



SHIRE OF YORK

**MINUTES OF THE ORDINARY
MEETING OF THE COUNCIL
HELD ON 27 MARCH 2017
COMMENCING AT 5.03PM
IN COUNCIL CHAMBERS,
YORK TOWN HALL, YORK**

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SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL HELD ON MONDAY, 27 MARCH 2017, COMMENCING AT 5.03PM IN COUNCIL CHAMBERS, YORK TOWN HALL, YORK

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

1. OPENING

1.1 Declaration of Opening

Cr David Wallace, Shire President, declared the meeting open at 5.03pm

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

Cr Heaton – SY022-03/17 – Scheme Amendment No. 54 – Adoption of Amendment to Special Use Zone No. 7 (Laurelville Manor)

Cr Walters – SY023-03/17 – P989 – Application for Approval of Details Associated with Transport Approved at Lot 5113 Great Southern Highway, Daliak

- 1.7 Declarations of Interest that May Affect Impartiality
Cr Walters – SY026-03/17 – Approval to Advertise Business Plan - Disposal of Old Tennis Courts and Relocation of the Wheatbelt Women’s Health Hub Inc
Cr Smythe – SY026-03.17 - Approval to Advertise Business Plan - Disposal of Old Tennis Courts and Relocation of the Wheatbelt Women’s Health Hub Inc

2. ATTENDANCE

- 2.1 Members
Cr David Wallace, Shire President; Cr Denese Smythe, Deputy Shire President; Cr Heather Saint; Cr Pam Heaton; Cr Jane Ferro; Cr Trevor Randell; Cr Tricia Walters
- 2.2 Staff
Paul Martin, Chief Executive Officer; Paul Crewe, Executive Manager Infrastructure & Development Services; Carly Rundle, Senior Planner; Helen D’Arcy-Walker, Executive Support Officer
- 2.3 Apologies
Suzie Haslehurst, Executive Manager Corporate and Community Services
- 2.4 Leave of Absence Previously Approved
Nil
- 2.5 Number of People in Gallery at Commencement of Meeting
There were 7 people in the Gallery at the commencement of the meeting

3. QUESTIONS FROM PREVIOUS MEETING

- 3.1 Response to previous public questions taken on notice
Nil
- 3.2 Response to unasked questions from the previous meeting

The Shire President stated that, in future, if people who submit a written question prior to the meeting and are not in attendance at the meeting, their question(s) will be read out at the meeting by the Shire President, (where possible) and the questions and responses will be placed in the Minutes of that meeting.

Mr Simon Saint

Question 1:

Agenda item SYO14-02/17 - Review of the York Recreation and Convention Centre, includes a 2015 report authored by SGL Consulting Group.

Section 5.1.1 of the report, under workshops, it states that:

“Two workshops were held with senior Council staff and YRCC user groups, to discuss an early draft of this Business Plan. The aim was to ensure that the draft was accurate and to canvas ideas and strategies for future governance and management of YRCC.”

And that one of the Key outcomes of the Council workshop was:

“Current role and responsibilities of Council in the management of YRCC is OK.”

In relation to these workshops and its attendees, could Council provide responses for the following questions?

Question (a):

When and where were the two workshops held?

Response provided by the Executive Manager Corporate and Community Services:

The first workshop was held at 2.00pm on 21 October 2015 at the Shire Administration Building, for Shire Staff.

The second workshop was held at 6.30pm on 21 October 2015 at the York Recreation and Convention Centre, for YRCC user group representatives.

Question (b):

Who were the senior Council staff in attendance?

Response provided by the Executive Manager Corporate and Community Services:

Those in attendance at this meeting were;

- Consultant - Phillip Gray (SGL Group)
- YRCC Manager – Kathryn Brown
- Human Resources & Compliance Officer - Gail Maziuk
- Financial Controller - Tabitha Bateman

Question (c):

Which YRCC user groups were represented and by whom.

Response provided by the Executive Manager Corporate and Community Services:

The Sporting Groups that were represented at the meeting were:

- York Bowling Club
- York Lawn Tennis Club
- York Football Club
- York Hockey Club
- York Netball Club
- York Senior Cricket Club
- York Junior Cricket Club

The Shire does not have a record of the names of those representing the clubs at this meeting.

Question (d):

Were minutes or any notes taken during the workshops to corroborate the conclusions made?

Response provided by the Executive Manager Corporate and Community Services:

Notes were taken at the workshops by Phillip Gray from SGL. The Shire does not have a copy of these notes.

Ms Sandra Paskett

(Questions 1 and 2 have been recorded in the February Ordinary Council Meeting Minutes)

Question 3:

Further to the above point, the salaries on page 14 don't seem adequate to provide realistic costings for the number of staff working at the YRCC – for example, a total of \$42.5K is unlikely to even cover the manager's cost let alone Nick, wait/bar staff and cleaners or anyone else. Additionally, \$26.7K does not seem to be the correct amount of super payable on salaries of \$42.5K? On that basis, how are the salaries/wages actually split and accounted for, because it would seem that a significant portion of the real labour costs are possibly being allocated to other cost centres?

Response provided by the Executive Manager Corporate and Community Services:

Salaries and wages paid to centre staff are allocated to the specific areas where possible ie. Wages paid to kitchen staff and bar staff are included in the total costs reported for Café/Restaurant and Bar respectively. The \$42K is purely an allocation for administration duties performed by the Centre Manager. In addition to this, Superannuation is paid from a single account due to restrictions imposed by the software in use. In the same respect, Superannuation paid to depot staff is not paid from multiple maintenance accounts, but a single account reported in Schedule 14.

Question 4:

Even without accounting for overheads, the ratepayers are subsidising **at least** 25% of every meal that is eaten there (\$143K costs vs \$111K revenue = \$32K loss), and that is not taking into consideration whether all the salaries have been adequately allocated against that cost centre. Does the manager and/or food and bar service manager have a budget that they are required to work to with respect to revenue, costs and sales for setting prices for meals, and how tightly is this managed – that is how frequently are they required to report on the outcomes such as staff levels and food costs vs meal sales etc?

Response provided by the Executive Manager Corporate and Community Services:

Council adopts the annual budget each year and the YRCC is included in this. Financial statements are provided at monthly Ordinary Council Meetings in the statutory format along with a breakdown of YRCC income and expenditure similar to the one found on page 14 of the Discussion Paper. This is an area that will be assessed during the Financial Management Review being undertaken by Moore Stephens.

Question 5:

The café made significantly less last year for about the same cost of sales as the year before – what was the significant cause of the difference?

Response provided by the Executive Manager Corporate and Community Services:

A significant reduction in the number of meals served on Friday evenings accounts for the drop in income. In an effort to reduce wastage, where there is stock remaining in one cost area, this may be used in another area (for example café/restaurant stock may be used for conferences or events). It is acknowledged that improvements are required regarding the allocation of stock to each cost centre which will be explored during the upcoming Financial Management Review to be undertaken by Moore Stephens.

Question 6:

What is the difference between the 'Café/Restaurant' and the 'Canteen'?

Response provided by the Executive Manager Corporate and Community Services:

Canteen was originally set up specifically to collect the revenue and expenditure associated with sporting activities rather than serving meals. It was suggested that this area be combined with Café/Restaurant costs due to complexities regarding stock management as outlined above, however this change has not been implemented. Whether the change is necessary may be identified once the preferred option for future management has been identified.

Question 7:

"The objective of competitive neutrality is to introduce measures to remove any net competitive advantages arising simply as a result of a business entity being owned by a local government. The principles of competitive neutrality apply to significant business activities of a local government which are defined as those activities where annual income exceeds \$200,000." Is the Shire aware that they should now be operating on a commercially competitive basis?

Response provided by the Executive Manager Corporate and Community Services:

Yes, and the Discussion Paper recommends an analysis of competitive neutrality is carried out should the Shire continue to operate the Centre in its current form.

Question 8:

To be on a commercially competitive basis with small main street businesses struggling to keep their doors open, and to ensure that ratepayers do not continue to subsidise social meals, food prices would need to be lifted by a minimum of 30% (more if all overheads and salaries are correctly apportioned), or alternatively costs would need to be cut by a similar margin. Has the manager and/or food and bar service manager been asked to consider what options could be employed to either reduce costs by this margin or substantiate a significant price rise?

Response provided by the Executive Manager Corporate and Community Services:

This matter will be investigated as part of the upcoming Financial Management Review to be undertaken by Moore Stephens.

Question 9:

Throughout the document, private enterprise conference facilities are described as a 'threat' to the Shire's 'commercial' operations. The Shire's commercial operations are a threat to private enterprise, not the other way around. Can this please be reworded before the report is released?

Response provided by the Executive Manager Corporate and Community Services:

The relationship between the YRCC and local businesses has not ever been fully explored and is a major issue to be worked through and clarified via the submission process. Interested people are encouraged to outline in their submissions these and other issues for Council's consideration.

Question 10:

I note that in the financial reports there appears to be a relatively high percentage of outstanding rates. I presume that the sharp increases in rates over the past few years is a contributor to this. Since the escalating costs of the YRCC are a contributor to the rate increases, it seems that only one side of the equation (the benefits) is being fully considered when analysing the YRCC – (eg 'it's good for the community') whereas the full impact of what it costs is not being considered.....what it costs (operationally) has/can only be subsidised by rate increases, and it seems that this may be resulting in unacceptably high levels of outstanding rates payments. One can only assume that in

addition to affecting **cash flow** for the Shire, it must also be a reflection of hardship being experienced by some sectors of the community. Can these flow on impacts also be included in the discussion paper to ensure a full assessment of the YRCC review?

Response provided by the Executive Manager Corporate and Community Services:

The officer recommendation relating to this report seeks Council's approval of the discussion paper for public comment. Council could choose to request that further financial information is included. However, it is proposed that this and other issues are worked through and clarified via the submission process.

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: 5.07pm

4.1 Written Questions – Current Agenda
Nil

4.2 Public Question Time
Nil

As there were no questions from the Gallery - Public Question Time Concluded at 5.07pm.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Pam Heaton requested Leave of Absence from 18-24 April, 2017 inclusive.

**RESOLUTION
010317**

Moved: Cr Smythe

Seconded: Cr Walters

“That Council approve Leave of Absence for Cr Pam Heaton from 18 April, 2017 to 24 April, 2017 inclusive.”

CARRIED: 7/0

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 27 February 2017

Corrections

Confirmation

**RESOLUTION
020317**

Moved: Cr Saint

Seconded: Cr Heaton

“That the minutes of the Ordinary Council Meeting held 27 February 2017 be confirmed as a correct record of proceedings.”

CARRIED: 7/0

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION
Nil

9. OFFICER'S REPORTS

Disclosure of Interest – Cr Pam Heaton – Financial – My husband drives a bus to collect wedding guests before and after a wedding

Cr Heaton declared a Financial Interest to this item and left the room at 5.10pm

SY022-03/17 - Scheme Amendment No. 54 – Adoption of Amendment to Special Use Zone No. 7 (Laurelville Manor)

FILE REFERENCE: PS.TPS.54
APPLICANT OR PROPONENT(S): P Cowin & S Paskett
AUTHORS NAME & POSITION: Carly Rundle, Senior Planner
RESPONSIBLE OFFICER: Paul Crewe, Executive Manager Infrastructure and Development Services
PREVIOUSLY BEFORE COUNCIL: No
DISCLOSURE OF INTEREST: Cr Pam Heaton - Financial
APPENDICES: A – Scheme Amendment Report
B – Council Minutes (Item SY137-11) dated 28 November 2016
C – Schedule of Submissions

Nature of Council’s Role in the Matter:

- Quasi-judicial & Legislative

Purpose of the Report:

Scheme Amendment No. 54 relates to Lots 1 and 2 (Hse 18) Panmure Road, York (referred herein as the property) and proposes to:

- Modify text associated with Schedule 3 - Special Use Zone No.7 (SU7); and
- Insert the land use definition of ‘Tourist Development’ as outlined in the Model Provisions for Local Planning Schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015* into Schedule 1 – Interpretations.

Council at its Ordinary Meeting 28 November 2016 resolved to initiate and adopt the ‘standard’ Scheme Amendment No.54, as proposed in page 4 of the Scheme Amendment Report (**Appendix A**) for the purposes of public advertising.

The proposed scheme amendment was referred to the Western Australian Planning Commission and Environmental Protection Authority and following receipt of consent to advertise was publicly advertised for a minimum of 42 days seeking comment from both the public and statutory authorities. Thirteen submissions were received in response, with two of these raising concerns in regards to noise and impact on amenity.

Pursuant to Regulation 50 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council is now required to consider any submissions received, and resolve to either support the scheme amendment without modification, support the amendment with modifications; or not to support the amendment. The resolution and details of the amendment will then be sent to the Western Australian Planning Commission for determination by the Minister for Planning.

Background:

Scheme Amendment No. 54 relates to Lots 1 and 2 (Hse 18) Panmure Road, York (Laurelville Manor) zoned Special Use No. 7 (SU7) and proposes to:

- Modify text associated with Schedule 3 - Special Use Zone No.7; and

- Insert the land use definition of 'Tourist Development' as outlined in the Model Provisions for Local Planning Schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015* into Schedule 1 – Interpretations.

The intent of the proposal is to modify SU7 text to include a number of additional tourist orientated land uses, as well as requesting a reinsertion of the land uses 'Restaurant' and 'Tourist Development'. The associated conditions of the SU7 have also been updated to reflect the additional land uses and align with current planning practice.

Both 'Restaurant' and 'Short Term Accommodation' are land uses which were previously supported to be included by Council as part of Scheme Amendment No.50 and 53, although were removed from the amendment by modification directed by the Minister for Planning prior to gazettal. The proposed amendment has provided further justification within the report and provisions to address concerns raised by the WAPC and Minister for previously not supporting their inclusion. The previous council minutes providing a detailed background to the proposal is provided in **Appendix B**.

Scheme Amendment No. 54 was considered at Ordinary Council Meeting 28 November 2016 where Council resolved to initiate and adopt the amendment as proposed (and as outlined in page 4 of **Appendix A**) for the purposes of public advertising following receipt of consent from the EPA and WAPC to publicly advertise.

A response was received from the EPA 3 January 2017, advising that the proposed amendment does not require assessment and is not necessary to provide advice or recommendations to be addressed or included within the proposed amendment. A response was received from the WAPC 16 December 2016 advising no objections to the advertising of the proposal.

The amendment was subsequently advertised for a minimum period of 42 days ending on the 24 February 2017. A total of thirteen submissions were received, including nine from statutory authorities providing general comments, one from the Shire's Heritage Advisor, and three public submissions consisting of a letter of support and two submissions raising concerns about current uses on the site and 'amenity' and noise emissions.

A copy of the Scheme Amendment report submitted by the applicant and publicly advertised is attached at **Appendix A**.

Council is now required to consider any submissions received, and resolve to either support the scheme amendment without modification, support the amendment with modifications; or not to support the amendment. The resolution and details of the amendment will then be sent to the Western Australian Planning Commission for determination by the Minister for Planning, and if approved will then be gazetted to have effect as part of the Shire of York Town Planning Scheme No. 2.

Comments and details:

The purpose of the amendment is to allow for a wider range of tourist orientated land uses to be considered on the property and involves inserting a number of land uses into SU7 which were previously supported by Council as part of Amendment No. 50 and Amendment No. 53 such as Restaurant and Tourist Development (previously referred to as Short Stay Accommodation) and inserting a number of ancillary tourist uses.

The introduction of the SU7 zone on the site was previously supported by Council as part of Scheme Amendment No. 50 and 53 to facilitate the development of tourist orientated uses on site and the current proposed amendment is essentially a re-application to insert provisions that weren't supported at a WAPC/Minister for Planning level for a number of reasons, outlined in the previous Council report. The proponent has provided further justification within the Scheme Amendment documentation and within proposed SU7 conditions to address these concerns raised by the Commission during Amendment 53.

The Shire's previous reasons for supporting the introduction of further tourist orientated land uses on the site were to:

- Identify existing land uses on the site within the Special Use zone to facilitate orderly and proper planning within the Shire;
- Identify further land uses to be listed in the Special Use zone which would complement existing tourist related uses occurring on the site and which would be consistent with maintaining the amenity of surrounding residential land uses;
- Allow tourist orientated land uses similar to the Special Use zones for Faversham House and the Old York Hospital; and
- To support the protection and sustainability of heritage places, which are heavily reliant on the financial capability of the landowner to maintain and develop the place. It was intended that the rezoning and introduction of tourist orientated land uses would assist with the conservation of the building.

It is considered that the Shire's reasons for supporting the introduction of these land uses has not changed and that the proposed uses will be complementary to existing and proposed land uses.

The consultation period resulted in the receiving of thirteen submissions, which mostly provided general information for development, one letter of support and two public submissions raising concerns. The nature of concerns relate to:

- the existing ongoing operation of the Reception Centre, noise emissions and implementation of the approved noise management plan;
- the inclusion of a 'Restaurant' land use and impact on amenity from noise emissions.

The Noise Management Plan was approved at Ordinary Council Meeting 27 June 2016 to satisfy condition 8 of the planning consent issued for a Reception Centre on the property 13 August 2015 (and as amended by SAT Orders DR No. 322 of 2015 dated 2 March 2016). The Reception Centre is an existing approved use, and the Noise Management Plan is an ongoing management plan relating to the use, both of which are not directly affected by the proposed amendment and subject to the reception centre being undertaken in accordance with conditions of the planning consent can continue to operate regardless of the amendment.

The submissions regarding the noise emissions from the existing Reception Centre, and Noise Management Plan, are related to a separate development approval, and the issues raised are considered 'compliance' matters which are appropriate to deal with separate to this amendment.

However, whilst it is noted that the amendment will not directly affect the existing use, it is noted that the applicants reasons for the proposed amendment are linked to the conditional approval of the 'Reception Centre', which suggests that the proposed amendment (which will provide more flexibility with regards to tourist orientated uses) would mean they are able to diversify and place less reliance on the holding of reception events. The ability to operate a restaurant (albeit subject to receiving planning consent) is also suggested as a way to make the proposal to construct a purpose built function room more feasible to the proponent. The purpose built function room was identified as a long term structural measure in the approved Noise Management Plan, which could assist (through design) in containing noise emissions from reception events, providing more certainty of compliance with the Noise Regulation's, improve amenity of adjoining landowners (from noise) and potentially place less reliance on the current management measures of the Noise Management Plan.

The amendment also introduces further land uses on the site such as a Restaurant, which through intensification of uses on the site may introduce additional noise considerations.

The inclusion of a 'Restaurant' land use relates to the sale and servicing of food and drinks to seated customers. The nature of a 'Restaurant' land use does not ordinarily involve the playing of loud music, nor is the playing of loud music necessary to operate, and any emissions could be expected to be able to comply with the Environmental Protection (Noise) Regulations 1992. Although the definition of a Restaurant predominantly relates to the serving of seated customers, the holding of events within a 'Restaurant' would not be strictly prohibited (noting that the use of the venue predominantly for the holding of functions should be approved as a 'Reception Centre'). At the time of development of a Restaurant, specific consideration will need to be given the existing 'Reception Centre' approval and conditions of approval that already apply to the holding of events on the property. The use of the Restaurant for hosted functions can be limited through conditions of approval in a similar manner to the current 'Reception Centre' approval to address concerns regarding noise emissions and not allow for expansion of functions to occur in an unintended manner.

The conditions of the Special Use also propose to limit the number of guests not to exceed 120 guests plus staff and contractors at any one time, which is similar to the 130 persons permitted for Reception events, inclusive of guests, staff, subcontractors and the residents of the land.

Any further development on the site will be subject to the submission of a development application which will allow the opportunity to assess impacts on amenity from noise, such as siting, location, times, and other conditions necessary to manage amenity impacts. These considerations for development have been clearly outlined as relevant considerations to be assessed and managed through the development application process.

Officers have also noted a minor error within the previous Council Resolution dated 28 November 2016 which refers to the insertion of 'Tourist Accommodation' as a definition into Schedule 1, which should have been referred to as 'Tourist Development'. The error was amended within the advertising documents, and is correctly referred to within page 4 of the Scheme Amendment report also referenced within the resolution.

For clarity, it is recommended that the scheme amendment be approved subject to a modification which amends 'tourist accommodation' to 'tourist development'. The modification is considered a minor administrative change which does alter the intent or function of the amendment, and in officers opinion does not warrant readvertising to occur.

Implications to Consider:

Consultative:

The application was referred to the Western Australian Planning Commission and Environmental Protection Authority for consent to advertise which was received 16 December 2016 and 3 January 2017 respectively.

The scheme amendment proposal was subsequently advertised for public comment for a period of 42 days, ending 4.00pm 24 February 2017, in accordance with the requirements of the Regulations.

Public Advertising consisted of:

- A notice being placed in the local newspaper;
- Display of necessary documents in the Shire of York administrative office;
- Letters advising of the proposed scheme amendment to adjoining landowners within a radius of approximately 260m from the property; and
- Letters/submission of requests for comment to statutory authorities.

A total of thirteen submissions were received including nine from statutory authorities, and one from the Shire's Heritage Advisor which did not raise any objections, and provided general comment, and three public submissions, one which supported the proposal and two raising concerns regarding noise and amenity. The general concerns raised have been addressed above, and a detailed responses to submissions provided in **Appendix C – Schedule of Submissions**.

Policy Implications:

The proposed Scheme Amendment is not affected by an existing planning policies and will not result in any planning policy implications for the Shire.

Council Policy 1.1 Execution of Documents and Use of the Common Seal, classifies Local Planning Schemes and Amendments as a Category 1 document requiring a specific resolution of Council to sign and affix the common seal.

Financial Implications:

The previous report detailed a request to waive fees on the basis that this was essentially a reapplication of a proposal which has previously been supported. Council resolved to the support the request, on the basis that the applicant meet any direct costs that are incurred during the process of the amendment, which has so far involved payment of advertising fees during the consultation process.

There are no new financial implications associated with the proposal.

Strategic Implications:

The proposal is broadly consistent with the objectives of the Shire of York Strategic Community Plan, and in particular:

Theme 2: A Leader in Cultural Heritage and Environment

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

Theme 3: Driving the York Economy Forward

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

The proposed amendment is also considered consistent with the Shire of York Local Planning Strategy. Although the creation of tourist sites associated with heritage buildings is not addressed in detail in the Shire of York Local Planning Strategy, it is considered that the proposal is broadly consistent with the long term objectives and strategies of the Shire which place an emphasis on:

- encouraging and promoting viable tourism that is complimentary to the character of the Shire and compatible with the lifestyle and aspirations of the community; and
- Protecting and preserving the significant heritage and cultural values of the Shire and promote new development that respects, integrates and enhances these values.

Legal and Statutory

The ability to amend a Town Planning Scheme is provided by section 75 of the Planning and Development Act 2005. Proposals to amend a Town/Local Planning Scheme are required to be undertaken in accordance with the process outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015* and relate to the amendment type, which in accordance with Regulation 34, was determined as consistent with the definition of a 'standard amendment'.

Following the end of the submission period and prior to end of the 'consideration period' (60 days from the end of the submission period), Regulation 50(3) requires the local government to pass a resolution -

- (a) to support the amendment without modification; or
- (b) to support the amendment with proposed modifications to address issues raised in the submission; or
- (c) not to support the amendment.

Should Council resolve to support subject to modifications to address any submissions which are considered 'significant' it may decide to re-advertise the amendment for a period of 21 days before further consideration by Council. A resolution not to support the amendment must also be supported by reasons outlining the decision.

Following passing of the resolution under regulation 50(3), the local government is required within 21 days to forward the proposal to the Commission, with required information. The Commission will consider the amendment, and either direct that the amendment be treated as complex which may require further advertising or consider and make recommendation to the Minister for Planning for determination. The Minister for Planning may then choose to approve, approve subject to modification, require modification and a direction to readvertise or refuse with reasons.

Risk related

The main risks associated with the proposal are related to the potential impact on amenity of adjoining landowners. It is considered that all land uses could be operated on the site in a manner which would maintain the amenity of adjoining landowners, and can be managed through the development application process.

Voting Requirements:

Absolute Majority Required: No

**RESOLUTION
030317**

Moved: Cr Smythe

Seconded: Cr Ferro

“That Council:

- 1. *Notes the submissions received as detailed within the report and attached in Appendix C.***
- 2. *Pursuant to Section 75 of the Planning and Development Act 2005, and Regulation 50 of the Planning and Development (Local Planning Schemes) 2015, finally adopt Scheme Amendment No. 54 to the Shire of York Town Planning Scheme No. 2 to:***
 - a) amend Scheme text in the table under Schedule 3 – Special Use Zone at No.7 under the column headings of Special Use and Conditions columns; and***
 - b) inserting the definition of ‘Tourist Accommodation’ in Schedule 1 - Interpretations of the Scheme;***

as depicted on page 4 of the Scheme Amendment Report in Appendix A; and with the following modification

 - (i) Amending b) above to refer to ‘Tourist Development’ instead of ‘Tourist Accommodation’.***
- 3. *Authorise the Shire President and Chief Executive Officer to execute the relevant documentation and affix the common seal of the Shire of York.***
- 4. *Requests the CEO to:***
 - a) Refer Scheme Amendment No. 54 documentation and necessary information to the Western Australian Planning Commission with a request for the approval of the Minister for Planning.***
 - b) Advise submitters of the Council decision.”***

CARRIED: 6/0

Cr Heaton returned to the room at 5.12pm.

The Shire President advised Cr Heaton of the Council decision.

Disclosure of Interest - Cr Tricia Walters – Financial – Another property owned by the Applicant is adjacent to mine

Cr Walters declared a Financial Interest to this item and left the room at 5.13pm

SY023-03/17 - P989 – Application for Approval of Details associated with Transport Depot approved at Lot 5113 (Hse 3933) Great Southern Highway, Daliak

FILE REFERENCE: GR2.41
APPLICANT OR PROPONENT(S): Avon Waste Pty Ltd
AUTHORS NAME & POSITION: Carly Rundle, Senior Planner
RESPONSIBLE OFFICER: Paul Crewe, Executive Manager Infrastructure & Development Services
PREVIOUSLY BEFORE COUNCIL: Yes – 26 October 2015
DISCLOSURE OF INTEREST: Cr Walters - Financial
APPENDICES: A – Application for Approval of Details
B – Schedule of Submissions
C – Access Options Plan

Nature of Council’s Role in the Matter:

Quasi-judicial.

Purpose of the Report:

Planning Consent subject to conditions, was issued for a Transport Depot at Lot 5113 (Hse 3933) Great Southern Highway, Daliak on 13 November 2015, following approval by Council at Ordinary Meeting 26 October 2015 (Resolution No. 051015).

Condition 1 of the approval requires an application for approval of details to be made within 12 months of the date of determination addressing final aspects of the development such as a scaled detailed site plan, final siting of the depot, access, stormwater and waste water management, chemical storage and management and landscaping.

An application for approval of details has now been submitted and Council is requested to make a determination on the application as proposed.

Background:

A development application was received 8 July 2015 proposing to construct a transport depot at Lot 5113 Great Southern Highway and included:

- A general development envelope of 3.276ha located in the south east corner of Lot 5113 approximately 150-200m from the Great Southern Highway and indicated access to and from the site to occur via Ashworth Road;
- An indicative site plan, proposing the placement of four structures within the envelope:
 - Office (396m²);
 - Wash bay/truck port (448m²);
 - Shed 1 (490m²);
 - Shed 2 (490m²);

The proposal included an overall floor area of 1,824m²;

- Indicative elevations/perspectives for structures;
- Traffic Impact Statement; and
- Planning Report.

The application was supported by information illustrating the likely scale and nature of the operation which enabled assessment of the overall land use and development on the property, although required additional details to be provided in terms of final siting of the development, scaled plans, detailed site plans, elevations, access, stormwater and wastewater management, chemical storage and management and landscaping.

The proponent requested that the application be considered as proposed and subject to later submission of these details in accordance with Clause 8.11 of the Shire of York Town Planning Scheme No. 2 and Clause 74 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)* - Approval subject to later approval of details.

The application was considered at Ordinary Council Meeting 26 October 2015, where Council resolved to approve the application subject to conditions, and included condition 1 requiring a list of further detailed information to be submitted prior to construction.

Conditions of approval are listed below:

1. *An application for approval of details to be made no later than 12 months from the date of determination to include:*
 - *A scaled detailed site plan for the depot area, and access ways, to include the scaled location of all structures, pavement areas, storage areas, and landscape areas (Note 6).*
 - *Siting of the depot area and access ways to minimise visibility from Ashworth Road and Great Southern Highway.*
 - *Siting of the depot area to achieve a 200 metre setback from any existing house, or provision of acoustic modelling to demonstrate management of noise impacts;*
 - *Details of chemical storage and management;*
 - *Swept path diagrams for the intersection of Great Southern Highway and Ashworth Road.*
 - *The crossing place to the property, internal access and turning areas are to be designed for a 4 axel articulated truck and trailer.*
 - *Stormwater management plan and wastewater management plan (Note 7).*
 - *A landscape plan detailing screening of the development from public roads and neighbouring properties where the development will be visible.*
2. *The portion of Lot 5113 Great Southern Highway, Daliak used and development as a transport depot must not occupy an area greater than 4 hectares (excluding access).*
3. *No waste shall be stored, transported or processed on the site.*
4. *No vegetation shall be removed as a result of this application.*
5. *Operation of the workshop component of the transport depot shall not commence prior to 7.30am and shall cease by 5.00pm from Monday to Friday, unless otherwise approved by the Shire of York.*
6. *No expansion to the transport depot shall be undertaken without the development approval of the Shire of York.*

7. *No trucks accessing or leaving the transport depot are to utilise Ashworth Road north of Lot 5113 Great Southern Highway, Daliak.*

The decision notice was issued 13 November 2015.

An application for approval of details was submitted 2 September 2016, although further information was required and the final version of the documents which were publicly advertised were submitted 8 November 2016. In accordance with the Regulations, the determination does not have effect until the day on which the notice of determination was issued (letter of approval), which in this instance was 13 November 2015, meaning that receipt of the application on 2 September and 8 November 2016 is compliant with condition 1 of the approval and the approval remains valid.

The purpose of this report is to now consider the application for approval of details submitted by the proponents (attached in **Appendix A**).

The application was publicly advertised for a period of 28 days ending 23 December 2016. Thirteen submissions were received in relation to the application, six from State Government agencies and seven from landowners in proximity to the site.

A schedule of submissions is provided in **Appendix B**.

Comments and details:

The application for approval of details is submitted with the intent of satisfying condition 1 of the planning consent.

It is important to note that the overall development and suitability of use on this site has already been assessed and approved as part of the overall planning consent. This assessment is limited to assessing the additional details required by condition 1 and application submitted by the proponent in order to satisfy these.

Assessment of the proposal against the conditions of approval is discussed below.

| | Application for Approval of Details | Comments |
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| Condition 1 | | |
| A scaled, detailed site plan for the depot area and access ways, to include the scaled location of all structures, pavement areas, storage areas, and landscape areas. | <p>The application includes a scaled location plan and site plan, floor plans and elevations.</p> <p>The plans demonstrate location of all proposed structures, pavement areas, storage areas, landscape areas, access, and the plans meet the general requirements of an application set out in the Shire of York planning application checklist.</p> <p>The plans submitted include a reduced development envelope area of 1.5142ha (reduced from the previous area of 3.276ha), total floor area of 1,785m² consisting of an office building and three associated workshop/storage buildings (reduced from the previous 1,824m²) and similar building heights.</p> | <p>Complies.</p> <p>The detailed plans submitted are in response to the conditions of approval and relatively consistent with the previous built form and scale. The revised proposal represents a consolidated development with a reduced footprint and slightly lower floor area.</p> <p>It is considered that the application for approval of details does not introduce new criteria for assessment above that contemplated by condition 1, and does not require a new development application to be submitted.</p> |
| Siting of the depot area and access ways to minimise visibility from Ashworth Road and | The previous development envelope was located in the south east corner of Lot 5113, approximately 150m at the closest point from the Great Southern Highway. | <p>Complies.</p> <p>The transport depot is now proposed to be located behind a ridge to the south and east minimising visibility from Great Southern Highway and Ashworth Road. The development will remain</p> |

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| Great Southern Highway | <p>The application for approval of details has, in response to this condition, proposed to relocate the development envelope approximately 240m further north, as well as reducing the overall development area from the previous 3.276ha to 1.5142ha.</p> <p>The Stormwater Plan identifies the Finished Floor Levels and Natural Ground Levels of the overall development and proposes to cut the southern portion of the development into natural ground level by approximately 1.5m, and proposes fill on the southern side of approximately 1m to create a level pad.</p> <p>The plans indicate the location of the overhead power line in proximity to the site, and on query of the survey location in comparison to the site plan (which is not in proximity to the power line), it was advised that there was an error on the plans and the survey is actually located further north than is shown on the site plan.</p> <p>The site plan indicates that the depot is also proposed to be partly located within an area planted with olive trees which would require clearing, and would also involve the removal of established trees lining an access track.</p> | <p>visible from some parts of Ashworth Road, but is not anticipated to be a dominant feature within the landscape that will detract from the rural character/amenity and meets this condition.</p> <p>The removal of vegetation would be at variance to condition 4 of the planning consent which requires that no vegetation be removed as a result of the application, and it is also considered that:</p> <ul style="list-style-type: none"> • This vegetation provides existing established screening from Great Southern Highway, particularly the larger trees along the access way; • Retaining the Olive trees as landscaping is not consistent with the landscaping plan which would indicate they are all to be removed to allow replanting, and retention of these as landscaping is not suitable as they are unlikely to grow to a height which would provide long term screening anticipated by the current landscape plan. <p>In light of the above, the applicant will be required to relocate the proposed depot approximately 50m north to avoid removal of vegetation and comply with Condition 4 of the approval. As the survey plan is actually, in error, undertaken north of the proposed site plan, a condition to amend the location will make this consistent with the survey plan, and there is certainty of cut and fill required in this location will not exceed that currently proposed.</p> |
| Siting of the depot area to achieve a 200 metre setback from any existing house, or provision of acoustic modelling to demonstrate management of noise impacts. | <p>The depot area is setback approximately 153m from the existing golf club building, although is approximately 200m to workshop areas, and 100m to the existing dwelling on Lot 5113 (subject of this application).</p> <p>The 200m setback is specified as a guide to 'sensitive land uses'. These are generally classified as those that provide accommodation, but can include areas that are sensitive to certain emissions and require a high level of amenity – i.e schools, child care centres.</p> | <p>The existing house on the property is not considered relevant against the condition, as this is owned by Avon Waste, and will only be affected by its own operations.</p> <p>The existing golf course is not strictly a 'sensitive land use' or 'existing house' required to comply. Hours of operation restrict use to weekdays between 7.30am to 5.00pm reducing the potential for conflict. The development is also required to comply with the Environmental Protection (Noise) Regulations 1997, which is applicable to any machinery and tool use. Conditions of approval also operation of the workshop component to occur between 7.30am to 5.00pm.</p> |
| Details of chemical storage and management | <p>The application provides a list of chemicals to be stored onsite. The management of refuelling areas/ ad blue and wash down bay have been addressed through the waste water management section below.</p> <p>The applicant has provided that other chemicals associated with the use involving general maintenance items for vehicles such as truck wash, oil, coolants ect are to be stored internally within the main shed, which will be bunded and stored in accordance the Materials Safety Data Sheet. Spill kits are also to be made available through the site.</p> | <p>Details of chemical storage and management provided.</p> <p>Meets requirements of condition 1.</p> |

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| <p>Swept path diagrams for the intersection of Great Southern Highway and Ashworth Road</p> | <p>Swept path diagrams were submitted with the application indicating left in/left out turns. Further to discussions with Main Roads, additional information was requested including right in/right out swept path diagrams.</p> <p>Revised left in/left out and right in/right out turning circles These were prepared in support of the application and submitted to Main Roads 2 March 2017.</p> <p>A site meeting was also held where Avon Waste physically demonstrated turning with a typical waste vehicle, and demonstrated onsite that turning can occur lane corrected.</p> | <p>The condition was included at the request of Main Roads WA to demonstrate turning could occur lane corrected within the existing road network, and not require any additional widening at the intersection or works.</p> <p>The swept path diagrams were submitted to Main Roads and latest correspondence received 7 March 2017 advised that:</p> <p><i>“Main Roads has determined from the information provided that the proposed vehicle turning movements will not have an adverse impact on the MRWA network and therefore advises no objection to implementation of the same.”</i></p> <p>The information submitted demonstrates turning can occur lane corrected and complies.</p> |
| <p>The crossing place to the property, internal access road and turning areas are to be designed for a 4 axel articulated truck and trailer</p> | <p>The application includes details of internal access ways and proposes to locate the crossover at the existing gate.</p> <p>Swept path diagrams designed for a 4 axel articulated truck were submitted with the application, and indicate that a crossover of at least 12m wide would be required at the property boundary tapering out to approximately 25m at the road edge.</p> <p>The current crossover location would require the removal of a number of native trees on the road verge, which would be at variance to Condition 4, requiring that no vegetation be removed. The Traffic Impact Statement submitted with the development application, also recommended that the safest crossover location is at the crest of the hill, 30m south of the existing gate. This location would also require removal of approximately four substantial trees which would be at variance with condition 4, although there is a suitable gap directly south of the crest which can allow for the crossover without removal of road side verge vegetation which also provides sufficient sightlines.</p> | <p>The existing crossover location is not supported.</p> <p>A condition of approval of details will be included specifying that the crossover be relocated approximately 45m further south and reiterate that no vegetation is to be removed.</p> <p>A condition of approval will also require the crossover to be constructed in accordance with local government requirements, and require the submission of a crossover application prior to commencement of works. The location and general width of the crossover shall be required to be consistent with this approval.</p> |
| <p>Stormwater management plan and wastewater management plan</p> | <p><u>Stormwater Management Plan</u></p> <p>A Stormwater Plan has been submitted with the application which denotes grading and levels of the site required to direct run-off to detention areas before general dispersion to surrounding agricultural land within the property.</p> <p>Stormwater is proposed to be directed to a drainage swale. The proposal includes a total impervious area of 9,642m². The volume of the swale is 196m³, which is supported by the civil engineers calculations based on planning for post development to match pre-development for a 100 year</p> | <p>The stormwater plan is a sufficient document to demonstrate that stormwater volumes are being managed on site and directed to potential treatment areas. A condition of approval will require that the swale be constructed to the Shire’s requirements to enable these in-depth details to be provided.</p> <p>The plan was referred to Department of Water who had no comments to make.</p> <p>The Waste Water Management Plan adequately demonstrates waste water will be treated and disposed and dispersed of in an appropriate manner. Further approvals are required for the onsite effluent system by the Shire/Department of Health as part of a separate approval process.</p> |

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| | <p>ARI event for the site. The volume of stormwater being retained is more than sufficient.</p> <p>The swale contains sufficient volume to accommodate for treatment to improve water quality as recommended by the Department of Water. However this requires the swale to be designed with nutrient stripping vegetation to the Shire's requirements. The plan does not currently detail this.</p> <p><u>Wastewater Management Plan</u> The application submitted provided details of treatment of wastewater through a silt trap and oil/water separator for the fuel station and wash down bay.</p> <p>The plan was referred to Department of Health who advised further information was required (see Appendix B for further detail). In response a Waste Management Programme was submitted and amended site plan showing fuel areas. The Waste Management Programme outlines that waste water will occur from:</p> <ul style="list-style-type: none"> • Wash down bays; • Fuelling areas; and • Staff amenities. | <p>The programme provides an adequate method for treatment and disposal of waste water. A separate onsite effluent application will be submitted to the Shire or Department of Health prior to the issuing of the building permit as part of a separate approval process, which is standard practice.</p> |
| <p>A landscape plan detailing screening of the development from public roads and neighbouring properties where the development will be visible.</p> | <p>A landscape plan has been submitted with the proposal indicating a landscaping strip of approximately 10m wide to the south and west of the development, providing screening to Ashworth Road and Great Southern Highway. These areas, with the relocation of the building further north 50m will retain an element of existing landscaping, although additional landscaping is supported.</p> <p>The landscaping contains a mix of native species of differing heights, and contains adequate spacing's and plantings for screening.</p> <p>The application does not propose landscaping to the north or east, which is visible to adjoining landowners to the north and the golf club.</p> | <p>Adequate landscaping to the southern and western elevations of the development has been provided.</p> <p>Additional landscaping to the northern and eastern elevations is required to meet the condition requirements.</p> <p>It is considered that to meet the condition of approval, and improve visual amenity to these landowners that landscaping be required north and east of the proposed building.</p> |
| <p>Condition 2</p> | | |
| <p>The portion of Lot 5113 Great Southern Highway, Daliak used and developed as a transport depot must not occupy an area greater than 4 hectares (excluding access)</p> | <p>Development footprint proposed is 1.512ha in total.</p> | <p>Complies.</p> |

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| Condition 3 | | |
| No waste shall be stored, transported or processed on the site | Ongoing condition. This application does not propose the storage, transportation or processing of waste on site. | Complies. |
| Condition 4 | | |
| No vegetation shall be removed as a result of this application | Ongoing condition. | Subject to the amendments being undertaken as listed above, the development will comply with this condition. |
| Condition 5 | | |
| Operation of the workshop component of the transport depot shall not commence prior to 7:30am and shall cease by 5:00pm from Monday to Friday, unless otherwise approved by the Shire of York | Ongoing condition, not affected by this application | Complies. |
| Condition 6 | | |
| No expansion to the transport depot shall be undertaken without the development approval of the Shire of York. | Ongoing condition, not affected by this application. | Complies. |
| Condition 7 | | |
| No trucks accessing or leaving the transport depot are to utilise Ashworth Road north of Lot 5113 Great Southern Highway, Daliak. | Ongoing condition, not affected by this application. | Complies. |

The application submitted for approval of details associated with the Transport Depot, subject to modifications as listed above is considered compliant with condition 1 and consistent with requirements of conditions 2 – 7 of the planning consent.

Implications to Consider:

Consultative:

Due to the nature of the conditions, which involved the submission of details such as siting of the depot, access ect, it was considered necessary to publicly advertise the proposal for public comment. The application was referred to landowners in proximity to the property for comment and within the Avon Valley Gazette for a minimum period of 28 days, ending on the 23 December 2016.

Thirteen submissions were received, consisting of six from statutory authorities, and seven public submissions. There were no objections received from statutory authorities which warrant further discussion, although further discussion/comment was received from Main Roads in response to public submissions and discussion on use of an alternate access through the adjoining Reserve 24168 to the east (referred to as the golf course access).

The public submissions received generally supported the revised location of the Transport Depot, although raised a number of concerns/objections to other aspects of the proposal including the

crossover location with regards to vegetation removal and sightlines; use of Ashworth Road and a request to reconsider use of the golf course access; and waste water management.

Crossover to Ashworth Road

Submissions received raised concerns regarding the proposed crossover location in that it would require the removal of significant vegetation on the road verge, and that the location does not provide adequate sightlines.

The current proposed crossover location is in line with the existing gate, which when widened will require the removal of a number of trees. The Traffic Impact Statement (TIS) also recommended that the crossover be relocated to be at the top of the crest further south approximately 30m providing better sightlines. It is agreed that the current crossover unnecessarily requires the removal of revegetation which would also be at variance with condition 4 that no vegetation shall be removed as a result of this application.

The proposed crossover will be required to be relocated immediately south of the crest where there is sufficient width available so as to retain vegetation in the verge, and providing sightlines similar to that available at the crest.

Alternate Access

The development application was submitted with a Traffic Impact Statement which assessed access options for the Transport Depot and included:

- Option 1. Ashworth Road (recommended);
- Option 2. Golf Course Access driveway (not recommended);
- Option 3. Direct access to Highway (not recommended).

Option 1 was recommended within the TIS as a safe access could be constructed onto Ashworth Road at the local crest in the road about 30m south of the existing gate, which provides compliant sight distances in both directions and provided that the access was to a lower order, lower operating speed and lower traffic volume road.

Option 3 was dismissed as Main Roads has an existing policy not to allow new crossings to Highways where alternatives exist.

Option 2, referring to the golf course driveway was not recommended in the TIS as it was identified as not a legally dedicated road, not properly constructed for commercial vehicle access, and that there would be issues of legality, permission, insurance liability and similar, as well as if approved there would be significant costs to upgrade the road and access to the highway. Option 2 was also noted as unlikely to be achievable without considerable negotiations with government departments to allow the access. In the opinion of the TIS, there would need to be a compelling reason, or absence of an alternative option to convince the government agencies to allow this.

It is important to note that the use of Ashworth as a suitable access point has already been approved as part of the initial development application, and condition 1 required the submission of details to confirm if any additional works are required to accommodate vehicles. The application for approval proposes access onto Ashworth Road and details submitted meet the requirements of Condition 1. In officers opinion there would be no planning grounds to be require the provision of an alternate access.

However, written correspondence received from Avon Waste, has confirmed that if it were an option they would be supportive of access to occur from the golf course driveway and would agree to itemise the driveway, although do not wish to incur any additional costs above this as a result. The owners support warrants further discussion of the alternate access.

The submissions received request that the golf course access be utilised as it is more suitable based on the following:

- That the golf course being Reserve land is vested with the Shire to manage, and gives the Shire the ability to allow the Transport Depot to use this access. It was also noted in regards to Main Roads comments, that they have an interest the application and access, although are not the determining authority in regards to use of the Reserve and do not control the roads under the management and control of the Shire.
- That there are safety issues associated with the use of Ashworth Road and Great Southern Highway intersection, and the golf course access is more appropriate based on the following:

Left In/Left Out turns

It is noted within the TIS that most vehicles will travel towards York, requiring a left out turn from Ashworth Road onto Great Southern Highway. The road structure in this location consists of a dual lane (overtaking lane) on the southern side and a single lane on the northern side, with the gradient sloping upwards to the east (York). The submissions raise concerns with left out vehicles turning onto the Highway, where entering Avon Waste trucks will be slower attempting to accelerate uphill, and will impede vehicles in the overtaking lane

The golf course access which consists of a road structure of a single lane to the north and dual lane to the south (overtaking lane) on a downhill gradient to the east (York). The submissions provided that this is considered a more suitable access as it allows traffic to exit onto a single lane and on a downhill gradient. It was also noted that the golf course access occurs in an area with a wider verge that would be easier to accompany any slip lanes required.

To demonstrate the context for each access point, the two options are shown in **Appendix C**.

Right in/Right Out turns

The submissions provide that right in turns to Ashworth Road from York will be required to be undertaken via a single lane, which is located in proximity to the turning lane to the east which would have just ended. Based on this it is considered that there may be potential conflict from users accelerating at the end of the overtaking lane with a vehicle stopped to turn into Ashworth Road. It is considered unsafe to increase traffic turning right into Ashworth road where traffic is at a higher speed.

The Right in turn to the golf course access was noted to occur at a point travelling uphill with good sightlines allowing traffic the opportunity to see a vehicle indicating to turn right.

- Precedence. It is noted that access is already permitted by the Shire allowing for use by the golf course, access to septage ponds and a private property with no alternate access.
- Amenity. An alternate access will allow for Ashworth Road to be preserved for its natural beauty and as a premier tourist road which it now.

Reserve 24168 is crown land, and vested with the Shire to manage for the purposes of Golf and Recreation, with the power to lease subject to the Minister's consent. A lease between the Shire and Golf Club Inc was entered into in 1993, and was subject to allowing the Council a right of carriageway to its agents and servants and all persons authorised from time to time to go and repass at all reasonable times during the said term over and upon over the access track giving ingress and egress from Reserve No. 24166 and Reserve 24167. The lease has expired, although the Shire is currently in the process of revising.

The Shire has the ability to consent to use of the Reserve that would be consistent with the purpose of the Reserve. It is not considered that the use of the access by Avon Waste would be inconsistent with the purpose. However should the Shire consent to access by Avon Waste, it would require the provision of an agreement addressing liability, management and maintenance, and depending on this, a discussion should occur regarding whether the level of public access would warrant this being dedicated as a public road. Discussion would also need to occur with the proponents currently utilising this land prior to making a decision and it is unlikely that the Shire would consent to intensification of heavier vehicle use of the access track unless widened to allow for two way access and being bituminised and sealed. Widening for two way access would require some relatively minor clearing of vegetation on the fringe of the track.

The access to Great Southern Highway from the golf course access is via an unsealed gravel track with width sufficient for two way access. The crossover is constructed to a sealed standard, although is of a poor quality and would require upgrading to widen the seal portion on the western end and re-sheeting.

On receipt of correspondence from Avon Waste supporting access to occur through the golf course access, a request was sent to Main Roads for preliminary comment on the proposal. Main Roads responded 13 January 2017 and provided that:

“There are serious concerns regarding the newly proposed access point with regards to the following:

- 1. Close proximity to the existing parking bay;*
- 2. Close proximity to the golf club access/agress and sharing access track, which is intended for low volume, low intensity light vehicle movements only.*
- 3. Potentially hazardous vehicle movements to and from the fast lane of the overtaking lane.*

The sight lines assessment needs to be checked against MRWA requirements by the applicant as Main Roads is not supportive of the location due to the above reasons.”

Officers may not agree with all points listed above, although agree that there are concerns related to the right in/right out access from an overtaking lane, and in the context of allowing further intensification of the access way, would deem Ashworth Road, involving right in movements from a single lane more appropriate.

Discussion with Main Roads also occurred in regards to works that could occur to resolve the issue and were advised that this would involve either widening to allow a slip lane, or modification to the overtaking lane. It was advised that the overtaking lane is shorter than required to meet current Main Road standards and a portion of the overtaking lane would not be supported to be dedicated as a right-in turn only.

The applicant and adjoining landowners were consulted with the opportunity to review and provide further technical comment to address the issues raised as occurred with the TIS prepared to support the Ashworth Road access, and were subsequently advised by the applicant that access would be pursued on Ashworth Road as per the approval.

The Shire is required to give due regard to comments received from statutory authorities, and although Main Roads does not control the use and management of local reserves or roads, it does control and manage Great Southern Highway. Regulation 14 of the *Local Government (Uniform Local Provisions) Regulations 1996*, prepared under the *Local Government Act 1995* requires crossovers, or modifications to crossover to undertaken in accordance with an approval by Main Roads. The sealing and upgrading works within the verge are likely to constitute construction, and Main Roads consent is required to adequately upgrade the access way to an appropriate standard for further intensification.

Condition 1 also required the submission of turning circles to demonstrate that vehicles can turn lane corrected, including left out turns. Further information was submitted to Main Roads on request demonstrating that this can occur and was also confirmed via a site visit. The main safety concerns with the use of Ashworth Road and listed in the submissions are with regards to left out turns and the potential for turning vehicles to impede accelerating vehicles in the overtaking lane. The vehicles can turn lane corrected and should not impede vehicles in the outer overtaking lane.

A number of submissions also raised issues of precedence through use by existing vehicles. The golf course access has been utilised by the golf course since at least 1993, and the septage ponds from at least 1997. Vehicular trips to the septage ponds over the last three months have averaged approximately 1 per week of vehicles similar in size to Avon Waste garbage trucks, and light vehicles for the golf course. This is an existing situation that has been in operation for a significant amount of time, with no alternative access available and is not considered a precedence which would deem intensification of the access appropriate if there are concerns regarding its use for additional vehicles.

In summary the submissions received requesting the use of the golf course access are noted, and in regards to concerns regarding speed due to gradients, it is considered that both accesses have similar potential for increased speed due to the gradients and presence of overtaking. On balance it is considered that intensification of use of the golf course access by Avon Waste is not appropriate, and without Main Roads consent may not be able to be fully upgraded to the standard that will be sought for the crossover onto Ashworth Road.

Should amendments to Great Southern Highway occur to resolve the above concerns with the right in turn making the golf course access suitable, Officers would be open to discussing arrangements for its use.

Should Councillors choose to support the use of golf course access (noting that this is only supported by the landowner on the conditions listed previously), it would be recommended that the application be deferred to allow officers time to resolve the matters related to management and maintenance, consultation with existing users, and potentially will require an amendment to the application for planning consent.

Waste Water Management

Concerns have been raised regarding the cleaning of both bins and trucks at the site and potential for hazardous and poisonous waste water being washed into the water table as well as noting that the oil/water separator is not sufficient and that a comprehensive environmental plan should be required to demonstrate how toxic run off will be processed prior to release and to be submitted to DER or the EPA for approval.

The condition of approval required the submission of a waste water management plan. The proposal was referred to DER for comment, who provided no objection on the basis of the Environmental Protection Authority Act 1986, or Contaminated Sites Act 2003. Further discussion with DER advised that there are no approvals required for the water or treatment, although suggested that the Shire require testing of the water to ensure that water is of a sufficient quality prior to discharge to the swale, which has been included within the submission.

A schedule of submissions is included within **Appendix B**, providing further comment on individual submissions.

Strategic Implications:

The proposal was considered consistent with the Shire's Strategic Community Plan at that time and was relevant with the following objectives:

- Ensure access to services as needs change within the community;
- Protect and enhance our rural land and spaces;
- Develop commercial and economic viability to support growth capacity; and
- Facilitate commercial and service industry growth.

This proposal is to consider details associated with the proposal and is consistent with these objectives which have in essence been carried through to the newly adopted 2016-2016 Strategic Community Plan.

Policy Implication:

Nil

Financial Implications:

Nil

Legal and Statutory

The proposal has been assessed in accordance with the statutory framework set by the Scheme of York Town Planning Scheme No.2 and Planning and Development (Local Planning Schemes) Regulations 2015.

Risk related

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

Voting Requirements:

Absolute Majority Required: No

**RESOLUTION
040317**

Moved: Cr Randell

Seconded: Cr Heaton

“That Council:

Approves the details submitted in Appendix A to meet condition 1 of the planning consent dated 13 November 2015 for a Transport Depot at Lot 5113 (Hse 3933) Great Southern Highway, Daliak, subject to the following:

- 1. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Application for Approval Plans and details (enclosed), including any notes placed in red by the Shire and except as may be modified by the following:***
 - (a) The Transport Depot being relocated 50m north to avoid the removal of vegetation. The Finished Floor Level, and cut and fill proposed shall remain consistent with the levels proposed in the Stormwater Plan.***
 - (b) The proposed crossover to Ashworth Road being relocated approximately 45m south to the satisfaction of the Shire to avoid removal of vegetation.***
 - (c) The crossover shall be sealed to the satisfaction of the Shire.***
 - (d) The swale shall be constructed to the satisfaction of the Shire.***
 - (e) Additional landscaping on north and eastern elevations shall be provided to the satisfaction of the Shire and generally in accordance with the following:***
 - (i) A 10m wide landscaping strip will be required to be provided to the northern side of the development to the satisfaction of the Shire, using a mixture of LS-4 (Jam Tree) spaced at 5m intervals and LS-5 (Forest Sheoak) spaced at 10m intervals to provide height required for screening on this elevation.***
 - (ii) A 15m landscaping strip will be required to be provided to the eastern side of the development facing the golf course to the satisfaction of the Shire, using a mixture of species of either LS-4 or LS-5 spaced at 10m intervals and LS-3 (Grevillia) and LS-4 spaced at intervals of 10m, alternating species.”***

ADVICE NOTES:

- Note 1:** If an applicant is aggrieved by this determination there may be a right of appeal under the *Planning & Development Act 2005*. An appeal must be lodged within 28 days of the determination.
- Note 2:** This approval relates to approval of details as specified by condition 1 of the planning consent for a Transport Depot dated 13 November 2015 only. All conditions and requirements of the planning consent are not amended in any way by this application and continue to apply. Please note that, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, the development is required to be substantially commenced within two years of the date of determination.
- Note 3:** If the development the subject of the planning consent dated 13 November 2015 (and associated approval of details) is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval (and associated approval of details) will lapse and be of no further effect.
- Note 4:** An application for a crossover shall be submitted to the Shire prior to commencement of works. A copy of the application form can be downloaded on the Shire of York website.
- Note 5:** The development is at all times required to comply with the Environmental Protection (Noise) Regulations 1992.

Note 6: No licences are required by the Department of Mines and Petroleum for the storage of diesel in a 27,000L tank, although it is recommended that signage be placed in accordance with AS1940: The Storage and Handling of Flammable and Combustible Liquids and include placard quality hazchem sign at the front gate, C1 combustible liquid sign on tank and that tanks be double skinned.

CARRIED: 5/1

Cr Walters returned to the room at 5.18pm

The Shire President advised Cr Walters of the Council decision.

SY024-03/17 – 2017 Community Scorecard Results

FILE REFERENCE: CS.INF.4.1
APPLICANT OR PROPONENT(S): N/A
AUTHORS NAME & POSITION: Paul Martin, Chief Executive Officer
RESPONSIBLE OFFICER: Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL: 19 December 2016
DISCLOSURE OF INTEREST: Nil
APPENDICES: 1. Community Scorecard Results Report

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

This report formally tables the findings of the 2017 Biennial Community Scorecard for Council's consideration.

This report is not intended to provide detailed commentary on how the issues raised will be addressed. This will occur following Council consideration and adoption of the 2017/18 budget.

Background:

Council considered the undertaking of the community scorecard at the December 2016 Ordinary Council Meeting where it resolved the following:

“That Council adopts the 2017 Community Scorecard questionnaire as attached at Appendix 1 and requests the Chief Executive Officer to arrange distribution of the survey as outlined in this report.”

The approved survey was distributed in accordance with the agenda report to 1191 households and was available online. A media release was issued promoting the availability of the survey and an article was included in the February edition of the “Community Update” page in the local paper.

Comments and details:

A copy of the Scorecard report prepared by CATALYSE is attached at Appendix 1.

The strategic highlights of the survey (as indicated on page 4 of the report) are as follows:

341 residents completed a 2017 MARKYT Community Scorecard for the Shire of York.

The Shire of York's overall performance is moderate:

- *Place to live | 67 index points (6 points below WA Industry Standard)*
- *Governing organisation | 43 index points (13 points below WA Industry Standard)*

Relative strengths | areas where performance is on par with other councils are:

- *customer service*
- *communicating with residents through updates in the local newspaper*
- *seniors facilities and services*
- *how history and heritage is preserved and promoted*

Community priorities | moving forward the community would like the Shire to focus on:

- *improving leadership and value for money*
- *strengthening tourism and economic development*
- *restoring and enhancing the Avon River*
- *better streetscapes, roads, footpaths and cycleways*

When asked to prioritise 5 major projects, the top two projects to support are:

1. *Developing Avon Terrace and the CBD area*
2. *Enhancing Avon Park (especially for families with younger children)*

Community variances

Generally, performance ratings tend to be lower among 35-54 year olds and among residents with older children (13+ years).

Councillors and Senior Staff received a briefing on the findings from a representative of CATALYSE on Monday, 13 March, 2017.

The results provide meaningful feedback and review on how the organisation communicates and engages with the community. The results importantly create a baseline standard of service delivery and priorities the community has for the organisation which can be measured into the future.

CATALYSE has made four recommendations in relation to the findings (as outlined on page 88 of the report) as follows:

1. *Strengthen perceptions of leadership by being transparent and accountable and rebuilding trust and confidence in the local community.*
2. *Review and communicate the value equation:*
 - *How can rates / budgets / costs be decreased?*
 - *How can benefits be increased and better communicated?*
3. *Stimulate economic development, tourism and job creation through:*
 - *Business and industry attraction strategies*
 - *CBD revitalisation*
 - *Avon River restoration and Avon Park enhancements*
 - *Tree planting program and streetscape enhancements*
4. *Improve connectivity with better roads, footpaths and cycleways.*

Some of these recommendations are already identified in the Council's Corporate Business Plan with actions being progressed which will address community issues. Others, such as CBD revitalisation, are not currently reflected and will need to be considered as part of the 2017/18 budget process. The findings and recommendations relating to leadership, transparency and accountability will need to be addressed across the organisation, both at a Councillor and Administration level.

It is proposed that the results are workshopped with Councillors over the coming months during the development of the 2017/18 FY budget to accommodate as much as possible the priorities of the community.

Reporting on how the findings and recommendations have been addressed can be included as part of the budget documentation.

Progress made on addressing the issues raised by the community can be measured when the survey is undertaken again in two years' time.

Implications to consider:

- Consultative
This is the first time the Shire of York has undertaken a survey of this nature for some time. Council is encouraged to consider the results and findings.
- Strategic
The results:
 - will be considered as part of the 2017/18 budget process and in the review of the Council's Corporate Business Plan in 2019.
 - provide an indication of community opinion on the organisation and establish a baseline of the standard of service delivery for the community.
 - provide an insight into how the community wishes to communicate and engage with the organisation.
 - give the community's view on major priority projects for the organisation (ie Avon Terrace/CBD upgrades, Avon Park, Swimming Pool upgrades etc).
 - will be used as input into the new Town Planning Scheme being developed.
- Policy related
The findings should influence consideration of the Council's policies over the next two years.
- Financial
\$15,000 was budgeted to conduct the survey in this financial year. The project will be delivered within budget.
- Legal and Statutory
Nil
- Risk related
The main risk associated with this matter is that Council and the organisation do not listen to the views of the community and improvements are not made between now and when the next survey is undertaken in two years. Council will need to consider this as it determines priorities for the 2017/18 FY budget and review of the Corporate Business Plan.

Voting Requirements:

Absolute Majority Required: No

**RESOLUTION
050317**

Moved: Cr Ferro

Seconded: Cr Saint

“That Council:

- 1. Notes the findings of the 2017 Community Scorecard as attached at Appendix 1 and adopts the recommendations contained in the report as detailed below:***

Strengthen perceptions of leadership by being transparent and accountable and rebuilding trust and confidence in the local community.

Review and communicate the value equation:

- How can rates / budgets / costs be decreased?***
- How can benefits be increased and better communicated?***

Stimulate economic development, tourism and job creation through:

- Business and industry attraction strategies***
- CBD revitalisation***
- Avon River restoration and Avon Park enhancements***
- Tree planting program and streetscape enhancements***

Improve connectivity with better roads, footpaths and cycleways.

- 2. Requests the Chief Executive Officer to place a copy of the report on the Shire’s website for access by the community.***
- 3. Requests the Chief Executive Officer to incorporate the findings as much as possible into the draft 2017/18 FY budget for Councils consideration and report on how this has been achieved in the final budget documentation.”***

CARRIED: 7/0

SY025-03/17 – Avon Terrace Revitalisation Grant Pilot Program

FILE REFERENCE: PS.PPD.2
APPLICANT OR PROPONENT(S): Various
AUTHORS NAME & POSITION: Esmeralda Harmer, Community & Economic Development Officer
RESPONSIBLE OFFICER: Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL: N/A
DISCLOSURE OF INTEREST: N/A
APPENDICES: N/A

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

This report seeks Council's endorsement of a proposed Avon Terrace Revitalisation Grant pilot program and outlines how this could be delivered to CBD businesses for application.

It also outlines the available grant funding pool, Council's strategic commitment to support such a program and requests Council to consider matched funding contributions by businesses and the Shire as a prerequisite for the program.

Background:

Included in Council's adopted Strategic Community Plan, one of the priorities for the next four years is;

- ***Supporting improvements to the appearance of the Avon Terrace commercial area. At this stage the Council proposes the allocation of grants to assist shop owners and occupiers to paint and improve the appearance of the main street and encouraging community support.***

Funding to support Council's priorities, specifically for Avon Terrace revitalisation was determined as part of the 2016/17 budget process and \$10,000 was allocated for this purpose.

This report requests Council to consider using this budget allocation to provide a funding pool for application that supports the Avon Terrace Revitalisation Grant program.

Comments and details:

Officers propose the Avon Terrace Revitalisation Grant program attempts to provide targeted support to improve main street amenity which in turn is designed to stimulate business activity. This report suggests the grant program could provide matched funds to business operators or property owners to undertake visual improvements to their shop fronts and facades with particular focus on painting and facade clean ups.

Officers are proposing the grant program be referred to as a pilot to enable Council to review its effectiveness following the first round and determine if the program will continue into future years.

Given the limited resources of the Shire and the allocation to this program, Officers are proposing for the first round, the grants be focused on buildings in Avon Terrace rather than the entire CBD. This could be reviewed in future years depending upon the program's continuation. The following guidelines and outcomes for the pilot program have been prepared for Council's consideration.

Eligibility

To be eligible for funding from the Avon Terrace Revitalisation Grant pilot program applicants must be:

- a property or business located on Avon Terrace
- a property owner or a tenant holding owner's consent.

The following are proposed to be criteria that will be considered ineligible for funding as they do not meet the identified purpose of this program:

- Routine maintenance.
- Internal shop fittings including display shelves and painting.
- Properties owned by employees of the Shire of York.
- Projects that will rely on future/recurrent funding from the Shire of York.

Funds can be used for the following:

- Enhancement of shop frontages.
- Cleaning and repainting of external building surfaces visible from the main street.
- Repairs to under awnings of verandahs.

Funding conditions

Officers suggest the following in regards to the grant amounts:

- The contribution from the Shire of York is capped at \$2,000 per premise
- Applicants will need to at least match the contribution they are seeking from the Shire in cash.
- Applications will be given preference if they contribute more than the allocation from the Shire.
- The matched financial contribution (not value-in-kind) to the project is not obtained through any other funding support from state, or federal governments, although leveraging funding from these sources as additional to the business contribution could be considered.

This model allows the opportunity to consider a higher number of applications, remains cost effective for both the Shire and applying businesses and specifies how much funding can be obtained through the program.

In order to evaluate the success of the program, Officers recommend a simple acquittal process be included as part of the grant funding requirements where successful applicants will be required to provide an expenditure report detailing how funds were acquitted, potential benefits gained from the grant funds and provide copies of receipts of expenditure.

Application & Assessment

To enable the program sufficient time to be advertised and applications received, it is recommended the grant round is opened in April 2017 for a minimum period of three weeks. Officers suggest a range of community engagement methods be undertaken to allow all businesses ample opportunity to apply including;

- Advertising the grant round in local print media
- Distributing a media release to all businesses and residents regarding the funding round
- Availability of application forms on the Shire website and front counter

Once the application process has closed, an assessment panel comprising Shire Officers will review the applications and make recommendations to Council for consideration.

In addition to the amount of funding contributed, applications will be assessed on the following criteria:

- The contribution the project will make to improve streetscape amenity.
- The extent to which the project enhances Avon Terrace as a commercial destination.

Successful applicants will be required to complete all agreed activities within 12 months from the funding approval date.

Outcomes

It is envisioned the outcomes of the Avon Terrace Revitalisation Grant pilot grant program could include;

- Improved, lively and attractive commercial precinct streetscapes
- Potential to increase footfall and patronage for retail outlets
- Increased numbers of venues improving or maintaining their street façade, improving the vibrancy of the main street and its business operations.

Should Council support this initiative and it is well received by the CBD businesses, Officers suggest that Council could consider maintaining or potentially building on the existing program's capacity and scope to further revitalise other precinct amenities within the town.

Implications to consider:

- **Consultative**

Officers have workshopped the proposed pilot program and considered any planning, heritage or building approvals that may need to be undertaken. Consultation with local businesses through Business Forums and Networking events has also provided opportunities to discuss options that meet the expectations of businesses, considering the level of funding available and align to the principles of the intended funding. Information obtained through these consultations has been considered and included where relevant to this program. Continued community engagement is expected to occur as outlined in this report should Council be supportive of the Avon Terrace Revitalisation Grant pilot program.

- **Strategic**

As identified within this report one of Council's priorities through the Strategic Community Plan is to support improvements to the appearance of the Avon Terrace commercial area.

It is envisioned through this program Council would be addressing its commitment to make improvements to the CBD precinct by providing all main street businesses an opportunity to access funding to support these developments. Furthermore, matched funding contributions can be considered a strategically important opportunity to develop effective relationships between business owners and the Shire to achieve outcomes such as improving the appearance of the main street and encouraging community connectivity.

- **Policy related**

Officers recommend any improvements to CBD businesses undertaken through this program be in consultation with Building, Planning and Cultural Heritage departments to ensure each scope of works complies with relevant regulations and legislative requirements.

- **Financial**

Funding to support the Avon Terrace Revitalisation Grant pilot program can be considered from GL41105 Avon Terrace revitalisation budget allocation. The total funding pool available in this budget allocation in 2016/17 for potential use is \$10,000.

- Legal and Statutory

Any approved projects will still be required to comply with all statutory processes and requirements. Any approvals for funding obtained will not fetter the Shire's statutory obligations.

- Risk related

Although difficult to predict, businesses may choose to paint their shopfronts in a manner that is not conducive to the remaining street scape, causing the potential for the main street to vary in its look and overall appearance. Officers will include heritage experts on the assessment panel to make recommendations to Council.

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION

"That Council:

1. *Adopts the Avon Terrace Revitalisation Grant Pilot Program as presented to Council in this report.*
2. *Requests the Chief Executive Officer to call for applications for the program and present any applications received to Council for consideration."*

RESOLUTION

060317

Moved: Cr Smythe

Seconded: Cr Saint

"That Council:

1. ***Adopts the Avon Terrace Revitalisation Grant Pilot Program as presented to Council in this report.***
2. ***Requests the Chief Executive Officer to call for applications for the program and present any applications received to Council for consideration.***
3. ***Businesses and premises who have a Shire debit (rates or other outstanding debt) more than 90 days are ineligible to receive funds from this program."***

CARRIED: 7/0

Reason - Point 3 included to cover any business or premises owner who may have a Shire debit

Disclosure of Interest –

Cr Denese Smythe – Impartial – On Committee of Hub

Cr Tricia Walters – Impartial – Member of Women’s Hub

Cr Smythe read the Impartiality Declaration - ... With regard to the Approval to Advertise Business Plan – Disposal of Old Tennis Courts and Relocation of the Wheatbelt Women’s Health Hub Inc the matter in Item SY026-03/17 I disclose that I have an association with the applicant (or person seeking a decision). The association is I am a Committee member. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.

Cr Walters read the Impartiality Declaration - ... With regard to the Approval to Advertise Business Plan – Disposal of Old Tennis Courts and Relocation of the Wheatbelt Women’s Health Hub Inc the matter in Item SY026-03/17 I disclose that I have an association with the applicant (or person seeking a decision). The association is I am a member of the Womens Hub. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.

SY026-03/17 – Approval to Advertise Business Plan – Disposal of Old Tennis Courts and Relocation of the Wheatbelt Women’s Health Hub Inc

| | |
|-------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| FILE REFERENCE: | CCP.39 and CCP.39.1 |
| APPLICANT OR PROPONENT(S): | N/A |
| AUTHORS NAME & POSITION: | Paul Martin, Chief Executive Officer |
| RESPONSIBLE OFFICER: | Paul Martin, Chief Executive Officer |
| PREVIOUSLY BEFORE COUNCIL: | 28 November 2016 |
| DISCLOSURE OF INTEREST: | Cr Smythe – Impartial Cr Walters - Impartial |
| APPENDICES: | 1. Draft Business Plan – Disposal of Old Tennis Courts and Relocation of the Wheatbelt Women’s Health Hub Inc |

Nature of Council’s Role in the Matter:

- Legislative

Purpose of the Report:

This report presents Council with the draft Business Plan – Disposal of Old Tennis Courts and Relocation of Wheatbelt Women’s Health Hub Inc for consideration and approval to progress to advertising providing an opportunity for public comment.

Background:

Council considered as part of an item at the November 2016 OMC the future of this site where it resolved (in part) the following:

2. Requests the Chief Executive Officer to

- (b) prepare a Business Plan in accordance with the Local Government Act for the future uses of the Old Tennis Courts for Council consideration prior to public consultation.**

- (c) **advise the Wheatbelt Women's Health Hub Inc that;**
- (i) **the Shire would like to explore other uses for the site;**
 - (ii) **they are provided with 6 months' notice to vacate the site before 30 June 2017.**
 - (iii) **Officers will work with the Wheatbelt Women's Health Hub Inc to explore the suitability of other Shire owned community facilities and report back to Council.**

This draft Business Plan is now presented to Council for consideration of advertising for a period of 6 weeks providing an opportunity for public comment.

Comments and details:

Officers propose to sell the Old Tennis Courts use the proceeds received to repay Shire debt, and provide the WWHH a lease on the Old Youth Centre for them to occupy into the future.

The draft Business Plan provides information regarding:

1. The Old Tennis Courts site
2. Details on the proposed relocation of the WWHH to the Old Youth Centre including the proposed lease terms.
3. Details regarding how the needs of young people will be addressed if the Old Youth Centre is leased to WWHH.

Implications to consider:

- Consultative
Officers have met with the Women's Health Hub on more than one occasion to determine their preferred location. Their preference is to be relocated to the Old Youth Centre which is not being used. Officers have included this proposed relocation as part of the scope of the Business Plan to provide the community with an opportunity to comment on this prior to a decision being made.
- Strategic
Reviewing Shire's Property Portfolio is an action in the Council's Corporate Business Plan for the next two years.
- Policy related
Nil
- Financial
The financial implications of this proposed land disposal are outlined in the draft Business Plan attached to this report.
- Legal and Statutory

The following are the relevant sections of the *Local Government Act 1995* for undertaking a Business Plan.

3.59. Commercial enterprises by local governments

- (1) *In this section —*
- acquire* has a meaning that accords with the meaning of **dispose**;
 - dispose* includes to sell, lease, or otherwise dispose of, whether absolutely or not;
 - land transaction* means an agreement, or several agreements for a common purpose, under which a local government is to —

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

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

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

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

major trading undertaking means a trading undertaking that —

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

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

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

(2) Before it —

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

a local government is to prepare a business plan.

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

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

(4) The local government is to —

- (a) give Statewide public notice stating that —
 - (i) *the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction; and*
 - (ii) *a copy of the business plan may be inspected or obtained at any place specified in the notice; and*

(iii) *submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*

and

(b) *make a copy of the business plan available for public inspection in accordance with the notice.*

(5) *After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*

** Absolute majority required.*

(5a) *A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.*

(6) *If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.*

(7) *The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.*

(8) *A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.*

(9) *A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.*

(10) *For the purposes of this section, regulations may —*

(a) *prescribe any land transaction to be an exempt land transaction;*

(b) *prescribe any trading undertaking to be an exempt trading undertaking.*

[Section 3.59 amended by No. 1 of 1998 s. 12; No. 64 of 1998 s. 18(1) and (2).]

Although in accordance with the regulations a Business Plan is not required for this land transaction given the value is below \$2 million Officers have considered this is the best way to provide details on the proposed land disposals and provide an opportunity for the community to comment.

- Risk related

The main risk associated with this disposal is that no tenders are received for sale of the Old Tennis Courts for the price Council is seeking. Given it is proposed that any proceeds received are to repay debt this is not likely to impact upon any other projects. The Council at the time will need to consider how to deal with this situation should it arise however Officers consider the worst outcome may be the site remain vacant until a future time when a second tender process could be undertaken.

Voting Requirements:
Absolute Majority Required: No

**RESOLUTION
070317**

Moved: Cr Saint

Seconded: Cr Ferro

“That Council:

- 1. Approves the draft Business Plan – Disposal of Old Tennis Courts and Relocation of Wheatbelt Women’s Health Hub Inc for advertising for a period of 6 weeks in accordance with the Local Government Act 1995.***
- 2. Requests the Chief Executive Officer to present a report to Council at the end of the advertising period outlining any submissions received for Council’s consideration prior to deciding if it will progress with the land transaction.”***

CARRIED: 5/2

Cr Walters and Cr Randell requested that their names be recorded as voting against this motion.

*Cr Smythe left the room at 5.28pm
Cr Smythe returned to the room at 5.29pm*

SY027-03/17 – Minutes of Audit Committee Meeting held 9 March 2017

FILE REFERENCE: FI.FRP.6
APPLICANT OR PROPONENT(S): Shire of York
AUTHORS NAME & POSITION: Natasha Brennan, Administration Support Officer
RESPONSIBLE OFFICER: Suzie Haslehurst, Executive Manager Corporate and Community Services
PREVIOUSLY BEFORE COUNCIL: No
DISCLOSURE OF INTEREST: Nil
APPENDICES: 1. Audit Committee Meeting Minutes 9 March 2017

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

To receive the minutes and adopt the recommendations of the Audit Committee Meeting held on Thursday 9 March 2017.

Background:

The minutes of the Audit Committee meetings are provided for Council and community information and are attached to this report at Appendix 1.

Comments and details:

At the meeting of the Audit Committee held on 9 March 2017, the following items were considered:

- 2016 Compliance Audit Report
- Statutory Mid-Year Budget Review for the 2016/17 Financial Year
- Ratio Analysis

Implications to consider:

- Consultative
Nil
- Strategic
Nil
- Policy related
G4.6 *Risk Assessment and Management*
- Financial
Nil
- Legal and Statutory
Local Government (Audit) Regulations 1996
16. *Audit committee, functions of*
An audit committee —
(a) *is to provide guidance and assistance to the local government —*
(i) *as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and*
(ii) *as to the development of a process to be used to select and appoint a person to be an auditor;*

- and
- (b) may provide guidance and assistance to the local government as to —
 - (i) matters to be audited; and
 - (ii) the scope of audits; and
 - (iii) its functions under Part 6 of the Act; and
 - (iv) the carrying out of its functions relating to other audits and other matters related to financial management; and
 - (c) is to review a report given to it by the CEO under regulation 17(3) (the **CEO's report**) and is to —
 - (i) report to the council the results of that review; and
 - (ii) give a copy of the CEO's report to the council.

[Regulation 16 inserted in Gazette 31 Mar 2005 p. 1043; amended in Gazette 8 Feb 2013 p. 867.]

17. CEO to review certain systems and procedures

- (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —
 - (a) risk management; and
 - (b) internal control; and
 - (c) legislative compliance.
- (2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.
- (3) The CEO is to report to the audit committee the results of that review.

[Regulation 17 inserted in Gazette 8 Feb 2013 p. 868.]

- Risk related
Nil

Voting Requirements:

Absolute Majority Required: Yes

**RESOLUTION
080317**

Moved: Cr Randell

Seconded: Cr Walters

“That Council receives the Minutes of the Audit Committee meeting held on 9 March 2017 and adopts the recommendations from the Audit Committee as follows;

- 1. Adopts the completed 2016 Compliance Audit Return, as attached to this report for certification by the Shire President and the Chief Executive Officer in accordance with Regulation 15(2) of the Local Government (Audit) Regulations 1996;***
- 2. Requests the Chief Executive Officer to submit the 2016 Compliance Audit Return to the Executive Director of the Department of Local Government and Communities in accordance with Regulation 15(1) of the Local Government (Audit) Regulations 1996;***
- 3. Notes that the work to be undertaken by Moore Stephens is likely to identify further areas for future improvement; and***
- 4. In accordance with Section 6.8 of the Local Government Act 1995:***
 - (a) Adopts the Mid-Year Budget Review 2016/17 as attached to this report; and***
 - (b) Requests the Chief Executive Officer to forward the adopted Mid-Year Budget Review 2016/17 to the Department of Local Government and Communities within 30 days of Council’s adoption.”***

CARRIED: 7/0

SY028-03/17 – Shire of York Workforce Plan 2017-21

| | |
|-------------------------------------|-------------------------------------------------------------------------------|
| FILE REFERENCE: | PE.EMP.5 |
| APPLICANT OR PROPONENT(S): | N/A |
| AUTHORS NAME & POSITION: | Suzie Haslehurst – Executive Manager, Corporate and Community Services |
| RESPONSIBLE OFFICER: | Suzie Haslehurst – Executive Manager, Corporate and Community Services |
| PREVIOUSLY BEFORE COUNCIL: | No |
| DISCLOSURE OF INTEREST: | Nil |
| APPENDICES: | 1. Shire of York Workforce Plan 2017-21 |

Nature of Council’s Role in the Matter:

- Executive

Purpose of the Report:

All local governments are required by the WA Department of Local Government and Communities (DLGC) to develop a Workforce Plan as part of the State’s Integrated Planning and Reporting Framework. This report presents the Draft Workforce Plan for Council’s information and endorsement.

Background:

As part of the 2016/17 budget adoption, Council approved an allocation to engage consultants to undertake a strategic review of the Shire’s Human Resources planning, processes and management. In November 2016, Officers sought quotations in accordance with the Shire’s policy F1.2 *Purchasing*. Following an evaluation process against agreed criteria, *One Degree Advisory* was appointed in collaboration with sub-consultants *LG People* to;

- review and develop comprehensive Human Resource Practices and Policies for the organisation;
- prepare a workforce plan for the organisation in accordance with the DLGC’s Workforce Planning Toolkit; and
- assist the organisation with change management and building and strengthening the organisational culture.

The consultants commenced the project in December 2016 with the following taking place to date;

- review of existing Shire plans and documentation;
- inception meeting with executive management group to agree on the principles of engagement;
- initial workshops with staff to introduce the project and gather data about specific tasks and positions;
- staff survey with 43 responses received;
- identification of capacity gaps and discussion with the executive management group regarding possible structural changes;
- initial Council briefing
- development of the draft workforce plan, position descriptions, templates and forms, sample policies and processes;
- review of all documents by the executive management group; and
- workshops with all staff to introduce new position descriptions.

In the coming weeks, the consultants will conduct workshops with all staff regarding;

- customer service;
- staff management; and
- change management and resilience.

The final part of the project will include the development of a staff training plan and a volunteer management strategy for the Shire.

Comments and details:

The Workforce Plan (WFP) has been informed by Council's Strategic Community Plan (CSP) and Corporate Business Plan (CBP). The aim of the WFP process is to determine the capacity of the organisation to meet the requirements of these plans and identify any gaps in staffing capacity and capabilities.

The consultants have reviewed the Shire's plans and identified the following challenges in relation to the Shire's workforce and the implementation of Council's CBP;

- attracting and retaining skilled staff;
- ageing labour force in some areas;
- meeting community service and infrastructure expectations;
- funding of positions;
- changes in technology and equipment; and
- changing legislative requirements and the potential impacts on productivity and budget.

In addition, a lack of a mature record keeping system has been noted as a risk to the organisation with insufficient historical information regarding remuneration, generous enterprise bargaining agreements, evidence of training needs, and inefficiencies contributing to workforce costs.

The WFP states:

The key themes of the Community Strategic Plan (SCP) are specific in mandating improvements to Governance and Leadership, Service Delivery, Asset and Infrastructure Management, Community and Economic Development, Heritage and Environment

In each of these areas there are currently identified issues with skills, capacity and resources, as well as chain of command. This poses risks to achieving objectives in core services as well as in the key results areas of the SCP.

The consultants have proposed changes to the organisational structure to better meet the expectations of Council and the community and to address the challenges outlined above. The restructure implemented in June 2016 focused on officer at the senior level. These proposed changes are aimed at the operational aspects of the workforce. The following comment provides a summary of the proposed changes.

Office of the CEO

Executive Support

It is proposed that the *Executive Assistant to the CEO* becomes *Council & Executive Support Officer* with some of her previous responsibilities moved to Corporate and Community Services. This provides high level support to the CEO and the Executive Manager Infrastructure & Development Services and maintains the current level of Council support (meetings, minutes, agendas etc). In addition, it is proposed that the *Executive Support Officer* (part-time) for the Executive Manager Corporate and Community Services and the revised *Projects/Administration Support Officer* positions provide back-up in this area.

Budget Implication: Nil

Events/Economic Development

Given Council's increased focus on attracting events as a strategy to activate the town and improve economic development, the *Community & Economic Development Officer* has limited time to devote to community development initiatives. Council has recently considered a number of large events and tourism initiatives which are being led by this officer. While the decision to create the role with joint responsibility for economic and community development was a conservative budget approach, it is acknowledged that the increased level of activity exceeds one full-time equivalent (FTE) position. It is therefore recommended that the role is changed to *Events & Economic Development Officer* with responsibility for community development moved to the Corporate and Community Services area. It is proposed that this change is not implemented until additional resources for community development can be funded. This is further discussed below.

Budget Implication: Nil for the Office of the CEO. Other implications discussed below.

Corporate & Community Services

Finance & Administration

It is recommended that the name of the *Financial Controller* is changed to *Finance Manager* to recognise the importance of this role within the organisation and apply a more contemporary title reflective of industry standards.

The current *Projects/Administration Support Officer* is proposed to become *Senior Administration and Governance Officer*. This will provide a line supervisor for customer service and administration staff and will focus on governance, compliance, leasing, customer service charter and rostering.

Restructuring of the customer service team is proposed to ensure that there is an authorised licensing officer rostered at all times and to meet community needs in terms of library services as discussed below. This means that there will be two *Customer Services Officers* rostered for two days per week with back-up provided by the *Library Officer* on duty. A structured lunchtime roster will also reduce the impost on other staff being asked to provide back-up.

Record-keeping is a legislative compliance issue and while the Shire employs a full-time *Records Officer*, much of her time is spent answering phones and recording emails for other officers. This is an area of risk for the Shire and is most likely to be identified as an area requiring improvement by the Shire's auditors. The following measures are proposed to mitigate this and allow more focus on improving the Shire's records systems and processes;

- investigate and implement online records awareness training for all staff;
- develop a comprehensive procedure manual for recording of electronic and physical records and provide a briefing to staff;
- provide training to all staff to enable them to record their own emails;
- make minor modifications to allow all staff to access and utilise the features of the Shire's phone system.

Budget Implication: Minimal – potential incremental increase for officers responsible for managing staff.

Library Services

Statistics for the Library indicate that the library is well used by over 50% of the population. The Library is currently serviced by a casual *Library Officer* working one day per week with *Customer Service Officers* providing back-up on a rotating roster. A restructure of the Customer Service Area and an additional one day per week for the newly titled *Senior Library Officer* would increase the level of service in this area with the library staffed full-time and the front counter staffed by one full-time and one part-time officer and back-up provided by library staff. It is also proposed that the library position would be a permanent part-time position as opposed to casual (the current incumbent has been working in the library for 11 years on a casual basis).

Budget Implication: An additional day per week for the *Senior Library Officer*.

Community Development

The WFP identifies a gap in the ability to deliver services that meet community expectations and address the strategies outlined in the CSP and CBP with regards to community development. As discussed above, while the role of the current Community and Economic Development Officer includes community development. Given Council's (and the community's increased focus on events and economic development, the increased workload means that the Shire provides limited or no services relating to seniors, access and inclusion or young people in the Shire. In addition, The Shire participates in the Department of Sport & Recreation's Kidsport Program but responsibility is currently shared between a *Customer Service Officer* and the *Finance Officer (Creditors)*.

The Shire's CBP includes a desire to increase levels of service in the following areas over four years (2016-20);

- economic development including events and tourism promotion
- community development including partnerships and volunteerism
- youth support including projects and network development
- visitor information services
- disability, access and inclusion with consideration given to asset management and service provision
- age-friendly community projects

While the employment of a *Community and Economic Development Officer* in 2016/17 was intended to partially address the above aspirations, it is acknowledged that the level of activity required is too much for one FTE to undertake.

If Council is keen to address this gap, it could consider engaging a dedicated *Community Development Officer* responsible for sport and recreation, club development, seniors, youth, access and inclusion, community sponsorship and grant writing. This position could potentially be part-funded through the WA Department of Sport and Recreation's Club Development Officer Scheme but this would need to be explored further. This new position has been proposed in the WFP and could be implemented in the short or medium term, depending on Council's appetite for increasing levels of service in this area and funding becoming available.

Budget Implication: Will require investment.

Infrastructure and Development Services

Development Services

The Shire has previously advertised the position of *Building Surveyor* twice with no satisfactory result. Therefore, the Shire's building services are currently outsourced with a consultant from Perth contracted to provide building surveying services one day per week. This is an expensive arrangement that does not meet the needs of the community or the Shire's ability to monitor compliance. It is proposed that this role be re-classified as *Building Surveyor/Compliance Officer*. This will facilitate a more consistent and structured approach to the monitoring of building/planning compliance issues within the Shire. This role could potentially be shared with another local government but this would need to be explored further.

It is also proposed that the current Senior Planner becomes the line manager for the *Building Surveyor/Compliance Officer* and the *Environmental Health Officer* with the Shire's cleaners reporting to the *Environmental Health Officer*.

Budget Implication: There is an existing budget allocation for the *Building Surveyor* role. Officers are therefore recommending that this position is advertised once Council has endorsed the WFP so that the role can be filled prior to the start of the new financial year with no additional resources required. There may be a minimal budget implication for the *Senior Planner* role to recognise responsibility for staff supervision.

Operations

In order to better reflect the strategic aspects of the role with regards to planning and asset management, it is proposed that the *Works Manager* becomes *Manager Infrastructure*. However, as this restructure was being developed the Works Manager resigned from the Shire and Officers are not proposing to recruit a replacement within this financial year. Given the significantly elevated role and scope of the relatively new position of Executive Manager Infrastructure and Development Services, the new appointment of an Asset Management Officer and the existing role of Works Supervisor, this part of the workforce may have sufficient leadership, skills-breadth and technical expertise to continue without filling this vacant position. This will be reviewed prior to 30 June.

It is further proposed that the reporting line for the *Building Maintenance Officer* is clarified to report to the *Works Supervisor*. It is envisaged that the *Building Maintenance Officer* will also work closely with the *Asset Management Officer* and the Town Maintenance Crew.

Budget Implications: Nil

Waste Management Services

Waste management operations (collections and waste transfer station operations) are currently outsourced with the contract due for renewal. The consultants have proposed that Council considers in-house management of at least the Shire's Waste Transfer Station.

Budget Implications: To be determined as part of the business case to be considered by Council.

Outside Crew

Working with the Executive Manager Infrastructure and Development Services, the consultants are proposing that the outside workforce is restructured to establish three specialist teams that will, when required, work together on projects (eg recent flood mitigation), but for the majority of the year will focus on their area of specialisation. These teams are:

- *Parks and Gardens*
- *Town Maintenance*
- *Road Construction and Maintenance*

Each team will have a *Leading Hand* that will ensure improved communications, team development and work focus for all staff. It is recommended that in the event of a vacancy in the Parks and Gardens team, consideration is given to employing a horticulturalist to be responsible for maintenance planning for the Shire's parks, gardens and reserves.

Budget Implications: Minimal

Proposed Timeline for Implementation

It is recommended that the proposed changes that have no budget implications are introduced prior to the end of the financial year. The consultants will be leading staff through change management workshops so it appropriate to implement these changes sooner rather than later. Therefore, should Council endorse the WFP, Officers are aiming commence implementation in April this year.

Where budget implications have been identified, these will be proposed as part the annual budget process for Council's consideration and prioritisation. It should be noted that at the time of writing the WFP, the results of the Community Survey were not known. Officers will be encouraging Council to consider these results when considering priorities in the 2017/18 budget process.

Implications to consider:

- Consultative
The methodology for the HR project has included staff workshops, a staff survey, two Council briefings, meetings with the Executive Management Group and several one-on-one meetings with executive and other staff as required.
- Strategic
The WFP strategies include an indication of their relevance to the five strategic themes in the Shire's Strategic Community Plan.

It is proposed that whenever Council is considering new projects, an assessment of the impacts on the workforce is undertaken. Therefore, Officers recommend that the "Implications to Consider" section of the template for agenda reports is updated to include "Workforce".

- Policy related
G1.10 *Workforce and Human Resources*
G1.11 *Organisation Structure and Designation of Senior Employees*
G4.1 *Integrated Planning and Reporting: (Planning)*
- Financial
The budget implications of the WFP will be included in the 2017/18 Budget process for Council's consideration. It should be noted that the *Community Development Officer* is the only new position proposed requiring additional resourced.
- Legal and Statutory
Local Government Act 1995
5.2. *Administration of local governments*
The council of a local government is to ensure that there is an appropriate structure for administering the local government.

Local Government (Administration) Regulations 1996
19DA. *Corporate business plans, requirements for (Act s. 5.56)*
(3) *A corporate business plan for a district is to —*
(c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- Risk related
The WFP identifies workforce gaps as a risk to the achievement of the goals of the SCP and CBP. The strategies proposed in the WFP are aimed at mitigating these risks.

Voting Requirements:

Absolute Majority Required: Yes

**RESOLUTION
090317**

Moved: Cr Saint

Seconded: Cr Ferro

“That Council;

- 1. *Endorses the Draft Workforce Plan 2017-2021 as attached to this report noting that;***
 - (a) the Workforce Plan has been prepared in accordance with the Department of Local Government and Communities guidelines;***
 - (b) minor changes may be made to the Plan before implementation;***

- 2. *Requests the Chief Executive Officer to;***
 - (a) include the budget implications of the Workforce Plan for Council’s consideration as part of the annual budget process during the term of the Plan;***
 - (b) attach the Plan as an Appendix to Council’s Corporate Business Plan 2016-2020;***
 - (c) update the Council agenda report template to include workforce implications;***

- 3. *Notes that the Building Surveyor/Compliance Officer will be advertised prior to 30 June 2017 in order to ensure continuity of service in this area with no additional resources required”.***

CARRIED: 7/0

SY029-03/17 – Financial Report for February 2017

| | |
|-------------------------------------|--------------------------------------------------------------------------------------------------------|
| FILE REFERENCE: | FI.FRP |
| APPLICANT OR PROPONENT(S): | Not Applicable |
| AUTHORS NAME & POSITION: | Tabitha Bateman, Financial Controller |
| RESPONSIBLE OFFICER: | Suzie Haslehurst, Executive Manager Corporate and Community Services |
| PREVIOUSLY BEFORE COUNCIL: | No |
| DISCLOSURE OF INTEREST: | Nil |
| APPENDICES: | Monthly Statements List of Creditors Payments 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 Report summarises the Shire's operating activities and non-operating activities.

Comments and details:

The Financial Report for the period ending 28 February 2017 is presented for Council's consideration and includes the following;

- Monthly Statements for the period ended 28 February 2017
- 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 28 February 2017;

Outstanding Rates and Services

Total outstanding rates as at 28 February 2017 are \$1,839,900 compared to \$1,974,838 as at 31 January 2017.

Previous Years

| | | | |
|---------------------------------------------|------------------------------|--------|----------------------|
| 3 years and over | \$176,833.02 | 9.61% | of rates outstanding |
| 2 years and over | \$131,106.72 | 7.13% | of rates outstanding |
| 1 year and over | \$314,327.29 | 17.08% | of rates outstanding |
| <u>Total Prior Years outstanding</u> | <u>\$622,267.03</u> | 33.82% | of rates outstanding |
| Current Rates | <u>\$1,217,633.39</u> | 66.18% | of rates outstanding |
| <u>Total Rates Outstanding</u> | <u>\$1,839,900.42</u> | | |

Outstanding Sundry Debtors

Total outstanding sundry debtors as at 28 February 2017 are \$347,744 compared to \$345,649 as at 31 January 2017

| | | | |
|-----------------------------------------|----------------------------|--------|-------------------------------|
| 90 days and over | \$314,172.06 | 90.35% | of sundry debtors outstanding |
| 60 days and over | \$17,505.39 | 5.03% | of sundry debtors outstanding |
| 30 days and over | \$6,007.78 | 1.73% | of sundry debtors outstanding |
| Current | <u>\$10,058.63</u> | 2.89% | of sundry debtors outstanding |
| <u>Total Debtors Outstanding</u> | <u>\$347,743.86</u> | | |

Council is currently in the process of finalising a number of large long-standing debts contained within the above balances. As a risk mitigation strategy, a contingent liability has been included in the Balance Sheet.

Implications to consider:

- **Legal and Statutory**

Local Government Act 1995

6.10. *Financial management regulations 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
100317**

Moved: Cr Smythe

Seconded: Cr Heaton

“That Council receives the Monthly Financial Report and the list of payments drawn from the Municipal and Trust accounts for the period ending 28 February 2017 as summarised below:

Feb-17

| MUNICIPAL FUND | AMOUNT |
|---------------------------------|--------------------------|
| Cheque Payments | 52,905.04 |
| Electronic Funds Payments | 281,188.96 |
| Payroll Debits | 171,747.24 |
| Payroll Debits - Superannuation | 39,175.25 |
| Bank Fees | 1,047.72 |
| Corporate Cards | 11.72 |
| Fuji Xerox Equipment Rental | 86.20 |
| Fire Messaging Service | 0.00 |
| TOTAL | <u>546,162.13</u> |

| TRUST FUND | |
|---------------------------|--------------------------|
| Electronic Funds Payments | 2,062.57 |
| Cheque Payments | 0.00 |
| Direct Debits Licensing | 115,740.20 |
| TOTAL | <u>117,802.77</u> |

| | |
|----------------------------|--------------------------|
| TOTAL DISBURSEMENTS | <u>663,964.90</u> |
|----------------------------|--------------------------|

”

CARRIED: 7/0

SY030-03/17 – Investments – February 2017

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

Nature of Council's Role in the Matter:

- Legislative
- Review

Purpose of the Report:

To report to Council the balance of investments held by the Shire of York as at 31 January 2017.

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 28 February 2017
- 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 12 months;
 - (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

110317

Moved: Cr Smythe

Seconded: Cr Saint

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

CARRIED: 7/0

SY031-03/17 – Outstanding Rates and Sundry Debtors

FILE REFERENCE: FI.DRS.1, FI.DRS.3, FI.DRS.4
APPLICANT OR PROPONENT(S): Various
AUTHORS NAME & POSITION: Anneke Birleson, Rates Officer
RESPONSIBLE OFFICER: Suzie Haslehurst, Executive Manager Corporate and Community Services
PREVIOUSLY BEFORE COUNCIL: 28 November 2016
DISCLOSURE OF INTEREST: Nil
APPENDICES: CONFIDENTIAL
A. Schedule of Outstanding Rates – Non-Pensioners
B. Schedule of Outstanding Sundry Debtors

Attachment A is confidential under Section 5.23 - 2(b) of the Local Government Act 1995 in that it deals with 'the personal affairs of any person'.

Copies have been provided to Councillors, the Chief Executive Officer and Executive Managers Only (A4 and A3 sized copies provided).

Nature of Council's Role:

- Executive

Purpose of the Report:

- To provide Council with an update regarding current outstanding rates, services and sundry debts for the period ending 28 February 2017.
- To seek confirmation and direction from Council regarding the course of actions to be taken against defaulting ratepayers and sundry debtors.

Background:

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

On 27 June 2016 Council resolved the following:

RESOLUTION 180616

Moved: Cr Saint

Seconded: Cr Smythe

"That Council:

- 1. Note the status and adopt recommendations included in Attachments A and B Outstanding Rates, Services and Sundry Debtors report as at May 2016 and,***
- 2. Adopt the legal recovery process and council decision-making milestones as per Attachment C. Legal Recovery Process."***

CARRIED: 7/0

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

Comments and details:

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

The sale of property through the debt recovery process is seen as the last resort however, prior to Council being able to go through the 3-year sale process as provided for in the *Local Government Act 1995*, Council must make all reasonable attempts for collection through the courts. This is outlined in Council's Policy *F1.1 Revenue Collection*. Officers have provided comment in the confidential attachments to this report that outline the steps taken to date to recover outstanding rates and it is noted that Officers are recommending that in five instances, Council proceeds with the 3-year sale process. In addition, Officers are proposing that in six additional instances of outstanding rates, the Chief Executive Officer seeks legal advice.

A total of 86 properties that have been sent a demand letter regarding notification of intention to commence legal action have not responded and/or not made any payments. The recommended course of action for these is to refer them to a debt collection agency.

The Revenue Collection Policy includes referral to the Fines Enforcement Registry (FER) when fines remain outstanding. In accordance with enforcement process, a prosecuting authority must issue the alleged offender with a Final Demand Notice. The Final Demand Notice must be approved by FER prior to the Shire becoming a prosecuting authority. The Shire has submitted a Final Demand Notice to FER and have had it approved. Council is requested to note that 27 outstanding debtors are to be sent a Final Demand Notice with the option to either:

- Pay in full the stipulated penalty; or
- Elect to have the matter heard and determined in the Magistrates Court.

Should these debts remain outstanding after the mandated 28 days, a report will be presented to Council to approve the lodgement of the fines with FER.

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

Considerations:**Policy**

F1.1 Revenue Collection

Legislative

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.

Voting Requirements:

Absolute Majority Required: No

**RESOLUTION
120317**

Moved: Cr Smythe

Seconded: Cr Randell

“That Council:

- 1. *Receives the updated summary of Outstanding Rates and Sundry Debtors as at 28 February 2017 as attached to this report as Confidential Attachments A and B and notes the work undertaken by officers to date to recover outstanding monies owed to the Shire.***
- 2. *Approves the recommendations contained in Confidential Attachment A – Outstanding Rates noting that;***
 - (a) in five instances, the Shire will be proceeding to sale of property in accordance with Section 6.64 of the Local Government Act 1995;***
 - (b) in twelve instances, a debt collection process is currently active with the Shire’s debt collection agency or in legal process; and***
 - (c) in six instances, the Chief Executive Officer is requested to seek legal advice and report back to Council.***
- 3. *Approves the recommendations contained in Confidential Attachment B – Outstanding Sundry Debtors noting that in twenty seven instances the debtor is to be sent a Final Demand Notice as approved by the Fines Enforcement Registry.”***

CARRIED: 7/0

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

Nil

13. MEETING CLOSED TO THE PUBLIC

13.1 Matters for which the meeting may be closed

RESOLUTION

130317

Moved: Cr Smythe

Seconded: Cr Saint

“That Council goes behind closed doors to discuss Item SY032-03/17 - Sale of Land in Accordance with Section 6.64 of the Local Government Act 1995.”

CARRIED: 7/0

The Gallery and Paul Crewe, Executive Manager Infrastructure & Development Services and Carly Randell, Senior Planner left the room at 5.36pm.

Paul Martin, Chief Executive Officer and Helen D’Arcy-Walker, Executive Support Officer remained in the room.

SY032-03/17 – Sale of Land in Accordance with Section 6.64 of the Local Government Act 1995

RESOLUTION

140317

Moved: Cr Smythe

Seconded: Cr Randell

“That Council Pursuant to Section 6.64 (1)(b) of the Local Government Act 1995, proceeds to sale of the following properties, which have rates and charges that remain unpaid for at least three (3) years:

- (a) Assessment 13621***
- (b) Assessment 11230”.***

CARRIED: 7/0

RESOLUTION

150317

Moved: Cr Saint

Seconded: Cr Walters

“That Council opens the meeting to the public at 5.39pm.”

CARRIED: 7/0

13.2 Public reading of resolutions to be made public

Paul Crewe, Executive Manager Infrastructure & Development Services returned to the room at 5.39pm.

14. NEXT MEETING

The next Ordinary Meeting of Council will be held on Monday, 24 April, 2017 at 5.00pm in Council Chambers, York Town Hall, York.”

15. CLOSURE

The Shire President thanked everyone for their attendance and closed the meeting at 5.40pm.