

SHIRE OF YORK

**MINUTES OF THE ORDINARY
MEETING OF THE COUNCIL
HELD ON 16 APRIL, 2012
COMMENCING AT 3.00pm
IN COUNCIL CHAMBERS,
YORK TOWN HALL, YORK**

SHIRE OF YORK
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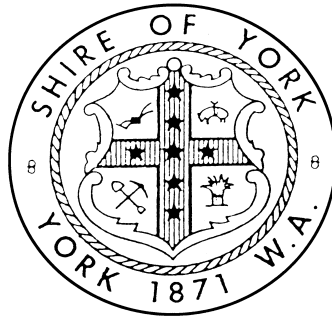
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RAY HOOPER
CHIEF EXECUTIVE OFFICER

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SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL
HELD ON MONDAY, 16 APRIL 2012, COMMENCING AT
3.00PM 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 Roy Scott, Deputy Shire President, declared the meeting open at 3.00pm
- 1.2 Chief Executive Officer to read the disclaimer
Ray Hooper, Chief Executive Officer, read the disclaimer
- 1.3 Announcement of Visitors
Nil
- 1.4 Announcement of any Declared Financial Interests
Nil

2. ATTENDANCE

- 2.1 Members
*Cr Tony Boyle, Shire President (arrived at 3.14pm); Cr Roy Scott;
Cr Brian Lawrance; Cr Denese Smythe; Cr Mark Duperouzel*
- 2.2 Staff
*Ray Hooper, Chief Executive Officer; Gordon Tester; Manager of Health and
Building Services; Jacky Jurmann, Manager Planning Services; Gail Maziuk,
Finance Officer/Project Co-Ordinator; Glen I Jones – Manager Works & Projects;
Allison Brown, Manager Recreation & Convention Centre; Helen D'Arcy-Walker,
Executive Support Officer*
- 2.3 Apologies
Nil
- 2.4 Leave of Absence Previously Approved
Cr Pat Hooper
- 2.5 Number of People in Gallery at Commencement of Meeting
There were 4 people in the Gallery at the commencement of the meeting.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

3.1 Previous Public Questions Taken on Notice

Mr Simon Saint
87 Avon Terrace
York WA 6302

PUBLIC QUESTION TIME - COUNCIL MEETING 26TH MARCH, 2012

Thank you for your questions submitted as above and which were taken on notice at the meeting.

Question 2:

Why is the Council being so secretive over these plans?

Response:

Council has followed all tender regulations, procedures and those associated with commercial confidentiality.

Question 4:

Is it correct that an ex-Shire depot worker recently won an appeal for unfair dismissal?

Response:

An employee was dismissed and a payout was negotiated through Fair Work Australia.

Question 5:

What is the amount of \$4,203.25 to Titanwood Holding relate to in the February financials when the Town Hall centenary celebration did not happen?

Response:

The accounts paid to Titanwood Holdings Pty Ltd were for the heritage consultancy services for all matters relating to the Town Hall Centenary and not for a light show as previously advised.

No costs were incurred by the Shire of York in relation to a light show and an apology is given for the incorrect information being provided at the November 2011 meeting.

Mr John Saville-Wright
83 Avon Terrace
York WA 6302

PUBLIC QUESTION TIME - COUNCIL MEETING 26TH MARCH, 2012

Thank you for your questions submitted as above and which were taken on notice at the meeting.

Question 1:

Given the budgets for the Recreation and Convention Centre, that the public were advised, can the Council advise what the total cost of the finished project will be and when will these figures be released to the public.

Response:

The full costs for Stages 2 & 3 of the Forrest Oval Co-Location project will be made available to the public when the projects are fully completed and it is anticipated that this will be prior to the 30th June, 2012.

Question 2:

If the costs for the Forrest Oval project as detailed in the business plan are exceeded significantly will Council agree to a formal enquiry?

Response:

The 2008 Master Plan and the 2009 Business Plan for the project were quantity surveyor estimates without any final design detail or tenders being called and have always been subject to the stages included in each annual balanced budget adopted by Council.

Each stage of the project already has audit and assessment processes in place not only for the normal local government audit processes but also those for the funding authorities e.g. Department of Sport & Recreation, Country Local Government Fund, etc and no other inquiry process is required.

The project was not initiated by the Royalties for Regions as claimed as it was a strategic planning decision by Council to co-locate sports to a single site and to provide high quality facilities for current and future users.

Some direct and regional Country Local Government Funds have been allocated to the project after the appropriate funding application and approval processes were followed.

It is advised that your question and accompanying statements were modified for publishing in the Council Minutes in accordance with the Public Question Time procedures as some statements were factually incorrect and there was the potential for defamation if published.

I trust that this explains the position and actions of Council.

4. PUBLIC QUESTION TIME

Mr Simon Saint
87 Avon Terrace
York WA 6302

Question 1:

Council spent nearly \$,8000 with Titanwood Holding Pty for heritage consultancy for the failed Town Hall centenary celebration, what was the advice? Can I have a copy?

Response:

Taken on Notice

Question 2: - York Events Support Policy – Item 9.4.1

(a) Why is Council asking for a business plan?

Response:

Taken on Notice

(b) Why is Council asking for a profit and loss statement?

Response:

Taken on Notice

(c) Why is Council asking event organisers to make contributions to recommended charities?

Response:

Cr Scott stated that the agenda item already outlined the answer to this question. Contributions would only need to be made if Community funds were granted to the event organisers.

Question 3 – Motorcycle Festival

(a) Will my customers have access to Saints Diner for breakfast?

Response:

Pedestrian access only. Event has been organised by the Police not the Shire of York.

(b) Will my room guests have access to come and go?

Response:

Pedestrian access only. Guest vehicle movement can be arranged with the street marshalls.

(c) Why is the street being closed off at 6.00am?

Response:

To keep street clear of vehicles parking before the event commences.

(d) Why has there been no consultation over street closure?

Response:

Event organisers are the Police and organisers of the Motorcycle Festival. Event Co-Ordinators have advised of discussions with property owners.

(e) What are the toilet arrangements to cope with the extra numbers?

Response:

Organisers responsibility.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS / PRESENTATIONS / DEPUTATIONS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Minutes of the Ordinary Council Meeting held March 26, 2012

Corrections

Confirmation

RESOLUTION

010412

Moved: Cr Lawrance

Seconded: Cr Smythe

“That the minutes of the Ordinary Council Meeting held on March 26, 2012 be confirmed as a correct record of proceedings.”

CARRIED: 4/0

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

9. OFFICER'S REPORTS

9.1 Development Services

9. OFFICER'S REPORTS

9.1 DEVELOPMENT REPORTS

9.1.1 York Men's Shed – Lot 12 Carter Road, York

When acting as a planning authority in accordance with the powers conferred by the Planning and Development Act 2005 and any relevant scheme, the Council of the Shire is entitled to make decisions based only on proper planning considerations.

FILE NO:	Ca3.11960, P762
COUNCIL DATE:	16 April 2012
REPORT DATE:	31 March 2012
LOCATION/ADDRESS:	Lot 12 Carter Road, York
APPLICANT:	York Men's Shed
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	J Jurmann, MPS
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	1 – Plans
DOCUMENTS TABLED:	Nil

Summary:

A planning application has been received from the York Men's Shed for the construction of various structures for use in conjunction with the Men's Shed activities at Lot 12 Carter Road, York.

The site is leased from the Shire of York to the Men's Shed for community purposes.

No objections were received regarding the proposal and it is recommended that the application be approved subject to the recommended conditions.

Background:

Lot 12 Carter Road, York is owned by the Shire of York and is leased to the York Men's Shed for community purposes.

A number of smaller structures have been relocated from the group's previous location at Balladong Farm and a larger shed has been constructed under a Building Licence.

It is proposed to construct a workshop and an additional storage shed on the site for use by the Men's Shed, and possibly in the future, other community groups.

The site is located on the corner of Ninth Road and Carter Road and the sheds have been positioned centrally on the lot. The group plans to establish landscaping to reduce the visual impact of the sheds on the lot when viewed from a public place.

Consultation:

The application was advertised in accordance with the provisions of the York Town Planning Scheme No. 2 to adjoining landowners. An advertisement was also placed on Council's website and in the Avon Valley Gazette.

No submissions were received regarding the proposal. However, one concern was raised from a neighbour that the application was retrospective and had already been determined. Correspondence was forwarded explaining that the application related to the new buildings and that all submissions would be considered. No further correspondence was received.

Statutory Environment:
York Town Planning Scheme No. 2

The site is reserved under the Scheme for 'Recreation and Open Space'.

The Western Australian Planning Commission's 'Development Control Policy 5.3 – Use of Land Reserved for Parks and Recreation and Regional Open Space (November 2011)' is considered best practice and states:

"Land reserved for Parks and Recreation or Regional Open Space may be used for:

- *passive recreation;*
- *active sporting pursuits;*
- *cultural and or community activities;*
- *activities promoting community education of the environment; and/or*
- *uses that are compatible with and or support the amenity of the reservation (i.e. cafe, restaurant)*

where specific facilities have been approved by the Commission."

Therefore the use of the reserve by the York Men's Shed is considered consistent with the reservation.

There are no other specific provisions relating to reserve use, however, it is considered important to consider the matters for consideration listed in Clause 7.5 of the Scheme to ensure that the use of the reserve and the proposed structures will not result in an adverse impact on the locality.

MATTERS FOR CONSIDERATION

- (a) *The aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area.*

The proposal is consistent with the objectives of the Scheme, particularly in that it will provide an important community group a location to operate and grow.

- (b) *The requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, which has been granted consent for public submissions to be sought.*

There are no new schemes or amendments applicable to the proposal or lot.

- (c) *Any approved statement of planning policy of the Commission.*

There are no statements applicable to the proposal.

- (d) *Any approved environmental protection policy under the Environmental Protection Act 1986.*

There are no policies applicable to the proposal.

- (e) *Any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State.*

There are no policies or strategies applicable to the policy.

- (f) *Any Planning Policy adopted by the local government under clause 8.8, any policy for a designated heritage precinct adopted under clause 5.1.3, and any other plan or guideline adopted by the local government under the Scheme.*

The adopted Local Planning Policy for Outbuildings does not apply to reserved land. Therefore, there are no adopted local planning policies applicable to this proposal.

- (g) *In the case of land reserved under the Scheme, the ultimate purpose intended for the reserve.*

As indicated earlier in this report, the land is reserved for Open Space and Recreation purposes under the Scheme. The use of the land by the York Men's Shed is considered consistent with the reservation (refer to earlier comments).

- (h) *The conservation of any place that has been entered in the Register within the meaning of the Heritage of Western Australia Act 1990, or which is included in the Heritage List under clause 5.1.2, and the effect of the proposal on the character or appearance of a heritage precinct.*

The site is not within a heritage precinct or listed in the Municipal Inventory.

- (i) *The compatibility or a use or development with its setting.*

The site is located within a residential/rural-residential area within the Equine and North-West Precincts. The use of the site is consistent with the reservation.

- (j) *Any social issues that have an effect on the amenity of the locality.*

The Men's Shed movement is an important social initiative and the operation and growth of the York Men's Shed will provide a key social service to the men and community of York.

- (k) *The cultural significance of any place or area affected by the development.*

The site is not of cultural significance.

- (l) *The likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment.*

The construction of the buildings is unlikely to impact on the natural environment.

- (m) *Whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bushfire or any other risk.*

There are no natural constraints that require specific consideration in the assessment of this proposal. The Men's Shed will be responsible for maintaining fire breaks to reduce the risk of bushfire.

- (n) *The preservation of the amenity of the locality.*

The Men's Shed operations are unlikely to impact on the locality if noise is managed (see comments below).

- (o) *The relationship of the proposal 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 proposal.*

The construction of the sheds is consistent in bulk and scale to larger sheds sited on properties in the locality. Landscaping will reduce the visual impact of the sheds.

- (p) *Whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles.*

Access and parking will be required to be formalised as part of the development, together with sufficient manoeuvring area for any deliveries or truck movements.

- (q) *The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.*

It is considered that Ninth Road has the capacity to cater for the traffic generated by the use, which will not be significant.

- (r) *Whether public transport services are necessary and, if so, whether they are available and adequate for the proposal.*

Public transport is not available to the site. However, it is expected that the Men's Shed will organise transport for members.

- (s) *Whether public utility services are available and adequate for the proposal.*

Public utility services are available to the site and should be sufficient for the proposal.

- (t) *Whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities).*

Toilet facilities will be provided on site. Public facilities are not required for the use.

- (u) *Whether adequate provision has been made for access by disabled persons.*

Access will be required for disabled persons and will be assessed as part of the Building Licence process.

- (v) *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.*

Landscaping is intended to be established to reduce the visual impacts of the buildings by the Men's Shed. No significant trees exist on site that requires preservation.

- (w) *Whether the proposal is likely to cause soil erosion and degradation.*

The proposal is not likely to cause soil erosion or degradation.

- (x) *The potential loss of any community service or benefit resulting from the planning consent.*

The proposed will result in an increase in community service and benefit.

- (y) *Any relevant submissions received on the application.*

No submissions were received regarding the application (see Consultation section of this report).

- (z) *The potential impacts of noise, dust, light, risk, and other pollutants on surrounding land uses.*

Noise may be an issue as a result of the Men's Shed operations. However, the buildings have been site away from residents. It is recommended that the Men's Shed operate in daylight hours only to ensure that noise does not become an issue.

- (aa) *The comments or submissions received from any authority consulted under clause 7.4.*

Not applicable.

- (bb) *Any other planning consideration the local government considers relevant.*

Nil.

Policy Implications:

There are no Policy implications associated with this proposal.

Financial Implications:

There are no financial implications associated with this proposal.

Strategic Implications:

The Men's Shed is an important community initiative.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Yes

Triple bottom Line Assessment:

Economic Implications:

There are no economic implications association with this proposal.

Social Implications:

The Men's Shed movement is an important men's health initiative and will provide an important community service for York.

Environmental Implications:

There are no environmental implications associated with this proposal.

Comment:

The construction of infrastructure to ensure the long-term viability of the Men's Shed movement in York is a positive initiative for the community of York.

A Building Licence will be required for the construction of the sheds.

**RESOLUTION
020412**

Moved: Cr Lawrance

Seconded: Cr Duperouzel

"That Council:

APPROVE the planning application for the York Men's Shed to use and construct infrastructure on Lot 12 Carter Road, York, subject to the following conditions:

- 1. Condition 1:** *The Development must substantially commence within two (2) years from the date of this decision.*
- 2. Condition 2:** *Development must take place in accordance with the stamped approved plans.*
- 3. Condition 3:** *The sheds may not be used for habitable, commercial, industrial or any other purposes other than in conjunction with a community use.*
- 4. Condition 4:** *The operation of power tools or other noise generating activities is restricted to daylight hours.*
- 5. Advice 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.*
- 6. Advice 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.*
- 7. Advice 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.*
- 8. Advice Note 4:** *This approval is not a building licence. In accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1960, an application for a building licence 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: 4/0

Item 9.1.1 Appendices

9. OFFICER'S REPORTS

9.1 DEVELOPMENT REPORTS

9.1.2 Advertising Signage – The Farm Shop, 46 Avon Terrace, York

When acting as a planning authority in accordance with the powers conferred by the Planning and Development Act 2005 and any relevant scheme, the Council of the Shire is entitled to make decisions based only on proper planning considerations.

FILE NO: AV1.60025, P763
COUNCIL DATE: 16 April 2012
REPORT DATE: 31 March 2012
LOCATION/ADDRESS: Lot 304 (46) Avon Terrace, York
APPLICANT: The Farm Shop
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: J Jurmann, MPS
DISCLOSURE OF INTEREST: Nil
APPENDICES: 1 – Locality Plan
2 – Plans
DOCUMENTS TABLED: Nil

Summary:

A planning application has been received to display advertising signage at The Farm Shop located at Lot 304 (46) Avon Terrace, York.

The property is located in the Blandstown Heritage Precinct and one submission has been received objecting to the proposal.

It is recommended that the application be approved subject to the conditions listed at the end of this report.

Background:

The planning application is to display new advertising signage in conjunction with an existing use for the retail sales of rural products known as The Farm Shop (formerly York Rural Traders).

The property is located on Avon Terrace in the Blandstown Heritage Precinct and adjoins Home Hardware and Balladong Country Estate. The property or building is not heritage listed.

Consultation:

The application was advertised in accordance with the provisions of the York Town Planning Scheme No.2 to adjoining landowners and the York Society. An advertisement was also placed in the Avon Valley Gazette and on Council's website. The application was also available for viewing at the Council Administration Office.

One submission was received objecting to the proposal as follows:

"In response to application to York Shire Council for advertising signage in the Heritage Precinct of Blandstown, my objection herewith to such is on the basis of the edict by Council at the outset of commercial development in Blandstown's Avon Terrace regarding restricted use of advertising signage in that Heritage Precinct.

On my observation since then, the rule has not been strictly adhered to.

With reference to Para. 4 of your letter (ref. as above), I maintain that grounds for my objection to additional signage are valid, given the circumstances as stated."

The assessment of this proposal that follows demonstrates that the proposed advertising signage meets the provisions of the York Town Planning Scheme No. 2 and the Local Planning Policy for Heritage Precincts and Places.

It should be noted that no response was received from The York Society regarding the proposal.

Statutory Environment:

York Town Planning Scheme No. 2

Clause 5.1 of the Scheme relates to heritage precincts and places of cultural significance with the purpose of facilitating the conservation of places of heritage value and to ensure that development as far as possible occurs with due regard to heritage values.

Clause 5.1.4 sets out the procedures for applications for development approval and requires that any heritage policy is considered during the assessment of any application. Council has adopted a Local Planning Policy, which therefore must be considered in accordance with this Clause.

Clause 5.3 relates to the control of advertisements and states that the assessment of an application for planning consent must include consideration of the objectives of the Scheme and the character and amenity of the locality to which it is to be displayed, including its historic or landscape significance and traffic safety, and the amenity of adjacent areas which may be affected.

Clause 8.8 gives power to Council to adopted local planning policies. The Local Planning Policy for Heritage Precincts and Places has been adopted under the provisions of this clause.

Clause 7.5 of the Scheme sets out the matters for consideration when assessing a planning application and includes the issues raised in the clauses above, which have been assessed as follows:

- (cc) The aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area.*

The proposal is consistent with the objectives of the Scheme, and in particular will not have a detrimental impact on any historic buildings.

- (dd) The requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, which has been granted consent for public submissions to be sought.*

There are no new schemes or amendments applicable to the proposal.

- (ee) Any approved statement of planning policy of the Commission.*

There are no statements applicable to the policy.

- (ff) Any approved environmental protection policy under the Environmental Protection Act 1986.*

There are no policies applicable to the proposal.

- (gg) Any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State.*

There are no policies or strategies applicable to the proposal.

- (hh) Any Planning Policy adopted by the local government under clause 8.8, any policy for a designated heritage precinct adopted under clause 5.1.3, and any other plan or guideline adopted by the local government under the Scheme.*

Council has adopted a local planning policy for heritage precincts and places. The site is located within the Blandstown Heritage Precinct and therefore the provisions of the policy must be considered in this assessment.

Section 5.0 of the Policy relates to advertising signage. The complying principles have been assessed as follows:

- a) *Signs shall be discreet and shall complement the building and streetscape in which it is located.* Planning comment – the signs complement the ‘Australian’ style of the building and will not detrimentally affect the streetscape, particularly considering that the neighbouring buildings are also of a newer style and construction.
- b) *Signs shall be of a size, nature, colour and position so that the architectural characteristics of a building remain the dominant element of the building.* Planning comment – the signs are of a size and location to complement the building and not dominate the façade or building.
- c) *Signage must respect and not cover important architectural detail on historic buildings.* Planning comment – the building is not historic or heritage listed.
- d) *Signage should respect the heritage values of the building and streetscape on which it is located, however should not attempt to recreate a historic character through the use of “olde” lettering or other imitation styles.* Planning comment – this section of Avon Terrace does not contain any significant historic buildings and is commercial in nature. It is considered the signage is appropriate for the setting.
- e) *Signs shall be attached to a building in a manner which does not damage or compromise the structural integrity or heritage values of the building.* Planning comment – the building is not historic or of heritage value.
- f) *Views into and out of shop windows should not be significantly obscured by signage.* Planning comment – no window advertising is proposed.
- g) *All signs should be of a high standard in terms of materials, construction and graphics. All signs shall be designed, constructed, finished, installed and maintained to a standard compatible with its surroundings, including buildings, landscaping and other signs.* Planning comment – the signage has been professionally designed and features ‘The Farm Shop’ and ‘CRT’ corporate logos. As indicated earlier, the signage is not considered, due to the location of the premises, to be of detriment to the streetscape.
- h) *Background colours used in signs shall generally be white or cream or colours from the colour palette available for viewing at the Shire of York offices.* Planning comment – the yellow in the CRT signage is not in accordance with this provision. However, due to the location the minor variation is considered acceptable.

It is considered that the proposal is generally consistent with the objectives and provisions of the local planning policy.

Local Planning Policy – Advertising Signs

The proposed signage generally meets the provisions of the policy with regards to location, size and amount of advertising signage. Although, there are generally 2 signs per elevation, the cumulative area of the signage meets the requirements and does not exceed 10% of the area of the elevation.

The assessment criteria in the policy have been assessed as follows:

1 Character of the area

- *Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?*
- *Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

Planning comment – the proposed signage is compatible with the area as indicated in this report.

2 Special areas

- *Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?*

The site is located within the heritage precinct of Blandstown. It is not considered that the proposed signage will detrimentally affect the character of the heritage area.

3 Views and vistas

- *Does the proposal obscure or compromise important views?*
- *Does the proposal dominate the skyline and reduce the quality of vistas?*
- *Does the proposal respect the viewing rights of other advertisers?*

The proposed signage will not impact on any views.

4 Streetscape, setting or landscape

- *Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?*
- *Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*
- *Does the proposal reduce clutter by rationalising and simplifying existing advertising?*
- *Does the proposal screen unsightliness?*
- *Does the proposal protrude above buildings, structures or tree canopies in the area or locality?*
- *Does the proposal require ongoing vegetation management?*

The proposed signage will not affect the streetscape, particularly due to the location of the site and adjoining buildings. The roof sign will be visible from the street but it is not considered that the sign will dominate the skyline.

5 Site and building

- *Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?*
- *Does the proposal respect important features of the site or building, or both?*
- *Does the proposal show innovation and imagination in its relationship to the site or building, or both?*

The size, amount and location of signage is considered appropriate for the setting.

6 Associated devices and logos with advertisements and advertising structures

- *Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?*

The logos in the signage design will identify the building and use.

7 Illumination

- *Would illumination result in unacceptable glare?*
- *Would illumination affect safety for pedestrians, vehicles or aircraft?*
- *Would illumination detract from the amenity of any residence or other form of accommodation?*
- *Can the intensity of the illumination be adjusted, if necessary?*

- *Is the illumination subject to a curfew?*

No illumination is proposed. It is recommended that a condition be imposed prohibiting illumination.

8 Safety

- *Would the proposal reduce the safety for any public road?*
- *Would the proposal reduce the safety for pedestrians or bicyclists?*
- *Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*

The signage is unlikely to impact on traffic. The applicant should be advised to contact Main Roads WA prior to erecting or displaying the signage for their comment.

- (ii) *In the case of land reserved under the Scheme, the ultimate purpose intended for the reserve.*

The land is not reserved under the scheme.

- (jj) *The conservation of any place that has been entered in the Register within the meaning of the Heritage of Western Australia Act 1990, or which is included in the Heritage List under clause 5.1.2, and the effect of the proposal on the character or appearance of a heritage precinct.*

The site is not heritage listed and does not adjoin any heritage listed site.

- (kk) *The compatibility or a use or development with its setting.*

It is not proposed to alter the use.

- (ll) *Any social issues that have an effect on the amenity of the locality.*

The proposed will not result in any adverse social issues.

- (mm) *The cultural significance of any place or area affected by the development.*

Blandstown is an area where the aesthetics qualities are highly valued by the community. It is not considered that the proposal will affect the cultural significance of Blandstown.

- (nn) *The likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment.*

The proposal will not affect the natural environment.

- (oo) *Whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bushfire or any other risk.*

There are no natural constraints that affect this proposal.

- (pp) *The preservation of the amenity of the locality.*

The amenity of the locality will not be detrimentally affected by the proposal for the reasons outlined in this report.

- (qq) *The relationship of the proposal 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 proposal.*

The signage is of appropriate scale and is in relative scale to the size of the building.

- (rr) *Whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles.*

Not applicable to this proposal.

(ss) *The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.*

Not applicable to this proposal.

(tt) *Whether public transport services are necessary and, if so, whether they are available and adequate for the proposal.*

Not applicable to this proposal.

(uu) *Whether public utility services are available and adequate for the proposal.*

Not applicable to this proposal.

(vv) *Whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities).*

Not applicable to this proposal.

(ww) *Whether adequate provision has been made for access by disabled persons.*

Not applicable to this proposal.

(xx) *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.*

No landscaping will be affected by this proposal.

(yy) *Whether the proposal is likely to cause soil erosion and degradation.*

Not applicable to this proposal.

(zz) *The potential loss of any community service or benefit resulting from the planning consent.*

Not applicable to this proposal.

(aaa) *Any relevant submissions received on the application.*

One submission is received objecting to this proposal. Refer to the 'consultation' section of this report.

(bbb) *The potential impacts of noise, dust, light, risk, and other pollutants on surrounding land uses.*

No impacts identified.

(ccc) *The comments or submissions received from any authority consulted under clause 7.4.*

Not applicable.

(ddd) *Any other planning consideration the local government considers relevant.*

Nil.

Policy Implications:

There is no policy implications associated with this proposal. This report shows that the proposal is generally consistent with the applicable policies.

Financial Implications:

It is important that local businesses can sufficiently advertise their business and location.

Strategic Implications:

There are no strategic implications associated with this proposal.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Yes

Triple bottom Line Assessment:

Economic Implications:

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

Social Implications:

There are no social implications associated with this proposal.

Environmental Implications:

There are no environmental implications associated with this proposal.

Comment:

The proposed advertising signage is considered appropriate for the site and complies with the relevant provisions of the York Town Planning Scheme No. 2 and the Local Planning Policy – Heritage Precincts and Places.

The objection has been considered in the assessment of this application.

It is recommended that the application be approved and that a condition being imposed on the approval to require prior approval from the Shire prior to any changes to colours, content or size of the advertising signs, and that the applicant be advised that the Shire is unlikely to support any additional advertising signage.

It should also be noted that the property has frontage to an arterial road under the control of Main Roads WA. The applicant should be advised to consult with Main Roads prior to the erection and display of any signage.

**RESOLUTION
030412**

Moved: Cr Duperouzel

Seconded: Cr Smythe

“That Council:

APPROVE the planning application to display advertising signage at Lot 304 (46) Avon Terrace, York subject to the following conditions:

- 1. Condition 1: The Development must substantially commence within two (2) years from the date of this decision.***
- 2. Condition 2: Development must take place in accordance with the stamped approved plans. No illumination of the signage is permitted.***
- 3. Condition 3: The signage shall be erected and displayed in accordance with the provisions of the Local Planning Policy – Heritage Precincts and Places, except where varied by this approval.***
- 4. Condition 4: The applicant must obtain prior approval from the local government for any changes to the approved advertising signage, including content, colours and the like.***
- 5. Advice 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.***
- 6. Advice 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.***
- 7. Advice 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.***
- 8. Advice Note 4: This approval is not a building licence. In accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1960, an application for a building licence 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.***
- 9. Advice Note 5: The applicant is advised to consult with Main Roads WA prior to the erection and/or display of any advertising signage.***
- 10. Advice Note 6: The applicant is advised that any additional advertising signage may not be supported by the Shire of York.”***

CARRIED: 5/0

Item 9.1.2 Appendices

9. OFFICER'S REPORTS

9.1 DEVELOPMENT REPORTS

9.1.3 Scheme Amendment No. 40 – Balladong Industrial Precinct

When acting as a planning authority in accordance with the powers conferred by the Planning and Development Act 2005 and any relevant scheme, the Council of the Shire is entitled to make decisions based only on proper planning considerations.

FILE NO:	PS.TPS.35
COUNCIL DATE:	16 April 2012
REPORT DATE:	29 March 2012
LOCATION/ADDRESS:	Balladong Industrial Precinct
APPLICANT:	Shire of York/Ferncourt Enterprises P/L
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	J Jurmann, MPS
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	1 – Scheme Amendment Documentation
DOCUMENTS TABLED:	Nil

Summary:

On 16 March 2009, Council resolved to initiate a scheme amendment to rezone land south of the town adjacent to the Cooperative Bulk Handling facility from General Agriculture zone to General Industry and Light Industry zones.

A draft Outline Development Plan was prepared on behalf of the landowner containing a number of detailed provisions for the industrial development.

For a number of reasons, the scheme amendment was not progressed by the landowner. Therefore, in accordance with the planning legislation, Council is requested to formally terminate the scheme amendment.

Background:

The subject land is identified in the York Local Planning Strategy as a potential site for a new industrial area.

A scheme amendment was initiated by Council on 16 March 2009 and accompanying scheme amendment documentation and an Outline Development Plan were drafted.

Consultation:

The scheme amendment did not progress to consultation with other initial consultation with the Western Australian Planning Commission.

Statutory Environment:

Clause 13 of the Town Planning Regulations 1967 states:

- (1) On completion of the preparation of the Scheme documents pursuant to the provisions of these regulations, the local government shall —
 - (a) if it resolves to proceed with the Scheme, adopt the proposed Scheme in accordance with the Act; or
 - (b) if it resolves not to proceed with the Scheme, notify the Commission in writing of that resolution.

Therefore to terminate Scheme Amendment No. 40, Council is required to resolve not to proceed with the Scheme Amendment and notify the Western Australian Planning Commission in writing of the resolution.

Policy Implications:

Although the York Local Planning Strategy identifies this site as a future new industrial area to service York, the Strategy also provides for suitably zoned and serviced industrial land to be identified to attract new industries to the Shire and to allow for future industrial and rural industry expansion.

At the February Council Meeting, it was resolved to initiate a scheme amendment for the rezoning of Springbett Airfield on Spencer's-Brook Road to light industrial to cater for the industrial needs of the York community.

It is considered that there are no adverse policy implications associated with the termination of this scheme amendment as alternative sites are available and are currently being investigated.

Financial Implications:

There are no financial implications associated with this proposal. Costs to date associated with the preparation of the scheme amendment and structure plan documentation have been borne by the landowner.

Strategic Implications:

The need for industrial land is acknowledged by the Shire. Alternative sites are currently being investigated, including Springbett Airfield, which is consistent with the York Local Planning Strategy.

Scheme Amendment No. 46 is also in its final stages to rezone Lot 50 Great Southern Highway from General Agriculture to Development for Light Industrial and Service Industrial to also meet the industrial land needs of the York business community.

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not applicable

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

Other sites can be identified to provide industrial land in York. The termination of the scheme amendment will not have adverse economic implications for York.

Social Implications:

The termination of this scheme amendment will not have adverse social implications, if alternative sites are identified that will result in a strong economic and employment base for York.

Environmental Implications:

There are no environmental implications associated with this proposal.

Comment:

As indicated in this report, alternative sites can be identified for the location of a new industrial precinct, such as Springbett Airfield and Lot 50 Great Southern Highway, which will meet the current and future industrial land needs of York.

The formal termination of this scheme amendment is required by planning legislation.

**RESOLUTION
040412**

Moved: Cr Scott

Seconded: Cr Lawrance

“That Council:

- (1) Resolve to formally terminate Scheme Amendment No. 40 that proposed to rezone part of Lot 2 Knotts Road from General Agriculture to Light and General Industrial and any other associated proposed provisions.***
- (2) Advise the Western Australian Planning Commission in writing of Council's resolution.”***

CARRIED: 5/0

Item 9.1.3 Appendices

9.2 Administration Reports

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.1 Dogs Amendment Local Law 2012

FILE NO:	LE.LLW
COUNCIL DATE:	16 April 2012
REPORT DATE:	7 April 2012
LOCATION/ADDRESS:	N/A
APPLICANT:	Shire of York
SENIOR OFFICER:	Ray Hooper, CEO
REPORTING OFFICER:	Tyhscha Cochrane, DCEO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Dogs Amendment Local Law 2011
DOCUMENTS TABLED:	Original Dog Local Law Amendment Dog Local with Proposed Changes

Summary:

That Council adopt the proposed changes, as shown in the schedule, and proceed with the finalisation of the local law as follows:

- (1) make the Shire of York Dogs Amendment Local Law 2012, incorporating all amendments;
- (2) publish the local law's gazettal in the *Government Gazette*;
- (3) give local public notice, (after gazettal), of the date the Shire of York Dogs Local Law 2012 will come into effect; and
- (4) authorise the affixing of the Common Seal to the local law.

Background:

Council considered the local law on the 27th April 2011, however the report was reconsidered on the 16th May 2011 when advice was received regarding the submissions relating to proposed changes to the Dogs Local Law had not been considered.

Consultation:

Darren Long Consulting.

Statutory Environment:

Local Government Act 1995.
Dog Act 1976 and associated regulations.
Dogs (Restricted Breeds) Regulations 2002.

Policy Implications:

There are no policy implications for this item.

Financial Implications:

Advertising costs associated with placement of the amendment local law in the *Government Gazette* and giving local notice of the date the local law takes effect. A special edition of the *Gazette* will include Cemeteries, Local Government Property, Dogs and Extractive Industries Local Laws.

Strategic Implications:

Resource Management.

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not Applicable.

Triple bottom Line Assessment:

Economic Implications:

Not applicable.

Social Implications:

Up to date and relevant local laws are an important cornerstone of good governance. Local Government has a statutory and moral obligation to ensure that the regulation of local matters is conducted in a fair, efficient and reasonable manner.

Environmental Implications:

Not applicable.

Comment:

Whilst preparing the local law for gazettal some typographical errors were identified. Changes cannot be made to the local laws unless Council adopts the changes. The corrections are shown in the table below:

Section of Dog Local Law 2011	Correction Required	Recommended Action
4. Part 1 Clause 1.3 amended. <i>authorised person and pound keeper</i> reference to "authorized".	Change "authorized" to "authorised".	It is recommended that Council adopt the correction.
Reference to 2011 throughout local law.	Change to "2012", as this is the date Council is publishing the local law.	It is recommended that Council adopt the correction.
Affixing the Common Seal. Date and Shire President.	Date to be changed from "16 May 2011" to "16 April 2012" and the Shire President to be changed from "J.P. HOOPER" to "A BOYLE".	It is recommended that Council adopt the corrections.

The attached local law noting the above identified amendments is not considered significantly different than the proposed local law that was advertised for public comment, permitting Council to proceed with adoption and gazettal of the local law.

The purpose of this local law is to bring the Dogs local law into alignment with current legislation and terminology.

The effect is to ensure that the Dogs local law can be enforced in an effective manner.

**RESOLUTION
050412**

Moved: Cr Duperouzel

Seconded: Cr Scott

“That Council:

- 1. notes the minor corrections in relation to the proposed Shire of York Dogs Amendment Local Law 2011 and adopts the changes as outlined in the table contained in report 9.2.1;***
- 2. resolves to make the Shire of York Dogs Amendment Local Law 2011, as per Attachment 1, incorporating all amendments, in accordance with section 3.12 of the Local Government Act 1995:***
 - (a) the purpose of which is to bring the Dogs local law into alignment with current legislation and terminology; and***
 - (b) the effect is to ensure that the Dogs local law can be enforced in an effective manner.***
- 3. publish the Shire of York Dogs Amendment Local Law 2012, as per (2) above, in the Government Gazette and provide copies of the local law to the Minister for Local Government;***
- 4. forward a copy of the gazetted Dogs Amendment Local Law 2012, explanatory memoranda and associated documentation to the Joint Standing Committee on Delegated Legislation for review;***
- 5. after gazettal of the amendment local law, provide local public notice of the date the local law takes effect; and***
- 6. authorise the affixing of the Common Seal of the Shire of York to the Shire of York Dogs Amendment Local Law 2012.”***

CARRIED: 5/0

Item 9.2.1 Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.2 Proposal to Make Cemeteries Amendment Local Law 2012

FILE NO: LE.LLW.10
COUNCIL DATE: 16 April 2012
REPORT DATE: 7 April 2012
LOCATION/ADDRESS: N/A
APPLICANT: Shire of York
SENIOR OFFICER: Ray Hooper, CEO
REPORTING OFFICER: Tyhscha Cochrane, DCEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: A - Cemeteries Amendment Local Law 2011
DOCUMENTS TABLED: Original Cemeteries Local Law
Amendment Local Law with Proposed Changes

Summary:

That Council adopt the proposed changes, as shown in the schedule, and proceed with the finalisation of the local law as follows:

- (5) make the Shire of York Cemeteries Amendment Local Law 2012, incorporating all amendments;
- (6) publish the local law's gazettal in the *Government Gazette*;
- (7) give local public notice, (after gazettal), of the date the Shire of York Cemeteries Local Law 2012 will come into effect; and
- (8) authorise the affixing of the Common Seal to the local law.

Background:

Council considered the local law at its Ordinary Council meeting held on the 27th April 2011.

Consultation:

Darren Long Consulting.

Statutory Environment:

Local Government Act 1995
Cemeteries Act 1986

Policy Implications:

The introduction of the proposed new local law will require Council to adopt new policies relating to the administration of the cemetery as follows -

- (1) Specifications relating to the construction and placement of monuments; and
- (2) Specifications relating to the types of material that can be used for, and size of, memorial plaques.

The adoption of such policies should be undertaken after the final adoption of the local law.

Financial Implications:

Advertising costs associated with placement of the amendment local law in the *Government Gazette* and giving local notice of the date the local law takes effect. A special edition of the *Gazette* will include Cemeteries, Local Government Property, Dogs and Extractive Industries Local Laws.

Strategic Implications:

Resource Management.

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:**Site Inspection Undertaken: Not Applicable.****Triple bottom Line Assessment:****Economic Implications:**

Not applicable.

Social Implications:

Up to date and relevant local laws are an important cornerstone of good governance. Local Government has a statutory and moral obligation to ensure that the regulation of local matters is conducted in a fair, efficient and reasonable manner.

Environmental Implications:

Not applicable.

Comment:

Whilst preparing the local law for gazettal some typographical errors were identified. Changes cannot be made to the local laws unless Council adopts the changes. The corrections are shown in the table below:

Section of Cemeteries Local Law 2011	Correction Required	Recommended Action
19. New Clauses 6.3 and 6.4 inserted - 6.4(1)(b).	Change "Commission" to "Commissioner".	It is recommended that Council adopt the correction.
42. Second Schedule amended – Schedule 2- Form 1.	Reference to <i>Shire of York Cemeteries Local Law 1999</i> . Change "1999" to "2012".	It is recommended that Council adopt the correction.
45. Various clause titles amended – Part 3 Clause 3.4.	Under Delete column should read "Certificate of Identification" original local law had first letter of Identification capitalised.	It is recommended that Council adopt the corrections.
Reference to 2011 throughout local law.	Change to "2012", as this is the date Council is publishing the local law.	It is recommended that Council adopt the corrections.
Affixing the Common Seal. Date and Shire President.	Date to be changed from "27 April 2011" to "16 April 2012" and the Shire President to be changed from "J.P. HOOPER" to "A BOYLE".	It is recommended that Council adopt the corrections.

The attached local law noting the above identified amendments is not considered significantly different than the proposed local law that was advertised for public comment, permitting Council to proceed with adoption and gazettal of the local law.

In addition to the above changes, a number of minor formatting and setting out errors have been corrected in the amendment local law for example where there is a reference to measurements these have been amended to include a space between number and the measurement abbreviation.

The attached amendment local law incorporating all identified drafting changes is not considered significantly different than the proposed local law that was advertised for public comment, permitting Council to proceed with adopting the local law.

The purpose of this local law is to amend the Shire of York Local Law relating to York Public Cemetery and provide additional provisions for the management of certain activities in the cemetery.

The effect is to allow for better regulation of activities within cemeteries in the Shire of York.

**RESOLUTION
060412**

Moved: Cr Smythe

Seconded: Cr Scott

“That Council:

- 1. notes the minor corrections in relation to the proposed Shire of York Cemeteries Amendment Local Law 2011 and adopts the changes as outlined in the table contained in report 9.2.2;***
- 2. resolves to make the Shire of York Cemeteries Amendment Local Law 2012, as per Attachment 1, incorporating all amendments, in accordance with section 3.12 of the Local Government Act 1995:***
 - a) the purpose of which is to amend the Shire of York Local Law relating to York Public Cemetery and provide additional provisions for the management of certain activities in the cemetery; and***
 - b) the effect is to allow for better regulation of activities within cemeteries in the Shire of York.***
- 3. publish the Shire of York Cemeteries Amendment Local Law 2012, as per (2) above, in the Government Gazette and provide copies of the local law to the Minister for Local Government;***
- 4. forward a copy of the gazetted Cemeteries Amendment Local Law 2012, explanatory memoranda and associated documentation to the Joint Standing Committee on Delegated Legislation for review;***
- 5. after gazettal of the amendment local law, provide local public notice of the date the local law takes effect; and***
- 6. authorise the affixing of the Common Seal of the Shire of York to the Shire of York Cemeteries Amendment Local Law 2012.”***

CARRIED: 5/0

Item 9.2.2 Appendices

9. OFFICER'S REPORTS

9.2 ADMINISTRATION REPORTS

9.2.3 Proposal to Make Local Government Property Amendment Local Law 2012

FILE NO:	LE.LLW
COUNCIL DATE:	16 April 2012
REPORT DATE:	30 March 2012
LOCATION/ADDRESS:	N/A
APPLICANT:	Shire of York
SENIOR OFFICER:	Ray Hooper, CEO
REPORTING OFFICER:	Tyhscha Cochrane, DCEO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Local Government Property Amendment Local Law 2011
DOCUMENTS TABLED:	Original Local Law Local Law with Proposed Changes

Summary:

That Council adopt the proposed changes, as shown in the schedule, and proceed with the finalisation of the local law as follows:

- (9) make the Shire of York Local Government Property Amendment Local Law 2012, incorporating all amendments;
- (10) publish the local law in the *Government Gazette*;
- (11) give local public notice, (after gazettal), of the date the Shire of York Local Government Property Local Law 2012 will come into effect; and
- (12) authorise the affixing of the Common Seal to the local law.

Background:

Council considered the local law on the 27th April 2011, however the report was reconsidered on the 16th May 2011 when advice was received regarding the submissions relating to proposed changes to the Local Government Property Local Law had not been considered.

Consultation:

Darren Long – Consultant.

Statutory Environment:

Local Government Act 1995.

Policy Implications:

There are no policy implications for this item.

Financial Implications:

Advertising costs associated with placement of the amendment local law in the *Government Gazette* and giving local notice of the date the local law takes effect. A special edition of the *Gazette* will include Cemeteries, Local Government Property, Dogs and Extractive Industries Local Laws.

Strategic Implications:

Resource Management.

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not Applicable

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

Not applicable.

Social Implications:

Up to date and relevant local laws are an important cornerstone of good governance. Local Government has a statutory and moral obligation to ensure that the regulation of local matters is conducted in a fair, efficient and reasonable manner.

Environmental Implications:

Not applicable.

Comment:

Whilst preparing the local law for gazettal some typographical errors were identified. Changes cannot be made to the local laws unless Council adopts the changes. The corrections are shown in the table below:

Section of Local Government Property Amendment Local Law 2011	Correction Required	Recommended Action
<p>18. Part 5 Clause 5.1 amended.</p> <p>2(ii) under the minimum age of that specified in the Code and who is accompanied by a responsible person over the age of that specified in the Code where the responsible person is incapable or, or not providing, adequate supervision of, or care, for that person;</p>	<p>After the word "incapable" delete or and replace with "of".</p>	<p>It is recommended that Council adopt the correction.</p>
<p>32. Table of Contents amended (5) After designation 5.1 insert "5.2 Consumption of food or drink may be prohibited".</p>	<p>After 5.1 a space is required.</p>	<p>It is recommended that Council adopt the correction.</p>
<p>Reference to 2011 throughout local law.</p>	<p>Change to 2012, as this is the date Council is publishing the local law.</p>	<p>It is recommended that Council adopt the corrections.</p>
<p>Affixing the Common Seal. Date and Shire President.</p>	<p>Date to be changed from "16 May 2011" to "16 April 2012" and the Shire President to be changed from "J.P. HOOPER" to "A BOYLE".</p>	<p>It is recommended that Council adopt the corrections.</p>

The attached local law incorporating all identified amendments is not considered significantly different than the proposed local law that was advertised for public comment, permitting Council to proceed with adoption and gazettal of the local law.

The purpose of the proposed Local Government Property Amendment Local Law 2011 is to restrict and prohibit certain activities on local government property and review the modified penalties.

The effect of the proposed Local Government Property Amendment Local Law 2011 is to control the use of local government property and create offences for inappropriate behaviour in or on local government property.

**RESOLUTION
070412**

Moved: Cr Boyle

Seconded: Cr Smythe

That Council:

- 1. notes the minor corrections in relation to the proposed Shire of York Local Government Property Amendment Local Law 2011 (attached) and adopts the changes as outlined in the table contained in report 9.2.3;***
- 2. resolves to make the Shire of York Local Government Property Amendment Local Law 2012, as per Attachment 1, incorporating all amendments, in accordance with section 3.12 of the Local Government Act 1995:***
 - (a) the purpose of which is to restrict and prohibit certain activities on local government property and review the modified penalties; and***
 - (b) the effect is to control the use of local government property and create offences for inappropriate behaviour in or on local government property.***
- 3. publish the Shire of York Local Government Property Amendment Local Law 2012, as per (2) above, in the Government Gazette and provide copies of the local law to the Minister for Local Government.***
- 4. forward a copy of the gazetted Local Government Property Amendment Local Law 2012, explanatory memoranda and associated documentation to the Joint Standing Committee on Delegated Legislation for review.***
- 5. after gazettal of the Local Government Property amendment local law, provide local public notice of the date the local law takes effect.***
- 6. authorise the affixing of the Common Seal of the Shire of York to the Shire of York Local Government Property Amendment Local Law 2012.”***

CARRIED: 5/0

Item 9.2.3 Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.4 Road Programmes 2012/13 to 2015/16

FILE NO: WK.RDM
COUNCIL DATE: 16 April, 2012
REPORT DATE: 28 March, 2012
LOCATION/ADDRESS: Shire of York
APPLICANT: N/A
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: R Hooper, CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Draft Road Programmes
DOCUMENTS TABLED: Nil

Summary:

The four (4) year draft road programmes are provided for Council consideration for inclusion in the 2012/13 budget, the Forward Capital Plan and the 10 year Financial Plan.

Background:

The Shire of York operates a 10 year rolling road programme to set a transport management direction and to take advantage of State and Federal road funding programmes to upgrade and maintain the road, street and footpath network.

Consultation:

Regional Road Group
Roads to Recovery
York Roads and Transport Operators Group

Statutory Environment:

Part of the normal budget process

Policy Implications:

Nil

Financial Implications:

The final programme is subject to budget adoption. Local governments have a requirement to achieve a set level of own resource funding to ensure continuation of the Roads to Recovery funding provided by the Federal Government. Regional Road and State Blackspot funding is subject to a one third local government contribution.

Strategic Implications:

Nil

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Road Inspection Tours Done

Triple bottom Line Assessment:

Economic Implications:

High quality transport links are integral to the local and regional economics.

Social Implications:

A safe and efficient transport network is vital for community wellbeing.

Environmental Implications:

Environmental requirements are factored into the road programme e.g. clearing permits.

Officers Comment:

The Shire of York has a significant reduction in regional road funding in 2012/13 as the multi criteria analysis used in funding allocations resulted in York having the lowest scoring project in the Avon Regional Roads Subgroup.

**RESOLUTION
080412**

Moved: Cr Duperouzel

Seconded: Cr Lawrance

“That Council:

- 1. Receives and adopts the four (4) year Road Programme as indicative expenditure and project priority for 2012/13 – 2015/16 for inclusion in the Forward Capital Plan and the 10 year Financial Plan.*
- 2. Includes the 2012/13 Road Programme in the 2012/13 Municipal Budget.”*

CARRIED: 5/0

Item 9.2.4 Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.5 Youth Report for April 2012

FILE NO: CS.LCS.6
COUNCIL DATE: 16th April, 2012
REPORT DATE: 5th April, 2012
LOCATION/ADDRESS: N/A
APPLICANT: Shire of York
SENIOR OFFICER: R. Hooper, CEO
REPORTING OFFICER: Lyn Kay, YDO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Youth Centre Newsletter
Financials
DOCUMENTS TABLED: Nil

Summary:

The following is a summary of the activities undertaken by the Youth Development Officer since the last report submitted in March 2012.

• **Youth Centre:**

Weekly "Hang Out" program is going well on a Thursday from 3pm-6pm and averaging 12-15 children, playing X Box, Playstation, Wii, table tennis and Pool.

An anonymous couple donated \$1,000 for blinds, which are now installed and have made an enormous difference with cooling the building down and adding security.

• **Holiday Programme:**

The Youth Development Officer has organised the following:

Monday 16 th April	Candle Making
Tuesday 17 th April	Art with Jenny Broun-Beverley Station Gallery
Wednesday 18 th April	Cooking with Vicky
Thursday 19 th April	Hang Out, Movies, Pool Competition
Friday 20 th April	Karaoke, Free Sausage Sizzle & Drink to celebrate Youth Week

• **Active After School Program:**

This program went for 7 weeks playing Softcrosse with children in Years 4, 5, 6 & 7 participating and on completion received a Certificate. This was very well received, lots of fruit consumed and wonderful help from Judy Davies from York District High School.

• **Karaoke Disco:**

This was held on Friday 30th March, with 174 children attending from Pre Primary through to Youth. We had Karaoke and lots of participation plus games and lots of prizes. We sold cool drinks, lollies and hot dogs plus an entrance fee of \$2.50, all profits going to the Youth Centre.

• **York Youth Centre Newsletter:**

The Youth Development Officer distributed to Youth at York District High School and those travelling on the 3 buses to Northam the 1st Edition Newsletter.

We have had a great response with enquiries, especially the Disco which was a great success.

• **Banners in the Terrace:**

So far the Youth Development Officer has received 25 entrants and the Shire Staff have been voting on the top 6.

Youth Development Officer will be working with a teacher from York District High School and the 6 artists selected to paint the Banner in May.

- **Wheatbelt Basketball Program:**

Youth Development Officer has been working with local Police, RDA Wheatbelt, Avon Youth Services, Department Child Protection and other agencies to have a basketball program with 13year-17year olds to compete in a Competition against Police in the Wheatbelt commencing on the 2nd May-December, 2012.

Reaching out to young people, there will be 12 Communities engaged and committed to participate, uniforms supplied and funding submissions sourced.

- **KidSport:**

Youth Development Officer has been talking to different Sporting Groups and organising Club Membership details to be sent to Shire Office and we have started to receive Vouchers for children to participate in sports in the community.

Each child whose parent is on a Health Card or Pension Card or referred by one of our Referral Agents-Salvation Army and Scouts can participate in community sport and recreation, no matter their financial circumstances.

KidSport will allow eligible youth aged 5-18years to apply for financial assistance towards club fees (\$200 per year).

- **Leeuwin Ocean Adventure:**

The 2 Youth who went on the Leeuwin Adventure said they had a wonderful time, made a lot of new friends and really enjoyed the adventure.

Their story was printed on the front page of the Community Matters, thanking the Shire of York, Bendigo Bank and Leeuwin for donating the money for them to attend.

They will be going to the Bendigo Bank to show pictures and talk about their trip.

Background:

Youth Development Officer is building strong relationships with the appropriate partners in all fields of youth development, including education, police and health partnerships. Trust and integrity is being developed with York youth and their parents/guardians as quality programs are being introduced and activated.

Consultation:

Education
Police
Health
Council Staff and Youth.

Statutory Environment:

Nil

Policy Implications:

Nil

Financial Implications:

Activities and initiatives are funded in SOY budget and through grants, fundraising activities and 'user pays' arrangements.

Strategic Implications:

Key Result Area 4 - Youth - Objectives:

1. *To facilitate an increase in the employment and education opportunities for the young people of the Shire.*
2. *To enhance recreational and cultural opportunities for young people.*
3. *To involve young people in decision-making and in taking a responsible role in our community.*
4. *To develop strategic alliances with other organisations working with young people.*

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not Applicable

Triple bottom Line Assessment:

Economic Implications:

Nil

Social Implications:

Nil

Environmental Implications:

Not Applicable

Comment:

This report serves to keep the community informed of the activities in place.

RESOLUTION

090412

Moved: Cr Scott

Seconded: Cr Duperouzel

“That Council:

Receives this report and acknowledges and endorses the activities and initiatives of the Youth Development Officer.”

CARRIED: 5/0

Item 9.2.5 Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.6 Information Services

FILE NO: CS.LCS.8.1
COUNCIL DATE: 16 April, 2012
REPORT DATE: 5 April, 2012
LOCATION/ADDRESS: N/A
APPLICANT: Shire of York
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: Information Services Officer
DISCLOSURE OF INTEREST: Nil
APPENDICES: Appendix A and B
DOCUMENTS TABLED: Nil

Summary:

The following is a summary of items for York Information Services for the month of March 2012.

- **Visitor Numbers-** (Appendix A) These numbers are counted manually and only include adults and older children actually walking through the doors of the Information Services office. They do not include people walking into the Town Hall to use toilets, view exhibits etc.

The number of visitors coming through the doors in March 2012 was **1015** as compared to 966 in 2011.

- **Product Sales-** (Appendix B) Net sales for the month of March 2012 were **\$479.20** compared to \$632.70 for the same period 2011.

Very few stock items are left from the York Tourist Bureau which have been discounted to cost price, most of the net sales for the month were due to sale of York Info Services stock.

Sales figured for the month of March are down from last year due to the lack of stock that the Information Services has on hand.

- **Request for Services-**

There are certain services that visitors ask for (verbally) on a regular basis, these include:

- The Garden Fair 2
- Shade over the seat at Mt Brown Lookout 1
- Jazz Festival 5
- Taxi Service in York 3
- Laundry Mat 1
- Event info for Locals of York 10
- Settlers House re-opening 5
- List of garage sales 2
- York Brochure 5
- Longer hours for the swimming pool 2

- **York Tourist Maps-**

Stocks of current maps are running low, but have been put in for printing with Vanguard and should be available within the month.

- **York Brochure -**

York Brochure is getting under way now just have to send the artwork off to the printer and hopefully receive them in the next few weeks, it's wonderful how the local businesses have all been very positive about York having its own brochure.

All the advertising has been sold there is only one small space left for the Information Services to place their ad.

- **Free RV Parking at Avon Park-**

This is becoming very popular in York as visitors often come in to advise us that the RV parking at Avon Park is full and asking if there is anywhere else for RV's to park in York.

- **Staff-**

Welcome Tamara Simunov to the York Information Services, Tamara has taken over from Pam Law we would like to thank Pam for all the effort that she put into the York Information Services for the last 18 months.

- **Complaints-**

These are usually received by way of verbal feedback, with the occasional Council Action Request form, letter or email received. The most common over the month of March was:

- Lack of attractions and businesses available Monday and Tuesday
- Lack of places to eat on Monday and Tuesday nights
- Lack of places to get lunch after 2pm
- Lack of heritage buildings open to visit
- York Tourist Bureau website list our telephone number as a contact number for accommodation bookings and any enquiries. We have asked several times for this to be removed from the Tourist Bureau website, but nothing has been done about it, and we do receive complaints regarding accommodation bookings regularly.
- Visitors asked why the swimming pool wasn't open in the afternoons as the weather was extremely hot
- Photos to be returned to the Town Hall.
- There has been inquires as to when the Waggle Banner will be returned to the Town Hall stair case.
- A lot of Visitors asking for bottled water and/or cool drinks available in the Town Hall as there is nowhere close by for them to get drinks once shops are closed.
- Lack of ATM access down this end of the town and also Commonwealth ATM has not been working a lot of the time and visitors are complaining about this service.

Background:

There has been a large increase in the number of events coming to and through York for the next few months. All known details are listed on the Calendar of Events, which is distributed through York Information Services and available on the Shire of York website.

Also there have been visitors using the Internet access from the Information Services on the weekends.

Consultation:

Shire of York and local business proprietors.

Statutory Environment:

Nil

Policy Implications:

Not Applicable

Financial Implications:

Nil

Strategic Implications:

Not Applicable

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Nil

Social Implications:

Nil

Environmental Implications:

Nil

Comment:

This report serves to keep the community informed of the activities in place.

RESOLUTION

100412

Moved: Cr Scott

Seconded: Cr Smythe

“That Council:

Receive the York Information Services Report.”

CARRIED: 5/0

Item 9.2.6 Appendices

9.3 Works Reports

9.4 Financial Reports

9. OFFICER'S REPORTS
9.4 FINANCE REPORTS
9.4.1 Events Support Policy

FILE NO: CS.CEV.PPO
COUNCIL DATE: 16 April 2012
REPORT DATE: 5 April 2012
LOCATION/ADDRESS: Event Venues
APPLICANT: Council generated
SENIOR OFFICER: Ray Hooper, CEO
REPORTING OFFICER: Gail Maziuk, Senior Admin Officer
DISCLOSURE OF INTEREST: Nil
APPENDICES: Draft Policy Document
DOCUMENTS TABLED: Nil

Summary:

The York Shire Council has developed this policy as an open and accountable process for the prudent use of community funds to support private enterprise events in York.

The intention of the policy is to encourage and support the holding of events in York and to attract visitors to the town which will also support local businesses. A strong and consistent Events Support Policy will help position York as a premier events centre for the Wheatbelt region and will strongly support local businesses through the attraction of new customers.

Background:

To utilise the historical values of York, its proximity to Perth and the venues available to attract visitors to York and the region with consequential flow on benefits to all local businesses from high quality, large scale events being held.

To develop, implement and provide industry events support plans which will come into effect from 1st July 2012.

Consultation:

Council

Statutory Environment:

Nil

Policy Implications:

Policy 13.1 – Events for York

Financial Implications:

The potential loss of hire fees to be offset by the additional benefit to York businesses.

Strategic Implications:

To manage events economically and socially in supporting a progressive vibrant event calendar for the community

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Positioning York as an events centre has strong flow on effects to local and regional businesses and improves tourism viability

Social Implications:

High quality events provide a social opportunity for local and regional residents

Environmental Implications:

Nil

Comment:

Events need to be managed and co-ordinated with all associated costs being identified to quantify the level of support given by Council utilising community funds

RESOLUTION

110412

Moved: Cr Lawrance

Seconded: Cr Boyle

“That Council:

Advertise the draft events support policy for 28 days for community submissions.”

CARRIED: 5/0

Item 9.4.1 Appendices

9. OFFICER'S REPORTS

9.4 FINANCE REPORTS

9.4.2 Monthly Financial Reports – March 2012

FILE NO: FI.FRP
COUNCIL DATE: 16 April 2012
REPORT DATE: 5 April 2012
LOCATION/ADDRESS: Not Applicable
APPLICANT: Not Applicable
SENIOR OFFICER: Ray Hooper, CEO
REPORTING OFFICER: Tabitha Bateman, Administration Officer
DISCLOSURE OF INTEREST: Nil
APPENDICES: Yes – Appendix A as detailed in Summary
DOCUMENTS TABLED: Nil

Summary:

The Financial Report for the period ending 31 March 2012 is hereby presented for the consideration of the Council.

Appendix A includes the following:

- Monthly Statements for the period ended 31 March 2012
- Bank Account Reconciliations
- Cheque drawings on the Municipal Account
- EFT drawings on the Municipal Account
- Cheque drawings on the Trust Account
- Payroll Direct Debits Summary
- Corporate Credit Card Summary
- Fuel Card Summary

Consultation:

Dominic Carbone

Statutory Environment:

Local Government Act 1995 (As Amended).

Local Government (Financial Management) Regulations 1996 (As Amended).

Policy Implications:

Nil.

Financial Implications:

The following information provides balances for key financial areas for the Shire of York's financial position as at 31 March 2012;

Sundry Creditors as per General Ledger	\$72,388.57
Sundry Debtors as per General Ledger	\$294,301.19
Unpaid rates and services current year (paid in advance inc. ESL)	\$604,225.24
Unpaid rates and services previous years (inc. ESL)	\$381,265.45

Strategic Implications:

Nil

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

A zero balance or surplus end of year financial position will increase community confidence and cohesion and provide an opportunity for improved community benefits in future years.

Social Implications:

Not applicable.

Environmental Implications:

Not applicable.

Comment:

Not applicable.

**RESOLUTION
120412**

Moved: Cr Smythe

Seconded: Cr Boyle

“That Council:

Receive the Monthly Financial Report for March and ratify payments drawn from the Municipal and Trust accounts for the period ending 31 March 2012:

	<u>VOUCHER</u>	<u>AMOUNT</u>
MUNICIPAL FUND		
<i>Cheque Payments</i>	29985 - 30039	\$ 128,383.21
<i>Electronic Funds Payments</i>	9112 - 9217	\$ 1,176,047.17
<i>Direct Debits Payroll</i>		\$ 154,111.82
<i>Bank Fees</i>		\$ 762.56
<i>Corporate Cards</i>		\$ 1,315.81
<i>Shell Cards</i>		<u>\$ 62.00</u>
TOTAL		<u>\$ 1,460,682.57</u>
 TRUST FUND		
<i>Cheque Payments</i>	3953 - 3957	\$ 4,879.97
<i>Direct Debits Licensing</i>		<u>\$ 128,233.75</u>
TOTAL		<u>\$ 133,113.72</u>
 TOTAL DISBURSEMENTS		 <u>\$1,593,796.29”</u>

CARRIED: 5/0

Note to this item

The Chief Executive Officer has delegated authority under Delegation DE1 (Council Meeting 19 September 2011) to make payments from the Municipal and Trust accounts.

Item 9.4.2 Appendices

9. OFFICER'S REPORTS

9.4 FINANCE REPORTS

9.4.3 Review of Fees and Charges for Hire of Council Facilities

FILE NO: FI.FEE
COUNCIL DATE: 17 April 2012
REPORT DATE: 11 April 2012
LOCATION/ADDRESS: N/A
APPLICANT: Shire of York
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: T Cochrane, DCEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil

Summary:

The purpose of this report is to put into the public arena that Council will be reviewing the current charges and hire arrangements of Council facilities in the Schedule of Fees and Charges for the 2012/2013 financial year.

Background:

Concerns in relation to the extremely high charges for power were identified at a briefing session prior to the Council meeting held on the 26th March 2012, which raised other issues in relation to the hire charges for Council's Town Hall.

A review of the charges is deemed appropriate in preparation for the 2012/13 budget.

Consultation:

Councillors.

Statutory Environment:

Local Government Act 1995.

Policy Implications:

N/A

Financial Implications:

Council's fees and charges for 2011/12 for approved groups to use the Town Hall facilities are as follows:

Approved Groups – "one off" use	\$72.60
Approved Groups – annual hire fee up to 12 bookings per fin yr	\$363.00
Additional bookings in excess of 12 bookings in the fin yr (per booking)	\$22.00

On average charges were increased by 5%, however this did not cater for the significant increases in power and water services.

Strategic Implications:

Key Result 7.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

To be determined through the review of the Fees and Charges.

Social Implications:

The relationships between Council and Community Groups will be considered through the review.

Environmental Implications:

Not applicable.

Comment:

For background information the use of the Town Hall for approved groups is subject to the following:

1. Membership - York based organisations.
2. Income – Any income derived from the activity should be directed to a charitable cause or to the ongoing support of the organisation. It is the Council’s intention, in providing this discount, that it shall assist a “not for profit” group.
3. Benefit to the community – A benefit to the community shall be deemed to exist where the performance or display shall provide a cultural opportunity to residents of the district, which is not normally satisfied by the existing activities in the town.
4. Cleaning – Community groups shall be responsible for the cleaning of the Town Hall both prior to and after the function to the satisfaction of the Council.

Should the cleaning not meet the Council’s satisfaction, then the work will be completed by the Council’s contractor and deducted from the bond paid by the community group.

5. Recognition of Sponsorship – The community group granted free access to a Council owned facility should recognise the Council’s sponsorship.
6. Bond – The current level of bond, including liquor licence and keys, will apply to all approvals.

Council may need to work with community groups to identify membership numbers and the needs of each group to determine a balance between cost recovery and provision of services.

Whilst this report is concentrating on the review for the use of the Town Hall other facilities will be reviewed at the time of completing the Schedule of Fees and Charges for adoption by Council.

**RESOLUTION
130412**

Moved: Cr Smythe

Seconded: Cr Scott

“That Council review the current fees and charges in relation to the hire arrangements of Council facilities to better cover the costs prior to adopting the 2012/13 Schedule of Fees and Charges.”

CARRIED: 5/0

9.5 Late Reports

9. OFFICER'S REPORTS
9.5 LATE REPORTS
9.5.1 Motorcross Track - Naming

FILE NO: CCP.46
COUNCIL DATE: 13 April 2012
REPORT DATE: 17 April 2012
LOCATION/ADDRESS: Reserve 121 – Spencers Brook Road, York
APPLICANT: Shire of York
SENIOR OFFICER: Ray Hooper, CEO
REPORTING OFFICER: Tyhscha Cochrane, DCEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Map
DOCUMENTS TABLED: Nil

Summary:

To formally name a portion of Reserve 121 in recognition of Oliver Battista, as per the attached map.

Background:

Council named the whole of the Reserve Springbett Park in recognition of Graham Springbett, a renowned York pilot who constructed the first hangar on the site and an avid user of the airstrip when it was operational. The area that comprised of the runway is hatched on the map attached to this report.

The whole reserve comprises of the closed airstrip and includes the Motorcross Track at the southern most point and proposed extensions to the north of the current track.

Consultation:

The following request has been received from T Screaigh on behalf of the Battista family:

“As per my discussions with you regarding the request to memorialize the existing Motorcross Track by naming it the:

Oliver Battista Memorial Motorcross Track.

This request is made for so many different reasons, but probably the most important being to show a significant sign of respect to the young man who spent so many hours ensuring the safety and viability of the track – and unfortunately lost his life crossing the road to the track.

Oliver was involved in the initial design of the track and was in constant contact with the Ranger to ensure the safety and quality of the track was kept at a high standard at all times. Oliver’s communications were always respectful, thoughtful and beneficial to the local authorities.

Oliver was the first person that track users spoke with if they had any concerns or issues and he always manage to solve the problem competently and with a capability that seemed beyond a youth.

He was always at the track and offered encouragement and assistance to the many new and younger riders. Supporting, instructing and gently building their confidence in a positive and considerate manner. There have been many appreciative parents who have commented on his quiet presence and pro-active attitude.

Oliver started riding motorbikes from the age of five years old and continued to ride daily for the next ten and a half years. He developed a lifelong passion and commitment to the sport, which resulted in him earning great respect from so many different sections of the Community. He was one of those quiet achievers, who always offered to help in any situation and never asked or expected anything in return.

He was involved in many different sports within York, but his ultimate pleasure came from his motorbike. In our discussions with the Motorcross, Hockey, Swimming, Tennis and many other community groups, the desire by all is to see the recognition and acknowledgment for an outstanding young man who is deeply missed by so many within the Community.

I would also like to sincerely acknowledge the support and co-operation offered to the Battista Family by the Shire of York during this tragedy, especially at Oliver's funeral.

The Family was genuinely touched by the incredible comfort and assistance offered to them by hundreds of Community members, both young and old, and were quite simply surprised by the number of people unknown to them, that Oliver had touched their lives in some way.

I understand that the procedure is to put this request forward to local Council and if agreed upon, to remit the application along with your project details, site location, drawings, design & development of the Track along with other supporting information required, to the relevant Government Department to endorse our sincere and heartfelt request.

I would like to thank you once again for everything."

Contact was made with the Geographic Names Committee.

Statutory Environment:

Not applicable.

Policy Implications:

Not applicable.

Financial Implications:

Council budgeted for upgrades in the 2011/12 financial year and these works are underway.

Strategic Implications:

Community Services - Key Result Area 7.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Various

Triple bottom Line Assessment:

Economic Implications:

Not applicable to this report.

Social Implications:

Reference to the Battista family has been considered in this report. The naming of areas should have a tangible connection to the community.

Environmental Implications:

Nil at this stage.

Comment:

Council is required to endorse the name prior to submission to the Geographic Names Committee for final approval.

RESOLUTION

140412

Moved: Cr Scott

Seconded: Cr Duperouzel

“That Council recommend to the Geographic Names Committee that Battista Memorial Motorcross Track be used to name a portion of Reserve 121 – as shown on the attached map labelled Appendix A in recognition of Oliver Battista.”

CARRIED: 5/0

Item 9.5.1 Appendices

9. OFFICER'S REPORTS
9.5 LATE REPORTS
9.5.2 Auditors Report

**RESOLUTION
150412**

Moved: Cr Scott

Seconded: Cr Boyle

"That Council

Hold an Audit Committee meeting at 2.00pm on Monday, 23^d April, 2012 in Chambers."

CARRIED: 5/0

9.6 Confidential Reports

10. NEXT MEETING

**RESOLUTION
160412**

Moved: Cr Scott

Seconded: Cr Lawrance

“That Council:

hold the next Ordinary Meeting of the Council on May 21, 2012 at 3.00pm in the Talbot Hall, Talbot.”

CARRIED: 5/0

11. CLOSURE

Cr Boyle thanked Cr Scott for commencing the meeting in his absence and also thanked everyone for their attendance and declared the meeting closed at 4.11pm.