



SHIRE OF YORK

**MINUTES OF THE SPECIAL
MEETING OF THE COUNCIL
HELD ON 29TH SEPTEMBER, 2009
COMMENCING AT 4.33PM IN THE
TOWN HALL, YORK**

MISSION STATEMENT

"To build on our history to create our future"

SHIRE OF YORK
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RAY HOOPER
CHIEF EXECUTIVE OFFICER

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SHIRE OF YORK

THE SPECIAL MEETING OF THE COUNCIL
HELD ON TUESDAY, 29 SEPTEMBER 2009, COMMENCING AT
4.33PM IN THE LESSER HALL, YORK.

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

1. OPENING

1.1 Declaration of Opening

The Shire President, Cr Pat Hooper, welcomed everyone and declared the meeting open at 4.33pm.

1.2 Chief Executive Officer to read the disclaimer

The Chief Executive Officer, Ray Hooper, read the disclaimer.

1.3 Announcement of Visitors

Nil

1.4 Announcement of any Declared Financial Interests

Cr Tony Boyle – 9.2.1 – Proximity

2. ATTENDANCE

2.1 Members

Cr Pat Hooper, President; Cr Brian Lawrance, Deputy President; Cr Tony Boyle; Cr Trevor Randell; Cr Ashley Fisher; Cr Tricia Walters

2.2 Staff

Ray Hooper – CEO, Graham Stanley – DCEO, Julieanne Treloar - ESO

2.3 Apologies

Nil

2.4 Leave of Absence Previously Approved

Nil

2.5 Number of People in Gallery at Commencement of Meeting

Three (3)

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

3.1 Previous Public Questions Taken on Notice

Not applicable

3.2 Written Questions

Nil

Cr Boyle left the meeting at 4.42pm.

4. PUBLIC QUESTION TIME

Andy Fraser

Question 1: I understand that the Shire intends to enter into a co-tenancy and management agreement with York Racing. Is this correct?

Response: The Shire of York is entering into the co-tenancy agreement at the behest of the Minister for Lands.

Question 2: Does the Shire plan to contribute any Council funds to the operation of the race track?

Response: No at this stage. The Wheatbelt Development Commission has conditionally approved funding of \$200,000 which I believe is made up of \$180,000 for track repairs and \$20,000 for legal advice to ensure that the titles and agreements are correct.

Question 3: Is the Shire interest only then to keep the property in community hands.

Response: Yes. Co-tenancy is purely to ensure that the community interest continues and to show the Wheatbelt Development Commission that there is community support and that the grant will go towards community benefit.

Question 4: Does the waiving of future rates indicate that the racing will not be viable?

Response: There is no indication of this.

Question 5: Des the Race Club have meetings allocated?

Response: Not at this stage. RWWA will not do this until the track is operational but they have indicated that they will allocate 2 Sky meetings and 4 community or 'picnic' meetings for the next season.

Question 6: Is the course able to be used for any other purpose?

Response: This is up to the management committee.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS / PRESENTATIONS / DEPUTATIONS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Not applicable

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

9. OFFICER'S REPORTS

9.1 Development Services

9.2 Administration Reports

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.1 York Racecourse Agreement

FILE NO: CCP.10
COUNCIL DATE: Special Meeting – 29th September 2009
REPORT DATE: 25th September 2009
LOCATION/ADDRESS: York Racecourse
APPLICANT: Wheatbelt Development Commission
SENIOR OFFICER: Ray Hooper, CEO
REPORTING OFFICER: Ray Hooper, CEO
DISCLOSURE OF INTEREST: Cr Boyle – Impartiality (Member of WDC and York Racing Inc.)
APPENDICES: Letter of Intent
DOCUMENTS TABLED: Nil

Summary:

The Wheatbelt Development Commission has prepared a Letter of Intent to move the York Racecourse upgrade project forward utilising the grant funds currently committed subject to all parties signing the agreement on or before the 2nd October, 2009.

Background:

The Wheatbelt Development Commission has allocated \$198,000 of Royalties for Regions funding to the repairs and upgrading of the York Racecourse, subject to the transfer of the land parcels to the Shire of York and RWWA overseeing the track remedial work.

Council has previously resolved as follows:

*RESOLUTION
220309*

MOVED: Cr Hooper SECONDED: Cr Boyle

“That Council:

Agree to the write-off of rates, service charges and interest fees for the land and buildings owned by the York Beverley Turf Club (currently \$53,731.10) when a grant to restore the racetrack to an approved race surface, as defined by Racing & Wagering WA, is received subject to the following matters being agreed and entered into:

- a. The land titles being transferred to the Shire of York with the current land conditions remaining in place; and*
- b. The York Turf Club and the Shire of York entering into an agreement for the management and operations of all activities and facilities used for racing.”*

CARRIED (5/1)

The management and operational requirements of the racecourse are not part of the current funding arrangements or this agreement however it is not anticipated that the Shire of York will have any involvement in this area and no financial contribution other than those associated with land rates will be involved or required.

In the event that racing is not viable in York in the future the transfer of the land ensures that the land and buildings remain in community use and ownership and this is a very generous and strategic benefit to York as the land could have reverted to the government to be sold.

Consultation:

Wheatbelt Development Commission
York Racing Inc.
Racing & Wagering WA
Minister for Racing and Gaming

Statutory Environment:

Nil at this stage.

Policy Implications:**Policy No. 13.4**

13. *Ensure that where sensitive environmental, historic or cultural areas exist, these areas will be adequately protected in relation to development or usage;*

Financial Implications:

Nil at this stage as the project funding will be provided through the Wheatbelt Development Commission.

Strategic Implications:*Key Result Area 2:**Economic Development & Tourism**Objectives:*

1. *To encourage a sustainable community by increasing employment opportunities in York, attracting investment and businesses to the town, and achieving diversification of industries.*
2. *To increase tourism to achieve business viability and growth.*

*Key Result Area 5:**History and Heritage**Objectives:*

1. *To safeguard York's history and heritage.*
2. *To promote an increased rate of preservation of heritage buildings, including Council's own heritage buildings.*

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:**Economic Implications:**

Development of a viable racing industry in York will have local and regional benefits to the industry itself and for tourism and other businesses.

Social Implications:

The community has shown strong support for the re-establishment of the York Racecourse.

Environmental Implications:

All works will be required to meet environmental standards including those for the built environment.

Comment:

Council is a party to this agreement at the request of the Minister for Lands to ensure security of tenure for the land parcels for ongoing community benefit for racing in the first instance and possibly other uses in the long term dependent on the viability of racing.

The Shire of York will not be involved in the day to day operations of the racecourse land and facilities and there is no financial contribution or commitment over and above the agreed writing off of the past rates and meeting the rate commitment in future years.

OFFICER RECOMMENDATION

RESOLUTION

220909

Moved: Cr Lawrance

Seconded: Cr Randell

“That Council:

Accepts and endorses its component of the Letter of Intent detailed below outlining the commitment by the relevant parties and authorises the signing of the document subject to all other parties involved executing and signing the document within 30 days of this meeting date being the 29th September, 2009.

YORK SHIRE

The York Shire has indicated that they are prepared to consider co-tenancy and to develop a relationship with the York Race Club that promotes and encourages the long term future of racing in York.

It is in the Shire's interest to retain this asset as part of an overall plan to expand equine activity in the area. The Shire will work towards co-tenancy with the York Race Club, work towards a legal arrangement with the York Race Club, while ensuring minimal risk to the Shire and maximum benefit to racing in York. The Shire will waive any current or future rate debt for the York Race Club once it becomes a co-tenant.

The York Community will be responsible to promote race meetings and ensure that meetings are well attended. This will include working strongly to ensure at least one "gala" meeting per year that will act as a fund raiser and promotional tool for York.

It should be noted that this is not referring to the formal racing administration, but more the community support, encouragement of attendance and the social activities that can value add to racing. While this activity may include non-race day uses for the track and may involve groups such as the York Visitor Centre, the Shire and the York Race Club will sign this Letter of Intent on behalf of the community to accept responsibility for this value adding activity.”

CARRIED (4/1)

Letter of Intent: York Race Club, Wheatbelt Development Commission, Racing and Wagering WA, Shire of York.

INTRODUCTION

It is important to RWWA and the WDC that they know that all the players in the future of racing in York are firmly committed to working together in good faith to see the track -works in York commence and to ensure the long term future of racing in York.

The WDC is keen to see the land ownership transferred to the Shire of York. This is for a number of reasons. Firstly, it provides for a body that is recognised externally as having strong administrative processes, financial backing and the best interests of the community at large as their core business, involved formally in this process. It is also important to the Development Commission that there is local government commitment to major local projects. By the Shire taking ownership of the land there is a commitment to being a player into the long term future and they will also contribute to the project by waving substantial rate debt. Negotiations between the Shire and the York Race Club will continue in good faith.

All parties have indicated that their interest is to see racing continue in York and for the York Race Course to be used into the future. This is not only for the benefit of racing in York, the Avon Valley and the State, but also as part of York's social and economic infrastructure. All parties are committed to doing everything they can to ensure the future of racing in York.

RWWA

RWWA are involved in this project as they recognise the importance of the York Race track remaining as part of the State's racing asset into the long term future. Given this, they are keen to ensure that there is guaranteed contemporary and professional administration of formally allocated race meetings in York. They are working towards a strong relationship between the York and Northam Race Clubs in terms of racing administration. Both race clubs will continue to work towards the best result for racing in York.

RWWA will facilitate the administrative relationship between the York and Northam Race Clubs, coordinate the track works to a standard that enable race meetings to be allocated to York and continue to provide support and advice to York. This is all to be done with the view of strengthening racing in York into the long term and in protecting the York Race Club as part of the State's long term racing asset.

WDC AND RWWA

The WDC will forward half the money for the track works to RWWA based on the attached RWWA works program and the public signing of this Letter of Intent by all signatories listed below.

The remainder of the money will be forwarded to RWWA:

- On completion of the work;
- When the land tenure arrangements are finalised;
- When the document outlining the use of the course in the best interests of racing is complete; and
- When the racing administration arrangements are in place.

This means that RWWA and the WDC are sharing the risk that all the players will continue to progress the intent outlined in this letter through to conclusion. Should any of the players not continue these processes in good faith, the WDC and RWWA will work together to apply pressure to those involved. Should such pressure not be successful, these two bodies will use whatever power and influence they have to determine alternative solutions to ensure the future of racing in York. Such solutions may or may not involve all current players.

YORK SHIRE

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YORK RACE CLUB

The York Race Club undertakes to work in good faith with the Shire to discuss co-tenancy of the York Race Course. In addition to this, on request from the WDC, the York Race Club will have a legal instrument between themselves, the Shire and any other necessary parties, outlining the long term relationship with at least the Shire, and any other necessary stakeholders, to ensure that any activity on this piece of land is in the best interest of the future of racing in York. This may include, but not be limited to, conditions on the land title, a Memorandum of Understanding (or similar) or service level agreements.

The York Race Club will be the main community organisation with carriage of activity on the York Race Course and will ensure that funds raised from racing activity on the track are spent in the best interest of future racing in York.

The York Race Club will begin negotiation with Northam Race Club to explore sharing resources and expertise.

The Northam Race Club accepts the importance of York as part of the region's racing asset and will do what it can to progress racing in York, while ensuring the long term future development of racing in Northam.

COORDINATION

A group, currently chaired by Mr Kim O'Brien, comprising two representatives of the Race-Club and two representatives from the Shire of York, will continue to facilitate discussions and negotiations between these stakeholders until at least the end of 2009. This group will continue to exist throughout 2010 and longer if needed. Mr O'Brien will determine his availability to continue to be involved. Should he not be available in the future, the Shire of York and the Race Club will seek and appoint another chair that is acceptable to both parties. Should such a mutually agreeable chair not be forthcoming, the WDC will nominate one of its board members to chair this group until a suitable candidate can be found.

COMMITMENT

All parties hereby sign this Letter of Intent to continue to work towards the stated aims and ends outlined herein, in good faith. This letter will act as a commitment on behalf of each of the signatories to work collaboratively, as quickly as is practical and in good faith to have the land tenure and administrative arrangements finalised, the track works completed and the documentation to protect racing in York completed.

Shire President – Shire of York

CEO – RWWA

President - York Race Club

Chair – WDC

Cr Boyle returned to the meeting at 4.52pm.

9.3 Finance Reports

Nil

9.4 Confidential Reports

Nil

9.5 Late Reports

Nil

10. NEXT MEETING

“The Next Ordinary Meeting of Council will be held on Monday 19 October 2009 at 3.00pm in the Sports Pavilion, South Street, York.”

11. CLOSURE

There being no further business the Cr Hooper thanked everyone for their attendance and declared the meeting closed at 4.53pm.