



SHIRE OF YORK

**MINUTES OF THE ORDINARY
MEETING OF THE COUNCIL
HELD ON 22 OCTOBER 2018
COMMENCING AT 5.00PM
IN THE GREENHILLS HALL,
GREENHILLS**

Table of Contents

1. OPENING	5
1.1 Declaration of Opening	5
1.2 Disclaimer	5
1.3 Standing Orders.....	5
1.4 Announcement of Visitors	5
1.5 Declarations of Interest that Might Cause a Conflict.....	5
1.6 Declarations of Financial Interest	5
1.7 Declarations of Interest that May Affect Impartiality.....	5
2. ATTENDANCE	6
2.1 Members.....	6
2.2 Staff	6
2.3 Apologies.....	6
2.4 Leave of Absence Previously Approved.....	6
2.5 Number of People in Gallery at Commencement of Meeting.....	6
3. QUESTIONS FROM PREVIOUS MEETINGS.....	6
3.1 Response to previous public questions taken on notice	6
3.2 Response to unasked questions from the previous meeting.....	6
4. PUBLIC QUESTION TIME.....	7
4.1 Written Questions – Current Agenda.....	8
4.2 Public Question Time	8
5. APPLICATIONS FOR LEAVE OF ABSENCE	9
6. PRESENTATIONS.....	9
6.1 Petitions.....	9
6.2 Presentations.....	9
6.3 <i>Deputations</i>	9
6.4 <i>Delegates reports</i>	9
7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	9
8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....	10
9. OFFICER’S REPORTS.....	10
SY136-10/18 – Greenhills Heritage Trail – Project Plan	11
SY137-10/18 – Gooder Judda Aboriginal Corporation Request for Event Sponsorship	17
SY138-10/18 – Proposal to Make Shire of York Local Government Property Amendment Local Law.....	25
SY139-10/18 – Archaeological Excavation at York Residency Museum in Partnership with the University of Western Australia	31
SY140-10/18 – Information Statement 2018-2019	35
SY141-10/18 – Request to Reside in Caravan on Property while Building – Lot 155 (14) Langford Road, York.....	37
SY142-10/18 – Shire of York Christmas Closure 2018.....	41
SY143-10/18 – Request for Support of Seniors Appreciation Day 2018	45
SY144-10/18 – Outstanding Rates and Sundry Debtors – Debt Recovery	49
SY145-10/18 – Outstanding Rates and Charges and Sundry Debts – Payment Agreements	55
SY146-10/18 – Financial Report for September 2018	59
SY147-10/18 – Investments – September 2018	63

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	65
11. QUESTIONS FROM MEMBERS WITHOUT NOTICE.....	65
12. BUINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING.....	65
13. MEETING CLOSED TO THE PUBLIC.....	65
13.1 Matters for which the meeting may be closed	65
SY148-10/18 – Confidential - Outstanding Rates - Sale of Land – A6340	67
SY149-10/18 – Confidential - Outstanding Rates – Sale of Land – A50007	69
SY150-10/18 – Confidential - Outstanding Rates - Sale of Land - Various	71
SY151-10/18 – Confidential – Outstanding Rates and Charges – A6560	73
SY152-10/18 – Shire of York Outside Staff Collective Enterprise Agreement 2018.....	75
SY153-10/18 – Chief Executive Officer Annual Performance Review and Key Performance Indicators for 2018/19	77
13.2 Public reading of resolutions to be made public	77
14. NEXT MEETING	77
15. CLOSURE	77



SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL HELD ON MONDAY, 22 OCTOBER 2018, COMMENCING AT 5.00PM IN THE GREENHILLS HALL, GREENHILLS

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 5.00pm

1.2 Disclaimer

The Shire President advised the following:

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

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

1.3 Standing Orders

Nil

1.4 Announcement of Visitors

Nil

1.5 Declarations of Interest that Might Cause a Conflict

Nil

1.6 Declarations of Financial Interest

Mr Paul Martin, Chief Executive Officer – SY153-10/18 – Chief Executive Officer Annual Performance Review and KPI's 2018/19

1.7 Declarations of Interest that May Affect Impartiality

Ms Katie Benfield, York Residency Museum Curator – SY139-10/18 – Archaeological Excavation at York Residency Museum in Partnership with the University of Western Australia

2. ATTENDANCE

2.1 Members

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

2.2 Staff

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

2.3 Apologies

Nil

2.4 Leave of Absence Previously Approved

*Cr Heather Saint – 17 September to 29 October 2018 Inclusive
Cr Pam Heaton – 22 October to 26 October 2018 Inclusive*

2.5 Number of People in Gallery at Commencement of Meeting

There were 10 people in the Gallery at the commencement of the meeting

3. QUESTIONS FROM PREVIOUS MEETINGS

3.1 Response to previous public questions taken on notice

Nil

3.2 Response to unasked questions from the previous meeting

Ms Frances Kennedy

Question 1:

How do I get a copy of video footage on the main road (Avon Terrace) from 20 September 2018 (time line 13.00 to 14.00) and 23 September 2018 (time line 13.10 to 14.30).

Response provided by the Executive Manager Corporate & Community Services:

I have reviewed the case law regarding release of CCTV footage and our current position is as follows:

1. The Shire would not generally release CCTV footage to an individual unless subpoenaed by the court.
2. The Shire releases footage to the WA Police to assist in the investigation of criminal or unlawful activity.
3. Should an individual wish to access footage, a request for information should be submitted under the *Freedom of Information Act 1992* with the matter considered under the provisions of that Act and a decision made which can be subjected to both an internal and external review if the applicant is unhappy with the decision.

Question 2:

Rules/Laws about signs being on the footpath from businesses on main road (Avon Terrace).

Response provided by the Executive Manager Infrastructure & Development Services:

The Shires “*Activities On Thoroughfares And Trading In Thoroughfares And Public Places Local Law*” details the requirements for Advertising Signs on Thoroughfares (which includes the footpath).

It details when a permit is required and when it isn’t. It also lists standard conditions for portable signs and election signs.

A full copy of the local law or a copy of the relevant section is available on request.

4. PUBLIC QUESTION TIME

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

6.7 Other procedures for question time for the public

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

- (8) *A member of the public shall have 2 minutes to submit a question.*
- (9) *The Council, by resolution, may agree to extend public question time.*
- (10) *Where any questions remain unasked at the end of public question time they may be submitted to the CEO who will reply in writing and include the questions and answers in the agenda for the next ordinary Council meeting.*
- (11) *Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.*

Public Question Time Commenced at: 5.02pm

4.1 Written Questions – Current Agenda
Nil

4.2 Public Question Time

Mr Mike Gill
On Behalf of Avon Civil Engineering

Question 1:

My question is to the CEO

In your response to a question taken on notice, you state that your administration failed to carry out a post construction survey nor was a set of As Constructed drawings prepared following the completion of works on Contract 01-1617. My question is what verification documentation was produced to support and validate the million dollar payment made to the Contractor for works that had specific construction requirements included as contract outcomes, for example a functioning drainage system on newly constructed roads?

Response provided by the Chief Executive Officer:

This question will be Taken on Notice.

Question 2:

My question is to the CEO

When your organisation makes a significant payment to a contractor do you, or another senior executive, cross check and endorse the payment certificate prepared by senior staff prior to making a payment and if so did this occur in the case of the aforementioned Contract 01-1617?

Response provided by the Chief Executive Officer:

This question will be Taken on Notice.

Ms Marie Forster

Question 1:

In light of the positive community feedback received regarding the 'meet and greet' Shire stall at the York Agricultural Show 2018, where members of the public could chat to Council members, peruse copies of current Strategic Plans and write in the Action Request book, would Council consider hosting something similar for the community over tea and coffee prior to each Ordinary Council Meeting in the interest of facilitating public engagement, open communication and good public relations?

Response provided by the Shire President:

I will take your question on board and take the suggestion to the next Council Forum for discussion with Councillors.

Mr Mike Gill

On Behalf of Avon Civil Engineering

Question 3:

At the York Agriculture Show I completed an Action Request regarding drainage, will you be responding to this Action Request?

Response provided by the Chief Executive Officer:

I will ensure someone follows up with you regarding your Action Request.

Public Question Time Concluded at 5.07pm as there were no further questions received from the Gallery.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PRESENTATIONS

6.1 Petitions

Nil

6.2 Presentations

Nil

6.3 *Deputations*

Nil

6.4 *Delegates reports*

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Minutes of the Ordinary Council Meeting held 25 September 2018

Confirmation

RESOLUTION

011018

Moved: Cr Smythe

Seconded: Cr Trent

“That the minutes of the Ordinary Council Meeting held 25 September 2018 be confirmed as a correct record of proceedings.”

CARRIED: 5/0

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President thanked the Greenhills Progress Association for afternoon tea which is always well received. The Council enjoys being able to come out to Greenhills and Talbot. The Shire President advised the Gallery that there are six Confidential items on the Agenda today and Council will close the meeting to discuss and once the discussion is finalised the Gallery will be invited back into the meeting and the Council Resolutions will be read out.

9. OFFICER'S REPORTS

SY136-10/18 – Greenhills Heritage Trail – Project Plan

FILE REFERENCE: PS.PPD.5.2
APPLICANT OR PROPONENT(S): Greenhills Progress Association
AUTHORS NAME & POSITION: Carol Littlefair, Arts & Cultural Heritage Officer
RESPONSIBLE OFFICER: Darren Wallace, Executive Manager Infrastructure & Development Services
PREVIOUSLY BEFORE COUNCIL: May 2018
DISCLOSURE OF INTEREST: Nil
APPENDICES: A. Project Plan

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

This report seeks approval of the Project Plan for development of a Heritage Trail at Greenhills by the Greenhills Progress Association and supported by the Shire of York.

Background:

The Greenhills Progress Association (GPA) has been developing for some time the concept of a heritage trail. This has involved members of the association researching and developing interpretation material to be used as part of the trail.

Over the past two years the GPA has communicated in correspondence and meetings with the Shire about this matter. During this time, Officers have met with representatives of the GPA to progress the development of their concept into a project for which funding can be secured. This has occurred both in York and as part of site inspections in Greenhills.

At the May Council meeting, in principle approval was given to the concept of a Greenhills Heritage Trail subject to Council approval of the Project Plan to ensure all aspects of the project and risk are scoped, investigated and resolved, considering whole of life costs including maintenance. This Project Plan will also enable for funding to be applied for to support the construction of the trail as such plans will typically be required to secure funding for projects of this nature.

RESOLUTION
030518

Moved: Cr Smythe

Seconded: Cr Trent

"That Council:

- 1. Provides in principle support for the development of the Greenhill Heritage Trail proposed by the Greenhills Progress Association.*
- 2. Agrees to the use of the funds held in Reserve 47 for the purposes of this project however notes that funds will not be transferred from reserve until a project plan is developed and approved by Council.*
- 3. Requests the Chief Executive Officer to work with the Greenhills Progress Association to develop a Project Plan and present to Council for approval by August 2018."*

CARRIED: 6/0

The Project Plan revision has been unavoidably delayed due to several factors.

The Trail project was originally conceived by GPA as a three-stage project including a town entry statement statue as Stage 3, which the community group was very keen to pursue.

As this aspect is unlikely to attract Lotterywest Trails funding it was eventually agreed to exclude this.

Staff changes in the Executive Manager Infrastructure and Development Services role also delayed revision of the costings for the infrastructure, which it has been necessary to reduce.

These and other issues were discussed at the first possible meeting between SOY and GPA on 4 September. GPA were supportive of taking the additional time to finalise the Project Plan.

Officers are still progressing negotiations with landowners of non-Shire managed land to which the Trail relates in order to clarify the access and insurance status which must be resolved prior to any grant application.

GPA has requested the SOY to be the applicant and manage the project with GPA as supporting partner.

Comments and details:

Council has proposed in its Corporate Business Plan to develop a trails master plan in the 2018/19 financial year. It is expected this will provide a road map to develop further walking, mountain biking and horse riding trails in the Shire. This will also include a style guide for design and interpretation across the Shire.

As the work already undertaken by the Greenhills Progress Association to develop the Trail is in advance of this Master Plan, it could be considered that it is more appropriate for the GPA to be the applicant for a Lotterywest Trails grant with the Shire of York as supporting partner.

Officers have been working with representatives of the GPA to develop the attached Project Plan and proposed timeline. Additional quotes in line with the Shire's Procurement Policy have been, or are in the process of being obtained. Access issues are not yet finalised but it is anticipated that these will be satisfactorily resolved before a Lotterywest application.

The Shire does hold in Reserve 47 Greenhills Townsite Development Reserve \$29,446. Officers recommend that these funds be used as a contribution towards the development of the project when seeking grant funding. It is not expected that funds would be used at this stage however commitment from Council at this time is required to demonstrate support for the project and to enable external funds to be sourced.

The purpose of the reserve is: *To provide funds to enhance the amenity and economic potential of the Greenhills Townsite with such funds to be expended in consultation with the Greenhills Progress Association.* It is considered that this project aligns with the purpose of the reserve.

On this basis Officers are therefore recommending that Council:

1. Agrees to the use of the funds held in Reserve 47 for this purpose, subject to a successful Lotterywest grant application
2. Requests the Chief Executive Officer to work with Greenhills Progress Association to submit a Lotterywest application for grant funding of the Greenhills Heritage Trail.

Options:

Council does have the following options in regards to this proposal:

- Provide the funds to GPA now and allow GPA to develop and implement the project themselves. Whilst this option might be appealing, almost all of the installation of plaques and any connecting trails will occur on Shire land. Therefore, Officers consider it appropriate for the Shire to work with GPA to develop the Trail.
- Not progress with the development of the Greenhills Heritage Trail until the Master Plan is completed and endorsed. This option would provide for maximum integration with other trails developed in the Shire but would put a hold on this project which members of the GPA have been working on for some time and is effectively almost 'shovel-ready'.
- Propose that GPA be the Lotterywest applicant as a community group with the Shire of York as supporting partner, in order to minimise the risk issue highlighted below under 'Risk related' implications.

Implications to consider:

- **Consultative**
The Shire of York has had extensive consultation with the Greenhills Progress Association

Public Transport Authority of WA

In regard to access to the old railway site land, which is currently unfenced and in practice open for the public to freely wander over. The PTA leases the land to CBH and as the leasee CBH has indicated that they do not wish to have plaques situated on the land or encourage public access. CBH has requested that all plaques relating to the railway site be placed upon the Road Reserve and a sentence requesting the public to keep to the Trail path be included in such plaques.

Perth Anglican Diocese

In regard to access to the St Andrew's Church and cemetery at Old Greenhills townsite, and construction of a gravelled path between these sites through adjoining bushland. Negotiations with the Perth Diocese and York Parish Council are ongoing but initial correspondence indicates a favourable outcome may be expected.

- **Strategic**
The development of trails and a trails master plan is a priority action in Council's Corporate Business Plan 2018-2022.
- **Policy related**
Nil
- **Financial**
There are currently no funds available in the coming four years for implementation or maintenance of the trail infrastructure. Any funding required by the Shire will need to be sourced from grant funding or reserves.

At the request of the GPA it is recommended that Council provides approval for \$20,000 for the use of the funds from Reserve 47 leaving \$9,446 in the Reserve.

- **Legal and Statutory**
Any legal and statutory approvals required will be scoped in the Project Plan.

- **Risk related**

It could reasonably be expected that the Shire will apply for funds to construct other trails across the Shire after the creation of the Trails Master Plan. There is a risk that if funding is secured for Greenhills Heritage Trail by the Shire of York as applicant it could impact upon the Shire's ability to secure further substantial funds, as Lotterywest prefers to fund projects that are systematic developments of a planned, holistic overview within Shires, rather than one-off projects.

- **Workforce Implications**

This workload has been unplanned and may impact upon other priorities. If determined to be a priority by Council Officers will use best endeavours to ensure that the project plan is completed as soon as possible without impacting upon other projects.

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION:

"That Council:

- 1. Approves the Project Plan for the development of the Greenhill Heritage Trail proposed by the Greenhills Progress Association in Appendix A.*
- 2. Agrees to the use of \$20,000 of the funds held in Reserve 47 being transferred from reserve after a Lotterywest grant for the Trail has been approved.*
- 3. Requests the Chief Executive Officer to work with the Greenhills Progress Association to develop a Lotterywest Grant application for the Greenhills Heritage Trail."*

OFFICER RECOMMENDATION:

"That Council:

- 1. Approves the Project Plan for the development of the Greenhill Heritage Trail proposed by the Greenhills Progress Association in Appendix A.*
- 2. Agrees to the use of \$20,000 of the funds held in Reserve 47 being transferred from reserve after a Lotterywest grant for the Trail has been approved.*
- 3. Requests the Chief Executive Officer to work with the Greenhills Progress Association to develop a Lotterywest Grant application for the Greenhills Heritage Trail.*
- 4. Notes that Greenhills Progress Association has made a significant in-kind contribution towards the project which will be reflected in applications that are submitted for funding."*

Reason – Officers issued a revised recommendation to include acknowledgement of the inkind contribution GPA has made to the project.

**RESOLUTION
021018**

Moved: Cr Trent

Seconded: Cr Smythe

“That Council:

- 1. Approves the Project Plan for the development of the Greenhill Heritage Trail proposed by the Greenhills Progress Association in Appendix A.***
- 2. Agrees to the use of \$20,000 of the funds held in Reserve 47 being transferred from reserve after a Lotterywest grant for the Trail has been approved.***
- 3. Requests the Chief Executive Officer to work with the Greenhills Progress Association to develop a Lotterywest Grant application for the Greenhills Heritage Trail.***
- 4. Notes that Greenhills Progress Association has made a significant in-kind contribution towards the project which will be reflected in applications that are submitted for funding.”***

CARRIED: 5/0

SY137-10/18 – Gooder Judda Aboriginal Corporation Request for Event Sponsorship

FILE REFERENCE: FI.DON.1
APPLICANT OR PROPONENT(S): Gooder Judda Aboriginal Corporation
AUTHORS NAME & POSITION: Esmeralda Harmer – Events & Economic Development Officer
RESPONSIBLE OFFICER: Paul Martin – Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL: Nil
DISCLOSURE OF INTEREST: Nil
APPENDICES: A – Letter of Request & draft Memorandum of Understanding
B – 2019 Palace of the Stars Event Program

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

To consider sponsorship of the 2019 Palace of the Stars event under the auspice of the Gooder Judda Aboriginal Corporation (GJAC).

This report also details GJAC's intentions to enter a Memorandum of Understanding with author, Karen McRoberts for delivery of the 2019 event.

Background:

The Palace of the Stars is a ticketed theatrical dinner event, set in the York Town Hall that re-creates York's era of travelling music hall entertainers. The scripting for the show is based on author, Karen McRoberts' historical fiction novels of York.

In November 2016, Council resolved support of \$5,000 of cash and in kind as part of its Community Funding round to author Karen McRoberts, auspiced by Toodyay Festivals Inc for the event.

Following the delivery of the event in April 2017, Item ***SY130-10/17 Palace of the Stars Multiyear Funding Proposal*** was presented to Council where Council requested the Chief Executive Officer negotiate a draft two-year funding agreement with the organisers of the Palace of the Stars event and present the draft agreement to Council for consideration prior to execution.

Shortly after the meeting, Toodyay Festivals Inc indicated they would no longer be able to auspice the event. Ms McRoberts confirmed the York Community Resource Centre (YCRC) had agreed to become the new auspicings body. Officers prepared a draft agreement in consultation with the YCRC and presented this to Council at its 27 November, 2017 Ordinary Council Meeting.

Ahead of the scheduled meeting, the YCRC advised, due to their existing public liability and other insurances, they were unable to auspice the event and enter the multiyear agreement.

This information was communicated to Ms McRoberts with a recommendation that future events be postponed allowing ample opportunity for a suitable auspice organisation and committee structure to be sought. Ms McRoberts indicated her intention to continue with the 2018 event and advised Officers the York Friendship Club had agreed to become the new auspice organisation. Officers reflected the change in the draft agreement and met with the York Friendship Club to finalise the draft funding agreement obligations and responsibilities.

At Council's 27 November, 2017 Ordinary Council Meeting, Council considered item **SY144-11/17 – Shire of York & the York Community Resource Centre Multiyear Funding Agreement – Palace of the Stars** where it resolved:

"That Council:

1. *Notes that Toodyay Festivals Inc will no longer auspice the Palace of the Stars event and the York Friendship Club Inc will now be the auspicing body.*
2. *Agrees to the Multiyear Funding Agreement between the Shire of York and the York Friendship Club Inc as attached at Appendix A providing a maximum of \$15,000 over two years commencing in the 2017/18 financial year.*
3. *Authorises the Shire President and Chief Executive Officer to engross the agreement on behalf of the Shire of York.*
4. *Requests the Chief Executive Officer to allocate \$10,000 for the 2017/18 FY from Festivals Assistance GL 132150 and include an amount of \$5,000 in the 2018/19 FY draft budget for Councils consideration."*

Following Council's meeting, Officer's met with both the York Friendship Club and Ms McRoberts to execute the multiyear agreement and progress through the event approval process under the new auspice arrangement.

In March 2018, the Palace of the Stars event was delivered under the auspice of the York Friendship Club. Officers met with both the York Friendship Club and Ms McRoberts to evaluate the event and receive the acquittal. Officers note that both parties stated their dissatisfaction with the existing auspice arrangement, citing a breakdown in communication as the reason.

Further to this, the York Friendship Club returned to the Shire \$2,000 of proceeds from the 2018 event. These funds were originally to be utilised to fund the 2019 event however this was no longer achievable given the withdrawal of the York Friendship Club. The funds were returned to the Shire's Community Funding Pool for future funding applications.

In June 2018, Officers presented Item **SY000-06/18 – York Friendship Club – Palace of the Stars Acquittal** where Council resolved;

"That Council:

1. *Receives the Acquittal of the 2018 Palace of the Stars*
2. *Notes the York Friendship Club wish to dissolve the current multiyear agreement between the York friendship Club and the Shire of York*
3. *Invites Ms McRoberts to present to Council future Palace of the Stars event proposals*

At this time, Officers urged Ms McRoberts to take some time to reflect on these past experiences and clearly define the expectations sought from any new auspice organisations. Ms McRoberts wished to continue to seek a new auspice arrangement and confirmed the Gooder Judda Aboriginal Corporation was interested in partnering to deliver the event. A presentation was made to Council at its July briefing session regarding the proposed 2019 Palace of the Stars event.

In September Officers received a letter of request, draft MoU and proposed program and now present these documents to Council as Appendices to this report for consideration.

Comments and details:

The letter of request received from GJAC requests \$7,000 of cash sponsorship and three full days of Town Hall hire as an in-kind contribution to deliver the 2019 Palace of the Stars event.

The letter further requests that the Shire makes these funds available in November of this year to enable GJAC to program performers and advertise ticket sales ahead of the Christmas period.

The requested amount includes the \$2,000 returned to the Shire by the previous auspice organisation, the York Friendship Club. These funds were returned to the Community Funding pool for future community funding applications.

Officers see merit in both the GJAC auspice arrangement and the event. A clear governance structure between parties is evident and in meetings with the applicant, both parties have a clear understanding of their role responsibilities, which in previous auspice arrangements had not been apparent.

However, the request does not indicate:

- Expected ticket prices. In previous years, ticket prices have ranged from \$25 - \$60 with mixed feedback from the community regarding value for money. It is difficult to gauge how many people are likely to attend if ticket prices are not identified or what concession costs for seniors could be. Previous feedback on the event indicates a majority of attendees were seniors and would be likely to attend future year events if tickets were reasonably priced.
- A detailed budget with indicative costs of programmed performers, lighting, sound, advertising and community workshops. The proposed program includes youth drama workshops planned for October but does not reflect venue hire costs, in kind voluntary assistance or advertising costs. Should GJAC seek external funding for this event, any application submitted would require the inclusion of these details.

Council's previous cash sponsorship of the past two Palace of the Stars events totals \$15,000. Both auspice organisations were required to provide detailed budgets indicated how the proposed funding was going to be spent.

The letter of request and draft MoU agreement between GJAC and Ms McRoberts is attached as **Appendix A** to this report.

Officers also note the 2019 Palace of the Stars proposed program as attached at **Appendix B** does not plan to include a matinee as part of the 2019 event, opting instead to offer gallery seating (upstairs of the Town Hall) at a reduced rate for the night performance only.

The inclusion of the matinee as part of the 2018 event proved popular, with the matinee time and reduced ticket prices attracting seniors and their carers and semi-retired community members to attend.

Officers believe this target market could attract a following for this type of event and would be encouraging event organisers to continue to build on this aspect of the event. Council's seed funding in previous years was intended to assist build the event over time utilising the elements that worked well, although the recent proposal does not clearly include these aspects, particularly targeted the event to the older demographic market.

Alternative options to cater to this target market could include:

- Working with the aged and community care facilities in the town to include pop up performances at residential facilities instead of resourcing a full matinee show
- Programming the event to occur in York's peak seasons such as wildflower season to capture larger audiences of the older demographic

- Reconsidering offering the event to occur as a matinee only event and developing the inclusions to suit this target market
- Offering half price tickets to attend the performance until first intermission
- Actively seeking voluntary involvement from York's senior community groups such as the York Society, York Old Time Dance Group, York Community Radio and York Senior Mobility Group.

Refining these elements with a senior and older demographic focus could increase audience numbers, exposure of the event and assist to provide voluntary staff. It also assists external funders to clearly understand the events target market and its benefits to the community.

Officers acknowledge the Palace of the Stars event concept has had a tumultuous auspicing history which has impacted on its reputation. Officers agree the new auspice arrangement and structure is likely to be successful, however work to develop the core branding for the event with the community is imperative to ensure the event does not suffer any further reputational loss.

Officers recommend funding the event in the 2019/20 financial year to allow ample opportunity for GJAC to fully develop the event, including;

- Engaging community organisations to increase volunteers and event assistance, particularly with senior based organisations and local aged care providers as detailed in this report.
- Addressing the lessons learnt from both the 2017 & 2018 events and developing strategies to improve these outcomes
- Researching potential external funding sources to co-fund future events

Options:

1. Council could choose not to provide further funding support for this event in consideration of the varying number of auspice arrangements and significant funding already provided by Council. Officers are not recommending this option as the event concept is sound however work to develop the program and its budget needs consideration.
2. Council could choose to support the proposal for the event to be delivered in 2019 by GJAC as requested in Appendix A for the amount requested of \$7,000. Officers are not recommending this option as some of the elements that worked well as part of the 2017 & 2018 events have not been detailed for inclusion in the 2019 event.
3. Council could choose to allocate \$5,000 in the 2019/20 draft financial budget as per the original funding agreement between the York Friendship Club and Ms McRoberts, for support of a Palace of the Stars event to occur in 2020. Officers are recommending this option.

It is hoped that this commitment will provide surety to both GJAC and Ms McRoberts that secured funding provides and will enable sufficient time for both parties to fully develop the community engagement elements for the event to ensure its long term success.

Implications to consider:

- **Consultative**
Officers have met with both GJAC and Ms McRoberts on several occasions in preparation of this report.
- **Strategic**
Nil

- **Policy related**

Officers acknowledge that GJAC has received funding through Council's April Community Funding round for school holiday activities. Under Council's *C1.3 Community Funding: Grants & Sponsorship* policy more than one application from the same source in any one year is deemed ineligible for additional funding in that year. In consideration of the complex auspice arrangements experienced for this event and in an effort to support the proposal, Officers are presenting the request and event proposal to Council to consider on its merits.

- **Financial**

In previous funding agreements for this event, Council has committed \$5,000 for this event from GL132150 Festivals Assistance.

Should Council choose to support the officer recommendation, a \$5,000 allocation from GL 132150 Festivals Assistance would need to be included in the 2019/20 draft financial budget for delivery of a 2020 Palace of the Stars event under the auspice of GJAC.

There is no allocation in the 2018/19 FY budget towards this event. Should Council choose to support the event request for the 2019 event, funds for allocation will need consideration as part of the midyear budget review.

- **Legal and Statutory**

Nil

- **Risk related**

Officers note the events reputational risk has increased due to the varying amount of auspicing organisation and stakeholder trust in the event. This poses a credibility risk to the event however, Officers rate this risk as minor. Although this perceived risk is not directly related to the Shire and its involvement, Officers note this risk should bear consideration for future sponsorship of this event.

- **Workforce Implications**

Nil

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION:

"That Council:

1. *Receives the request from the Gooder Judda Aboriginal Corporation to auspice the 2019 Palace of the Stars event.*
2. *Declines to support the event in 2019 for the following reasons;*
 - *to enable the applicant to source external funding to further support the event*
 - *to enable the applicant to fully scope budget details and community participation opportunities into the event*
3. *Indicates it is prepared to consider cash sponsorship of \$5,000 from GL Festivals Assistance for the Palace of the Stars event to occur in the 2019/20 Financial Year if the above matters are demonstrated in a revised proposal which can be considered by Council at a future time as part of the next community sponsorship round.*
4. *Requests the Chief Executive Officer to include an amount of \$5,000 in the 2019/20 FY draft budget for Councils consideration."*

MOTION:

Moved: Cr Ferro

Seconded: Cr Smythe

That Council:

1. *Receives the request from the Gooder Judda Aboriginal Corporation to auspice the 2019 Palace of the Stars event.*
2. *Approves the request by Gooda Judda Aboriginal Corporation for sponsorship of \$8,200 of cash and in kind support to auspice the 2019 Palace of the Stars Event incorporating the following:*
 - a. *\$5,000 being the equivalent of the second year of the funding agreement the Shire had with the York Friendship Club to auspice the 2018 and 2019 events;*
 - b. *\$2,000 being the amount of proceeds returned to the Shire from the York Friendship Club from the auspicings of the 2018 event.*
 - c. *Three full days of hire of the Town Hall to the value of \$1,200 (3 days @ \$400 per day) to deliver the event as per the 2018/19 Fees and Charges.*
3. *These funds to come from GL 132150 Festivals Assistance.*
4. *Requires that Gooda Judda Aboriginal Corporation submits acquittal documentation after the event as per Council Policy C 1.3 Community Funding Grants and Sponsorship Policy.*
5. *Notes that funds will need to be identified at the mid-year budget review to offset this unbudgeted sponsorship."*

AMENDMENT TO THE MOTION:

Moved: Cr Trent

Seconded: Cr Smythe

That Council:

6. Advice the applicant this will be the last opportunity to lodge an application for this activity."

CARRIED: 3/2

SUBSTANTIVE MOTION:

Moved: Cr Ferro

Seconded: Cr Smythe

That Council:

- 1. Receives the request from the Gooder Judda Aboriginal Corporation to auspice the 2019 Palace of the Stars event.*
- 2. Approves the request by Gooda Judda Aboriginal Corporation for sponsorship of \$8,200 of cash and in kind support to auspice the 2019 Palace of the Stars Event incorporating the following:*
 - a. \$5,000 being the equivalent of the second year of the funding agreement the Shire had with the York Friendship Club to auspice the 2018 and 2019 events;*
 - b. \$2,000 being the amount of proceeds returned to the Shire from the York Friendship Club from the auspicings of the 2018 event.*
 - c. Three full days of hire of the Town Hall to the value of \$1,200 (3 days @ \$400 per day) to deliver the event as per the 2018/19 Fees and Charges.*
- 3. These funds to come from GL 132150 Festivals Assistance.*
- 4. Requires that Gooda Judda Aboriginal Corporation submits acquittal documentation after the event as per Council Policy C 1.3 Community Funding Grants and Sponsorship Policy.*
- 5. Notes that funds will need to be identified at the mid-year budget review to offset this unbudgeted sponsorship.*
- 6. Advice the applicant this will be the last opportunity to lodge an application for this activity."*

LOST: 2/3

**RESOLUTION
031018**

Moved: Cr Trent

Seconded: Cr Warnick

“That Council:

- 1. *Receives the request from the Gooder Judda Aboriginal Corporation to auspice the 2019 Palace of the Stars event.***
- 2. *Declines to support the event in 2019 for the following reasons;***
 - to enable the applicant to source external funding to further support the event***
 - to enable the applicant to fully scope budget details and community participation opportunities into the event***
- 3. *Indicates it is prepared to consider cash sponsorship of \$5,000 from GL Festivals Assistance for the Palace of the Stars event to occur in the 2019/20 Financial Year if the above matters are demonstrated in a revised proposal which can be considered by Council at a future time as part of the next community sponsorship round.***
- 4. *Requests the Chief Executive Officer to include an amount of \$5,000 in the 2019/20 FY draft budget for Councils consideration.”***

CARRIED: 3/2

SY138-10/18 – Proposal to Make Shire of York Local Government Property Amendment Local Law

FILE REFERENCE:	LE.LLW.2
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:	16 August 2010 27 April 2011, 16 May 2011 16 April 2012, 16 July 2012
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	A. Letter from Joint Standing Committee B. Letter to Joint Standing Committee C. Local Government Property Local Law 2001 D. Draft Local Government Property Amendment Local Law 2018

Nature of Council’s Role in the Matter:

- Legislative
- Review

Purpose of the Report:

This report requests Council to commence the process to make the *Shire of York Local Government Property Amendment Local Law 2018* in accordance with Section 3.12 of the *Local Government Act 1995* (The Act).

Background:

The *Shire of York Local Government Property Local Law* was gazetted on 17 January 2001.

On 16 July 2012, Council considered advice received from the Joint Standing Committee on Delegated Legislation (the Committee) regarding the *Shire of York Local Government Property Amendment Local Law 2012* which was adopted in April 2012 and forwarded to the Committee. At that time Council resolved the following;

That the Joint Standing Committee on Delegated Legislation be advised that the Council agrees to the following undertakings in relation to the Shire of York Local Government Property Amendment Local Law 2012:

1. *delete clause 2.3(3) from Part 2 of Schedule 2;*
2. *delete clause 2.4(1) from Part 2 of Schedule 2;*
3. *make all consequential amendments arising from the Committee’s undertakings;*
4. *that all undertakings will be completed within 6 months from the date of the Shires advice to the Committee;*
5. *provide a copy of the minutes where the Council agrees to the Committee’s undertakings; and*
6. *in the interim, where the Shire of York makes the local law publicly available, whether in electronic form or hard copy, it will be accompanied by a copy of the undertakings.*

The Committee was advised of the above on 17 July 2012. On 9 December 2014, the Shire received a request for an update from the Committee. Officers advised that the Council had been suspended and a Commissioner appointed. It appears no further action was taken to implement the required undertakings.

On 16 May 2018, the Shire received a letter from the Committee regarding this matter which is attached at Appendix A. Officers liaised with the Committee clerk and a letter was sent to the Committee (Appendix B) outlining a timeline to complete the required process.

Comments and details:

Given the time that has elapsed, Council is requested to commence the process of making a new amendment local law incorporating the changes proposed in the *Local Government Property Amendment Local Law 2012* and those requested by the Joint Committee on Delegated Legislation.

Purpose and Effect

In accordance with Section 3.12(2) of the Act and Regulation 3 of the *Local Government (Functions and General) Regulations 1996*, the presiding member is required to give notice of the purpose and effect of the local law before advertising for public submissions.

Officers recommend the following purpose and effect of the proposed amendment local law.

Proposed Local Government Property Amendment Local Law 2018

Purpose: To restrict and prohibit certain activities on local government property and review the modified penalties.

Effect: To control the use of local government property and create offences for inappropriate behaviour in or on local government property.

Options:

Council could if it wished, repeal the *Shire of York Local Government Property Local Law* and re-make the local law. This would require a much more detailed review of the entire local law. However, advice from the Committee is that it is more common for a local government to make an amendment local law.

Implications to consider:

• **Consultative**

Section 3.12 of the Act requires that the local government advertises a proposed local law for a period of not less than 42 days (not including the day of advertising the day of the close of submissions).

Officers have sought advice from the Joint Standing Committee on Delegated Legislation and the Department of Local Government regarding the process for finally resolving this matter.

• **Strategic**

Strong and Effective Leadership

5.1 Effective and informed governance and decision-making

• **Policy related**

G4.8 *Legislative Compliance*

- **Financial**

It is anticipated that the cost of advertising will be the only expense incurred during this process, projected to be:

- The West Australian - approximately \$800-900 plus GST
- Local Government Gazette – approximately \$700 plus GST.

These amounts will be sourced from GL 42185 - Office Advertising and any implications of this unexpected expense considered during the quarterly Financial and Costing Review process.

- **Legal and Statutory**

Local Government Act 1995

3.12. Procedure for making local laws

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2A) *Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to —*
 - (a) *give Statewide public notice stating that —*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law 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) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
 - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3a) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*

** Absolute majority required.*
- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*

- (6) *After the local law has been published in the Gazette the local government is to give local public notice —*
- (a) *stating the title of the local law; and*
 - (b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) *advising that copies of the local law may be inspected or obtained from the local government’s office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section —*
making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

Local Government (Functions and General) Regulations 1996

3. Prescribed manner of giving notice of purpose and effect of proposed local law (Act s. 3.12(2))

For the purpose of section 3.12 of the Act, the person presiding at a council meeting is to give notice of the purpose and effect of a local law by ensuring that —

- (a) *the purpose and effect of the proposed local law is included in the agenda for that meeting; and*
- (b) *the minutes of the meeting of the council include the purpose and effect of the proposed local law.*

- **Risk related**

The compliance risk of not undertaking the process of making a new *Local Government Property Amendment Local Law* is considered high with a reputational risk rated moderate.

- **Workforce Implications**

Nil

Voting Requirements:

Absolute Majority Required: No

**RESOLUTION
041018**

Moved: Cr Trent

Seconded: Cr Smythe

“That Council:

- 1. Pursuant to Section 3.12 of the Local Government Act 1995, endorses the proposed Local Government Property Amendment Local Law 2018 as attached at Appendix D to this report for the purposes of public advertising;**
 - a) the purpose of which is to restrict and prohibit certain activities on local government property and review the modified penalties; and**
 - b) the effect of which is to control the use of local government property and create offences for inappropriate behaviour in or on local government property.**

- 2. Requests the Chief Executive Officer to:**
 - a) give state wide and local public notice of the proposed law, its purpose and effect and invite public submission for a period of 42 days in accordance with Section 3.12(3) of the Local Government Act 1995;**
 - b) send a copy of the local law and a copy of the public notice to the Minister for Local Government.**

- 3. Notes that, following the close of the public advertising period, a report will be brought back to Council to consider the submissions received and any proposed amendments required prior to adoption.”**

CARRIED: 5/0

Declaration of Interest – Impartiality - Katie Benfield, Residency Museum Curator

SY139-10/18 – Archaeological Excavation at York Residency Museum in Partnership with the University of Western Australia

FILE REFERENCE: CCP.11
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: N/A
DISCLOSURE OF INTEREST: Katie Benfield, Residency Museum Curator - Impartial
APPENDICES: A. Letter from UWA

Nature of Council’s Role in the Matter:

- Executive

Purpose of the Report:

To advise Council of required works at the York Residency Museum and a proposal for an archaeological excavation to be undertaken at the same time by the Museum Curator under the supervision of the University of Western Australia.

Background:

It has been identified that one of the floor joists in the York Residency Museum has been compromised and may be unsafe. Unfortunately, the joist is in a location that is inaccessible without removing five floor boards in order to determine the problem and obtain quotes to repair it.

The floor boards in question are original to the building and have never before been taken up. The Residency Museum is an extremely significant site not only to York but to all of Western Australia. Therefore, before the joist can be examined, the archaeological deposit under the floor boards should be excavated and preserved.

The Museum Curator has worked three days per week at the York Residency Museum since joining the Shire in September 2016. In 2019, she will commence an honours dissertation in Archaeology at the University of Western Australia and has proposed that the project forming the basis of her honours research be focused on the York Residency Museum. In particular, the excavation required before the affected floorboard joist can be inspected. This will not affect her role and/or hours as Curator of the Residency Museum.

Comments and details:

Officers have met with Dr Sean Winter, Lecturer in Archaeology at the University of Western Australia (UWA) regarding the ethics of allowing a Shire employee to undertake this work. Dr Winter fully supports the proposal, as outlined in his letter attached at Appendix 1 to this report. Dr Winter will supervise the excavation with the Museum Curator acting as an assistant excavator.

It is proposed to close the Museum from Wednesday 7 November until Friday 9 November 2018 for the excavation in order to preserve the objects in the Museum. However, the local community will be invited to observe the excavation as it takes place.

The assemblage excavated will then be removed to the UWA Archaeological Laboratory where it will be analysed by the Museum Curator as part of her honours dissertation in 2019. The material will be returned to York and accessioned into the collection of the York Residency Museum once the project is complete.

As cited by Dr Winter, this proposal offers a number of benefits to the Shire of York by;

- Providing an officer who has proven her value to the Shire with an opportunity for professional development;
- Adding significantly to the understanding of the Residency Museum as an important archaeological site with links to other Western Australian convict sites;
- Preserving and protecting the heritage values of the York Residency Museum;
- Adding substance to the existing MOU with UWA and further raising the profile of York's archaeological significance; and
- Potentially adding valuable artefacts to the Museum's collection.

In addition, regardless of this proposal, as a State Registered significant site, the Shire would need to consider engaging the services of a qualified archaeologist. The proposal therefore offers the opportunity to have important work undertaken at no charge to ratepayers.

Options:

Council could request that the Museum Creator chooses another project location outside of York for her honours dissertation. However, this denies the benefits outlined above and potentially could damage the reputation of the Shire by indicating a lack of regard for the significance of the Residency Museum and the opportunity undertake this archaeological analysis at no costs to the Shire.

Implications to consider:

- **Consultative**

As outlined above, it is proposed to invite the local community to observe the excavation. This will be done via the Shire's website, social media and public noticeboards.

Local Balladong Elders will be notified that the work will be taking place as a courtesy. While it is not anticipated that any Indigenous material will be found inside the building, this is considered best practice.

- **Strategic**

This proposal specifically addresses the outcomes in the Shire's Strategic Community Plan relating to the theme:

A Leader in Cultural Heritage and Environment

- **Policy related**

Nil

- **Financial**

There will be an initial minor cost to remove the floorboards. However, this is required to determine the damage to the floor joist and will be done using funds allocated for maintenance. Depending on the result of the inspection, further funds will be required to repair the joist but the extent cannot be projected at this time.

As outlined previously, this project enables required archaeological works to be undertaken at no cost to the Shire.

- **Legal and Statutory**

Nil

- **Risk related**

There is a risk there could be a perceived conflict given the Museum Curator is an employee of the Shire. However, the excavation will be led by an appropriately qualified supervisor and the analysis will be carried out at the UWA laboratory in the Curator's own time. Officers are satisfied that the benefits to the Shire far outweigh the risks and this report is intended to ensure transparency and accountability.

- **Workforce Implications**

Should Council choose to accept this proposal, it is likely to result in a staff retention benefit.

Voting Requirements:

Absolute Majority Required: No

RESOLUTION

051018

Moved: Cr Trent

Seconded: Cr Ferro

“That Council accepts the proposal for the Residency Museum Curator to undertake excavation works at the Residency Museum as described in this report noting that;

- 1. the works will be fully supervised by Dr Sean Winter, Lecturer in Archaeology at the University of Western Australia;***
- 2. recovered materials will be removed from site for analysis at the University of Western Australia by the Residency Museum Curator as part of her honours dissertation at no cost to the Shire;***
- 3. analysis and corresponding research will be undertaken in the personal time of the Museum Curator; and***
- 4. artefacts will be returned to the Shire to be accessioned into the collection of the York Residency Museum at the completion of the project.”***

CARRIED: 5/0

SY140-10/18 – Information Statement 2018-2019

FILE REFERENCE: AS.RMT.2
APPLICANT OR PROPONENT(S): 27 September 2018
AUTHORS NAME & POSITION: Natasha Brennan, Administration and Governance Officer
RESPONSIBLE OFFICER: Suzie Haslehurst – Executive Manager, Corporate & Community Services
PREVIOUSLY BEFORE COUNCIL: 24 July 2017
DISCLOSURE OF INTEREST: Nil
APPENDICES: A - Information Statement 2018-2019

Nature of Council’s Role in the Matter:

- Executive, Legislative & Review

Purpose of the Report:

In accordance with the provisions of Part 5 of the *Freedom of Information Act 1992* there is a requirement to make available a current Information Statement.

This statement has been reviewed and is provided for Council’s endorsement.

Background:

The *Freedom of Information Act 1992* requires that each year Council is to publish an up-to-date Information Statement.

The last Information Statement was endorsed by Council at the Ordinary Council Meeting held 24 July 2017, Resolution 070717.

Comments and details:

The purpose of the Information Statement is to provide information to the community about the structure and functions of the local government, how decisions made by the Council affect the community and how members of the community can participate in the decision-making process and in the formulation of policies of the local government.

The Statement also lists documents that are held by the Shire and how they can be inspected, which ones can be purchased and what types of documents can only be requested for access through application under the *Freedom of Information Act 1992*.

Offices completed a comprehensive review of the Information Statement in 2017/18 and submitted it to the Information Commissioner for comment. As there were only a few minor changes this year, it was not considered necessary to have the Commissioner review the document again, prior to Council endorsement.

A copy will be sent to the Information Commissioner, once it has been endorsed by Council.

Appendix A refers to the current Information Statement, with the proposed changes indicated in red.

Implications to consider:

- **Consultative**
Shire Officers
FOI Commission
City of Kalgoorlie-Boulder

- **Strategic**
Nil
- **Policy related**
G2.2 Community Access to Information

This statement directs staff to assist the public when accessing information by formalising the procedures in place to access documents.

- **Financial**
Nil
- **Legal and Statutory**
Freedom of Information Act 1992
Part 5 of the Publication of information about agencies
Section 94. Information statements

- **Risk related**
It is a requirement that the Council updates and reviews its Information Statement on an annual basis.

Without an up-to-date Information Statement, the Shire is in breach of the *Freedom of Information Act 1992*.

- **Workforce Implications**
Nil

Voting Requirements:
Absolute Majority Required: Yes

**RESOLUTION
061018**

Moved: Cr Smythe

Seconded: Cr Trent

“That Council:

- 1. Adopts the Shire of York Information Statement 2018-19 as attached to this report;***
- 2. Requests the CEO to:***
 - (a) Forward the adopted Statement to the Office of Information Commissioner.***
 - (b) Make the Statement available on the Shire’s website and in hard copy upon request.***
- 3. Authorises the Chief Executive Officer to make minor editorial amendments to the Statement prior to submission.”***

CARRIED: 5/0

SY141-10/18 – Request to Reside in Caravan on Property while Building – Lot 155 (14) Langford Road, York

FILE REFERENCE: LA1.60152
APPLICANT OR PROPONENT(S): Stuart & Frances Robertson
AUTHORS NAME & POSITION: George Johnson, Environmental Health Officer
RESPONSIBLE OFFICER: Darren Wallace, Executive Manager Infrastructure & 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 purpose of this report is to seek approval for the applicant to reside in a caravan onsite whilst constructing a dwelling at Lot 155 (14) Langford Road, York.

Background:

The applicant has obtained an owner building licence from the Building Commission of Western Australia and a subsequent building permit dated 15 June 2017 from the Shire of York.

An adjoining neighbours’ letter of referral was sent out on 5 September 2018 giving the 14 correspondents 14 days to comment on this application.

The building pad has already been constructed.

The applicants propose to utilise a caravan with facilities including; chemical toilet, shower & washing machine that will be connected to an approved effluent system.

Comments and details

Building Permit 170037 for a Dwelling at Lot 155 (14) Langford Road, York was issued on 15 June 2017. This Building Permit was issued for a period of 2 years. At this stage, no building works have been undertaken on the dwelling except for the building pad.

Under the *Shire of York Temporary Accommodation Policy*, Council may grant permission for a period not exceeding 3 months however, upon request for an extension of time, up to 12 months may be conditionally approved.

Council may consider allowing temporary accommodation while building a house with the condition that the applicant must be in possession of a building permit for a residence.

Options

Council could conditionally approve the application for the owner to reside in a caravan onsite for 12 months whilst constructing a dwelling at Lot 155 (14) Langford Road, York.

Alternatively, Council could issue a 3-month approval to reside in a caravan onsite whilst constructing a dwelling at Lot 155 (14) Langford Road, York with an option to grant further 3 month approvals pending substantial progress on the construction of the dwelling.

Council could refuse this application to reside in a caravan onsite while constructing the dwelling.

Implications to consider:

- **Consultative**

A letter of referral has been sent to 14 adjoining neighbours for a period of 14 days commencing on 5 September 2018 providing an opportunity for comment. No objections have been received.

- **Strategic**

N/A

- **Policy related**

Shire of York Temporary Accommodation Policy.

- **Financial**

N/A

- **Legal and Statutory**

The application has been considered in accordance with the *Caravan Parks and Camping Grounds Regulations 1997, regulation 11, section 2:*

- (2) *Written approval may be given for a person to camp on land referred to in subregulation (1)(a) for a period specified in the approval which is longer than 3 nights —*
- (a) *by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months; or*
 - (b) *by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or*
 - (c) *despite paragraph (b), by the local government of the district where the land is situated —*
 - (i) *if such approval will not result in the land being camped on for longer than 12 consecutive months; and*
 - (ii) *if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a permit has effect in relation to the land.*

Should Council approve the application, a letter of approval will be issued to the applicant.

- **Risk related**

There is no risk related to this application.

Voting Requirements:

Absolute Majority Required: Yes

**RESOLUTON
071018**

Moved: Cr Trent

Seconded: Cr Smythe

“That Council approves the issuing of a conditional 12-month approval to reside in a caravan onsite whilst constructing a dwelling at Lot 155 (14) Langford Road, York subject to the following;

- 1. Substantial commencement (lock up stage) of dwelling within 6 months of Council Approval.***
- 2. Setbacks for temporary accommodation are the same as prescribed for buildings within that zoning, as determined by the Town Planning Scheme.***
- 3. Toilet and ablution facilities must be connected to an adequate supply of potable water and all waste water disposed to an approved effluent disposal system.***
- 4. Expiration or cancellation of the building licence for the dwelling will void the applicable Temporary Accommodation approval.***
- 5. No extension of approval will be considered if building of the dwelling has not substantially commenced.***
- 6. The Shire reserves the right to revoke the approval based on any complaints received that in the opinion of the Shire, unduly affects amenity, or on any other grounds that the Shire deems necessary to protect the health, safety and wellbeing of people.***
- 7. All Temporary Accommodation facilities are to be decommissioned within 6 months of practical completion of the dwelling or should the Temporary Accommodation approval become invalid.”***

CARRIED WITH ABSOLUTE MAJORITY: 5/0

SY142-10/18 – Shire of York Christmas Closure 2018

FILE REFERENCE: OR.CMA
APPLICANT OR PROPONENT(S): Shire of York
AUTHORS NAME & POSITION: Natasha Brennan, Administration & Governance Coordinator
RESPONSIBLE OFFICER: Suzie Haslehurst – Executive Manager, Corporate and Community Services
PREVIOUSLY BEFORE COUNCIL: No
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil

Nature of Council’s Role in the Matter:

- Executive

Purpose of the Report:

This report presents the proposed closure of Shire services and facilities during the 2018 Christmas and 2019 New Year period for Council’s consideration.

Background:

Each year, Council considers and approves the days that each of the Shire’s facilities and services will be closed during the Christmas and New Year period.

Comments and details:

Officers are proposing the following closures:

Facility/Service	Proposed Closure Period	Comments
Shire Offices and Library	4.30pm Friday 21 December 2018 reopening Wednesday 2 January 2019.	This is the standard public holidays plus four days.
Shire Depot including Ranger	4.30pm Friday 21 December 2018 reopening Wednesday 2 January 2019.	Staff phone numbers will be given out for call outs over this period.
Swimming Pool	Closed Christmas Day, Boxing Day and New Year’s Day.	The standard public holidays.
Waste Collection – York East	General waste will be collected on Monday 24 December instead of Tuesday 25 December.	Christmas Day falls on a Tuesday, no collections scheduled. Normal collection scheduled for New Year’s Day on Tuesday 1 January 2019.
Waste Collection – York West	General waste collection will be as normal.	Normal collection day - Wednesday
York Recreation and Convention Centre	8.00pm Sunday 23 December 2018 and reopening 12 noon Wednesday 2 January 2019.	Same as previous year.
Residency Museum	Closed Christmas Day, Boxing Day and New Year’s Day.	The standard public holidays. (The Museum has previously closed for a longer period).

Visitors Centre	Closed Christmas Day, Boxing Day and New Year's Day.	<p>Visitor Centre will remain open between the Christmas and New Year period excluding the days detailed.</p> <p>Extended opening during this period due to increased visitation.</p>
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The CEO will ensure a skeleton staff (including a senior staff member) is available to address any issues that arise. Staff will take leave for those days which are not public holidays and for which the organisation is closed.

Options:

The proposed closures have been based on last year's, which seemed to work well with the public & visitors. The only change proposed is the extended opening of the Visitor Centre during this time. An extra day because Christmas Eve falls on a Monday.

Council could, if it wished, choose to change any of the proposed closures. However, officers have consulted with staff and taken into consideration historical precedence when proposing the recommended closures.

Implications to consider:

- **Consultative**
Stakeholders have been consulted to develop this list of Christmas Closures. The public will be advised of the closures agreed upon by Council.
- **Strategic**
Nil
- **Policy related**
Nil
- **Financial**
Nil
- **Legal and Statutory**
Nil
- **Risk related**
The main risk during this time is responding to emergencies or undertaking emergency maintenance or essential services. The Chief Executive Officer will ensure that a skeleton staff is in place during this period to respond to any emergencies, essential services and maintenance. The Chief Executive Officer will also ensure a Senior Officer is contactable on any given day during this period.
- **Workforce Implications**
The proposed closures allow staff to take the gazetted public holidays and accrued leave. Approval may be given for officers to work during the week between Christmas and New Year upon request. Requests will be considered on a case by case basis by senior officers.

Voting Requirements:
Absolute Majority Required: No

**RESOLUTION
081018**

Moved: Cr Trent

Seconded: Cr Smythe

“That Council:

- 1. Approves the closure of the Shire for the 2018 Christmas and 2019 New Year period as follows:**

<u>Facility/Service</u>	<u>Proposed Closure Period</u>
Shire Offices and Library	4.30pm Friday 21 December 2018 reopening Wednesday 2 January 2019
Shire Depot including Ranger	4.30pm Friday 21 December 2018 reopening Wednesday 2 January 2019
Swimming Pool	Closed Christmas Day, Boxing Day and New Year’s Day
York Recreation and Convention Centre	8.00pm Sunday 23 December 2018 and reopening 12 noon Wednesday 2 January 2019
Residency Museum	Closed Christmas Day, Boxing Day and New Year’s Day
Visitors Centre	Closed Christmas Day, Boxing Day and New Year’s Day

- 2. Notes that the Chief Executive Officer will ensure a skeleton staff is in place and a senior staff member is contactable during this period.”**

CARRIED: 5/0

SY143-10/18 – Request for Support of Seniors Appreciation Day 2018

FILE REFERENCE:	CS.SSP.4
APPLICANT OR PROPONENT(S):	Mr M Lloyd
AUTHORS NAME & POSITION:	Suzie Haslehurst – Executive Manager, Corporate and Community Services
RESPONSIBLE OFFICER:	Suzie Haslehurst – Executive Manager, Corporate and Community Services
PREVIOUSLY BEFORE COUNCIL:	22 May 2017 Resolution 060517
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	A. Reconciliation of Trust Account T41 B. Request from Mark Lloyd

Nature of Council’s Role in the Matter:

- Executive

Purpose of the Report:

This report presents for Council’s consideration a request for support to hold a Seniors Appreciation Day event on 13 November 2018 at the Old York Mill.

Background:

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

Mrs Hewitt sought donations from local businesses, and the Bendigo Bank has provided a \$500 donation on an annual basis. The Shire over the years, has provided a mixture of cash and in-kind support for the event. In addition, until 2015, hire of the town hall was not recognised as an expense. Income and expenses relating to the event have historically been managed through a trust account administered by the Shire.

At the OCM held 22 May 2017, Council agreed to provide \$3,000 of in-kind support for 2017 Seniors Appreciation Day. The in-kind support provided for the event included hire of the Town Hall (\$661) and catering (\$1,730) to a total value of \$2,391.

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

Attached at Appendix A is a summary reconciliation of trust account T41 since 2011 when the account was first established. This indicated a balance of \$789.06 which officers are proposing is paid to the bank account opened by Mr Lloyd for the purposes of administering Seniors Appreciation Day.

For various reasons, Mr Lloyd was unable to submit an application to the Community Sponsorship round that closed in April. As the second round closes at the end of October for consideration by Council at the November OCM, this would be too late to hold the event which has already been advertised for 13 November 2018 to coincide with Seniors Week.

At a meeting held on 11 October 2018, officers discussed the reconciliation of the trust account and sought details of the proposal for this year’s event. Mr Lloyd has requested that Council considers support of \$2,000 for catering for the event (see Appendix B).

Officers were assured that access to the venue had been considered for those with mobility impairment.

Comments and details:

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

Officers are therefore recommending that Council supports this request to enable the event to be held this year and to support a community member who has stepped up to continue the event for the benefit of York's seniors. However, officers also recommend that Mr Lloyd be encouraged to make an application as part of the Shire's Community Sponsorship Program for next year's event.

It should be noted that there are other events being held during Seniors Week in York. These include a bus trip organised by the Community Resource Centre for a seniors Have a Go Day and a luncheon at Balladong Lodge. At the end of the month, York Home and Community Care Services will also conduct a bus trip for seniors.

Options:

Officers spoke to Mr Lloyd about the possibility of delaying the event to allow time to apply to the current round of Community Sponsorship. However, the event is planned to coincide with Seniors Week and has already been advertised.

Council could choose not to support the event this year, given that there is limited opportunity for in-kind sponsorship due to a change in venue. However, this would mean that while the event could still occur, there would be a financial risk to the organisers.

Implications to consider:

- **Consultative**
Mr Lloyd has liaised with the Old York Mill and Bendigo Bank.

- **Strategic**
The Place to Live
1.2 *Older citizens feel safe and valued*
1.7 *Positive, active and involved community*

- **Policy related**
F1.5 *Authority to Make Payments from Trust and Municipal Funds*
DE3-1 *Authority to Make Payments from Trust and Municipal Funds*

- **Financial**
It is proposed that funding for this year's event is sourced from GL 41112 Public Relations.

- **Legal and Statutory**

- **Local Government Act 1995**

- 6.10 *Finance management regulations*

- *Regulations may provide for:*

- (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*

- **Risk related**

There could be a perceived risk relating to payment of funds to and sponsorship of an individual. However, Mr Lloyd had provided evidence of the bank account established in the name of Seniors Appreciation Day and has committed to providing detailed bank statements as part of the acquittal process.

- **Workforce Implications**

As the Shire will no longer be responsible for administering funds for the event, implications are limited to the evaluation of the acquittal provided.

Voting Requirements:

Absolute Majority Required: No

RESOLUTION

091018

Moved: Cr Smythe

Seconded: Cr Trent

“That Council:

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

CARRIED: 5/0

SY144-10/18 – Outstanding Rates and Sundry Debtors – Debt Recovery

FILE REFERENCE:	FI.DRS.1, FI.DRS.2, FI.DRS.3, FI.DRS.4
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 April 2017
DISCLOSURE OF INTEREST:	Nil
CONFIDENTIAL APPENDICES:	1 - Schedule of Outstanding Rates (Non-Pensioners) 2 - Schedule of Outstanding Sundry Debtors

The appendices are confidential in accordance with Section 5.23(2)(e)(iii) of the Local Government Act 1995 as they deal with matters that if disclosed, would reveal information about 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:

- Executive

Purpose of the Report:

The purpose of this report is to provide Council with an update regarding current outstanding rates, charges and sundry debts for the period ending 30 September 2018.

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

Background:

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

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

On 18 September 2017, Council awarded the tender for debt collection services to CLI Lawyers Pty Ltd (previously Milton Graham Lawyers). Debts are initially referred to Milton Graham (previously Dun and Bradstreet) for pre-legal steps including phone calls, emails and a demand letter. There is no cost to the Shire or the debtor for this stage. If recovery is not successful, CLI Lawyers then provide a recommendation for the next course of action.

A total of 70 debts with pre-existing action were referred directly to CLI Lawyers for action on 15 November 2017, based on Council Resolution 120317.

A total of 85 debts were referred to Milton Graham for pre-legal action on 8 December 2017, in accordance with Resolution 331117. These were not processed and actioned by Milton Graham until after the Christmas break period. This left six months for action to be taken before the end of 2017/18.

A further 17 debts were referred to Milton Graham in May 2018.

The Shire's debt recovery process is now fully active and outstanding debts can be referred much quicker, resulting in improved outcomes. Milton Graham have the expertise and resources to undertake a quick and successful pre-legal stage of debt collection. Where all pre-legal collection efforts result in no success, debts are then referred to CLI Lawyers for their recommendation, usually resulting in the commencement of legal action. The legal process can take time, therefore it is important for officers to be able to refer these as soon as possible for action.

Comments and details:

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

Sundry Debts

There are two (2) outstanding sundry debt amounts that are currently in the process of legal action.

There are three (3) outstanding sundry debts relating to overdue library items that are recommended to be referred for pre-legal debt collection.

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

Rates and Charges

Pursuant to Section 6.64 of the *Local Government Act 1995* (the Act), officers are recommending that in eight (8) instances, Council proceeds with the sale of land for unpaid rates. There are an additional five properties that are already in the sale of land process, two of which are in the process of being transferred to the Shire.

There are 14 debts where legal action has commenced and the recommendation is to continue with legal action, based on recommendations from CLI Lawyers.

There are 12 debts where pre-legal action was unsuccessful, so the recommendation is to commence legal action.

It is worthwhile to note, there are 30 properties where the owner went into liquidation in 2017/18 and are currently under control of liquidators. At this stage, there is nothing the Shire can do to recover these debts and must wait for the liquidators to either sell the properties or pass them in. If the liquidators decide not to proceed any further, the Shire then has the ability to take possession of the properties and sell them under Section 6.64 of the Act.

As at 30 September 2018, there are approximately 300 properties where no payments have been made since 1 July 2018 and no application for a payment agreement has been received. Final notices are to be issued by 8 October 2018, which may prompt payment from some of these ratepayers. Officers are recommending that if these debts remain unpaid at 31 October 2018, after issue of the final notice, they are to be referred for pre-legal action. Officers do not expect to have to refer all 300 properties, but are seeking pre-approval to do so if and when the time is appropriate.

Previously, officers would send a letter of demand if there was still no payment after the issue of the final notices. However, these letters have had minimal success and have caused delays in the debt recovery process. Therefore, to increase the effectiveness of the debt collection Milton Graham will issue a demand letter free of charge as part of their pre-legal debt collection service.

In 2017/18, debts were not referred for pre-legal action until December, which only gave six months for debt recovery action to be taken before 30 June 2018. By obtaining pre-approval, outstanding debts can be referred immediately and the process commenced much sooner.

Fifteen (15) of the properties listed in Appendix 1 have payment arrangements in place for the 2018/19 financial year and are to be monitored and reviewed throughout the course of this financial year. Defaults on agreements may result in referral for debt collection or legal action.

In accordance with Council Policy F1.1, once legal action is initiated the Chief Executive Officer will monitor the process and make decisions regarding courses of action, unless there is an issue that requires Council input, such as sale of land under Section 6.64 of the Act.

Options:

Council could choose to alter the number of outstanding debts to be referred for debt collection. However, officers have made the recommendations based on the length of time the debts have remained outstanding and the likelihood of an acceptable payment arrangement being entered into and honoured.

Implications to Consider:

- **Consultative**

- CLI Lawyers (previously Milton Graham Lawyers)
Milton Graham (Previously Dun and Bradstreet)
AMPAC Debt Recovery
Price Sierakowski
Baycorp

- **Strategic**

- Theme 5: Strong Leadership and Governance

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

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

- **Policy related**

- *F1.1 Revenue Collection*

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

- **Financial**

- As at 30 September 2018 the amount of outstanding rates debt was \$3,916,203.30. This includes those on instalments and pensioners.

The rates outstanding debt is approximately \$2.0 million if instalment payers and pensioners are excluded, representing about 50% of the total debt.

- **Legal and Statutory**

- *Local Government Act 1995*

- *Subdivision 5 — Recovery of unpaid rates and service charges*

- **6.55. Recovery of rates and service charges**

- (1) *Subject to subsection (2) and the Rates and Charges (Rebates and Deferments) Act 1992 rates and service charges on land are recoverable by a local government from —*

- (i) *the owner at the time of the compilation of the rate record; or*
- (ii) *a person who whilst the rates or service charges are unpaid becomes the owner of the land.*

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

6.56. Rates or service charges recoverable in court

(1) *If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction.*

(2) *Rates or service charges due by the same person to the local government may be included in one writ, summons, or other process.*

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

6.64. Actions to be taken

(1) *If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —*

- (a) *from time to time lease the land; or*
- (b) *sell the land; or*
- (c) *cause the land to be transferred to the Crown; or*
- (d) *cause the land to be transferred to itself.*

(2) *On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.*

(3) *Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.*

- **Risk related**

The current situation can be assessed as follows:

The Financial Impact is Extreme (5)

The Likelihood of Recurrence is currently likely (4).

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

This assessment may be significantly reduced depending on the success of the debt recovery process.

- **Workforce Implications**

The process of handing over accounts for debt collection will impact on the workload of the Finance Department, particularly in respect of collating necessary documentation and communication with the debt collection provider in the initial set up phases. However, by referring them to an external provider the demands on Shire resources will be reduced over time.

Voting Requirements:

Absolute Majority Required: No

RESOLUTION

101018

Moved: Cr Ferro

Seconded: Cr Trent

“That Council:

- 1. Receives the updated summary of Outstanding Rates and Sundry Debtors as at 30 September 2018 as attached to this report as Confidential Appendices 1 and 2 and notes the work undertaken by officers to date to recover outstanding monies owed to the Shire.***
- 2. Approves the recommendations contained in Confidential Appendix 1 – Outstanding Rates noting that;***
 - (a) in thirteen instances, the Shire will be proceeding with actions in accordance with Section 6.64 of the Local Government Act 1995;***
 - (b) in twenty six instances, the Shire will continue or commence legal action;***
 - (c) for the remaining properties, if the debt remains unpaid after 31 October, the debts are to be referred for pre-legal debt collection.***
- 3. Approves the recommendations contained in Confidential Appendix 2 – Outstanding Sundry Debtors noting that in three instances the debtor is to be referred for debt collection.”***

CARRIED: 5/0

SY145-10/18 – Outstanding Rates and Charges and Sundry Debts – 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: 25 September 2018
DISCLOSURE OF INTEREST: Nil
APPENDICES: A – Table of Application Details (Confidential)

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

Comments and details:

At the ordinary Council Meeting held on 25 June 2018, Council considered four (4) applications for the 2018/19 financial year.

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

At the ordinary Council Meeting held on 27 August 2018, Council considered three (3) applications for the 2018/19 financial year.

At the ordinary Council Meeting held on 25 September 2018, Council considered nine (9) applications for the 2018/19 financial year.

The Shire has since received a further five (5) applications that do not qualify under DE3-3 and therefore, require Council consideration.

The applicants are experiencing financial difficulties, two of which had an agreement in place for the 2017/18 financial year.

Confidential Appendix A details the current debt and brief reasons why the debtor cannot meet the standard payment options. 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 and sundry debts) 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**
CLI Lawyers
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 payment arrangements relating to rates and charges, as at 30 September 2018 is \$14,743.35.

This represents approximately 0.4% of the outstanding rates and charges as at 30 September 2018.

- **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 Possible (3).

The overall risk rating is Moderate (6).

The risk can be considered acceptable as there is a policy in place to control and manage the risk. Should any 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

111018

Moved: Cr Smythe

Seconded: Cr Warnick

"That Council:

- 1. Approves the applications for a payment agreement 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: 5/0

SY146-10/18 – Financial Report for September 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 2017/18 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 30 September 2018 is presented for Council's consideration and includes the following;

- Monthly Statements for the period ended 30 September 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 30 September 2018;

Outstanding Rates and Services

Rates were raised and issued in July 2018 and were due 10 September 2018. The total outstanding rates as at 30 September 2018 were \$3,916,203 compared to \$6,094,763 as at 31 August 2018.

Current Year	30/09/2018	%	30/09/2017	%
3 years and over	\$475,287.12	12%	\$289,172.50	8%
2 years and over	\$252,365.51	6%	\$272,176.18	8%
1 year and over	\$361,740.68	9%	\$415,481.46	12%
<u>Total Prior Years outstanding</u>	<u>\$1,089,393.31</u>	28%	<u>\$976,830.14</u>	27%
Current Rates	\$2,826,809.99	72%	\$2,599,859.30	73%
<u>Total Rates Outstanding</u>	<u>\$3,916,203.30</u>		<u>\$3,576,689.44</u>	

Outstanding Sundry Debtors

Total outstanding sundry debtors as at 30 September 2018 were \$641,623 compared to \$325,830 as at 31 August 2018.

Current Year	30/09/2018	%	30/09/2017	%
90 days and over	\$267,881.02	42%	\$277,366.49	65%
60 days and over	\$519.80	0%	\$13,677.90	3%
30 days and over	\$9,044.89	1%	\$6,597.70	2%
Current	\$364,176.85	57%	\$126,549.83	30%
<u>Total Debtors Outstanding</u>	<u>\$641,622.56</u>		<u>\$424,191.92</u>	

During the month of September, the Shire claimed \$363,182 from Main Roads for the annual road grant and Regional Road Group projects.

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
121018**

Moved: Cr Trent

Seconded: Cr Smythe

“That Council receives the Monthly Financial Report and the list of payments drawn from the Municipal and Trust accounts for the period ending 30 September 2018 as summarised below:

Sep-18	
MUNICIPAL FUND	AMOUNT
Cheque Payments	35,981.48
Electronic Funds Payments	319,674.13
Payroll Debits	175,175.51
Payroll Debits - Superannuation	39,760.94
Bank Fees	2,386.61
Corporate Cards	-
Fuji Xerox Equipment Rental	236.62
Fire Messaging Service	82.50
TOTAL	573,297.79
TRUST FUND	
Electronic Funds Payments	2,598.22
Cheque Payments	200.00
Direct Debits Licensing	107,316.05
TOTAL	110,114.27
TOTAL DISBURSEMENTS	683,412.06

”

CARRIED: 5/0

SY147-10/18 – Investments – September 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 30 September 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 30 September 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
131018**

Moved: Cr Warnick

Seconded: Cr Ferro

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

CARRIED: 5/0

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

Nil

13. MEETING CLOSED TO THE PUBLIC

13.1 Matters for which the meeting may be closed

RESOLUTION

141018

Moved: Cr Smythe

Seconded: Cr Trent

“That Council goes behind closed doors to discuss:

- 1. Item SY148-10/18 – Confidential - Outstanding Rates - Sale of Land – A6340 – in accordance with Section 5.23(2)(e)(iii) of the Local Government Act 1995 as it contains a matter that if disclosed, would reveal information about the financial affairs of a person.***
- 2. SY149-10/18 – Confidential - Outstanding Rates - Sale of Land – A50007 - in accordance with Section 5.23(2)(e)(iii) of the Local Government Act 1995 as it contains a matter that if disclosed, would reveal information about the financial affairs of a person.***
- 3, SY150-10/18 – Confidential - Outstanding Rates - Sale of Land – Various - in accordance with Section 5.23(2)(e)(iii) of the Local Government Act 1995 as it contains a matter that if disclosed, would reveal information about the financial affairs of a person.***
- 4. SY151-10/18 – Confidential – Outstanding Rates and Charges – A6560 - in accordance with Section 5.23(2)(e)(iii) of the Local Government Act 1995 as it contains a matter that if disclosed, would reveal information about the financial affairs of a person.***
- 5. SY152-10/18 – Shire of York Outside Staff Collective Enterprise Agreement 2018 - in accordance with Section 5.23(2)(e) of the Local Government Act 1995 as it deals with a matter affecting an employee or employees.***
- 6. SY153-10/18 – Chief Executive Officer Annual Performance Review and Key Performance Indicators for 2018/19 - confidential in accordance with Section 5.23(2)(e) of the Local Government Act 1995 as it deals with a matter affecting an employee.”***

CARRIED: 5/0

The meeting closed at 5.33pm and the Gallery left the meeting.

Doors Closed at 5.36pm.

SY148-10/18 – Confidential - Outstanding Rates - Sale of Land – A6340

**RESOLUTION
151018**

Moved: Cr Trent

Seconded: Cr Warnick

“That Council:

- 1. Pursuant to Section 6.64 (1)(b) of the Local Government Act 1995, proceeds to take possession and sell the land A6340, which has rates and charges in arrears for a period of more than three years.***
- 2. Authorises the CEO to:***
 - a) engage CLI Lawyers to assist with the sale of land process in accordance with Schedule 6.3 of the Local Government Act 1995.***
 - b) set a reserve price for the public auction.***
 - c) undertake all necessary actions to effect the transfer of land.***
- 3. Requests the CEO to report back to Council with the outcome of the public auction which may include a request for write off.”***

CARRIED: 5/0

SY149-10/18 – Confidential - Outstanding Rates – Sale of Land – A50007

RESOLUTION

161018

Moved: Cr Trent

Seconded: Cr Ferro

“That Council:

- 1. Pursuant to Section 6.64 (1)(b) of the Local Government Act 1995, proceeds to take possession and sell the land A50007, which has rates and charges in arrears for a period of more than three years.***
- 2. Authorises the CEO to:***
 - a) engage CLI Lawyers to assist with the sale of land process in accordance with Schedule 6.3 of the Local Government Act 1995.***
 - b) set a reserve price for the public auction.***
 - c) undertake all necessary actions to effect the transfer of land.***
- 3. Requests the CEO to report back to Council with the outcome of the public auction which may include a request for write off.”***

CARRIED: 5/0

SY150-10/18 – Confidential - Outstanding Rates - Sale of Land - Various

**RESOLUTION
171018**

Moved: Cr Trent

Seconded: Cr Warnick

“That Council:

- 1. *Pursuant to Section 6.64 (1)(b) of the Local Government Act 1995, proceeds to take possession and sell the following land***
 - *A60513***
 - *A60531***
 - *A6641***
 - *A6643***
 - *A6658***

all of which have rates and charges in arrears for in excess of three years.
- 2. *Authorises the CEO to:***
 - a) engage CLI Lawyers to assist with the sale of land process in accordance with Schedule 6.3 of the Local Government Act 1995.***
 - b) set a reserve price for the public auction.***
 - c) undertake all necessary actions to effect the transfers of land.***
- 3. *Requests the CEO to report back to Council with the outcome of the public auction which may include a request for write off.”***

CARRIED: 4/1

SY151-10/18 – Confidential – Outstanding Rates and Charges – A6560

RESOLUTION

181018

Moved: Cr Ferro

Seconded: Cr Warnick

“That Council:

- 1. Rejects the application for a payment agreement for the outstanding rates and charges on A6560 and requests the Chief Executive Officer to write to the applicant requesting an alternative proposal where payments will cover at a minimum, the interest accruing.***
- 2. Approves continuation of legal action to recover the debt, if no alternative proposal is offered.”***

CARRIED: 5/0

SY152-10/18 – Shire of York Outside Staff Collective Enterprise Agreement 2018

**RESOLUTION
191018**

Moved: Cr Smythe

Seconded: Cr Ferro

“That Council notes:

- 1. The proposed updated features of the Shire of York Outside Staff Collective Agreement 2018;***
- 2. The following proposed annual wage increases included in the Agreement;***
 - 2% back paid to 28 July 2017 on lodgement of the Agreement;***
 - 2% or CPI (whichever is greater) effective from 28 July 2018 or on lodgement of the Agreement whichever is the sooner;***
 - 2.5% or CPI (whichever is the greater) effective from the first pay period on or after 28 July 2019;***
 - 2.5% or CPI (whichever is the greater) effective from the first pay period on or after 28 July 2020;***
- 3. That once the Agreement is made, it will be submitted to the Fair Work Commission for approval.”***

CARRIED: 5/0

Declaration of Financial Interest – Mr Paul Martin, Chief Executive Officer – Relates to my Employment

Mr Paul Martin, Chief Executive Officer; Mrs Suzie Haslehurst, Executive Manager Corporate & Community Services and Mr Darren Wallace, Executive Manager Infrastructure & Development Services left the meeting at 5.49pm. Helen D’Arcy-Walker, Council and Executive Support Officer remained in the meeting.

SY153-10/18 – Chief Executive Officer Annual Performance Review and Key Performance Indicators for 2018/19

**RESOLUTION
201018**

Moved: Cr Smythe

Seconded: Cr Trent

“That Council endorses the recommendations contained in the confidential appendix attached to this report regarding the CEO Performance Review 2018.”

CARRIED: 5/0

Mr Paul Martin, Chief Executive Officer; Mrs Suzie Haslehurst, Executive Manager Corporate & Community Services and Mr Darren Wallace, Executive Manager Infrastructure & Development Services returned the meeting at 5.50pm.

**RESOLUTION
211018**

Moved: Cr Smythe

Seconded: Cr Trent

“That Council opens the meeting to the public at 5.51pm.”

CARRIED: 5/0

The doors were opened at 5.51pm and one member of the Gallery returned to the meeting.

13.2 Public reading of resolutions to be made public

The Shire President read the Resolution of Items SY148-10/18; SY149-10/18; SY150-10/18; SY151-10/18; SY152-10/18 and SY153-10/18 to the Gallery.

14. NEXT MEETING

The next Ordinary Meeting of Council will be held on Monday, 26 November 2018 at 5.00pm in Council Chambers, York Town Hall, York.

15. CLOSURE

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