

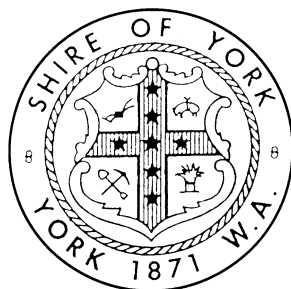


SHIRE OF YORK

**MINUTES OF THE ORDINARY
MEETING OF THE COUNCIL
HELD ON 19 SEPTEMBER 2016
COMMENCING AT 5.01PM
IN COUNCIL CHAMBERS,
YORK TOWN HALL, YORK**

Table of Contents

1. OPENING	5
1.1 Declaration of Opening	5
1.2 Disclaimer.....	5
1.3 Standing Orders.....	5
1.4 Announcement of Visitors	6
1.5 Declarations of Interest that Might Cause a Conflict.....	6
Financial Interests	6
Disclosure of Interest that May Affect Impartiality	6
2. ATTENDANCE	6
2.1 Members.....	6
2.2 Staff.....	6
2.3 Apologies.....	6
2.4 Leave of Absence Previously Approved.....	6
2.5 Number of People in Gallery at Commencement of Meeting.....	6
3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	6
4. PUBLIC QUESTION TIME	6
4.1 Written Questions – Current Agenda	7
4.2 Public Question Time.....	8
5. APPLICATIONS FOR LEAVE OF ABSENCE	10
6. PETITIONS / PRESENTATIONS / DEPUTATIONS.....	10
7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....	10
8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	10
9. OFFICER’S REPORTS	10
SY105-09/16 - P1044 – Oversized Outbuilding and Keeping of Three Horses:	
Lot 8 (Hse 1) Ensigndale Court, York.....	11
SY106-09/16 - P1046 – Development Application for Front Wall:	
Lots 1 & 2 (Hse 18 Panmure Road), York (Laurelville Manor).....	17
SY107-09/16 – Proposed York Bypass/Heavy Haulage Route.....	27
SY108-09/16 - Appointment Of Chief Bush Fire Officer.....	31
SY109-09/16 – Write-off Rates Interest.....	33
SY110-09/16 – Financial Report for August 2016	37
SY111-09/16 – Investments – August 2016	39
SY112-09/16 – Closing the Meeting to the Public & Press	41
SY113-09/16 – Chief Executive Officer – KPI’s	43
SY114-09/16 – Inside Staff EBA Agreement	45
SY115-09/16 – Appointment to Members of the Avon Park Working Group.....	47
SY116-09/16 – Opening the Meeting to the Public & Press.....	49
10. NEXT MEETING.....	51
11. CLOSURE	51



SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL HELD ON MONDAY, 19 SEPTEMBER, 2016, COMMENCING AT 5.01PM 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 5.01pm and welcomed Mr Paul Crew, Executive Manager Infrastructure and Development Services to York and hopes Paul will enjoy his tenure in York.

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

Clause 9.1 – Members to Rise

RESOLUTION

010916

Moved: Cr Smythe

Seconded: Cr Walters

"That Council:

Suspend Clause 9.1 – Members to Rise, for today's meeting."

CARRIED: 6/0

- 1.4 Announcement of Visitors
Nil

- 1.5 Declarations of Interest that Might Cause a Conflict

Financial Interests

*Cr Pam Heaton – SY106-09/16 – Development Application for Front Wall: Lots 1 & 2
(Hse 18 Panmure Road, York – Laurelvilla Manor
Mr Paul Martin, CEO - SY113-09/16 – Chief Executive Officer – KPI's*

Disclosure of Interest that May Affect Impartiality
Nil

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 Tricia Walters*

- 2.2 Staff

Paul Martin, Chief Executive Officer; Paul Crewe, Executive Manager Infrastructure & Development Services; Allan Rourke, Manager Works & Services; Carly Rundle, Senior Planner; Tabitha Bateman, Financial Controller; Helen D'Arcy-Walker, Executive Support Officer

- 2.3 Apologies

Cr Trevor Randell

- 2.4 Leave of Absence Previously Approved

Nil

- 2.5 Number of People in Gallery at Commencement of Meeting

There were 5 people in the Gallery at the commencement of the meeting

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

The Presiding Member to read the following statement in full at the commencement of Public Question Time:

**Statement by the Presiding Member at the Opening of
Public Question Time at Ordinary and Special Council Meetings**

“Public Question Time is provided for under the provisions of Section 5.24 of the Local Government Act and the Local Government (Administration) Regulations 1996.

To provide equal opportunity for people to ask questions a limit of two (2) questions per person per time will be applied.

Procedures

- Public Question Time is limited to 15 minutes but may be extended by resolution of the Council
- Questions submitted in writing prior to the meeting about matters on the agenda for the meeting will be dealt with initially.
- Questions from the floor will be taken in the order recorded in a register.
- Statements or long preambles are not permitted.
- Questions requiring research will be taken on notice and a response will be prepared in a reasonable timeframe. The original questions and the response will be included in the Agenda and Minutes of the next Ordinary Council meeting.
- Questions containing offensive remarks, reference to the personal affairs or actions of Elected Members or staff, or which relate to confidential matters or legal action will not be accepted. Questions that the Presiding Member considers have been answered by earlier questions at the meeting or earlier meetings may not be accepted.
- The minutes may only record a summary of the question asked and the response given.
- Where possible oral questions asked should be submitted in writing at the completion of question time or at the end of the meeting.
- At Special Council Meetings questions must relate to the items on the Agenda.

PRESIDING OFFICER

21 December 2015

4.1 Written Questions – Current Agenda

Public Question Time commenced at: 5.04pm

Dr James Plumridge

(Dr Plumridge was not in attendance at the Meeting – a letter in reply to his questions will be forwarded to him.)

Question 1:

- (a) Did the York Bowling Club in 2008, when Mr. Hooper held the office of Shire President, or at any other time seek a loan from the Shire for the purpose of replacing the grass greens at its former premises with synthetic greens or for any other purpose?

Response:

The Officer's Report in the Minutes for the 5th September 2008 Special Council Meeting states; "The Bowling Club loan is a contingency that has been requested by the York Bowling Club in case they are not successful in gaining sufficient grant funding to replace the existing grass greens with synthetic bowling greens. It is a fully self-supporting loan with the Bowling Club refunding the Shire for all loan repayments."

- (b) Did the Club accept the Shire's offer of a loan of \$250,000.00 on the terms and conditions indicated above or any variation of them?

Response:

The Shire did not raise the budgeted loan on behalf of the York Bowling Club. This is reported in the financial statements of the 2008/09 Annual Report.

- (c) If so:
(i) how much of the loan has the Club repaid, and over what period;

Response:

Not Applicable

- (ii) was the Club's contractual obligation to repay the loan waived, and if so, why and when;

Response:

Not Applicable

- (iii) if repayment of the loan was waived, did the Shire assume responsibility for it and either pay it off directly or continue repayments to the primary lender; and

Response:

Not Applicable

- (iv) if the loan was not waived, is the Club continuing to honour its obligation to repay it?

Response:

Not Applicable

- (d) When formulating its response to Mr. Hooper's question, as recorded on p. 7 of the Minutes of the OCM of 22 August 2016, was the Shire aware of the loan offered to the Club in 2008 and of the terms and conditions attached to it? Was Shire President Wallace so aware?

Response:

Officers were not aware of the budgeted loan in 2008. Shire President Cr Wallace has advised he was also not aware of the 2008 budgeted loan.

4.2 Public Question Time

Questions from the floor will be taken in the order recorded in a register.

Statements or long preambles are not permitted, opinions and attachments will not be recorded in the minutes.

Questions requiring research will be taken on notice and a response will be prepared in a reasonable timeframe.

Mr David Hovell

Question 1:

Re Application – Laurelvile

Why were residents living to the north-east of the property (Herbert Road South) and within the marked radius not identified and advised of the application?

Response:

The Senior Planner replied that the application received related to the construction of a wall on the western boundary, which does not provide noise attenuation to the north of the property.

Question 2:

What further physical measures such as the planned structure do the applicants intend making to mitigate the noise emissions to the north-east of the property?

Response:

The Senior Planner stated that the wall will provide a degree of noise attenuation to the west, but not to the north of the property.

The owner has ongoing obligations to reduce noise from reception events under the approved Noise Management Plan, which identified a range of physical structures that could be implemented to assist in achieving this. This is in conjunction with a number of other management measures to reduce noise.

The Shire does not have a timeframe for when these structures will be constructed.

Mr Patrick Tindal-Davies**Question 1:**

Since April 2011 the Shire gave Laurelville Manor permission to have a Reception Centre, that is 5 years ago, what noise monitoring has been done by the Shire since then.

Response:

Taken on Notice

Question 2:

How is the Shire going to monitor the noise from now on and what is the Shires actions if they don't comply.

Response:

Taken on Notice

Mr John Cole**Question 1:**

In 2007 the Shire constructed a drain on my property which required an agreement, including compensation. As yet I have not received anything.

Response:

The Chief Executive Officer apologised for the delay in the Shire finalising this matter and stated he had given authorisation to Shire Lawyers last week to finalise the legal agreement inline with Council's Resolution.

Question 2:

Once the property is developed how is the Shire proposing to manage the additional water flow?

Response:

Taken on Notice

Public Question Time concluded at 5.12pm due to there being no further questions from the Gallery

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS / PRESENTATIONS / DEPUTATIONS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Minutes of the Ordinary Council Meeting held July 25, 2016

Confirmation

**RESOLUTION
020916**

Moved: Cr Smythe

Seconded: Cr Heaton

“That the minutes of the Ordinary Council Meeting held August 22, 2016 be confirmed as a correct record of proceedings with the following amendment:

Resolution 030816, Condition 6a – should refer to Great Southern Highway not Carter Road.”

CARRIED: 6/0

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

RATES INCENTIVE PRIZES

The Shire President announced the Winners of the Rates Incentive Prizes for 2016/17:

First Prize - \$1,000 Bank Account provided by the Shire of York in conjunction with the York & Districts Community Bank Branch of Bendigo Bank. York Heritage Pty Ltd – Mr Peter Briggs won first prize but was unable to attend (the Shire will ensure the prize is sent to Mr Briggs).

Second Prize – Four tickets to the West Australian Symphony Orchestra donated by WASO. Mr Brendan Parker won second prize but was unable to attend (the Shire will ensure the prize is sent to Mr Parker).

Third Prize – A two night weekend stay at the Perth Ambassador Hotel in a Premium Deluxe Room. Mr Derrol Crane won third prize but was unable to attend (the Shire will ensure the prize is sent to Mr Crane).

Fourth Prize - \$200 of Fuel donated by Fuel Distributors of WA Pty Ltd. Hamersley John Forrest Edward & Co - Mr Kevin Hamersley won fourth prize but was unable to attend (the Shire will ensure the prize is sent to Mr Hamersley).

9. OFFICER'S REPORTS

SY105-09/16 - P1044 – Oversized Outbuilding and Keeping of Three Horses: Lot 8 (Hse 1) Ensigndale Court, York

FILE REFERENCE: EN1.7005
APPLICANT OR PROPONENT(S): Avalon Sheds & Stables
AUTHORS NAME & POSITION: Carly Rundle, Senior Planner
PREVIOUSLY BEFORE COUNCIL: No
DISCLOSURE OF INTEREST: Nil
APPENDICES: A – Site Plan
B – Development Plans

Nature of Council's Role in the Matter:

Quasi-judicial.

Purpose of the Report:

The purpose of the report is to request Council to consider an application for planning consent for an oversized (cumulative) outbuilding and the keeping of three horses at Lot 8 (Hse 1) Ensigndale Court, York.

Background:

Lot 8 (Hse 1) Ensigndale Court, York is zoned 'Rural Residential', is 2.038ha in area and is surrounded by land similarly zoned. A Site Plan is provided in **Appendix A**.

The property contains a single dwelling and existing outbuilding with an area of 108m², wall height of 3m and is located within the Equine Precinct.

A development application has been received to construct a barn style outbuilding with dimensions of 12m by 16m (192m²), wall height of 2.7m and a ridge height of 4.5m. The applicant has since provided that the ridge height can be reduced to 4.2m. Barn style outbuildings are not addressed by the outbuildings policy for the assessment of height, as technically two walls are proposed and discretion is therefore required to assess the overall height and bulk of the outbuilding.

Cumulatively the area of outbuildings proposed is 300m², which is a variation to the 210m² permitted by Local Planning Policy 5 – Outbuildings in Residential Zones.

The applicant has provided that the outbuilding is required for the stabling of three horses and associated equipment. The keeping of horses within the equine precinct also requires planning consent and is part of this application.

A copy of the development plans are provided in **Appendix B**.

Comments and details:

The application is required to be assessed in accordance with the Shire of York's Local Planning Scheme and Planning and Development (Local Planning Schemes) Regulations 2015 – Deemed Provisions.

York Town Planning Scheme No. 2 & Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 – Deemed Provisions
Outbuilding

The property is zoned 'Rural Residential' by the Scheme. An outbuilding is ancillary development to a single house and is permitted development which is exempt from planning consent, except where the development requires variation under the Scheme or Local Planning Policy. Local Planning Policy No. 5 – Outbuildings in Residential zones applies to the construction of outbuildings in the Rural Residential zone.

The outbuilding has been assessed against the policy as outlined in the table below. Section 7.3 of the policy permits a 5% variation of provisions below in the instance that neighbours have consented to the proposal, such as is the case for this application where no submissions were received.

Provision	Requirement	Proposed	Comment
7.3.2 Floor Area			
a)	Outbuildings on a rural-residential lot that have a combined area not exceeding 200m ² in area or 10% of the site area, whichever is the lesser. The 5% variation allows 210m ² .	The proposed outbuilding, and existing outbuilding will have a combined area of 300m ² . 10% of the site area is 2,038m ² . The policy permits a maximum area of 200m ²	The outbuilding requests a variation of 90m ² .
7.3.2 Height			
(a)	Outbuildings on a rural townsites lot that has a maximum wall height less than 3.0m and ridge height of 4.2m. The 5% variation permits a wall height of 3.15m, and a ridge height of 4.41m.	The proposed outbuilding has a wall height of 2.7m, and a ridge height of 4.2m. The outbuilding is a barn style outbuilding and technically there are two walls. The inner wall is 3.8m high.	The wall height and ridge height comply with the policy. The policy does not address barn style outbuildings which technically proposes two walls. The inner wall height will not appear any bulkier or higher than a standard pitched outbuilding and is considered consistent with the policy.
7.3.4 Materials			
(c)	Materials of low reflectivity should be used to ensure that the structure does not adversely affect neighbours	External materials are proposed to be colorbond plantation colour.	External materials will be non-reflective and appropriate in a rural setting.

The outbuilding requires a variation to the size of outbuilding permitted by the policy.

The purpose of the policy is to guide the development of outbuildings and provide a standard which is deemed acceptable as meeting the requirements of maintaining amenity of the Scheme and can proceed to building permit without planning consent. Outbuildings which do not comply with these standards can still be approved provided that they are consistent with the objectives of the policy and scheme.

The relevant objectives of the policy are as follows:

- a) To provide flexibility for outbuilding size, construction and materials to meet the needs of local residents.
- b) To ensure that outbuildings are constructed and located in such a way as to minimise their impact on the amenity of the locality.

Clause 9.8.6 of the Scheme also provides how local planning policies apply in decision making and provides that local government shall give due regard to the

“A Policy shall not bind the local government in respect of any application for planning consent but the local government shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its decision.”

Clause 4.6 of the Scheme provides the ability to exercise discretion in relation to modifying development standards provided that the local government is satisfied that:

- a) *Approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;*
- b) *The non-compliance will not have an adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.”*

The consistency with orderly and proper planning also requires consideration of the objectives of the Rural Residential zone:

The following provisions relate to the Rural Residential zone:

Clause 4.13.1 Objectives

- (a) To provide for closer settlement for residential use in a rural environment, and such uses as hobby farms, horse breeding, rural residential retreats.*
- (b) To make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.*

4.13.5 Proposed Development

In considering an application for planning consent for a proposed building (including additions and alterations to existing development) the local government shall have regard to the following:

- (a) the colour and texture of external building materials;*
- (b) building size, height, bulk, roof pitch;*
- (c) setback and location of the building on its lot;*
- (d) architectural style and design details of the building;*
- (e) relationship to surrounding development; and*
- (f) other characteristics considered by the local government to be relevant.*

Clause 67 of the Regulations also contains general matters for consideration, or which those relevant are mainly covered by the Scheme provisions above. Specifically provision m) and n) requires consideration of:

- “m. the compatibility of the development to development on adjoining land or on other land in the locality, including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development”; and*
- “n) the amenity of the locality including the following –*
 - (i) Environmental impacts of the development;*
 - (ii) The character of the locality;*
 - (iii) Social impacts on the development.”*

The provisions of the Scheme, Regulations and Policy essentially require the variations to be assessed with regards to impacts on and preservation of the amenities of the area including:

- Retention of the rural landscape;
- Impact on adjoining landowners, locality or likely future development of the locality;
- Amenity and character of a locality with regards to bulk, scale, orientation and appearance of development.

The proposed outbuilding is located behind the dwelling and existing outbuilding and setback away from the streetscape. There is existing landscaping which will provide some screening and soften the view of the outbuilding.

The proposed outbuilding is appropriately located and is not anticipated to appear bulky or out of scale with existing and surrounding development, or from Ensigndale Court or Ninth Road, and is therefore considered consistent with retaining the rural landscape, and amenity and character of the locality.

It is recommended to Council that the revised proposal is consistent with Town Planning Scheme No. 2 and the Planning and Development (Local Planning Schemes) Regulations 2015, and that pursuant to Clause 68 of the Regulations that planning consent be approved, subject to conditions.

Keeping of Horses

The applicant has provided that the purpose of the outbuilding is for the stabling of three horses. Schedule 6 of the Scheme relating to the Equine Precinct requires:

5. *Planning approval is required for the keeping of horses and other grazing animals. Remedial planting and bunding may be required as a condition of planning approval.*

Clause 4.13.4(e) of the Scheme provides standards for the keeping of animals in the Rural Residential zone:

- (i) *Stocking rates shall not exceed those recommended by the Department of Agriculture of the applicable pasture types.*
- (ii) *The keeping of horses, sheep, goats and other grazing animals shall be setback a minimum 100m from any watercourse unless a lesser distance is agreed to by the Department of Environmental Protection and this area shall be fenced to the satisfaction of the local government.*

The property is not within a 100m of a watercourse. The Department of Agriculture and Food's Stocking rate guidelines for rural smallholdings provide standards for stocking based on the capability of the site, including soils, and property management.

Based on this the property is capable of the keeping of one light horse. The guidelines provide that the keeping of stock in excess of the recommended base stocking rates require a stock management plan to be prepared to demonstrate how the additional stock will be managed and degradation of the property will not occur, i.e through dry feed not pasture.

A condition of approval will be included which approves the keeping of one horse on the property and additional stock are required to be approved through the preparation of a stock management plan.

Implications to Consider:

Consultative:

The outbuilding was referred to adjoining landowners for comment. No submissions were received.

Strategic Implications:

The proposal is consistent with the amenity of the area, and is therefore consistent with the Shire of York's 2016-2026 Strategic Community Plan Theme 1: The Place to Live.

Policy Implication:

The recommendation does not result in any policy implications for the Shire.

Financial Implications:

There are no financial implications associated with this proposal for the Shire.

Legal and Statutory

The proposal has been assessed in accordance with the statutory framework set by the Scheme and Regulations.

The keeping horses is required to comply with the Shire's Health Local Law Division 3 – Keeping of Large Animals. The outbuilding as proposed can comply with the local law provisions.

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 030916

Moved: Cr Smythe

Seconded: Cr Ferro

"That Council:

Approve the planning application for an oversized outbuilding and the keeping of horses at Lot 8 (Hse 1) Ensingdale Court, York, subject to the following conditions:

- 1. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.***
- 2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plan(s) (enclosed), including any notes placed thereon in red by the Shire and except as may be modified by the following conditions.***
- 3. The shed is not to be used for habitable purposes (Advice Note 4).***
- 4. The shed is not to be used for industrial purposes.***
- 5. All stormwater is to be managed on site by the landowner to the satisfaction of the local government.***

- 6. A maximum of one light horse shall be kept on the property at any time, unless otherwise approved through the submission of a stock management plan to the satisfaction of the Shire of York (Advice Note 5).**
- 7. The development hereby approved shall not be occupied, or used, until all plans, details or works required by Condition(s) 2, 5 and 6 have been implemented.**
- 8. The works undertaken to satisfy Condition(s) 2, 5, 6 and 7 shall be subsequently maintained for the life of the development.”**

ADVICE NOTES:

- Note 1:** If the development the subject of this approval 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 will lapse and be of no further effect.
- Note 2:** Where an approval has so lapsed, no development is to be carried out without the further approval of the local government having first been sought and obtained.
- Note 3:** If an applicant is aggrieved by this determination there is a right of appeal under the Planning & Development Act 2005. An appeal must be lodged within 28 days of the determination.
- Note 4:** Note: Non-compliance against CONDITION 3 is an offence against the Public Health Act 1911.
- Note 5:** The Department of Agriculture and Food Stocking Guidelines for Rural Smallholdings provides guidelines for the preparation of a stock management plan.
- Note 6:** This approval is not a building permit. In accordance with the provisions of the Building Act 2011, an application for a building permit must be submitted to, and approval granted by the local government prior to any change of classification or prior to the commencement of any structural works within the development hereby permitted.

CARRIED: 5/1

Disclosure of Interest – Cr Pam Heaton – Financial – Husband drives the bus taking guests to and from the Manor

SY106-09/16 - P1046 – Development Application for Front Wall: Lots 1 & 2 (Hse 18 Panmure Road), York (Laurelville Manor)

FILE REFERENCE:	PA1.9910
APPLICANT OR PROPONENT(S):	Sandra Paskett
AUTHORS NAME & POSITION:	Carly Rundle, Senior Planner
PREVIOUSLY BEFORE COUNCIL:	No
DISCLOSURE OF INTEREST:	Cr Heaton - Financial
APPENDICES:	A – Site Plan
	B – Development Plans
	C – Site Photos
	D – Noise Contour Scenario Models

Nature of Council's Role in the Matter:

Quasi-judicial.

Purpose of the Report:

The purpose of the report is to request Council to consider an application for planning consent received for a front wall at Lots 1 and 2 (Hse 18) Panmure Road, York (Laurelville Manor).

Background:

Lots 1 & 2 (Hse 18) Panmure Road, York (referred herein as the property) are located approximately 1km east of the York Town centre and accessed directly from Panmure Road, located in proximity to the intersection with Balladong Street.

A Site Plan is attached in **Appendix A**.

The property is zoned 'Special Use No. 7', which allows for the land uses of Exhibition Centre, Guesthouse, Reception Centre and Residential on this property. Surrounding land is zoned 'Residential' and has been primarily developed with single dwellings for residential purposes.

The property contains an existing dwelling (Laurelville Manor), which is located over Lots 1 and 2 and is listed on the Shires Municipal Heritage Inventory as a Category 2 heritage building. The owners have been operating a guest house and reception centre at the premises which was issued a temporary conditional approval in April 2011 to trial the use and gauge any impacts on the surrounding area.

At the Ordinary Council Meeting of 27 July 2015, Council granted planning consent subject to conditions for the uses of "Reception Centre", "Exhibition Centre", "Guest House" and "Residential" at Lots 1 & 2 (18) Panmure Road, York. Two conditions of planning consent (as amended by SAT decision 1 March 2016) required that the applicant provide a revised acoustic report and management plan and a revised complaints management procedure for approval by the Shire of York.

The acoustic report and management plan and complaints procedure was approved by Council at Ordinary Council Meeting 27 June 2016, subject to modifications.

The acoustic report submitted concluded that, due to the close proximity of neighbouring residences and noise emission levels required for a viable reception event, it was unlikely that reception events can comply with the assigned noise criteria of the Environmental Protection (Noise) Regulations 1997 (noise regulations). In response to the acoustic report, the noise management plan sets noise limits that represent a level at which noise can be minimised whilst still providing a viable reception environment, and identified measures to assist in noise reduction. This included the introduction of structural noise controls, which are physical measures that create barriers to noise emissions in order to reduce the amount of noise that reaches neighbouring premises.

The management plan identified a long-term structural measure of a purpose-built facility that will assist in containing noise emissions associated with larger events, removing the need for events to be hosted outdoors in marquees where noise cannot be contained. The management plan does not confirm a timeframe for construction of this facility as it is subject to economic conditions. It did identify, as an interim control, that a noise wall could be constructed to alleviate some noise emissions on adjoining properties.

The identification of a potential noise wall in the management plan, is a suggested measure, and does not infer the Council's support for the construction of the wall, as this is required to be assessed through the submission of a development application.

A development application for a front wall near the western lot boundary has now been submitted, which proposes a wall extending the full length of Lots 1 and 2 (67.39m), with gates for entry and exit. The wall is setback ranging from 3.5m on the south of Lot 2 to 5m on the north side of Lot 1 from the front lot boundary to Panmure Road. The wall is proposed to be constructed of red brick and stone with cream rendered detailing on pillars. The height of the wall ranges from 3m high to the light posts, approximately 2.7m to the pillars, and is an average 2.4m height for the infill panels from the natural ground level.

The applicant has provided that the purpose of the wall is to:

- Provide a security barrier for the property;
- Reduce noise emissions to nearby properties to the west;
- Provide a degree of noise attenuation to the property from passing heavy haulage trucks; and
- Provide privacy for guests and enhanced degree of control by ensuring that persons who do not have a right to attend events or functions to enter the property can be easily excluded.

Comments and details:

The application is required to be assessed in accordance with the Shire of York's Local Planning Scheme and Planning and Development (Local Planning Schemes) Regulations 2015 – Deemed Provisions.

York Town Planning Scheme No. 2 & Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 – Deemed Provisions

The property is zoned Special Use No. 7.

Clause 3.4 of the Scheme relates to Special Use zones, and provides that they are to be used in accordance with the purpose set out in Schedule 3, and subject to any conditions specified with respect to that land. Schedule 3 specifies the following for the property:

	No	Particulars of Land	Special Use	Conditions
SU7	7	Lots 1 & 2 (18) Panmure Road (Laurelville Manor)	Exhibition Centre Guesthouse Reception Centre Residential	<ol style="list-style-type: none"> 1. Notwithstanding anything else in the Scheme, all development on the site (including change of use) shall be subject to application to the local government for approval to commence development. 2. The Local Government shall refer applications for planning consent to the Heritage Council of Western Australia and any other relevant authority for their comments and/or recommendations. 3. Applications for planning consent shall be advertised in accordance with Clause 8.3.3 of the Scheme. 4. Any application for planning consent for the site shall be accompanied by a site management plan that addresses amenity impacts, including, but not limited to: <ul style="list-style-type: none"> • hours of operation; • location of temporary structures; • noise management (internal and external); • complaints management procedure; • traffic and parking management; • landscaping and screening; and • public health and safety.

The application for planning consent was referred to adjoining landowners and to the heritage advisor for comments. A Site Management Plan was submitted as part of the recent approval at Ordinary Council Meeting 27 June 2015 for the Reception Centre, Exhibition Centre, Guesthouse and Residential uses at the property. It is considered not necessary for this to be resubmitted as part of this application, as the wall does not amend the way the property will operate, and is for the purposes of implementing recommended measures of the acoustic report and management plan, which forms part of the Site Management Plan.

The proposed wall is however a new structure and requires consideration with regards to amenity impacts, and whether landscaping and screening is adequate and consideration of noise management (internal and external).

There are no other specific provisions of the Scheme which apply to the Special Use zone, and assessment requires consideration of the relevant provision of Clause 67 of the Regulations – Matters to be considered by local government.

Amenity Impacts

The conditions of Special Use 7 requires the consideration of impacts on amenity, and Clause 67 of the Regulations requires local government to give due regard to:

m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;

- (n) the amenity of the locality including the following –
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development**
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.*

The proposed wall is setback from the boundary 3.5 – 5m and is 2.4m (on average) solid wall height with feature pillars of 2.7m high and 0.6m in width every 2.4m. Light pillars as statements around the entry and exits are 3m high.

The existing streetscape character consists of both solid and permeable boundary fencing of an average height of 1.2m (some contain pillars up to 1.8m) or solid fences up to 1.8m high on corner lots where Panmure Road is not the primary street. The Residential Design Codes provides standards for fencing within the front setback and permits fences of up to 1.2m solid and up to 1.8m visually permeable on adjoining land. The Residential Design Codes provides that in certain circumstances such as where a dwelling fronts onto an arterial road carrying high traffic volumes, or where protection is needed from headlight glare that there may be a case to justify a high wall. In these circumstances a solid wall of up to 1.8m for a minimal proportion of the frontage, may be acceptable.

Panmure Road is classified as a Primary distributor, in the control of Main Roads and carries a higher volume of traffic, including heavy vehicles. Therefore most properties along Panmure Road could justify a portion of the front fence to be solid up to 1.8m, and is the likely future amenity for this area.

The proposed wall will have an average infill height of 2.4m, and 2.7/3m to the pillars. The property is framed by a large 'grand' building elevated from the road. In the context of the individual property the provision of a higher wall on the property will not appear out of scale, however it is larger than surrounding development and therefore has the potential to dominate the streetscape. A reduction in the height of the overall proposed wall by 0.5m could be more consistent with the likely future amenity of the locality.

However, the wall and finishes proposed are of a very high architectural quality which will provide interest and even though it will dominate the streetscape and appear out of scale, is not considered that this will necessarily detract from the amenity of the streetscape, due to the high construction standard which will be visually appealing. The wall is also setback from the lot boundary, and it is noted that on adjoining properties, dwellings can be setback from the lot boundary (with averaging) at 7.5m, 6m 3.75/3m on the western side of Panmure road and down to 2m in some areas.

It is considered that the wall will potentially dominate the streetscape and appear out of scale, but is appropriate in the context of the individual property, and with the high finishes is not likely to detract from the visual amenity of the property or streetscape.

The wall is proposed behind existing landscaping, which will provide an element of screening depending on the time of year (as most of the plants appear to be deciduous and do not currently have leaves). The applicant has provided a photo of the property demonstrating the level screening that will be provided at certain times of the year and has provided that this is not fully grown. The landscaping will soften the bulk of the wall, although will not provide screening all year round. It is beneficial that the landscaping be maintained to the satisfaction of the Shire to soften the bulk of the wall from Panmure Road and will be included as a condition of approval.

Consideration of amenity also involves social impacts and the wall will provide a beneficial function for the use of the property as a reception centre, assisting in improved security and management of the property which could potentially reduce any anti-social behaviour associated that may occur. The wall has also proposed that it will reduce noise emissions which have previously been an issue and will be of benefit to adjoining landowners and maintaining social amenity. The impact on noise is discussed below.

Noise Management

The acoustic report and management plan identified that the holding of events on the lower terrace, when measured from the dwellings to the west was approximately 45dB(A). As the noise emissions were music and impulsive, an inclusion of +15dB(A) penalty is applied, and deduction of minus 2dB(A) made due to the increased distance of dwellings to the west from the lower terrace area. This exceeds the noise regulations and therefore management measures are required to be implemented to manage amenity.

It was identified in the acoustic report and management plan approved at Ordinary Council Meeting 27 June 2016, subject to modifications that structural measures, in conjunction with a range of administration and management measures on the property could assist in reducing the noise emissions from reception events.

The acoustic report provided that the construction of a noise wall, of around 3m in height, running the length of the property and situated within 10m of the event, i.e not at the property boundary may reduce emissions in the order of 5-7dB (A). This would require wings around the north and south sides of the event area, and due to the elevations of the property, and the different levels the events are being held at, a barrier would be required for each terraced level.

The lower terrace area is currently raised 0.9m higher than the ground level of the wall, and therefore the solid wall height from the lower terrace level will be approximately 1.4m. The proposed fence is located approximately 10.8m from the lower terrace and does not provide the recommended wings.

The acoustic consultant has provided some noise contour modelling scenarios as a guide to indicate the anticipated noise reductions that a wall could achieve (**Appendix D**) based on the current contours on site.

The proposed wall will provide a reduction in noise to dwellings to the west, although not to the scale as indicated in the acoustic report. The scenarios indicate that a higher wall provides improved noise attenuation and reduced emissions to dwellings to the west. Should councillors include a condition to reduce the height of the wall by 0.5m, the impact on noise emissions would be similar to that demonstrated by the 2m wall height in scenario no. 4 in **Appendix D**.

The greatest reductions in noise however, are achieved by scenario no. 5 of **Appendix D** which includes a combination of the placement of the noise wall in proximity to the noise emitter and from the ground level of the event. This could achieve a reduction of 5 to 7dB(A) which is substantial.

The owner has provided that it is an option to reduce the level of the lawn terrace area to be consistent with the ground level of the wall, which would allow for the noise source to be placed in proximity to the wall and could achieve an outcome similar to scenario No. 5. It is recommended that Council support the reduction in the floor level of the lower terrace area as part of the application, but will be at the discretion of the owner to undertake as part of obligations to reduce noise as outlined in the acoustic assessment and management plan.

Local Planning Policies and Heritage

Special Use No. 7, the Scheme and clause 67 of the Regulations requires consideration of the development on the impact of heritage values, and provides that the purpose of a heritage listing is to facilitate the conservation of places of heritage value and to ensure as far as possible that development occurs with due regard to heritage values.

Laurelville Manor is listed on the Shire's Municipal Heritage Inventory as a Category 2 Building. The Shire's Local Planning Policy No. 3 Heritage Precincts and Places provides further guidance on the Scheme provisions. A category 2 listing means that it is a place of considerable cultural heritage significance to the Shire of York that is worthy of recognition and protection.

The building was constructed from 1896 and is described as an extensive Victorian federation era house with a complex building form and roof structure featuring numerous gables and a turret with a tower. Substantial additions were made to the building in the 1980s.

The heritage significance of the property is listed as:

"Historic value - One of the most substantial private buildings in York. The building was originally built for the Leeder family then sold to the Marwick family."

Aesthetic value – "the building is set in well landscaped gardens with a backdrop of Mount Brown. It is one of the grandest homes in town."

Comments from the Shire's heritage advisor were sought on the proposal:

"In my opinion the fence is excessively high and inappropriate in the context of heritage nature of Laurelville and the broader context. It is an expansive frontage with the potential to dominate the streetscape. The height and solid nature of the fence, and the existing elevation from the road level (Section AA on Drawing 2) further exacerbate the visual impact on the overall streetscape that includes the heritage significance Laurelville and nearby residence in the proximity. The existing gate that remains in the proposal is of a significant height at the peak of the central arch and the existing side posts, and perhaps that could be a measure of the maximum height of any part of the fence (the pillars per the proposal). Some tangible reference to Laurelville in the fence form, design, detail and fabric would be informative and further support the significance of the place".

The building is elevated approximately 7.25m higher than the edge of Panmure Road. The proposed wall height will obscure views of the dwelling from the streetscape and given that Panmure Road is approximately 1m lower than the ground level of the wall, at eye level from the road, it is likely that only the roof of the dwelling will remain visible.

The comments indicate that the wall height may be detrimental to the cultural heritage by 'dominating' the streetscape, and indicates that the view of the building from the streetscape is part of the heritage value. The aesthetic value of the property is listed as the building in its setting.

The view of the adjoining heritage listed building on the Shire's Municipal Inventory from Panmure Road has limited visibility due to existing landscaping restricting views and a very large setback. The view of Laurelville Manor is also obscured from landscaping at certain times of the year (as indicated by the photo), and the owner has provided that it is her intention to provide hedging around the event areas for privacy reasons, which will obscure the view more than a proposed fence.

It is also noted that:

- the purpose of the fence is to assist in the holding of reception events on the property and supporting a viable commercial use on the property will assist in ensuring that the heritage building and setting is appropriately maintained and conserved; and
- The heritage aesthetic values will be maintained inside the property boundaries and the owner is pursuing the operation of land uses on the property which are more publically accessible, which by allowing public access will maintain the heritage to the community and public.
- There is already bronze plaque on the property which notifies of the heritage listing of the building.

It is not considered that the obstructing of the views of the dwelling or the dominance of the fence will detract from the heritage values which will be maintained inside the property boundaries. As provided above the wall will be constructed of a high quality that will be visually appealing, and consistent with scale of development on the individual property and is therefore considered unlikely to detract from the amenity of the streetscape, however it is agreed that the wall has potential to dominate the streetscape by being out of scale and being perceived as bulky and councillors could choose to include a condition to reduce the overall height of wall by 0.5m, which would be more consistent with the anticipated future character of the streetscape.

Other Considerations

Other relevant considerations of Clause 67 are as follows”

(s) the adequacy of –

(i) the proposed means of access and egress from the site; and

(ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles.

The proposed access uses existing crossovers onto Panmure Road, and is setback over 3.5m from the street boundary, meaning there are adequate sightlines for any vehicle entering/exiting the property.

Summary

Laurelville is an important business within the Shire of York, supporting the local tourist economy. The provision of a wall will facilitate the use of the property as a reception centre, and can assist with improving the amenity of the adjoining landowners from improved security at events and potential to reduce any anti-social behaviour, and noise attenuation for both the landowners from road traffic and landowners in proximity to the property during reception events.

The proposed wall is higher than surrounding properties and has potential appear out of scale and dominate the streetscape and surrounding context. However, the wall and finishes proposed are of a very high architectural quality which will provide interest and even though it will dominate the streetscape and appear out of scale, is not considered that this will necessarily detract from the amenity of the streetscape, due to the high construction standard which will be visually appealing.

The higher wall will also assist in achieving improved noise attenuation to adjoining landowners, and furthermore if the owners choose to reduce the level of the lower terrace area to be consistent with the wall similar to scenario 5 of **Appendix D**, could achieve a significant reduction of noise emissions to adjoining dwellings to the west.

Therefore it is considered that the proposal is consistent with Town Planning Scheme No. 2 and the Planning and Development (Local Planning Schemes) Regulations 2015, and that pursuant to Clause 68 of the Regulations that planning consent be approved, subject to conditions.

Should Councillors be of the opinion that the proposed wall will have a detrimental impact on the visual amenity of the streetscape, a condition of approval could be included to reduce the overall height of the wall by 0.5m which will make this consistent with the likely future character of walls on adjoining properties and streetscape.

Implications to Consider:

Consultative:

The application was referred to landowners in proximity to the property for comment. No submissions were received. Advice was sought from the Shire's Heritage Advisor as discussed above.

Strategic Implications:

The proposal is consistent with the amenity of the area, and is therefore consistent with the Shire of York's 2016-2026 Strategic Community Plan Theme 1: The Place to Live.

Policy Implication:

The recommendation does not result in any policy implications for the Shire.

Financial Implications:

There are no financial implications associated with this proposal for the Shire.

Legal and Statutory

The proposal has been assessed in accordance with the statutory framework set by the Scheme and Regulations.

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**

Cr Pam Heaton declared a Financial Interest to this item and left the room at 5.18pm.

**RESOLUTION
040916**

Moved: Cr Saint

Seconded: Cr Walters

“That Council:

Defer consideration of this item so further consultation with property owners to the north of the site can be undertaken.”

LOST: 2/3

Original Motion to Stand

**RESOLUTION
050916**

Moved: Cr Ferro

Seconded: Cr Smythe

“That Council:

Approve the planning application for a Front Wall at Lots 1 & 2 (Hse 18 Panmure Road) York, subject to the following conditions:

- 1. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.***
- 2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plan(s) (enclosed), including any notes placed thereon in red by the Shire and except as may be modified by the following conditions.***
- 3. Landscaping in front of the wall facing Panmure Road shall be provided and maintained to the satisfaction of the Shire. “***

ADVICE NOTES:

- Note 1:** If the development the subject of this approval 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 will lapse and be of no further effect.
- Note 2:** Where an approval has so lapsed, no development is to be carried out without the further approval of the local government having first been sought and obtained.
- Note 3:** If an applicant is aggrieved by this determination there is a right of appeal under the Planning & Development Act 2005. An appeal must be lodged within 28 days of the determination.
- Note 4:** This approval is not a building permit. In accordance with the provisions of the Building Act 2011, an application for a building permit must be submitted to, and approval granted by the local government prior to the commencement of any structural works. The Building Surveyor has advised that structural engineer's details will be required with the building permit application.
- Note 5:** The Shire supports the reduction in the floor level of the lower terrace event area to be consistent with the ground level of the wall.

CARRIED: 5/0

Cr Heaton returned to the room at 5.27pm.

SY107-09/16 – Proposed York Bypass/Heavy Haulage Route

FILE REFERENCE:	TR.RDT.4
APPLICANT OR PROPONENT(S):	
AUTHORS NAME & POSITION:	Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL:	Nil
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Nil

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

This report relates to a project being funded by Wheatbelt Development Commission to identify a route for a future Bypass /Heavy Haulage Route for York.

Background:

In 2013 the Wheatbelt Development Commission identified a future Bypass of York as a major economic development initiative for the region as part of Avon Subregional Economic Strategy.

In 2015 the Wheatbelt Development Commission provided funding to Main Roads WA to identify a route corridor for a future potential bypass of York which can be used in long term planning.

The Chief Executive Officer was invited to a meeting at Main Roads Office in Northam on the 11 August 2016 to discuss the progress Main Roads had made in identifying a potential route corridor. This meeting was attended by representatives of Main Roads, Wheatbelt Development Commission and the Chief Executive Officer.

The following summarises the discussion points and actions of the meeting:

Discussion Points:

1. The purpose of this York Bypass project is to provide a recommended corridor for a future bypass to support the Shire in their town planning and for future planning and funding. It is not a detailed or final design but a recommended concept with high level estimates and assessments.
2. Current funding is for evaluating the options and recommending a corridor and developing a business case only. To date there has been no commitment as to when the bypass will be delivered nor for funding the project.
3. The main aim (scope) of the project is to improve safety and to remove heavy haulage vehicles from the York Town area to minimise the potential negative impact of heavy vehicle traffic on the heritage precincts and other heritage and cultural sites. Transport efficiencies and other cost/benefits are also to be considered.
4. Main Roads outlined the process and work done to date:
 - An initial overview was conducted to consider a wide variety of options, including previous options considered and a north-east bypass. The most unlikely options were eliminated in terms of not effectively addressing the concerns, high costs, constructability or potential impacts on properties (dwellings), land, heritage sites and areas of high environmental / cultural significance.
 - Main Roads presented various options cutting from M41 York Merredin across the Avon River through to M31 Northam Cranbrook to tie in with different alignments from M31 Northam Cranbrook through to M10 Chidlow York Road – no one single option or corridor stood out from the rest.
 - The proposed eastern bypass along Marwick Road was considered as part of the overall strategy, however it will not be assessed in detail as part of this project.

- These options all present opportunities to address the main issues, but also had challenges in terms of costs, environmental and heritage impacts, effect on the communities (residential) and businesses (industrial), efficiency and safety gains, etc.
 - There were no issues around the alignments presented and there will be considered for further investigation. Main Roads was asked to include an additional alignment that goes over the saddle of the hill and ties into the Cut Hill Road corridor.
5. A high level environmental impact assessment of each alignment was undertaken and included in the discussions around each option.
 6. In addition to current works completed, the York-Merredin Road from York to Quairading is expected to be widened over the next few years (depending on environmental approvals and funding). These improvements are an important component of the overall strategy of this project and safety improvements for the Wheatbelt Region.
 7. Stakeholder and community consultation was discussed - it was decided the sooner the community is involved the better and a community engagement plan was needed.
 8. Both the Shire and the Region are keen to progress towards consultation, with the first round of Shire meetings in early September
 9. From the Shire's point of view, the long term ability to accommodate light and medium industry is important, therefore the final corridor may influence the decision as to where the industrial areas will be situated (and vice versa).

Actions:

1. The Shire is to provide a review/recommendation as to where the future industrial and residential areas are being considered by the Shire (and/or approved) that need to be taken into consideration during the option selection.
2. Main Roads is to provide an overview of the land owners and potential issues.
3. The community and stakeholder consultation process must be started ASAP:
 - MRWA Strategy and Communications Directorate to help with the development of a community engagement plan.
 - The first round of meetings with the council will be 29 Aug'16 briefing providing the Councillors with information around the intention of the project, options, issues, pros and cons of each option and discuss community and stakeholder arrangements.
4. This will be raised at the Council meeting on 12th Sept'16
5. Discussion occurred regarding an MOU or Working Group between Main Roads, Shire and Wheatbelt Development Commission to be explored in the coming weeks and presented to Council for consideration.
6. The next stage of planning, alignment designs and options assessments for the Business plan will continue.

Since this meeting a briefing with Councillors, Shire staff, Main Roads and the Wheatbelt Development Commission occurred on Monday 29th August.

Comments and details:

As a result of these meetings there are two issues to consider as part of this report, namely, the creation of a Working Group with representatives from agencies involved and secondly preparing a community engagement plan to ensure the community and stakeholders are engaged appropriately during the course of the project.

Proposed Working Group

The identification of a route envelope for a future Bypass or Heavy Haulage Route is in the interests of many stakeholder and the wider community.

The Shire of York, Wheatbelt Development Commission and Main Roads will be the agencies with primary responsibility to engage with the stakeholders and community and work with the technical information to identify a potential route. Therefore it is proposed create a working group with representatives from these agencies to oversee the project and coordinate engagement with the community and stakeholders.

It is recommended that the Chief Executive Officer be asked to work with Main Roads and Wheatbelt Development Commission to prepare a draft Terms of Reference for Council to consider. It is expected that the Shire representatives on such a working group would be the Shire President and Chief Executive Officer however this would be determined in the future.

Community Engagement

Notwithstanding the work that has been done to date all parties agree that engagement of the community and stakeholders as soon as possible in a transparent and informative manner is critical to the project.

To this end it is recommended that the Chief Executive Officer work with Main Roads and Wheatbelt Development Commission to prepare a detailed community and stakeholder engagement plan for Councils consideration. This engagement plan would align the stages of investigation being undertaken by Main Roads with appropriate engagement. This plan once adopted by Council could be implemented by the Working Group.

The Chief Executive Officer sees merit in an enquiry by design process or similar. This could see organisational representatives, consultants, stakeholders and community members all working together to understand the issues and identify a potential corridor envelope. These types of processes have worked well in the past for complicated planning matters however input is needed from Main Roads and Wheatbelt Development Commission to settle on the final engagement model to be used within the resources available.

Economic, Social and Environmental Impacts

Work is still to be undertaken to examine and provide information on the economic, social and environmental impacts (both positive and negative) of a Bypass/Heavy Haulage Route around York. It is proposed this occur if agreement can be reached on a preferred alignment.

Summary

Although a Bypass has been discussed for York for some time now is the opportunity to have the discussion about this project in an open, transparent and informed manner with stakeholders and the community. There will be many pros and cons to explore and understand about a potential Bypass as part of this process.

The establishment of a Working Group with the Shire President and Chief Executive Officer as the Shire representatives will provide a governance framework to ensure all issues are explored and the community is appropriately engaged in the process.

Implications to consider:

- Consultative

The Shire needs to advocate for a high level of community and stakeholder engagement in this and any future processes regarding a potential Bypass or Heavy Haulage Route given the potential impacts upon the community.

It is considered that what is being proposed as a first step will go some way towards this with further strategies to be developed and implemented.

- Strategic

A Bypass/Heavy Haulage Route will have significant strategic impacts upon projects and initiatives the Shire of York is going to be undertaking including the following:

- A new Local Planning Strategy and Scheme
- Identification of Industrial land for future development
- Development of the Town Centre and Heritage Precincts

If a route is agreed upon, funding secured and the Bypass constructed it will have significant impacts upon the Town, land owners and businesses, both positive and negative.

Given these matters the Chief Executive Officer is recommending the creation of a high level Working Group for the project and community engagement.

- Financial

The Shire is not being asked to contribute financially to any activities associated with this body of work however it could be asked for a contribution into the future. No funds are allocated in the Four Year Financial Plan towards this project.

- Legal and Statutory

Any Bypass/Heavy Haulage Route would need to obtain all relevant statutory approvals.

The Working Group proposed would not be considered a formal Committee of Council in accordance with the Local Government Act 1995.

Voting Requirements:

Absolute Majority Required: No

RESOLUTION 060916

Moved: Cr Walters

Seconded: Cr Saint

“That Council:

- 1. Notes that Wheatbelt Development Commission has provided funding to Main Roads to identify a route corridor/envelope for a future potential Bypass/Heavy Haulage Route for York.***
- 2. Requests the Chief Executive Officer to work with Main Roads and Wheatbelt Development Commission to:***
 - (a) Prepare a draft Terms of Reference for the Working Group for the project and present this to Council for consideration.***
 - (b) Prepare a draft Community Engagement Plan for the project for Councils consideration.”***

CARRIED: 6/0

SY108-09/16 - Appointment Of Chief Bush Fire Officer

FILE REFERENCE: RS.BFC.1
APPLICANT OR PROPONENT(S): Shire Of York
AUTHORS NAME & POSITION: Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL: April 2016
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil

Nature of Council's Role in the Matter:
Executive

Purpose of the Report:
To appoint a Chief Bush Fire Officer.

Background:

The Bushfires Act 1954 provides for the appointment by a local government of a person to be its Chief Bush Fire Control Officer. When a vacancy occurs the local authority is required to appoint a replacement.

Mr Terry Davies resigned as the Shire of York Chief Bush Fire Control Officer earlier in the year. After attempts to recruit another Chief Council resolved the following:

**RESOLUTION
060416**

Moved: Cr Smythe

Seconded: Cr Walters

"That Council:

- 1. pursuant to Section 38 (1) of the Bush Fires Act 1954 appoint Justin Corrigan to the position of Chief Bush Fire Control Officer for a period of 4 months from 18 April 2016***
- 2. public notification be made of the appointment in a newspaper circulating in the Shire."***

CARRIED: 7/0

Comments and details:

Since this time efforts have been made to identify and secure a new Chief Bush Fire Control Officer as Mr Corrigan cannot continue in the role long term.

This matter was recently considered at the Bushfire Advisory Committee held on 25 August 2016 Mr Jeremy Marwick was nominated and endorsed by the Committee as the Chief Bush Fire Control Officer.

At the same meeting the following people were nominated and endorsed as Deputy Chief Bush Fire Control Officers:

1. Mr Laurie Fairclough
2. Mr Wayne Collins
3. Mr Warrick McGregor

These people are now presented to Council for appointment.

Implications to Consider:

Consultative

The Bush Fire Advisory Committee have been involved in selecting Mr Marwick.

Strategic

No strategic issues

Policy related

No policy related issues

Financial

No financial issues beyond what is included in the 2016/17 FY budget.

Legal and Statutory

The statutory reference is Section 38 of the Bush Fire Act 1954

Risk related

To ensure that all Bush Fire Control Officers are up to date in their training a one day course is being held in the Town Hall on Wednesday 14 September 2016.

Voting Requirements:

Absolute Majority Required: No

RESOLUTION**070916****Moved: Cr Smythe****Seconded: Cr Heaton*****“That Council:******Pursuant to Section 38 (1) of the Bush Fires Act 1954:***

1. Appoints Mr Jeremy Marwick to the position of Chief Bush Fire Control Officer for the Shire of York.

2. Appoints the following people to the position of Deputy Chief Bush Fire Control Officers:

- a) Mr Laurie Fairclough***
- b) Mr Wayne Collins***
- c) Mr Warrick McGregor”***

CARRIED: 6/0

SY109-09/16 – Write-off Rates Interest

FILE REFERENCE:	FI.DRS.3
APPLICANT OR PROPONENT(S):	Various Ratepayers
AUTHORS NAME & POSITION:	Anneke Birleson (Rates Officer)
PREVIOUSLY BEFORE COUNCIL:	No
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Nil

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

This report seeks to:

- Provide Council with background information in relation to interest that has accrued on rates and charges for a number of properties.
- Seek approval for the interest amounts to be written off.

Background:

Under Section 6.51 of the *Local Government Act* 1995, interest is imposed on any rate, service charge or cost of proceedings to recover any such charge that is overdue. Interest accrues daily at a rate of 11% per annum until the balance is paid.

There are a number of reasons why an outstanding balance occurs, and thus interest accrues. Most recently the Shire has received a number of enquiries in relation to the following:

Final Instalment Date 2015/16 – Printing Error

The final instalment date on the first notice for the 2015/16 rating year was incorrectly entered in the system as 23 May 2016. It should have been 23 February 2016, in accordance with Council Resolution 230615.

The error was corrected and advertised on the Shire of York website on 17 August 2015. In addition, instalment reminders were sent on 25 January 2016, in accordance with Section 6.41(2)(b) of the *Local Government Act* 1995, being not less than 28 days before the due date.

Property Settlement

All outstanding rates and charges are to be paid at settlement, leaving a balance of zero (\$0.00). Settlement agents are provided rates information through an Account Enquiry, usually lodged through Landgate. From time to time, the balance may not be paid in full or on time, resulting in the accrual of interest.

Comments and details:

The following table identifies properties where the ratepayer has requested the interest be written off. The interest amounts provided are as at 6 September 2016 and may differ at the time of write-off, if approved.

Assessment Number	Background Information	Interest as at 06/09/2016
A3071	Instalment payments were set up as automatic bank transfers in July 2015 according to the dates provided on the first notice, ensuring each payment had 3-5 days for clearing in the bank. Subsequent instalment reminders were disregarded.	\$44.41
A1321	Instalment payments were set up as automatic bank transfers in July 2015 according to the dates provided on the first notice, ensuring each payment had 3-5 days for clearing in the bank. Subsequent instalment reminders were disregarded.	\$17.63
A60354	<p>Instalment payments were set up according to the dates provided on the first notice but when this date was corrected, the ratepayer changed the payment date and consequently lost the payment reference.</p> <p>The Shire recorded it as an unidentified payment. The payment was later identified by process of elimination, verified and receipted on 5 September 2016.</p>	\$76.75
A471	<p>Instalment payments were set up according to the dates provided on the first notice but when this date was corrected, the ratepayer changed the payment date and consequently lost the payment reference.</p> <p>The Shire recorded it as an unidentified payment. The payment was later identified by process of elimination, verified and receipted on 5 September 2016.</p>	\$86.76
A2460	<p>Settlement was scheduled for 22 March 2016. The outstanding balance was provided to the settlement agents as at 4 March 2016 with a note for them to request an updated balance nearer the date of settlement.</p> <p>Settlement was delayed and the amount was not receipted until 31 March 2016. The accrued interest between 4 and 31 March was not taken into account.</p>	\$13.74
A60854	<p>This property was initially three lots that were group rated and a first rates notice issued in July 2015. It was then identified that one of the lots (with a dwelling) had been transferred to new ownership and a request was sent to Landgate to value each of the three lots separately.</p> <p>Interim rates were issued, the ratepayer requested that the two vacant blocks be group rated. A new request was sent to Landgate to group rate the vacant blocks.</p> <p>Another interim rate notice was issued. The notice was paid late, incurring minimal interest. Subsequently, one of these blocks was sold in May 2016 and another request sent to Landgate to ungroup them and obtain separate valuations. Due to the settlement occurring close to the end of financial year and the requirement for a revaluation, the outstanding interest was not included as part of the settlement Account Enquiry.</p>	\$18.83
Estimated Total to be Written Off		\$258.12

Implications to consider:

- Policy related
There is currently no policy or delegation for the write-off of outstanding rates and related charges.
- Financial
The financial implications associated with this item would result in a reduction in income of approximately \$258 and is considered immaterial.
- Legal and Statutory
Section 6.12(1)(c) of the Local Government Act permits the Council to write off any amount of money, which is owed to the local government

Voting Requirements:

Absolute Majority Required: Yes

**RESOLUTION
080916**

Moved: Cr Walters

Seconded: Cr Ferro

“That Council:

Approve the write-off of interest accrued in relation to the reasons provided in the report, on the following properties:

- ***A3071***
- ***A1321***
- ***A60354***
- ***A471***
- ***A2460***
- ***A60854”***

CARRIED: 6/0

SY110-09/16 – Financial Report for August 2016

FILE REFERENCE:	FI.FRP
APPLICANT OR PROPONENT(S):	Not Applicable
AUTHORS NAME & POSITION:	Tabitha Bateman, Financial Controller
PREVIOUSLY BEFORE COUNCIL:	No
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Monthly Statements
	List of Creditors Payments
	Corporate Credit Card Transaction Listing

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.

Comments and details:

The Financial Report for the period ending 31 August 2016 is presented for consideration and includes the following;

- Monthly Statements for the period ended 31 August 2016
- List of Creditors Payments
- Corporate Credit Card Transaction Listing

The following information provides balances for key financial areas for the Shire of York's financial position as at 31 August 2016;

Outstanding Rates and Services

Total outstanding rates as at 31 August 2016 are \$5,875,742 compared to \$706,356 as at 31 July 2016.

Previous Years

3 years and over	\$191,066.81	3.25%	of rates outstanding
2 years and over	\$139,874.12	2.38%	of rates outstanding
1 year and over	\$414,436.16	7.05%	of rates outstanding
<u>Total Prior Years outstanding</u>	<u>\$745,377.09</u>	12.69%	of rates outstanding
Current Rates	<u>\$5,130,364.69</u>	87.31%	of rates outstanding
<u>Total Rates Outstanding</u>	<u>\$5,875,741.78</u>		

Outstanding Sundry Debtors

Total outstanding sundry debtors as at 31 August 2016 are \$373,879 compared to \$657,640 as at 31 July 2016.

90 days and over	\$312,704.17	83.64%	of sundry debtors outstanding
60 days and over	\$17,684.56	4.73%	of sundry debtors outstanding
30 days and over	\$4,814.40	1.29%	of sundry debtors outstanding
Current	<u>\$38,675.64</u>	10.34%	of sundry debtors outstanding
Total Debtors Outstanding	<u>\$373,878.77</u>		

Voting Requirements:

Absolute Majority Required: No

**RESOLUTION
090916**

Moved: Cr Saint

Seconded: Cr Smythe

“That Council:

Receive the Monthly Financial Report and the list of payments drawn from the Municipal and Trust accounts for the period ending 31 August 2016 as summarised below:

Aug-16	
MUNICIPAL FUND	AMOUNT
Cheque Payments	25,577.98
Electronic Funds Payments	422,789.14
Payroll Debits	229,753.14
Payroll Debits - Superannuation	47,642.05
Bank Fees	438.22
Corporate Cards	987.00
Viva Energy - Fuel Cards	12.50
Fire Messaging Service	82.50
TOTAL	727,282.53
TRUST FUND	
Electronic Funds Payments	2,591.92
Cheque Payments	0.00
Direct Debits Licensing	138,749.50
TOTAL	141,341.42
TOTAL DISBURSEMENTS	868,623.95

CARRIED: 6/0

SY111-09/16 – Investments – August 2016

FILE REFERENCE: FI.FRP
APPLICANT OR PROPONENT(S): Not Applicable
AUTHORS NAME & POSITION: Tabitha Bateman, Financial Controller
PREVIOUSLY BEFORE COUNCIL: No
DISCLOSURE OF INTEREST: Nil
APPENDICES: Investment Portfolio

Purpose of the Report:

To report to Council the balance of investments held by the Shire of York as at 31 August 2016.

Background:

The investment policy requires Council to review the performance of its investments on a monthly basis. In accordance with the policy, a report of investments is presented to Council to provide a summary of investments held by the Shire of York.

Comments and details:

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

- a) Council's Investments as at 31 August 2016
- b) Application of Investment Funds
- c) Investment Performance

Voting Requirements:

Absolute Majority Required: No

RESOLUTION

100916

Moved: Cr Ferro

Seconded: Cr Heaton

“That Council:

Receive the Shire of York Investment Portfolio attached to this report.”

CARRIED: 6/0

SY112-09/16 – Closing the Meeting to the Public & Press

FILE REFERENCE:

APPLICANT OR PROPOENT(S): Paul Martin, CEO
AUTHORS NAME & POSITION: Paul Martin, CEO
PREVIOUSLY BEFORE COUNCIL: No
DISCLOSURE OF INTEREST: Nil

Statutory Environment:

Local Government Act 1995 – Part 5 – Division 2 – Section 5.23:

(2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*

- (a) a matter affecting an employee or employees; and*
- (b) the personal affairs of any person;*

Voting Requirements:

Absolute Majority Required: No

RESOLUTION 110916

Moved: Cr Smythe

Seconded: Cr Walters

“That Council:

Close the meeting to members of the public and the press to deal with matters affecting an employee or employees, and the personal affairs of any person.”

CARRIED: 6/0

Note to this Item:

The doors were Closed at 5.32pm.

The Chief Executive Officer, staff and Gallery left the meeting.

Helen D’Arcy-Walker, Executive Support Officer remained in the room.

Disclosure of Interest – Mr Paul Martin, CEO – Financial Interest – Item deals with KPI's for my role

SY113-09/16 – Chief Executive Officer – KPI's

FILE REFERENCE: P287
APPLICANT OR PROPONENT(S):
AUTHORS NAME & POSITION: Cr David Wallace, Shire President
PREVIOUSLY BEFORE COUNCIL: 25 July 2016
DISCLOSURE OF INTEREST: CEO, Paul Martin
APPENDICES: DRAFT Chief Executive Officer KPI's 2016/17

Mr Paul Martin, CEO declared a Financial Interest to this item and left the room at 5.32pm.

**RESOLUTION
120916**

Moved: Cr Saint

Seconded: Cr Walters

"That Council:

Adopts the Chief Executive Officer's KPI's as attached at Appendix 1 and forwards them to the Chief Executive Officer for agreement in accordance with the Chief Executive Officer's contract of employment."

CARRIED: 6/0

Mr Paul Martin, CEO returned to the meeting at 5.34pm

SY114-09/16 – Inside Staff EBA Agreement

FILE REFERENCE: PE.AWD.2
APPLICANT OR PROPONENT(S):
AUTHORS NAME & POSITION: Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL: Nil
DISCLOSURE OF INTEREST: Nil
APPENDICES:
1. Copy of Draft Enterprise Agreement
2. Comparison data on other Enterprise Agreements increases

RESOLUTION 130916

Moved: Cr Ferro

Seconded: Cr Smythe

“That Council:

Notes that the draft Inside Staff Enterprise Agreement 2016 as attached at Appendix 1 will now be voted upon by employees and if successful the Chief Executive Officer will sign and lodge the agreement with Fair Work Commission.”

CARRIED: 6/0

SY115-09/16 – Appointment to Members of the Avon Park Working Group

FILE REFERENCE: WK.PRO.1
APPLICANT OR PROPONENT(S):
AUTHORS NAME & POSITION: Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL: Nil
DISCLOSURE OF INTEREST: Nil
APPENDICES: Applications for Avon Park Working Group

RESOLUTION 140916

Moved: Cr Walters

Seconded: Cr Ferro

“That Council

1. *Appoints the following people to the Avon Park Working Group:*

- Robert Pearce (proxy Trevor Moffat) – Avon River Foreshore Conservation Society***
- Eric Ayling - Avon Branch of the WA Wildflower Society (Inc)***
- Meg Boyle (proxy Catherine Mincherton) – York Early Years Hub***
- Tanya Richardson – Community Representative***
- Ian Crombie – Landscape/Gardener Architect***
- Duncan Steed – The York Society***
- Phil Bateman – Indigenous Representative***

2. *Notes that further nominations to the Working Group will be presented to Council for consideration when received.”*

CARRIED: 6/0

SY116-09/16 – Opening the Meeting to the Public & Press

FILE REFERENCE:

APPLICANT OR PROPOENT(S): Paul Martin, CEO
AUTHORS NAME & POSITION: Paul Martin, CEO
PREVIOUSLY BEFORE COUNCIL: No
DISCLOSURE OF INTEREST: Nil

Statutory Environment:

Local Government Act 1995 – Part 5 – Division 2 – Section 5.23:

(2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*

- (a) a matter affecting an employee or employees;*
- (b) the personal affairs of any person;*

Voting Requirements:

Absolute Majority Required: No

RESOLUTION 150916

Moved: Cr Smythe

Seconded: Cr Saint

“That Council:

Open the meeting to members of the public and the press.”

CARRIED: 6/0

Note to this Item:

The doors were Opened at 5.38pm.

One member of the Gallery returned to the meeting.

The Shire President read the Resolution for Item SY113-09/16 – Chief Executive Officer's KPI's – Carried 6/0

The Shire President read the Resolution for Item SY114-09/16 – Inside Staff EBA Agreement – Carried 6/0

The Shire President read the Resolution for Item SY115-09/16 – Appointment to Members of the Avon Park Working Group – Carried 6/0

10.NEXT MEETING

RESOLUTION

160916

Moved: Cr Saint

Seconded: Cr Walters

“That Council:

holds the next Ordinary Meeting of the Council on Monday, 24th October, 2016 at 5.00pm at Greenhill Hall, Greenhills.”

CARRIED: 6/0

11.CLOSURE

The Shire President thanked everyone for their attendance and closed the meeting at 5.42pm.