a road which is only partially constructed and advised that it is already a responsibility of the Shire to maintain and manage existing gazetted road reserves (noting there is no obligation to construct new roads) and as long as the Shire is adhering to any regulations which may apply, that they did not see any, or if any very limited liability issues associated with the actual naming of the road itself.

- **Workforce Implications:**

Nil. The road naming process and consultation will be undertaken within existing Shire resources.

Voting Requirements:

Absolute Majority Required: No

**RESOLUTION
040818**

Moved: Cr Smythe

Seconded: Cr Trent

That Council:

1. Approves the following names to be added to the Road Name Register:

- ***Maclachlan***
- ***Sargent***
- ***Wiseman***

2. Authorises the Chief Executive Officer to allocate the following name (and road type) to the un-named subject road in Appendix A:

'Wiseman Retreat'

Subject to point 3 below, should the name 'Wiseman' not meet the relevant criteria of Landgate, the following names shall be allocated in the following order: Pettit, Sargent, Maclachlan.

3. The authorisation and use of names referred in 2 above, is subject to:

- a. Permission of the immediate family being obtained, or where the person has been deceased for more than 10 years and contact with the immediate family could not be established appropriate consultation must be carried out.***
- b. Notice of the proposed road naming being given for a period of no less than 30 days from the date of notice/letter and in the event that an objection is received, the matter will be referred back to Council for determination."***

CARRIED: 7/0

SY099-08/18 –Proposed disposal of Lot 13 Redmile Road and Lots 2,3,4,5 and 6 Avon Terrace

FILE REFERENCE:	AV160050
APPLICANT OR PROPONENT(S):	N/A
AUTHORS NAME & POSITION:	Paul Martin, Chief Executive Officer
RESPONSIBLE OFFICER:	Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL:	23 April 2018 – Item SY040-04/18
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	A. Preliminary Site Investigation Report B. Detailed Site Investigation Report C. DRAFT Remedial Options Analysis Report

Nature of Council’s Role in the Matter:

- Executive

Purpose of the Report:

This report seeks direction from Council in regard to the potential disposal of Lots 13 Redmile Road and Lots 2,3,4,5 and 6 Avon Terrace, in particular regarding the disposal method and level of community consultation Council would like to undertake for this matter.

Background:

Council considered a request received from Heartlands Vets regarding the potential disposal of Lot 13 Redmile Road and Lots 2,3,4,5 and 6 Avon Terrace at its meeting on 23 April 2018 and resolved the following:

“That Council:

- 1. Notes the proposal for a Purpose Built Animal Hospital on Shire owned land received from Heartlands Veterinary Hospital.*
- 2. Requests the Chief Executive Officer to prepare a detailed report for Council’s consideration addressing issues including but not limited to:*
 - the extent of contamination on the site and the works (and costs) required to determine likely costs to remediate the site.*
 - the options and process for disposing of the land in accordance with the Local Government Act 1995.*
 - the steps and costs to determine a valuation of the site.”*

Comments and details:

The contamination on the site

In February 2012, GHD prepared a Preliminary Site Investigation Report for Lots 2,3,4,5 and 6 Avon Terrace for the Shire of York. A copy of this report is attached at Appendix A.

This led to the Shire engaging GHD to prepare a Detailed Site Investigation. This report is dated November 2012. A copy of this report (without Appendices as they are considerable) is attached at Appendix B. Appendices can be provided to either Councillors or members of the community upon request.

From the file Officers could identify that GHD had been engaged to undertake Remedial Options Analysis however the final report could not be located. Officers contacted and met with GHD to discuss the status of this report and next steps.

Attached at Appendix C is the email received from GHD attached to which is the Draft Remedial Options Analysis Report dated June 2013.

All of these assessments were undertaken for a proposal to develop medium density residential accommodation on the site.

It should also be noted that all of these assessments were for Lots 2,3,4,5 and 6 Avon Terrace. No investigation has been undertaken as far as can be determined into the adjoining Lot 13 Redmile Road.

From discussions with GHD, Officers understand that the remediation options for the site would need to be specific to the use proposed and that regulations will have changed since this time so the report would need to be updated. GHD has provided an estimated cost of \$10,000 to undertake this work. This is only to be used as an indication of the extent of the costs required, at this stage Officers have not sourced formal quotations.

GHD has advised that the Shire has two options in regards to how to progress with consideration of disposal of the site in regards to contamination, namely:

1. Remediate the site prior to sale.
2. Sell the site as is with full disclosure, passing on the remediation liability to the new purchaser.

Officers are recommending option two and the disposal of the land is proposed to occur through a public tender process. Therefore, although Heartlands Vets have made enquiries Council could choose to dispose of the site to any tender received. As the remediation options are directly related to the potential uses, expenditure of Shire resources on further options analysis could be wasted depending upon the use determined.

Officers understand (but would be recommending obtaining legal advice prior to proceeding) that as long as full disclosure occurs during the sale process, Council could dispose of the lots as is noting however this will be at a lesser price than if the site was fully remediated. Officers have not obtained a quote for legal advice on this matter but would expect it to be in the vicinity of \$4,000.

This option would also involve the Shire expending the least amount of funds to consider the disposal.

Options for disposal of the site

In accordance with the *Local Government Act 1995* Council can dispose of land by tender, auction or private treaty.

A private treaty agreement is typically only used to dispose of land to adjoining landowners when a road or right of way is closed or the Council is confident that no better arrangements can be achieved. Given the situation regarding this land, Officers would not be recommending this option of disposal to Council.

An auction could be appropriate if the purchase or the land is relatively straight forward such as disposal of a house or vacant block of land. However, given the issues associated with contamination potential purchasers will want to undertake some due diligence on the land and may wish to include conditions or matters for Council to consider. Furthermore, if Council wants to dispose of the land in its current condition, it needs to make full disclosure of the contamination on the site which is best done in detailed tender documentation. Officers are not recommending this disposal method.

Therefore Officers recommend a public tender process is the most appropriate disposal method to undertake. In addition to addressing the issues above, this also enables any other tenders received for the purchase of the land to be considered.

Council is only required to prepare a Business Plan for land transactions worth over \$2 million. The Shire has however, previously used this business planning process to not only outline options and implications for consideration but also to provide an opportunity for community input. This was to align with the community's expectations of transparency and input.

The issue Council needs to now consider is whether this is a matter upon which the community would expect to have input. If this is the case, then a business plan should be prepared as the best option for structure and feedback.

This will however, add some three months to the timeframe associated with the disposal, which may deter any potential purchasers.

Whilst Business Plans were prepared and used as a basis for community information and consultation for the disposal of the Old Tennis Courts and the St Patricks Convent School, Officers consider that the community may be less interested in having input on the potential disposal of this site. As such, after further consideration, Officers are not recommending a Business Plan process on this occasion. However, if Council considers that the community would like to have input, a Business Plan can be prepared and advertised in accordance with the *Local Government Act 1995*.

Therefore, Officers are recommending that if Council wants to proceed to disposal of this site, it can call tenders as soon as practicable. The tender documentation would include full disclosure of the extent of the contamination on the site and clearly pass all associated risks to the potential purchaser.

If Council determines to call tenders it is not bound to accept any tender received.

Determining a value for the site

The Shire purchased the site in question in 2005 for an amount of \$154,545.

Officers are recommending that if Council called tenders for the disposal of the site it obtained a valuation from a licenced valuer during the process against which to compare tenders received. Officers have obtained a quote for a valuation of the site "as is" with full disclosure of contamination which is \$3,500 (ex GST). This valuation has not yet been obtained.

Options:

Council has the following options in regard to this matter:

1. Determine not to progress with the disposal and retain the site for future use/development.
2. Engage a company to prepare the Remedial Options Analysis report to refine the costs of remediating the site, thus reducing the risks for potential purchasers and potentially achieving a higher tender price.
3. Prepare and advertise a Business Plan for the potential disposal of the site to allow the community to have input into the decision to dispose.
4. Proceed directly to call tenders for the potential disposal of the site noting this would require legal advice and a valuation to be obtained.

Officers are recommending Option 4 with all tenders received being presented to Council for consideration.

If Council chooses this option, Officers are recommending that a separate report be presented to Council seeking direction on aspects of the tender including advertising period, selection/assessment criteria, composition of the selection panel and potentially other matters. The Shire is planning to undertake several disposals during this financial year, so Officers consider it important to ensure the process is consistent, robust, transparent and compliant.

This report would also seek direction in what Council would like to do with proceeds received from the sale although Officers would be recommending proceeds either be placed in reserve or used to repay debt.

Implications to consider:

- **Consultative**
Officers have met with a representative of Heartlands Vets to inform them of the timing of presentation of the report to Council.
- **Strategic**
This land parcel is not identified in the Shire's Strategic Community Plan or Corporate Business Plan for either disposal or a particular future use.
- **Policy related**
Nil.
- **Financial**
Officers are recommending Council disposes of the lots in question via a public tender process.

The costs associated with undertaking this process are proposed to be as follows:

- Legal advice on tender documentation and process	\$4,000
- Valuation from Licenced valuer	\$3,850
- Advertising in West Australian	\$1,500
Total	\$9,350

Should Council wish to proceed with calling tenders for the disposal of this land the funds from GL144181 Property Transaction Settlement Costs which has a budget of \$55,000 in the FY.

- **Legal and Statutory**
This process is needs to be compliant with Section 3.58 of the Local Government Act 1995 as outlined below.

3.58. Disposing of property

(1) *In this section —*

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

property includes the whole or any part of the interest of a local government in property, but does not include money.

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

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

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

- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) *it gives local public notice of the proposed disposition —*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

and
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned; and*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition —*
 - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
- (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*

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

Section 3.59 of the Local Government Act 1995 as outlined below is only applicable if the transaction is expected to be valued at more than \$2 million. As this is not the case in this instance it is not a requirement, however Council could undertake this process if it wanted to provide the community with an opportunity to have comment prior to any potential disposal.

3.59. Commercial enterprises by local governments

- (1) *In this section —*
- acquire* *has a meaning that accords with the meaning of* **dispose***;*
- dispose* *includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

land transaction means an agreement, or several agreements for a common purpose, under which a local government is to —

- (a) acquire or dispose of an interest in land; or
- (b) develop land;

major land transaction means a land transaction other than an exempt land transaction if the total value of —

- (a) the consideration under the transaction; and
- (b) anything done by the local government for achieving the purpose of the transaction,

is more, or is worth more, than the amount prescribed for the purposes of this definition;

major trading undertaking means a trading undertaking that —

- (a) in the last completed financial year, involved; or
- (b) in the current financial year or the financial year after the current financial year, is likely to involve,

expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;

trading undertaking means an activity carried on by a local government with a view to producing profit to it, or any other activity carried on by it that is of a kind prescribed for the purposes of this definition, but does not include anything referred to in paragraph (a) or (b) of the definition of **land transaction**.

(2) Before it —

- (a) commences a major trading undertaking; or
- (b) enters into a major land transaction; or
- (c) enters into a land transaction that is preparatory to entry into a major land transaction,

a local government is to prepare a business plan.

(3) The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —

- (a) its expected effect on the provision of facilities and services by the local government; and
- (b) its expected effect on other persons providing facilities and services in the district; and
- (c) its expected financial effect on the local government; and
- (d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56; and
- (e) the ability of the local government to manage the undertaking or the performance of the transaction; and
- (f) any other matter prescribed for the purposes of this subsection.

(4) The local government is to —

- (a) give Statewide public notice stating that —
 - (i) the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction; and

- (ii) *a copy of the business plan may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
- and*
- (b) *make a copy of the business plan available for public inspection in accordance with the notice.*
- (5) *After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*
- * Absolute majority required.*
- (5a) *A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.*
 - (6) *If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.*
 - (7) *The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.*
 - (8) *A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.*
 - (9) *A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.*

- (10) For the purposes of this section, regulations may —
- (a) prescribe any land transaction to be an exempt land transaction;
 - (b) prescribe any trading undertaking to be an exempt trading undertaking.
- [Section 3.59 amended by No. 1 of 1998 s. 12; No. 64 of 1998 s. 18(1) and (2).]

- **Risk related**

There are two main risks to considering this matter as Officers see it, namely:

1. No tenders are received which meet the valuation and/or are suitable for Council to accept. This will mean that potentially the land is not sold and the investment of time and financial resources by the Shire is for no outcome. This will be a risk Council is happy to accept if it determines to proceed.
2. The process used to dispose of the land is not seen as transparent and accountable by the public. To address this risk Officers are proposing that a separate report is presented to Council seeking approval for aspects of the disposal if Council resolves to proceed.

- **Workforce Implications**

This disposal can be managed within existing workloads.

Voting Requirements:

Absolute Majority Required: Yes

RESOLUTION

050818

Moved: Cr Smythe

Seconded: Cr Ferro

“That Council

- 1. Agrees to undertake a public tender process in accordance with Section 3.58 (2) (b) of the Local Government Act 1995 to consider disposing of Lot 13 Redmile Road and Lots 2,3,4,5 and 6 Avon Terrace.***
- 2. To facilitate this process requests the Chief Executive Officer to:***
 - present a report for Councils consideration on the potential disposal process as outlined in this report.***
 - obtain legal advice on the tender process and preparation tender documentation.***
 - obtain an “as is” valuation from a licenced valuer***

CARRIED BY ABSOLUTE MAJORITY: 7/0

SY100-08/18 – Wheatbelt Secondary Freight Route

FILE REFERENCE:	TR.RDT.3
APPLICANT OR PROPONENT(S):	Shire of York
AUTHORS NAME & POSITION:	Fraser Brown, Senior Technical Officer
RESPONSIBLE OFFICER:	Darren Wallace, Executive Manager Infrastructure & Development Services
PREVIOUSLY BEFORE COUNCIL:	N/A
DISCLOSURE OF INTEREST:	N/A
APPENDICES:	A. RRG Update on Secondary Freight Routes Project B. Briefing Note: Wheatbelt Secondary Freight Route

Nature of Council’s Role in the Matter:

- Executive

Purpose of the Report:

To seek Council endorsement for the Wheatbelt Secondary Freight Routes Project Development report. And an “in principle” agreement to contribute \$6,000 to the Project

Background:

The Wheatbelt Secondary Freight Route (WSFR) network in the Main Roads WA Wheatbelt region comprises some 4,400km of Local Government managed roads that connect with State and National highways to provide access for heavy vehicles into the region. These roads are intended to enable large, high productivity trucks safe and cost effective access to business. The WSFR project is developing a business case, with the supporting evidence and documentation required, to seek the addition of a program of road improvements across the network be added to the Infrastructure Australia Priority List.

An update on the Secondary Freight Routes Project presented to the Regional Road Group is attached as appendix A for Council’s information. The update includes the first draft map of the roads included in the project, however there will be further refinement of the map.

A Briefing Note on the Wheatbelt Secondary Freight Route is attached at Appendix B. This is a further update and the document referred to in the Council resolution for noting.

From the Development report (Appendix A) it can be noted that no Shire of York roads are included in the project as it stands.

Status of the project:

1. The WSFR working group had met with MRWA sometime ago putting forward the idea that any LGA contribution to assist with BBRF application, could come directly from project funding allocations. While a definitive answer has not been provided, the implication was that this would not be possible. At that time, it was thought that co-contributions may need to be in the order of \$15,000 to \$20,000 per LGA. As the amount is now \$6,000, the group felt this was the more appropriate action to avoid further delays.
2. When the request for co-contributions to be allocated in 2018/19 was made, the WSFR was unsure if those contributions needed to be in the year of the grant approval or over the life of the project. It has since been advised that the contributions can be extended over the project life. Therefore, it is now not necessary to make the allocation in 2018/19, but could be required in 2019/20. The commitment will still be required to enable a BBRF application to be lodged.

Any contribution would only be required if the BBRF application is successful.

3. The WSFR has been made aware that there is some Federal funding available from the Major Project Business Case Fund. Investigations are taking place to see if this can be used instead of the BBRF. It is uncertain how much or in fact if any co-contribution is required for this fund. This is at present the primary target, as any outcome would be known sooner rather than later. Initial discussions have been positive.

As there is uncertainty over this option, the WSFR is still progressing the BBFR application.

Comments and details:

The project's aim is to improve the freight network in the Wheatbelt and therefore the economic sustainability of the region. At this stage, no Shire of York roads are included in the project. This is mainly due to the fact that most of the roads to and from York are the responsibility of MRWA and not Shire roads.

It may be considered that other municipalities in the region and their local business will benefit to the detriment of York businesses. However, the project will add to the economic sustainability of the region which in turn helps York become a financially sustainable Shire.

If the project is successful in obtaining funds to improve and upgrade roads in the region this should free up RRG funds in the region and increase the Shire's chance of obtaining more funds for our regionally significant roads.

Options:

Council supports the project and allocates \$6,000 co-contribution in its 2019/20 budget, or Council does not support the project.

Implications to consider:

- **Consultative**
Main Roads WA, The Wheatbelt Regional Roads Group and in particular the Local Governments affected have been involved in consultation.
- **Strategic**
The project will add to the economic sustainability of the region which in turn helps York become a financially sustainable Shire.
- **Policy related**
There are no policy related implications arising from this report.
- **Financial**
The cost is \$6000 in the 2019/20 budget. It should be noted that no Shire of York Roads are included on the list to be upgraded.

If significant funds are available in the region for road upgrades it may free up funds from the RRG for Shire of York roads.

- **Legal and Statutory**
There are no Legal or Statutory implications arising from this report.

- **Risk related**

There is a slight risk that the project, if successful, will give businesses based in other local governments an advantage over local businesses.

In not supporting the project, the Shire risks alienating other Local Governments in the region when we seek their support.

- **Workforce Implications**

At present there are no Shire workforce implications as a result of this project.

Voting Requirements:

Absolute Majority Required: Yes

RESOLUTION

060818

Moved: Cr Trent

Seconded: Cr Warnick

“That Council:

- 1. Notes the Briefing Note: Wheatbelt Secondary Freight Routes;***
- 2. Supports the strategic intent of the Secondary Freight Routes project;***
- 3. Authorises the Chief Executive Officer to prepare and sign a letter of support in favour of an application for Federal Government Funding under the Building Better Regions Program to develop the Secondary Freight Routes project; and***
- 4. Endorses in principle, an allocation of \$6,000 in 2019/20 as a contribution to the Secondary Freight Routes Project development subject to a successful Building Better Regions Program application.”***

CARRIED BY ABSOLUTE MAJORITY: 7/0

SY101-08/18 – Review of Dog Exercise Areas and Certain Places Where Dogs are Prohibited Absolutely

FILE REFERENCE:	RS.ANC.1
APPLICANT OR PROPONENT(S):	Shire of York
AUTHORS NAME & POSITION:	John Goward, Ranger
RESPONSIBLE OFFICER:	Executive Manager, Infrastructure and Development Services
PREVIOUSLY BEFORE COUNCIL:	N/A
DISCLOSURE OF INTEREST:	N/A
APPENDICES:	A. Circular No.18-2014 Dog Amendment Regulations 2014
	B. Arial Maps of Proposed Dog Exercise Areas
	C. Shire of York Dogs Local Law
	D. Summary of Submissions
	E. Plans of minor works to be carried out at Monger Reserve and Candice Bateman Park

Nature of Council's Role in the Matter:

- Legislative

Purpose of the Report:

The purpose of this report is for Council to:

- 1) Set certain areas where dogs are prohibited absolutely. (PAs)
- 2) Consider possible sites for designated dog exercise areas from the suitable reserves within the York Town site. (DEAs)
- 3) Consider submissions received in relation to the proposed Dog Exercise Areas.

Background:

In May 2014, a Governors Order was published in the Government Gazette that dog exercise areas and prohibited areas published in all local laws throughout the state would cease to be effective on 31 July 2014, and the descriptions would therefore be invalid.

The order requires that all Local Governments set the exercise and prohibited areas by an absolute majority decision of Council.

The order was made as a consequence of the changes to the *Dog Act 1976* in November 2013.

In accordance with the *Dog Act 1976* (the Act) Council is required to declare selected public places to be Dog Exercise Areas (DEA's) and may declare public places where dogs are prohibited (PA's). Council is also required to give local public notice of its intention to declare such areas.

Council, at its ordinary meeting of 26 February 2018, resolved the following:

RESOLUTION
210218

That Council

1. *In accordance with the Dog Act 1976 s.32(2b) specifies the following places where dogs are prohibited absolutely;*

- (a) a public building unless permitted by a sign.*
- (b) a theatre or picture gardens*
- (c) all premises or vehicles classified as food premises or food vehicles under the Food Act 2008*
- (d) a public swimming pool, a toilet block or changing room.*
- (f) a cemetery unless otherwise provided for in the Local Governments Local Law relating to cemeteries.*

2. *That Council requests the Chief Executive Officer to:*

- (a) Provide 28 days local public notice be given of the resolved prohibited areas.*
- (b) Advertise for a period of 4 weeks, inviting submissions that the Council are considering setting new designated dog exercise areas being:*

(West of the river) Monger Reserve, Lot 588 South Street, York.

(East of the river) Candice Bateman Park, Lots 161, 162, 163, 164, 165, 166, 167, 168, 169 Newcastle Street, York (corner of Cowan Road and Newcastle street)

- (c) Present a report to Council on any submissions received for Councils consideration and determine the future use of the decommissioned dog exercise area.*
- (d) Advertise to dog owners it is their responsibility to clean up after their dogs using bags provided."*

In accordance with the above resolution, external consultation was conducted via public notice undertaken within the Community Matters Newspaper on 7 March 2018, on the Shire website on 9 March 2018 and on notice boards at the Shire Administration Centre, Library, Visitors' Centre, Community Resource Centre, Post Office and IGA on 9 March 2018. The public notice called for comments to be received by 4 April 2018.

This report gives consideration to 14 submissions which were received up to and including 4 April 2018.

A further 3 submissions were received on 5 April 2018 which have also been considered.

Comments and details:

Any public place not specified as a DEA or a PA is captured by the general provisions of the *Dog Act 1976* relating to public places. These general provisions require that dogs be on leash within public areas.

Therefore, as per Council Resolution 210218, 26 February 2018, the following prohibited areas were given a 28 day local notice period. As no comments / objections were received it is recommended that the following places be specified as:

Places where dogs are prohibited absolutely

- (a) a public building, unless permitted by a sign;
- (b) a theatre or picture gardens;
- (c) all premises or vehicles classified as food premises or food vehicles under the Food Act 2008;
- (d) a public swimming pool;
- (e) a public toilet block or changing room; or
- (f) a cemetery, unless otherwise provided for in the local governments local law relating to cemeteries.

Should Council wish to amend or add areas listed in the current Local Law, changes can be made at any time subject to 28 days local public notice.

Implications to consider:

- **Consultative**

In accordance with Councils Resolution 210218 local public notice was undertaken within the Community Matters Newspaper on 7 March 2018, on the Shire website on 9 March 2018 and on notice boards at the Shire Administration Centre, Library, Visitors Centre, Community Resource Centre, Post Office and IGA on 9 March 2018. The public notice called for comments to be received by 4 April 2018.

This report gives consideration to 14 submissions which were received up to and including 4 April 2018 and a further 3 submissions received on 5 April 2018.

Submissions were received both in favour of and opposed to specifying the locations under consideration as DEAs.

Once public notice has been given proposing to specify an area as a DEA, the Local Government cannot change the decision without undertaking a new public consultation process for a modified proposal. Should Council wish to consider other alternatives, then further public consultation would be required.

The following is a summary of the comments expressed by the submitters in relation to the DEAs under consideration. (Please note some submitters made multiple comments)

- 2 in favour of both Candice Bateman Park and Monger as DEAs
- 5 in favour of Candice Bateman as a DEA
- 5 in favour of Monger Reserve as a DEA
- 1 is against Monger Reserve as a DEA
- 5 are against Candice Bateman as a DEA with 3 of those being for cultural concerns
- 1 is against all DEAs
- 1 suggests a DEA at the Football / Hockey fields

Concerns were also raised in relation to dog droppings, fencing for the DEAs and dogs within close proximity to playgrounds.

3 of the submitters expressed strong concerns with using Candice Bateman Park as a dog exercise area as the park was named in memorial of a young Indigenous person Candice Bateman.

Officers contacted Department of Aboriginal Affairs and provided maps of the proposed sites. It was confirmed by the Department of Aboriginal Affairs that Candice Bateman Park does not contain an Aboriginal site however Monger Reserve does intersect Aboriginal site ID 3536-Swan River. Were then informed that as long as no significant works are to take place at Monger Reserve it may still be possible to use it as a DEA. Site inspections were carried out by Officers and the necessary work was determined. Plans of the proposed works for Monger Reserve were then drawn up for consideration.

These original plans of works have now been amended to reflect a reduction in the proposed works to be more cost effective. See Appendix E.

The following response was received from the Department of Aboriginal Affairs after the plan of works was forwarded:

ID 3536 (Swan River) is impacted by the works, they do not impede the water, rather the impact is within buffer zone the Department has allocated. Furthermore I note there is existing tracks to be enhanced and impact is considered low. Consequently no approvals under the Aboriginal Heritage Act 1972 are required.

Although the Department of Aboriginal Affairs advised that Candice Bateman Park did not contain an aboriginal site, it was recognised that the site is very important to the Local Aboriginal Community.

A meeting was held between staff members and representatives of the local Aboriginal Community who were also members of the Bateman family, including Candice's mother Carol Bateman.

The following agreement was reached at this meeting:

- *We will only be recommending the undeveloped southern end of Candice Bateman Park for Council's consideration as a newly designated dog exercise area and the developed end where the playground, playing field etc. is located will remain as it is. We will also be recommending to Council that the new proposed area be separated from the playground end by a fence.*
- *That after further consultation with The Department of Aboriginal Affairs we will also recommend to Council that Monger Reserve be considered as a newly designated dog exercise area if allowed by DAA. We have been advised by the DAA that Monger Reserve intersects an Aboriginal Site ID 3536-Swan River and as long as no significant works are carried out to establish it as a dog exercise area they may approve this use. The recommendation to council will outline the restrictions imposed which we will strictly adhere to.*

After considering the outcomes of the community consultation, Officers are recommending the following:

- That Council declares (West of the river) Monger Reserve, Lot 588 South Street, York to be a Dog Exercise Area.
- That Council declares the undeveloped southern end of Candice Bateman Park to be declared as a Dog Exercise Area. (East of the river) Candice Bateman Park, Lots 162, 163, 164, 165, 166 Cardwell Road, York (bounded by Cardwell Road and Newcastle Street).

- **Strategic**
 1. The place to live 1.7 Positive, active involved community 5. Strong leadership and governance. 5.1 Effective and informed decision making

- **Financial**

\$40,000 has been allocated in the 2018/19 budget for the relocation of the Dog Parks. The project includes:

- Fencing, gates, regulatory signage, a poo bag dispenser, two park benches and regulatory signage for Candice Bateman Park.
- Regulatory signage, a poo bag dispenser and two park benches for Monger reserve.
- An estimate has also been obtained for the removing of the dog exercise obstacles from the existing Dog Exercise Area (corner of Barker & Ulster Roads and Henrietta Street)

It is considered that the existing budget will be sufficient to undertake the works indicated above.

- **Policy related**

No current policy, still to be developed.

- **Legal and Statutory**

Dog Act 1976, Section 31 -

(2B) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a place where dogs are prohibited —

(a) at all times; or

(b) at specified times.

(3A) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.

(3B) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place that is under the care, control or management of the local government to be a rural leashing area.

(3C) At least 28 days before specifying a place to be —

(a) a place where dogs are prohibited at all times or at a time specified under subsection (2B); or

(b) a dog exercise area under subsection (3A); or

(c) a rural leashing area under subsection (3B),

a local government must give local public notice as defined in the Local Government Act 1995 section 1.7 of its intention to so specify.

- **Risk related**

Given that, under the Act, Council must specify DEA's, a failure to do so presents a moderate statutory compliance risk, in that the Shire may face criticism or sanction by the State Government for failing to meet its obligations.

In addition, a failure to specify DEA's and PA's presents a minor reputational risk to the Shire for failing to provide for the control of dogs kept in the district.

Both of the above risks can be mitigated by the declaration of DEA's and PA's in accordance with the Act.

A minor reputational risk exists in relation to the specification or non-specification of DEA's depending on community views held in relation to specific areas, noting that there may be a polarity of views within the community. Such risk is proposed to be mitigated by a communication plan.

- **Workforce Implications**

Nil. This project can be delivered within existing staffing levels.

Voting Requirements:

Absolute Majority Required: Yes

OFFICER RECOMMENDATION:

"That Council

- 1. In accordance with the Dog Act 1976 s.32(2b) specifies the following places where dogs are prohibited absolutely;*
 - (a) a public building unless permitted by a sign.*
 - (b) a theatre or picture gardens*
 - (c) all premises or vehicles classified as food premises or food vehicles under the Food Act 2008*
 - (d) a public swimming pool, a toilet block or changing room.*
 - (f) a cemetery unless otherwise provided for in the Local Governments Local Law relating to cemeteries.*
- 2. Declares the following to be designated as Dog Exercise Areas:*
 - (a) (West of the river) Monger Reserve, Lot 588 South Street, York*
 - (b) The undeveloped southern end of Candice Bateman Park (East of the river), Lots 162, 163, 164, 165, 166 Cardwell Road, York (bounded by Cardwell Road and Newcastle Street) excluding the developed Lots 161, 167, 168, 169.'*

REVISED OFFICER RECOMMENDATION:

“That Council

1. *In accordance with the Dog Act 1976 s.32(2b) specifies the following places where dogs are prohibited absolutely;*
 - (a) *a public building unless permitted by a sign*
 - (b) *a theatre or picture gardens*
 - (c) *all premises or vehicles classified as food premises or food vehicles under the Food Act 2008*
 - (d) *a public swimming pool*
 - (e) *a toilet block or changing room*
 - (f) *a cemetery unless otherwise provided for in the Local Governments Local Law relating to cemeteries.*

2. *Declares the following to be designated as Dog Exercise Areas:*
 - (a) *(West of the river) Monger Reserve, Lot 588 South Street, York*
 - (b) *The undeveloped southern end of Candice Bateman Park (East of the river), Lots 162, 163, 164, 165, 166 Cardwell Road, York (bounded by Cardwell Road and Newcastle Street) excluding the developed Lots 161, 167, 168, 169.’*

Reason – to correct an error with numbering

**RESOLUTION
070818**

Moved: Cr Ferro

Seconded: Cr Saint

“That Council

- 1. *In accordance with the Dog Act 1976 s.32(2b) specifies the following places where dogs are prohibited absolutely;***
 - (a) a public building unless permitted by a sign***
 - (b) a theatre or picture gardens***
 - (c) all premises or vehicles classified as food premises or food vehicles under the Food Act 2008***
 - (d) a public swimming pool***
 - (e) a toilet block or changing room***
 - (f) a cemetery unless otherwise provided for in the Local Governments Local Law relating to cemeteries.***
- 2. *Declares the following to be designated as Dog Exercise Areas:***
 - (a) (West of the river) Monger Reserve, Lot 588 South Street, York***
 - (b) The undeveloped southern end of Candice Bateman Park (East of the river), Lots 162, 163, 164, 165, 166 Cardwell Road, York (bounded by Cardwell Road and Newcastle Street) excluding the developed Lots 161, 167, 168, 169.***
- 3. *Relocate the agility equipment, if possible, to the most appropriate area.”***

CARRIED BY ABSOLUTE MAJORITY: 7/0

Reason – to allow for agility activity for dogs to be relocated if in good condition

SY102-08/18 – Application to Operate Commercial Bee Hive – Lot 102 (3152) Spencers Brook-York Road, Burges

FILE REFERENCE: SP1.60618
APPLICANT OR PROPONENT(S): Tanks Real Estate & Trading Pty Ltd
AUTHORS NAME & POSITION: George Johnson, Environmental Health Officer
RESPONSIBLE OFFICER: Darren Wallace, Executive Manager Infrastructure and Development Services
PREVIOUSLY BEFORE COUNCIL: N/A
DISCLOSURE OF INTEREST: N/A
APPENDICES: N/A

Nature of Council’s Role in the Matter:

- Quasi-Judicial

Purpose of the Report:

The applicant has applied to the Shire of York for permission to place up to one hundred (100) Bee Hives for commercial use on the property situated at Lot 102 (3152) Spencers Brook-York Road, Burges.

Background:

The property located at Lot 102 (3152) Spencers Brook-York Road, Burges is 164.6260 hectares with the closest resident being approximately 1.2km from the proposed Bee Hives.

The applicant wishes to keep up to one hundred (100) Bee Hives on the property at any one time within close proximity to outbuildings.

This application is to complement the approved Marron, Olive Tree & Sweet Potato farm. The purpose of the bees is to fulfil the ecological cycle of the Marron farming.

A letter was sent to the six (6) adjoining landowners on 19 July 2018 requesting any feedback on the proposed Bee Hives. No objections to the proposal were received.

Division 7 – Bee Keeping of the *Health Local Laws 2000* states that no person shall keep or permit the keeping of bees anywhere within the district unless approval is given by the Council.

Comments and details:

Officers are unaware of any Bee Hives in close proximity to this location.

Options:

The two options available for this application are either approve the placement of up to one hundred (100) Bee Hives at any one time on Lot 102 (3152) Spencers Brook-York Road, Burges or refuse the Bee Hives from being placed on the property.

Officer’s recommend that the applicant be granted permission to house one hundred (100) Bee Hives. There is no threat to the environment, it is not detrimental to the well-being of the adjoining neighbours and has no financial impact on Council.

Implications to consider:

- **Consultative**

A letter was sent to the six (6) adjoining landowners on 19 July 2018 giving 14 days to respond with any objections or comments. No objections were received for the keeping of Bee Hives at Lot 102 (3152) Spencers Brook-York Road, Burges.

- **Strategic**
Not applicable
- **Financial**
There are no financial implications for the Shire should Council approve the officer recommendation.
- **Policy related**
No current policy
- **Legal and Statutory**

***Health Local Laws 2000
Division 7 - Bee keeping***

Interpretation

6.7.1 *In this Division, unless the context otherwise requires –
"bees" means an insect belonging to any of the various hymenopterous insects of the super family Apoidea and commonly known as a bee.*

Restrictions on keeping of Bees in Hives

- 6.7.2 (1) *A person shall not keep or permit the keeping of bees anywhere within the district unless approval to do so has been given by the Council.*
 (2) *If, in the opinion of an Environmental Health Officer, the approved beehives are causing a nuisance, the Council may direct any bees or approved beehives to be removed.*
 (3) *A person shall comply with a direction within the time specified.*

- **Risk related**
Nil
- **Workforce Implications**
Nil

Voting Requirements:
Absolute Majority Required: No

**RESOLUTION
080818**

Moved: Cr Trent

Seconded: Cr Saint

"That Council approves the application to keep a maximum of one hundred (100) Bee Hives at any one time on Lot 102 (3152) Spencers Brook-York Road, Burges."

CARRIED: 7/0

Disclosure of Interest – Cr Trent – Impartial – I am President of the York Sub-Branch RSL who wish to borrow some of the items from the display for Remembrance Day 2018 displays in local shop windows

Cr Trent read the Impartiality Declaration - ... With regard to SY103-08/18 – Evaluation of York’s Anzacs the matter in Item SY103-08/18 I disclose that I have an association with the applicant (or person seeking a decision). The association is as President of the York RSL Sub-Branch, I wish to borrow some of the material used in the York Anzac Display for display to raise community interest in Remembrance Day. 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.

SY103-08/18 – Evaluation Report – York’s Anzacs Stories Remembering Them Exhibition

FILE REFERENCE:	CS.CEV.13
APPLICANT OR PROPONENT(S):	Shire of York
AUTHORS NAME & POSITION:	Carol Littlefair, Arts & Cultural Heritage Officer
RESPONSIBLE OFFICER:	Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL:	N/A
DISCLOSURE OF INTEREST:	N/A
APPENDICES:	A. Illustrations, Charts and Statistics

Nature of Council’s Role in the Matter:

- Executive

Purpose of the Report:

This report presents Council with the acquittal report for the 2018 York’s Anzacs: Stories Remembering Them exhibition and also requests Council considers the evaluation presented of the exhibition and recommendations for retention, disposal and loans of components.

Background:

The exhibition ‘York’s Anzacs: Stories Remembering Them’ ran from 24 April to 29 July 2018 in York Town Hall. It was the most comprehensive Anzac exhibition to be found State-wide outside the National Anzac Centre, Albany and Army Museum of WA, Fremantle.

Comments and details:

Exhibition components:

A true community exhibition, it revolved around 100 stories of York characters; their human stories woven into the context of the bigger picture of WW1 with a West Australian perspective. The exhibition also had a strong social history aspect, focussing on how WW1 affected life in York and the families that were left behind. Sections on WW1 poetry, the role of women, children, and the political/social effects of the war, Indigenous and Returned servicemen were included. Components included showcased historic object displays, dioramas, 35 interpretive panels, 100 silhouette art installation, sound effects, hands-on family activities, biography booklets and a theatre that showed photographs of Gallipoli never seen in public before.

Community Engagement

Many life size cardboard silhouettes were made over 23 CANWA community art workshops [painting/mixed media/photography] during 2016/17. A total of 147 adults and 304 children participated in these community workshops led by 4 professional artists. All but 16 adults/9 children were Shire of York Residents, the 16/9 visitors to the town. Also, approximately 240 YDHS children participated in artist-led NAIDOC week workshops. Several well-known local artists participated as individuals. Photographs of local places taken by photography workshop participants were also used wherever possible on the interpretive panels.

This was the first time for many years that free public art workshops of this nature had been run in York. The images taken by participants in the photography workshops were combined with historic images to make a series of 'photo-collaged' figures.

Prior to the exhibition, in 2017 the photo-collaged figures 'popped up' in shops and businesses around town, stimulating interest in the project and contributing to Anzac Day events in York in that year. This 'pre-showing', helped immensely to draw out information and photographs from local people about their Anzac ancestors.

Through staff and volunteer researchers, numerous contacts were made over the preceding 4 years with local families and descendants of York's Anzacs.

Volunteer input

Neville Browning OAM, the well-known military historian and author, was a volunteer consultant for military aspects of the exhibition. Approximately 20 volunteers [3 skilled/17 unskilled] gave thousands of hours of research, exhibit preparation, set-up and takedown, evaluation surveys and lunchtime roster duties to keep the exhibition open at weekend lunchtimes when the Visitor Centre is not staffed. One volunteer was available for group guided tours Friday-Monday inclusive. Officers also contributed many hours of volunteer preparation and research time.

Volunteers were formally thanked at the Launch and a Morning Tea in June.

For grant purposes, professional volunteer time is generally calculated at a minimum of \$80 per hour, skilled/trained volunteers at \$35 per hour and unskilled labour at \$25 per hour. The hours of volunteer labour are very conservative estimates over the period 2014-18.

Target markets:

The exhibition aimed to draw the community of York together and also to provide a high quality attraction for visitors over the traditionally quieter winter months.

That the aims succeeded was borne out by the visitor comments book. A few examples:

"What a beautiful way to remember those fallen soldiers. You can feel the community spirit that made this thought provoking exhibition possible."

"An exhibition of 'capital city' standards – top class - so well thought out."

"The most fabulous Anzac Exhibition I have ever seen."

External target markets were primarily:

- Family audiences especially Perth families who come to York for a 'day trip'
- The 25-40yo age bracket that come to York attracted by the atmosphere of the town but not necessarily interested in history; they expect a high quality experience
- Older demographic who are generally interested in history 40+ year olds [includes special interest groups, genealogical/historical/ military societies etc

- Grey nomads / international travellers wanting to experience ‘the real Australia’
- Schools – the exhibition was designed to optimise opportunities to fulfil the WA History Curriculum, especially suitable for the Investigating WW1 Depth Study for Year 9 but can be used by all years.

Indicators from social media reviews and analysis of the comments book indicate that there was good reach to all the above markets apart from schools. The exhibition was well used by the local York and Northam schools but take-up was poor by schools otherwise.

Discussion with local teachers suggested that schools did not have early enough notice of the exhibition and its content [details were sent the preceding term] in order to plan ahead for excursions to fit the curriculum for Year 9s as even one year ahead is often required for excursions at that Year level, who generally have fewer excursions than primary school year levels.

Publicity methods:

Paid print advertising:

The exhibition was advertised in the Anzac Day Liftout in the West Australian and one advertisement was placed in the April issue of York Community Matters.

Social media:

Social media advertising and posts [average once per week] were undertaken both on the Shire’s general Facebook page and a new special ‘event’ Facebook page for the exhibition created in April 2018.

The event Facebook page reached 31.6 thousand people and was liked 439 times. This compares well with the general Shire Facebook page that has been in operation for 8 months and has 492 Likes [reach unknown].

24% of those who liked or interacted with the event page were women and 73% of the total people lived in the Perth Metro area.

The event itself has been shared on a number of history pages and special interest groups in WA however many special-interest groups are ‘closed’ [members-only] groups so it is not possible to see comments posted, although anecdotal evidence from personal contacts indicates only favourable comments.

More frequent posting occurred towards the end of the 3 month period and appeared to generate more interest, which would suggest for future events it would be good to increase coverage to at least 1 post per day for the lead-up and entire length of the event.

Examples of Facebook posts are included in Appendix A.

- Free Media coverage and unpaid advertising:
- Direct email information packs were sent to all schools and seniors groups within 100k radius of York, also RSL WA, Guides and Scouts WA.
- Coverage on May front page of the local monthly newspaper, the York Community Matters.
- Good publicity as part of the National Trust – organised Heritage Festival of Western Australia which runs from mid-April to mid-May each year, being both in a printed booklet and on their website.
- Listed in the Museums Australia e-newsletter several times.
- Reviewed by the Royal Historical Society of Western Australia, in the June issue of the ‘HistWest’ magazine.

- Listed on the Tourism WA Events website Experience Perth.
- A reporter from ABC Midwest attended the Launch and wrote a feature article about the exhibition which can be seen on:
- <http://www.abc.net.au/news/2018-04-26/old-cigarette-tin-holds-national-treasure/9696420>
- The Avon Gazette ran a large feature article with a front page ‘taster’ and colour photographs about Indigenous servicemen in relation to NAIDOC week 2018.

Evaluation:

The following methods were used to evaluate the effectiveness of the exhibition:

Direct conversation with visitors by staff and volunteers:

The strongest trend emerging was the general preconception of poor standards in the country. Many times, visitors expressed their astonishment at the exceptionally high quality of the exhibition and the fact that they ‘weren’t expecting’ something of such high standards ‘out here’. Social media reviews went some way to dispelling this but actively marketing to combat this perception of regional areas is a factor that needs to be considered in future events. Hopefully the exhibition will have assisted in developing public perception of York as a place of high quality experiences.

Volunteers also reported recurring very positive comments about the community effort involved and surprise at the large scale of the exhibition. They reported that the most popular exhibits appeared to be the theatrette film show/McCarthy VC/Returned Soldiers showcase/Western front diorama with sound effects/and for children/families, the ‘build your own dugout’ with ‘feel the weight of rifle’ hands-on activity.

Visitor comments book analysis:

Adjectives and feelings expressed within the comments were grouped by type to understand the affective response of visitors. Most frequent were adjectives that emphasised the overall quality and positive impression of the exhibition. The thanks, expressions of tributes to Anzacs and comments that expressed how emotionally moving visitors found the exhibition are indicators of the successful transmission of messages inherent in the exhibition. York as a Town/Shire was praised in a general sense of appreciating its heritage as well as for holding/organising the exhibition. Also featuring strongly was an appreciation of the community effort. There were very few negative/critical comments and most of these related to low lighting [necessary for conservation reasons] and label lettering size [16 point was the minimum used].

Observation and tracking surveys:

The purpose of tracking surveys is to find out what exhibits within an exhibition are attracting or holding the visitor’s attention and whether visitors are following the designer’s intended route. Selected persons are discreetly observed and their route through the exhibition marked on a layout plan. Where, and the time they stop to pay attention to an exhibit is noted. For the purpose of this survey 67 ‘stopping points’ or individual exhibits were possible, including showcases, interpretive panels, dioramas, rest/hands-on activity area, theatrette. As there were so many silhouettes these were not included.

14 detailed tracking surveys were undertaken, so the results are a ‘snapshot’ of visitor behaviour, however random observation tended to back up these findings.

Visitors moved around the exhibition by walking clockwise around the wall-placed exhibits, with occasional forays into the centre of the room. The average time spent was 27 minutes and the average number of stopping points was 20.3. Paying attention [by reading /examining closely] to one-third of exhibits is the norm within any exhibition, which for this exhibition would be 22.3; however as aforementioned the 100 silhouettes were not included so 20.3 correlates well with the norm. The exhibit with most 'attracting power' was the large map, over half of visitors changed their pathway to examine this. The exhibit with the most 'holding power' [ie held visitors' attention longest] was the Returned Soldiers showcase. This contained a somewhat macabre-looking artificial arm and hand and poignant literature and was placed towards the end of the exhibition. The diorama with the most holding power was that of the 'Desert Campaign'. Only three families with children were tracked; these used the hands-on/rest area for 7, 20 and 23 minutes respectively.

Post-It survey

Visitors were invited to comment about exhibits by sticking post-its to exhibit showcases and panels in order to gain feedback about individual exhibition components. Notices and volunteers encouraged 'tell us what you think'.

General comments correlated almost exactly with the finding of the comments book; praise and thanks for the exhibition/Lest we Forget tributes/remarks emphasising how moving or thought provoking proved most frequent.

The most comments about components were praise for the theatre film show and the Western Front diorama, mentioning the sound effects in both aspects. [The film show included haunting music and the Last Post played at exit]. These comments correlated with volunteers' observations.

Spinoffs from the project:

- Positive PR and goodwill generated towards York in general.

This is possibly the principal benefit of the exhibition although the most difficult to quantify.

Volunteers reported recurring very positive comments about the community effort involved and that visitors were strongly impressed by the high quality of the exhibition, many times in marked contrast to their expectations.

Analysis of the visitor comments book confirmed that, as is well known within exhibition studies in general, visitors who have a positive and memorable experience at an attraction are likely to generalise that experience to the whole town/area; the converse is equally true.

There were many comments praising York, the Shire for organising the exhibition, York's preservation and honouring of heritage and the heritage values of the Town Hall itself.

Examples:

"Beautiful town"

"Amazing and moving exhibition"

"A fitting tribute to bravery and selflessness, Well done York".

"This display is such a respectful memory of your town and the honour of those who fought. Excellent. So pleased to be able to visit. Thank you".

- Significant donations of objects resulting from the exhibition.

High standard exhibitions engender public confidence and trust in Local Government museums as repositories where treasured heirlooms are valued and cared for in perpetuity.

Already much material has added substantially to the Residency Museum's collection of local history information and images. 71 unique, nationally significant Gallipoli photographs taken by local Anzac Lionel Sargent were donated to the Museum by the Sargent family and recently a very significant donation of civic importance, the commemorative trowel presented to Mayor William Dinsdale on the laying of the Foundation Stone to the first Council Chambers [now Barclay Books]. This was an unprompted gift by Eastern States members of the Dinsdale family as a direct result of the featuring of Anzac Harold Dinsdale and the liaison with the family undertaken by the Curator.

The Curator is also currently in discussion with other potential donors.

- Research generating knowledge.

Extensive research resulted in a huge new body of knowledge about York's Anzac story. 646 servicemen with links to York, and one nurse, were identified, far in excess of those on the York War Memorials.

The National Archives of Australia expressed interest in having the 'York's Anzacs' Exhibition as a project partner including a web link to their 'Discovering Anzacs' website, a considerable acknowledgement of the research undertaken as there are only two other small-organisation project partners; most partners are far larger national/international organisations such as the Imperial War Museum. However, this is another huge undertaking in itself and current staffing levels do not allow for such a major follow-up project at the present time.

Immediate and local use of the information is however possible, such as the identifying of five names of WW1 servicemen for the purpose of road naming in the Talbot area, through the Shire's Honours Reference Committee.

- Other Community uses for images generated by the project resulted

Photographs taken by participants during the photography workshops were used on interpretive street wastebins for Avon Terrace and the York CBD.

Details from the silhouette artworks were used as light projections during the 'YorKids' weekend.

Both of these uses have contributed greatly towards community pride and sense of place.

Retention and disposal of exhibition components

- Loaned historic objects, showcases and diorama props have been returned to their owners.
- Existing Museum showcases have been returned to the Museum or storage at the Shire Depot.
- The \$10,000 high security state-of-the-art 'Remembering Them' showcase has been installed in the Residency Museum, as per the grant conditions.
- The 'Remembering Them' 5 freestanding panels [in theatrette] have been packed and stored for future re-use at old Infant Health Centre.
- The 35 interpretive panels have been packed and stored for future re-use old Infant Health Centre.
- The 5 large interpretive backdrops have been packed and stored at old Infant Health Centre.
- The 35 doors for panels are stored at the Shire Depot.
- All silhouettes are packed and stored at old Infant Health Centre.
- TV/sound effects packed and in storage.

Requests for loans of materials in the immediate/short term:

- A local business has requested 6 silhouettes [5 painted/1 photographic] for display during late October/early November to coincide with Remembrance Day
- York RSL has requested the set of 5 Remembering Them panels, 2 x interpretive panels plus doors and 4 x silhouettes[painted/photographic] for empty shop displays around their 100th commemorations in October/November, also to coincide with Remembrance Day
- TravelTree travel agents through Neville Browning OAM have requested the set of 5 Remembering Them panels and 3 photographic silhouettes for display on a cruise ship during January 2019 'Cruise of Remembrance Fremantle-Albany, MV Astor'
- The Army Museum of WA has requested photographic silhouettes for either loan, or donation if not wanted to be retained by the Shire of York.
- Preliminary discussion with the Curator of the Bilya Koort Boodja Centre in Northam has indicated that the Indigenous servicemen exhibition components could form a small temporary loan exhibition around Anzac/Remembrance Day highlighting the WW1 role of Ballardong Noongar men from York

In the longer term, very limited storage space constrains retention of material.

Recommendations for retention:

- Retain the set of 5 Remembering Them panels freestanding, content versatile [overviews of WW1 with 3 WW1 Poets] for re-use
- Retain the 35 interpretive panels with a set of 10-12 doors for re-use as small, foyer-size exhibitions. This will provide 3-5 years of small Anzac exhibitions in any venue as required; 5 years is likely to be the maximum physical lifespan of panels/photo silhouettes.
- Retain examples of photographic and photo-collaged silhouettes for re-use;
- Re-use the large map/knitting woman backdrops as showcase backdrops in the Residency Museum.
- Retain not more than 5 painted silhouettes as examples of local artist's work, with the artist's agreement.
- Retain and re-purpose the TV and sound effect equipment for interpretive purposes in the Residency Museum.

Recommendations for Disposal:

Officers propose that the remaining materials be gifted to organisations such as the Army Museum, the RSL and/or the Bilya Koort Boodja Centre in Northam. In addition, the painted silhouettes could be offered to the artists and loans could be arranged with those who have expressed interest, increasing the life of the exhibition and the profile for the Shire.

Officers have sought advice from the Department of Local Government and as the exhibition materials are considered 'property' of the local government in accordance with the *Local Government Act 1995*, Section 3.58 *Disposing of Property* could apply. However, Regulation 30(3)(a) of the *Local Government (Functions and General) Regulations 1996* states:

A disposition of property other than land is an exempt disposition if —

(a) its market value is less than \$20 000.

As the value of the materials proposed to be disposed of does not exceed \$20,000, the above regulation applies.

Options:

Council could choose to dispose of the materials in accordance with the recommendations outlined above. However, in order to ensure an equitable disposal process, officers are recommending that expressions of interest are sought publicly and Council authorises the Chief Executive Officer to determine the terms of the disposal and/or loan of materials.

Alternatively, Council could choose not to dispose of any of the materials and place them in storage. However as outlined above, limited storage space means that the materials may not be adequately preserved.

Implications to consider:

- **Consultative**

Information about the exhibition and workshops was disseminated through the Shire and Visitor Centre websites and social media pages

- articles included in the local newspaper pre and post event
- active engagement with Early Years Hub, York District High School, York Child Care Centre, Balladong Lodge Seniors, Senses York [people with disabilities], York Men's Shed
- working collaboratively with York Community Resource Centre and the York Society to program art workshops
- working collaboratively with The York Festival to include art workshops in the Festival programme
- Officers attended specialist history group meetings such as WA Genealogical Society to liaise with researchers/descendants about the forthcoming project

Department of Local Government Sport and Cultural Industries.

- **Strategic**

The exhibition met identified actions in the Corporate Business Plan to;

- Fund from existing budgets, economic development including tourism, marketing, and events.
- Continually develop positive working partnerships between the Shire and the community built around particular projects
- Strengthen the capacity of the Shire administration to undertake and deliver projects, work collaboratively with the community, and understand and meet strategic issues and challenges.

The exhibition fulfilled the following Strategic Community Plan goals:

- **Social**

- Strengthen community interactions and a sense of a united, cohesive and safe community.
- Build and strengthen community, culture, vibrancy and energy and
- Strengthen the Cultural and Historical Significance of York

- **Economic**

- Value, protect and preserve our heritage and past.
Within the objective: Support York as a Regional Place to Visit
- Build tourism capability through events, arts, history, walkways, and cultural experiences.

The exhibition proved successful in its aims to attract visitors to York over the traditionally quiet winter period, when a need for free family friendly activities has been identified.

300 attended a launch event on 24 April. Opened by Hon. Christian Porter, this showcased York, helped to build the Shire's relationship with the local MP and brought many bookings for accommodation in the town. 850 visitors saw the exhibition on 25 April.

May visitor numbers as manually recorded by the York Visitors Centre [situated in the Town Hall foyer] show an increase of 86% on May 2017 with a noticeable increase in visitation on Wednesdays, Thursdays and Fridays, as compared to 2017 [also manually recorded]. There were no other major events in York during May.

In June, an automated Visitor centre door counter was installed; this gave a marked difference [4546 or 194% increase on 2017] to the manual count [2134 or 38% increase on 2017] of visitor numbers. It is likely that a true number is similar to the May 86%/July 89% but the changeover in system has made this difficult to assess; an average of the two counts is 116%. During June, Tuesdays Thursdays and Saturdays showed a marked increase in visitor numbers compared to 2017, however other days had slightly lower numbers. The only major event was the 'Yorkkids' family fun weekend on 2-3 June. School holidays took place in June.

July [automated count] figures showed an 89% total visitor increase compared to July 2017 [manual count]. There were no other major events in York during July. There was a very marked increase in visitor numbers on Saturdays, although other days had lower numbers than 2017.

- **Policy related**

Nil

- **Financial**

The Shire of York through its Residency Museum received an Anzac Local Centenary Grant of \$31,287 [ex gst] administered through the office of Christian Porter.

This was supplemented by a CANWA catalyst grant of \$13,074 for community arts workshops, and a Lotterywest Anzac grant of \$5425 for the audio-visual elements of the exhibition. Approximately \$16,000 of in kind support was given by the Remembering Them project [a collaboration between the WA Museum, Museums Australia WA, Lotterywest and the Royal Historical Society of WA] which included a state-of-the-art high security showcase valued at \$10,000, research assistance and design and supply of 5 graphic panels. The Shire of York contribution was composed of \$3659.90 of purchased goods and services supplemented by \$9548 being extra hours of staff time for the Residency Museum Curator and technical assistance by the Buildings Maintenance Officer for exhibition prop construction, set-up and takedown. In kind support through use of York Town Hall is calculated at \$16,089 at standard fees and charges rates of \$173 per day. Small in kind sponsorships were given by a number of local organisations and businesses, showing the support by the local business community.

The Anzac Local Centenary Grant, CANWA and Remembering Them grants have all been acquitted. The Lotterywest grant forms part of the larger Anzac grant which will be acquitted on completion of conservation of the Town Hall Honour Board in November.

Item	Anzac Local Centenary Grant	Community Arts Network Grant	Remembering Them Project	Lottery-west Grant	Shire of York	Volunteer Labour	Business Sponsorship	TOTAL
Exhibition logo and branding	1,989							1,989
Silhouettes - design, supply & freight	17,376							17,376
Artists Fees, travel/accom for community workshops		10,348						10,348
Venue Hire and Materials		2,287			16,239		1,350	19,876
Showcase			10,000					10,000
Panels and Banner			5,500					5,500
Image rights	1,954							1,954
Graphic Panels and backdrops	4,225							4,225
Hardware and fittings	5,531							5,531
Audiovisuals				5,425	1,291			6,716
Promotion and Media					3,874			3,874
Staff Time - cleaning, curatorial, labour					9,548			9,548
Professional Research/curatorial services (2,000 hrs)			500			160,000		160,500
Skilled Labour (3,000 hrs) - construction, research, object handling, guided tours						105,000		105,000
Unskilled Labour (1,000 hrs) - Set-up & pack down, transport, invigilation, launch						25,000		25,000
Miscellaneous	213	439						652
TOTAL	31,288	13,074	16,000	5,425	30,952	290,000	1,350	\$388,089

Apart from the branding logo and an advertisement which was professionally designed, all graphic design work was undertaken in-house by the Arts & Cultural Heritage Officer, eliminating design fees normally associated with exhibition production, a saving at a conservative estimate of approximately \$18,500.

- **Legal and Statutory**

Local Government Act 1995

3.58. *Disposing of property*

3.59.

(1) *In this section —*

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

property includes the whole or any part of the interest of a local government in property, but does not include money.

- (2) Except as stated in this section, a local government can only dispose of property to —
- (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
- (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
- and
- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
- (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
- (a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

Local Government (Functions and General) Regulations 1996

30. Dispositions of property excluded from Act s. 3.58

(3) *A disposition of property other than land is an exempt disposition if —*
(a) *its market value is less than \$20 000.*

- **Risk related**

Officers have not identified any risks associated with presentation of this report for Council.

- **Workforce Implications**

Officers acknowledge that this was a very ambitious project not matched by [especially human] resources available. The success of obtaining an Anzac Local Centenary Grant in 2015 at a time of flux within the Shire consolidated plans for a major exhibition, yet shortly afterwards staff and management changes occurred and less time or human resources were available to undertake research and planning than was originally envisaged. Better project management processes were introduced with new Shire management in 2016 and some aspects of the original concept were cut and more volunteer assistance recruited.

The reality was that much of the work was eventually undertaken by volunteers and staff in unpaid volunteer time and limited staff time was available for other projects during 2017-18.

Set up time was exceptionally tight as the Town Hall was required for another major event during the planned set-up period.

Additional staff time for the assistance of Depot staff to transport museum showcases to and from storage etc had not been adequately costed in the grant application, necessitating drawing from the Museum budget for this aspect.

Lunchtime closure of the Visitor Centre [and therefore the Town Hall] proved impossible as visitors wouldn't leave at 12.30pm at weekends. Museum volunteers then worked in pairs [as necessary for OH&S] to invigilate the exhibition during weekend lunchtimes whilst the Visitor Centre was closed, to keep the Town Hall open.

Conducting a public process for expressions of interest relating to the loan or disposal of the materials resulting from the exhibition will have an impact on the workload of officers but is expected to be able to be done within current resources.

Voting Requirements:

Absolute Majority Required: Yes

**RESOLUTION
090818**

Moved: Cr Smythe

Seconded: Cr Heaton

“That Council:

- 1. Accepts the Evaluation Report on the ‘York’s Anzacs: Stories Remembering Them Exhibition.***
- 2. Agrees to retain certain materials resulting from the exhibition as recommended by Officers in this report.***
- 3. Agrees in principle, to loan requests such as those described in the report with the proviso that materials shall be adequately covered by loanees’ insurance during any such loan and that the Shire of York is credited when any material is displayed.***
- 4. Requests the Chief Executive Officer to undertake a public expression of interest process for the loan and/or disposal of materials resulting from the Exhibition.***
- 5. Delegates authority to the Chief Executive Officer to loan and/or dispose of materials following consideration of the expressions of interest received.”***

CARRIED BY ABSOLUTE MAJORITY: 7/0

SY104-08/18 – York Arts & Events – Request to Use Mount Brown

FILE REFERENCE: FI.DON / CS.CEV
APPLICANT OR PROPONENT(S): York Arts & Events
AUTHORS NAME & POSITION: Esmeralda Harmer – Events & Economic Development Officer
RESPONSIBLE OFFICER: Paul Martin – Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL: 23 July Ordinary Council Meeting (withdrawn)
DISCLOSURE OF INTEREST: Impartiality – Joanna Bryant, YRCC Project Officer
Joanna is the Chairperson of York Arts & Events. This Officer has not been involved in the preparation of this report
APPENDICES: Appendix A – York Arts & Events; Fervour on Mount Brown Request

Nature of Council’s Role in the Matter:

- Executive

Purpose of the Report:

This report seeks Council’s consideration of York Arts & Events request received to hire Mount Brown for two long table dining experiences in March 2019. This report was presented at the July Ordinary Council Meeting but withdrawn by the Chief Executive Officer.

Background:

In April 2018 Officers received an enquiry from York Arts & Events to hire Mount Brown to program an event in March 2019.

As no hire fee or bond was available in the Shires Fees and Charges at the time the request was received, Officers met with representatives from York Arts & Events to discuss the proposed program and event date/s to assist inform a report to present to Council.

Item *SY093-07/18 York Arts & Events – Request to Use Mt Brown* was submitted for inclusion in Council’s July 2018 Ordinary Council Meeting agenda.

At a Special Meeting of Council on the 9 July the 2018/19 budget was adopted which included a \$500.00 bond and \$556.00 Commercial hire fee for use of parks and open spaces. Officer did not pick up the inclusion of the newly adopted fee for use of parks and open spaces and as such the report presented in the July Ordinary Council Meeting Agenda was incorrect. The report was withdrawn from the agenda on this basis to be re-presented at the August Ordinary Council Meeting.

As York Arts & Events is listed as a not for profit organisation, Officers now request Council to consider no hire charge for the use of Mt Brown.

Details regarding the request for use of Mt Brown by York Arts & Events and the proposed event are attached as at **Appendix A** for Council’s review.

Comments and details:

The *Fervour on Mount Brown* event request proposes two long table dinners held on Mount Brown, Friday 1 and Saturday 2 March 2019. The long table dinners are designed to showcase locally sourced produce and native ingredients in an outdoor dining atmosphere and tailored to accommodate up to forty guests per event evening.

Officers acknowledge for the event to be considered in this location and to comply with Council's *Events For York Policy*, the following provisions will need consideration by the event organisers should they choose to proceed with the request . These include;

- Suitable parking areas and traffic management for guests and service vehicle access
- How event use area
- Supply of adequate rubbish bins and toilet amenities
- Adequate lighting on walkways, amenities and dining areas
- Power generation
- Liquor licensing approvals in accordance with Racing, Gaming and Liquor regulations
- Evidence of cultural and community consultation undertaken prior to the event
- Adequate insurances and risk management plans

Although the event proposed is likely to attract high interest due to its unique location and the event dates requested coincide with a public holiday long weekend, Officers note exclusive use has not been sought in the proposal received and recommend, should Council support the proposal, that the event application clearly state how the following will be managed:

- Vehicle access and traffic management by the public to Mt Brown including emergency personnel
- Disseminating informaton to residents and visitors of the event
- Advertising and Promotion of the Event

Furthermore, Officers understand York Arts & Events is a registered not for profit organisation and as such the adopted fee for use of parks and open spaces can be offered at no charge. A bond of \$500.00 and Event Application fee's of up to \$300.00 would stil be applicable to any event application received.

Officers recommend Council considers granting York Arts & Events use of Mount Brown on condition the considerations detailed in this report are addressed in the assessment of the event application when submitted to the Shire for consideration

Implications to consider:

- **Consultative**
Should Council support the proposal, Officers will continue to liaise with York Arts & Events throughout the event approval process in accordance with the Shire's *Events For York Policy*.
- **Strategic**
Supporting the community and its businesses to establish and market events to encourage visitors to York aligns to the Shire's Strategic Community and Corporate Business Plans.
- **Policy related**
Officers have considered the Events in York Policy to determine what components are applicable to the proposal received and will continue to assess the event application in accordance with the policy requirements where relevant.
- **Financial**
A bond of \$500.00 for use of Mt Brown and event application fees of up to \$300.00 would still be applicable to any event application received.
- **Risk related**
As discussed above.

Voting Requirements:
Absolute Majority Required: No

**RESOLUTION
100818**

Moved: Cr Ferro

Seconded: Cr Trent

“That Council;

- 1. Notes York Arts & Events is a registered not for profit organisation**
- 2. Determines in accordance with Council’s adopted budget the following fees and charges are applicable should York Arts & Events wish to submit an event application for the request received:**
 - Event Application Fees - \$300.00**
 - Not for Profit / Community Group Hire of Mt Brown – no charge**
 - Mt Brown Bond - \$500.00**
- 3. Notes any event application submitted from York Arts & Events for an event on Mt Brown will be assessed against Council’s Events for York Policy as detailed in this report.”**

CARRIED: 7/0

SY105-08/18 – Minutes of Access and Inclusion Advisory Committee Meeting held 7 August 2018

FILE REFERENCE:	OR.CMA.9.1
APPLICANT OR PROPONENT(S):	Shire of York
AUTHORS NAME & POSITION:	Suzie Haslehurst, Executive Manager Corporate and Community Services
RESPONSIBLE OFFICER:	Suzie Haslehurst, Executive Manager Corporate and Community Services
PREVIOUSLY BEFORE COUNCIL:	No
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	A. Access and Inclusion Advisory Committee Meeting Minutes 7 August 2018

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

To receive the minutes and endorse the recommendations of the Access and Inclusion Advisory Committee (AIAC) Meeting held on Tuesday 7 August 2018.

Background:

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

Comments and details:

At the meeting of the AIAC held on 7 August 2018, one officer report was considered:

- Access and Inclusion Audit 2018/19

In addition, the Committee considered correspondence received from a community member outlining concerns regarding accessibility of Shire buildings, in particular, the Town Hall.

The Committee also considered its membership and recommended the appointment of Ms Nicola Burton as a replacement representative following the resignation of Ms Carolyn Robinson from Senses Australia, and the appointment of Ms Marie Forster as an additional community representative.

Options

Council could choose not to adopt the recommendations of the AIAC. However, officers provide the following in support of the Committee's recommendations.

1. The Access and Inclusion Audit is an action in the recently adopted Disability Access and Inclusion Plan 2018-2023 (DAIP) and has been included in the 2018/19 adopted budget. The audit will provide a prioritised list of actions to improve access to Shire buildings and the York CBD.
2. Council could choose not to appoint a replacement representative from Senses Australia. However, as a disability service provider of over 120 years' standing, representation from Senses Australia is consistent with the intent and spirit of the Terms of Reference for the AIAC. Ms Burton is an occupational therapist.
3. Ms Marie Forster attended a consultation held during the development of the Shire's DAIP and has demonstrated her passion for access and inclusion issues.

Implications to consider:

- **Consultative**

Nil

- **Strategic**

Theme 5: Strong Leadership and Governance

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

- **Policy related**

G2.5 Reference Groups

- **Financial**

Nil

- **Legal and Statutory**

Local Government (Audit) Regulations 1996

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.

- **Risk related**

Nil

Voting Requirements:

Absolute Majority Required: Yes

**RESOLUTION
110818**

Moved: Cr Smythe

Seconded: Cr Heaton

“That Council receives the Minutes of the Access and Inclusion Advisory Committee meeting held on 7 August 2018 and adopts the recommendations of the Committee as follows:

- 1. Adopts the minutes of the Access and Inclusion Advisory Committee meeting held on 24 January 2018 as a true and correct record.***
- 2. Endorses the proposed scope for the access and inclusion audit of the Shire of York contained within this report.***
- 3. Appoints Ms Nicola Burton to the Access and Inclusion Advisory Committee as a representative of Senses Australia and requests the Chief Executive Officer to amend the Terms of Reference accordingly.***
- 4. Appoints Ms Marie Forster to the Access and Inclusion Advisory Committee as a community representative and requests the Chief Executive Officer to amend the Terms of Reference accordingly.”***

CARRIED BY ABSOLUTE MAJORITY: 7/0

SY106-08/18 – Expired Rail Corridor Lease – Burges Siding Standpipe

FILE REFERENCE: Bu2.60747
APPLICANT OR PROPONENT(S): Arc Infrastructure Pty Ltd (Arc)
AUTHORS NAME & POSITION: Natasha Brennan – Administration and Governance Coordinator
RESPONSIBLE OFFICER: Suzie Haslehurst – Executive Manager, Corporate & Community Services
PREVIOUSLY BEFORE COUNCIL: Nil
DISCLOSURE OF INTEREST: Nil
APPENDICES: A – Draft Lease – Confidential
B – Correspondence between Arc Infrastructure Pty Ltd & Shire of York

Appendix A is confidential under Section 5.23(2)(c) of the Local Government Act 1995 in that it deals with “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting”

Copies have been provided to Councillors, the Chief Executive Officer and Executive Managers only.

Nature of Council’s Role in the Matter:

- Executive

Purpose of the Report:

This report presents to Council the proposed lease between Arc Infrastructure and the Shire of York for a small parcel of land situated on the corner of Spencers Brook Road and Burges Siding Road, York for the purpose of standpipe usage by the Shire of York.

Background:

The Shire has historically leased an area of 875sqm on the corner of Spencers Brook Road and Burges Siding Road, York for the purpose of standpipe water supply usage. The Lease of this land expired 31 January 2010. Following the expiry of the lease the Shire was contacted by Burgess Rawson (agents for Public Transport Authority of WA) that PTA under the Act cannot grant or renew Community Purposes leases to Shires, but it could allow existing Community Purpose Leases to roll over on a monthly basis.

The Shire advised Burgess Rawson on 30 April 2010, that it wished to remain as a monthly tenant.

On 11 April 2018, the Shire was advised that Arc Infrastructure is now the manager of the Rail Freight Network in Western Australia under a long-term lease from the State Government (Appendix B). As part of its management network Arc Infrastructure is now also the licensee of all the rail corridor land adjoining the rail freight tracks.

Given the land the Shire presently leases is over rail corridor land managed by Arc Infrastructure, the PTA has asked Arc Infrastructure to enter into a licence with the Shire of York so that the land use is permitted and reflected correctly.

On 18 July 2018, the Shire confirmed with Arc Infrastructure that the land was still required by the Shire of York, for the purpose of standpipe usage.

Comments and details:

The current lease arrangements with Public Transport Authority of WA (PTA) have been rolled over on a monthly basis since 2010.

This proposal is for Arc Infrastructure to provide a licence to the Shire of York for the lease of this portion of land with the following essential lease terms:

- Use Fee of \$1.00 per annum (Item 4, Schedule 1)
- Permitted Use of community purposes for standpipe usage (Item 5, Schedule 1)
- Contract Term of 5 years, with option to renew for a further 5 years per clause 3.1
- Commencement Date of 1 October 2018 (can be updated based on Council's review) per Item 2, Schedule 1
- Document preparation fee of \$1,000 payable by the Shire of York (clause 20.1)
- Shire of York to take out and maintain insurance (clause 14.1) for:
 - a. Public Liability for insured sum of \$20 million; and
 - b. Worker's compensation and employer's indemnity insurance for insured sum of \$50 million.

Arc Infrastructure has prepared a draft licence to occupy this area of land for the Shire's use which is attached as Confidential Appendix A for Council's consideration.

Options:

Council could choose not to renew the licence; however, this would mean that the Shire would no longer have the long-term security of tenure to utilise this area of land.

Arc Infrastructure cannot guarantee that it can give the Shire a licence to occupy this area, however representatives have advised that they see no reason why the PTA would not approve the use, assuming it is still used for the purposes stated in the original lease.

Implications to consider:

- **Consultative**
Community – regular users of the Burges Siding Standpipe
Arc Infrastructure Pty Ltd
- **Strategic**
Theme 5: Strong Leadership and Governance
5.1 The Council supported by the administration of the Shire of York is effective and informed in its decision making and exhibits good practice in its governance role.
- **Policy related**
CP1.1 Execution of Documents and Execution of the Common Seal
CP1.5 Compliance
G2.9 Community Engagement and Consultation
G4.6 Risk Assessment and Management
- **Financial**
There is a legal cost involved in having the licence prepared by Arc Infrastructure. The cost has been reduced from \$2,000 to \$1,000.

There is an annual licence fee of \$1.00.

Shire of York is required to take out and maintain insurance (clause 14.1) for:

- a. Public Liability for insured sum of \$20 million; and
- b. Worker's compensation and employer's indemnity insurance for insured sum of \$50 million.

The Shire currently maintains Public Liability insurance to the value of \$500 million and unlimited workers compensations employer's indemnity insurance.

- **Legal and Statutory**

- ***Local Government Act 1995***

- ***3.18. Performing executive functions***

- (1) *A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.*
- (2) *In performing its executive functions, a local government may provide services and facilities.*
- (3) *A local government is to satisfy itself that services and facilities that it provides —*
 - (a) *integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body; and*
 - (b) *do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and*
 - (c) *are managed efficiently and effectively.*

- **Risk related**

If the Shire does not have a current Licence in place to utilise this area of land, the Shire may lose access to the standpipe currently used by the community and for the purposes of fire-fighting.

- **Workforce Implications**

This lease can be accommodated within the current workforce capacity.

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION

“That Council:

1. *Agrees to the Shire entering a Lease with Arc Infrastructure Pty Ltd for the Licence to Occupy the parcel of land that is used for water stand pipe usage on the corner of Burges Siding & Spencers Brook Road, York in accordance with the following essential lease terms:*
 - *Use Fee of \$1.00 per annum*
 - *Permitted Use of community purposes for standpipe usage (contract term of 5 years, with option to renew for a further 5years*
 - *Commencement Date of 1 October 2018 (can be updated based on Council’s review)*
 - *Document preparation fee of \$1,000 payable by the Shire of York*
 - *Shire of York to take out and maintain insurance for:*
 - a. *Public Liability for insured sum of \$20m; and*
 - b. *Worker’s compensation and employer’s indemnity insurance for insured sum of \$50m;*
2. *Authorises the Shire President and Chief Executive Officer to engross the lease documentation as per the terms and conditions of the licence as attached to this report.”*

RESOLUTION 120818

Moved: Cr Ferro

Seconded: Cr Smythe

“That Council:

1. ***Agrees to the Shire entering a Lease with Arc Infrastructure Pty Ltd for the Licence to Occupy the parcel of land that is used for water stand pipe usage on the corner of Burges Siding & Spencers Brook Road, York in accordance with the following essential lease terms:***
 - ***Use Fee of \$1.00 per annum***
 - ***Permitted Use of community purposes for standpipe usage (contract term of 5 years, with option to renew for a further 5years***
 - ***Commencement Date of 1 October 2018 (can be updated based on Council’s review)***
 - ***Document preparation fee of \$1,000 payable by the Shire of York***
 - ***Shire of York to maintain insurance for:***
 - a. ***Public Liability for insured sum of at least \$20m; and***
 - b. ***Worker’s compensation and employer’s indemnity insurance for insured sum of at least \$50m;***
2. ***Authorises the Shire President and Chief Executive Officer to engross the lease documentation as per the terms and conditions of the licence as attached to this report.”***

CARRIED: 7/0

Reason: To reflect that the Shire currently maintains insurances to a value in excess of the amount required by the Lessor

SY107-08/18 – Outstanding Rates and Charges – Payment Agreements

FILE REFERENCE: FI.DRS.3.1
APPLICANT OR PROPONENT(S): VARIOUS
AUTHORS NAME & POSITION: Anneke Birleson, Finance Officer
RESPONSIBLE OFFICER: Suzie Haslehurst, Executive Manager Corporate & Community Services
PREVIOUSLY BEFORE COUNCIL: 23 July 2018
DISCLOSURE OF INTEREST: Nil
APPENDICES: A – Table of Application Details (Confidential)

The appendix of this item is confidential in accordance with Section 5.23(2)(b) of the Local Government Act 1995 as it contains information regarding the personal affairs of a person and Section 5.23(2)(e)(iii) as it deals with a matter that if disclosed, would reveal the financial affairs of a person.

Copies have been provided to Councillors, the Chief Executive Officer and Executive Managers only.

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

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

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

Background:

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

The policy and Delegation 3-3 authorises the Chief Executive Officer to accept payment arrangements where there are no arrears and the balance will be paid in full by 30 June of the relevant financial year. Any applications outside this scope must be presented to Council for review and acceptance or rejection.

Comments and details:

At the ordinary Council Meeting held on 23 July 2018, Council considered one (1) application for the 2018/19 financial year.

The Shire has since received a further three applications that do not qualify under DE3-3 and therefore, require Council consideration.

One of the applicants were referred for debt collection in December 2017 for pre-legal action, resulting in them making application for an agreement. The other two applicants were previously on a payment agreement and are now applying for a similar arrangement this financial year.

Confidential Appendix A details the current debt and brief reasons why the ratepayers cannot meet the requirements of a standard payment arrangement. The table also provides officer recommendations for the applications.

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

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

Options:

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

Implications to consider:

- **Consultative**
Officers have liaised with the applicants.

- **Strategic**
Theme 5: Strong Leadership and Governance
5.3 The Shire's public finances are sustainable in the short and long-term.

- **Policy related**
F1.1 Revenue Collection
DE3-3 Agreement as to Payment of Rates and Service Charges

- **Financial**
The total debt associated with the proposed payment arrangements as at 2 August 2018 is \$21,589.09.

This represents approximately 0.3% of the current outstanding debt.

- **Legal and Statutory**

Local Government Act 1995

6.49. Agreement as to payment of rates and service charges

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

Shire of York Finance Policy F1.1 Revenue Collection

Principles

- a) *the Shire's cashflow is optimised and bad debts minimised by ensuring timely collection of all revenue owing to the Shire.*
 - b) *the recovery of the Shire's revenue is clear, equitable, consistent and transparent.*
 - c) *that account is taken of the circumstances of people with debt owing to the Shire.*
 - d) *all reasonable action be undertaken to recover revenue before the debt is written off.*
 - e) *debt collection activities are in accordance with relevant legislation and standards and credit controls are monitored to minimise potential financial loss.*
- **Risk related**
The Financial Risk is Minor (2).
The Likelihood of occurrence is Likely (4).
The overall risk rating is Moderate (8).

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

- **Workforce Implications**

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

Voting Requirements:

Absolute Majority Required: No

RESOLUTION

130818

Moved: Cr Trent

Seconded: Cr Saint

“That Council:

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

CARRIED: 7/0

SY108-08/18 – Companion Card Program - Amendment to 2018/19 Fees and Charges

FILE REFERENCE: FI.BUD1819
APPLICANT OR PROPONENT(S): Shire of York
AUTHORS NAME & POSITION: Tabitha Bateman – Finance Manager
RESPONSIBLE OFFICER: Suzie Haslehurst – Executive Manager, Corporate and Community Services
PREVIOUSLY BEFORE COUNCIL: N/A
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil

Nature of Council’s Role in the Matter:

- Executive
- Legislative

Purpose of the Report:

This report provides details of the proposed amendment to the 2018/19 Schedule of Fees and Charges to incorporate the Companion Card Program and recommends that Council adopts the amendment for the 2018/19 financial year.

Background:

In accordance with Sections 6.16 to 6.19 of the *Local Government Act 1995*, a Local Government may impose a fee or charge for any goods or service it provides. Fees and charges must be imposed when adopting the annual budget, however may also be imposed or amended during the course of the year if necessary.

Comments and details:

Officers were recently approached by National Disability Services (NDS) seeking the Shire’s interest in becoming affiliated with the Companion Card Program.

The Companion Card is not for everyone with a disability. It is for people with a life-long, severe or profound and permanent disability who are unable to participate in most community activities without attendant care support. The card is only provided to people if their level of support is life-long and they meet all of the eligibility criteria.

People with a disability, who require attendant care support, are often required to pay two admission and/or booking fees; one for themselves and one for their companion. This has the effect of increasing the admission for the person with a disability and decreasing their social inclusion. The Companion Card allows the person to participate without having to pay for a second ticket for their companion.

In harmony with Council’s newly adopted Disability Access and Inclusion Plan, affiliation with the Companion Card Program seeks to address the Action Plan – Outcome 1: Access to Services and Events, specifically items 1.4 to 1.6. ensuring people with disability have the same opportunities as other people to access the services of, and any events organised by, the Shire of York. Officers are of the opinion that offering a concession for Companion Card holders complements Council’s view toward access and inclusion.

An amendment to the adopted Fees and Charges for 2018/19 is necessary as Council's current Fees and Charges do not make provision for Companion Card holders. These minor amendments are recommended for inclusion in the 2018/19 Fees and Charges with an effective date of 1 September 2018. Upon approval by Council, these amendments will be incorporated into the 2018/19 Fees and Charges and will replace the Schedule currently on Council's website.

Options:

1. Council could resolve to accept the officer's recommendation thereby approving free entry to all Shire venues and Shire-run events to Companion Card Holders acknowledging the minor impact to revenue for the 2018/19 financial year.
2. Council could resolve to apply the concession on a selection of Shire venues only and report accordingly in the Fees and Charges.
3. Council could reject the officer's recommendation choosing not to become a Companion Card Affiliate and make no amendment to the 2018/19 adopted Fees and Charges with the option to reconsider as part of the 2019/20 budget process.

Implications to consider:

- **Consultative**

- National Disability Services
Access and Inclusion Advisory Committee

- **Strategic**

- Theme 1: A Place to Live*

- 1.4 There are few barriers to people moving safely, freely and easily around the town of York and rural townships and to other communities.

- 1.5 Health, disability and family support services are accessible and locally provided wherever possible.

- **Policy related**

- N/A

- **Financial**

- The effect of this change is expected to have very minimal impact on the 2018/19 Budget.

- **Legal and Statutory**

- Local Government Act 1995*

6.16. Imposition of fees and charges

- (1) *A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

** Absolute majority required.*

- (2) *A fee or charge may be imposed for the following —*
 - (a) *providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;*
 - (b) *supplying a service or carrying out work at the request of a person;*
 - (c) *subject to section 5.94, providing information from local government records;*
 - (d) *receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;*

- (e) *supplying goods;*
- (f) *such other service as may be prescribed.*
- (3) *Fees and charges are to be imposed when adopting the annual budget but may be —*
 - (a) *imposed* during a financial year; and*
 - (b) *amended* from time to time during a financial year.*

** Absolute majority required.*

6.17. Setting level of fees and charges

- (1) *In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —*
 - (a) *the cost to the local government of providing the service or goods; and*
 - (b) *the importance of the service or goods to the community; and*
 - (c) *the price at which the service or goods could be provided by an alternative provider.*
- (2) *A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.*
- (3) *The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —*
 - (a) *under section 5.96; or*
 - (b) *under section 6.16(2)(d); or*
 - (c) *prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.*
- (4) *Regulations may —*
 - (a) *prohibit the imposition of a fee or charge in prescribed circumstances; or*
 - (b) *limit the amount of a fee or charge in prescribed circumstances.*

6.18. Effect of other written laws

- (1) *If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —*
 - (a) *determine an amount that is inconsistent with the amount determined under the other written law; or*
 - (b) *charge a fee or charge in addition to the amount determined by or under the other written law.*
- (2) *A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.*

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) *its intention to do so; and*
- (b) *the date from which it is proposed the fees or charges will be imposed.*

- **Risk Related**

Not becoming a Companion Card Affiliate could pose a negative public image for the Shire by giving the message to community members and stakeholders that the Shire chooses not to be as inclusive as possible of people with disability. There is also the risk that the proposed change could result in a more significant reduction of income than anticipated. Officers believe the latter risk to be of a minor nature and are of the opinion that by joining the Companion Card program could in fact attract more people to York.

- **Workforce Implications**

N/A

Voting Requirements:

Absolute Majority Required: Yes

RESOLUTION

140818

Moved: Cr Smythe

Seconded: Cr Heaton

“That Council;

- 1. Accepts the invitation from National Disability Services to become a Companion Card Affiliate,***
- 2. Approves the amendment to the 2018/19 Schedule of Fees and Charges to include free entry to Shire venues and Shire-run events for Companion Card Holders effective 1 September 2018.***
- 3. Requests the Chief Executive Officer to give local public notice of the amendment.”***

CARRIED BY ABSOLUTE MAJORITY: 7/0

SY109-08/18 – Financial Report for July 2018

FILE REFERENCE:	FI.FRP
APPLICANT OR PROPONENT(S):	Not Applicable
AUTHORS NAME & POSITION:	Tabitha Bateman, Finance Manager
RESPONSIBLE OFFICER:	Suzie Haslehurst, Executive Manager Corporate and Community Services
PREVIOUSLY BEFORE COUNCIL:	No
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	A. Monthly Statements
	B. List of Creditors Payments
	C. Corporate Credit Card Transaction Listing

Nature of Council's Role in the Matter:

- Legislative
- Review

Purpose of the Report:

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

Background:

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

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

It should be noted that the figures reflected in the following reports are an estimate of the end of year position only and are subject to audit adjustments to the 2017/18 Annual Financial Report.

Comments and details:

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

- Monthly Statements for the period ended 31 July 2018
- List of Creditor's Payments
- Corporate Credit Card Transaction Listing

The following information provides balances for key financial areas for the Shire of York's financial position as at 31 July 2018;

Outstanding Rates and Services

The total outstanding rates as at 31 July 2018 were \$7,264,964 compared to \$1,169,920 as at 30 June 2018.

Current Year	31/07/2018	%	31/07/2017	%
3 years and over	\$480,957.11	7%	\$295,250.78	4%
2 years and over	\$261,725.74	4%	\$283,540.03	4%
1 year and over	\$403,576.29	6%	\$469,542.91	7%
<u>Total Prior Years outstanding</u>	<u>\$1,146,259.14</u>	16%	<u>\$1,048,333.72</u>	16%
Current Rates	<u>\$6,118,704.42</u>	84%	<u>\$5,638,781.08</u>	84%
<u>Total Rates Outstanding</u>	<u>\$7,264,963.56</u>		<u>\$6,687,114.80</u>	

Outstanding Sundry Debtors

Total outstanding sundry debtors as at 31 July 2018 were \$344,635 compared to \$331,021 as at 30 June 2018.

Current Year	31/07/2018	%	31/07/2017	%
90 days and over	\$267,089.47	77%	\$278,646.06	72%
60 days and over	\$125.06	0%	\$7,085.50	2%
30 days and over	\$60,475.01	18%	\$8,298.66	2%
Current	<u>\$16,945.80</u>	5%	<u>\$94,641.44</u>	24%
<u>Total Debtors Outstanding</u>	<u>\$344,635.34</u>		<u>\$388,671.66</u>	

Implications to consider:

- **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

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

(1A) *In this regulation —*

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

- (1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —*
 - (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*
 - (b) *budget estimates to the end of the month to which the statement relates; and*
 - (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*
 - (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - (e) *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing —*
 - (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and*
 - (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
 - (c) *such other supporting information as is considered relevant by the local government.*
- (3) *The information in a statement of financial activity may be shown —*
 - (a) *according to nature and type classification; or*
 - (b) *by program; or*
 - (c) *by business unit.*
- (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —*
 - (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
 - (b) *recorded in the minutes of the meeting at which it is presented.*
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

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

- **Policy**

Policy F1.2 Procurement

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

Voting Requirements:

Absolute Majority Required: No

**RESOLUTION
150818**

Moved: Cr Smythe

Seconded: Cr Trent

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

Jul-18	
MUNICIPAL FUND	AMOUNT
Cheque Payments	25,041.13
Electronic Funds Payments	879,849.30
Payroll Debits	279,240.32
Payroll Debits - Superannuation	55,801.34
Bank Fees	676.52
Corporate Cards	279.84
Fuji Xerox Equipment Rental	236.62
Fire Messaging Service	0.00
TOTAL	1,241,125.07
TRUST FUND	
Electronic Funds Payments	1,495.25
Cheque Payments	0.00
Direct Debits Licensing	110,449.00
TOTAL	111,944.25
TOTAL DISBURSEMENTS	1,353,069.32

”

CARRIED: 7/0

SY110-08/18 – Investments – July 2018

FILE REFERENCE: FI.FRP
APPLICANT OR PROPONENT(S): Not Applicable
AUTHORS NAME & POSITION: Tabitha Bateman, Finance Manager
RESPONSIBLE OFFICER: Suzie Haslehurst, Executive Manager Corporate and Community Services
PREVIOUSLY BEFORE COUNCIL: No
DISCLOSURE OF INTEREST: Nil
APPENDICES: A. Investment Portfolio

Nature of Council's Role in the Matter:

- Legislative
- Review

Purpose of the Report:

To report to Council the balance of investments held by the Shire of York as at 31 July 2018.

Background:

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

Comments and details:

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

- a) Council's Investments as at 31 July 2018
- b) Application of Investment Funds
- c) Investment Performance

Implications to consider:

- **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.

- **Policy**

Policy F1.4 Investment

Voting Requirements:

Absolute Majority Required: No

**RESOLUTION
160818**

Moved: Cr Trent

Seconded: Cr Heaton

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

CARRIED: 7/0

9. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Cr Heaton – referring to the environmental assessment of Mt Brown associated with the recent mountain bike event – the author has agreed to undertake an environmental rectification – is there a time frame for this to occur?

Response – The Chief Executive Officer stated that remedial work has been done to date – a further assessment is to be undertaken in the next two weeks.

11. BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

Nil

12. MEETING CLOSED TO THE PUBLIC

12.1 Matters for which the meeting may be closed

RESOLUTION

170818

Moved: Cr Trent

Seconded: Cr Smythe

“That Council goes behind closed doors to discuss:

- 1. Item SY111-08/18 – Outstanding Rates and Charges – A11921 - in accordance with Section 5.23(2)(b) of the Local Government Act 1995 as it contains information regarding the personal affairs of a person and Section 5.23(2)(e)(iii) as it deals with a matter that if disclosed, would reveal the financial affairs of a person.***
- 2. Item SY112-08/18 – Appointment of York Honours Reference Group Member - under Section 5.23 (2)(b) of the Local Government Act 1995 in that it deals with the personal affairs of any person.***
- 3. Item SY113-08/18 – Policy G2.1 Comprehensive Complaints Response - pursuant to s.5.23 (2)(a) and (b) of the Local Government Act (a) in that it deals with a matter affecting an employee or employees; and (b) the personal affairs of any person.”***

CARRIED: 7/0

The Shire President thanked everyone for their attendance and advised members of the Gallery they were welcome to return to the meeting at the conclusion of the Confidential Items.

The members of the Gallery left the meeting at 5.51pm and the doors were closed.

SY111-08/18 – Confidential - Outstanding Rates and Charges - A11921

**RESOLUTION
180818**

Moved: Cr Smythe

Seconded: Cr Trent

“That Council:

- 1. Rejects the applicant’s request for Council to forego all outstanding rates on the property, A11921.***
- 2. Rejects the applicant’s offer of \$18,000 which would result in a write off of at least \$25,610.***
- 3. Requests the CEO to initiate the process to take possession of the land for the purpose of selling it or leasing it pursuant to Section 6.64 of the Local Government Act 1995, if the outstanding rates and charges are not paid in full, or an acceptable arrangement to pay the amount is not entered into by 30 September 2018.”***

CARRIED: 7/0

SY112-08/18 – Appointment of York Honours Reference Group Member

**RESOLUTION
190818**

Moved: Cr Smythe

Seconded: Cr Saint

“That Council:

- 1. Appoints Mrs Bev Penny to the York Honours Reference Group as the new Community Member.***
- 2. Adopts the updated Terms of Reference for the York Honours Reference Group.***
- 3. Accepts the Community Donations raised at the Australia Day Community Breakfast currently held in Trust No. T24 from 2017 of \$53.55 and 2018 of \$433.50 be donated to the St John Ambulance – York Sub-Branch.”***

CARRIED BY ABSOLUTE MAJORITY: 7/0

The Chief Executive Officer and the Executive Manager Corporate & Community Services left the meeting at 5.53pm.

SY113-00/18 – Policy G2.1 Comprehensive Complaints Response

**RESOLUTION
200818**

Moved: Cr Ferro

Seconded: Cr Trent

“That Council adopts the recommendation in the Confidential Report.”

CARRIED: 7/0

The Chief Executive Office and the Executive Manager Corporate & Community Services returned to the meeting at 5.55pm.

**RESOLUTION
210818**

Moved: Cr Trent

Seconded: Cr Warnick

“That Council opens the meeting to the public at 5.56pm.”

CARRIED: 7/0

The doors were opened at 5.56pm and three members of the Gallery returned to the meeting.

12.2 Public reading of resolutions to be made public

The Shire President read the Resolution of Items SY111-08/18, SY112-08/18 and SY113-08/18 to the Gallery.

13. NEXT MEETING

The next Ordinary Meeting of Council will be held on Tuesday, 25 September 2018 at 5.00pm in Council Chambers, York Town Hall, York.

14. CLOSURE

The Shire President thanked everyone for their attendance and closed the meeting at 5.59pm.