



SHIRE OF YORK

**MINUTES OF THE ORDINARY
MEETING OF THE COUNCIL
HELD ON 14 APRIL, 2014
COMMENCING AT 4.00pm
IN THE LESSER HALL, YORK**

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SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL
HELD ON MONDAY, 14 APRIL 2014, COMMENCING AT
4.00PM IN THE LESSER HALL, YORK

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

1. OPENING

1.1 Declaration of Opening

Cr Matthew Reid, Shire President, declared the meeting open at 4.00pm.

I would like to acknowledge the Ballardong People, the Traditional Owners of the land on which we are gathered and pay my respects to their Elders both past and present.

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 Suspension of Standing Orders (undergoing the repeal process) – Clauses 1 to 19 excluding Clause 8.5.1 which states "No person is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee without the written permission of the Council."

Moved: _____ Seconded: _____ Carried:

1.4 Announcement of Visitors

Nil

1.5 Declarations of Interest that Might Cause a Conflict

Financial Interest

Nil

Disclosure of Interest that May Affect Impartiality
Cr Matthew Reid– 9.2.8 – Impartial – DAP Member
Cr Mark Duperouzel – 9.2.8 – Impartial – DAP Member

2. ATTENDANCE

- 2.1 Members
Cr Matthew Reid, Shire President; Cr Mark Duperouzel, Deputy Shire President
Cr Denese Smythe, Cr Pat Hooper, Cr Tony Boyle, Cr David Wallace
- 2.2 Staff
Ray Hooper, Chief Executive Officer; Tyhscha Cochrane, Deputy Chief Executive Officer; Jacky Jurmann, Manager of Planning Services; Graham Lantzke, Manager Works & Projects; Gordon Tester, Manager – Environmental Health & Building Services; Helen D’Arcy-Walker, Executive Support Officer
- 2.3 Apologies
Nil
- 2.4 Leave of Absence Previously Approved
Nil
- 2.5 Number of People in Gallery at Commencement of Meeting
There were 65 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

Question:

Who was the vexatious ratepayer referred to in the tabled document?

Response:

Information related to obtaining legal advice on any matter is covered by legal privilege and no information will be released on this matter.

Ms Jane Ferro

Question:

I handed in eight (8) submissions opposing the proposed SITA landfill and asked for receipts to ensure they are read. This was refused. Why? How can we be sure all documents submitted are accounted for?

Response:

There is no standard process to issue receipts for correspondence hand delivered to the Shire Office, as the standard practice for this is to be dealt with through the mail and records management processes.

As indicated at the meeting by the Manager of Planning Services every person who submitted a submission on the Landfill proposal will receive a notice of receipt and acknowledgement.

Question:

Are Council Meetings recorded for accuracy of Minute taking?

Response:

No

Ms Tricia Walters

Question:

Did any Shire Councillor provide information for the SEAVROC side of the report?

Response:

No. Discussions were on operational matters.

Mrs Tanya Richardson

Question 1:

Did the CEO look at the RDA calendar for a list of events?

Response:

The Chief Executive Officer does not view websites to check event listings and has directed the York Information Services to use the RDA website to list and promote York events.

Question 2:

Can Council please advise where I can view the following documents for the York Medieval Fayre 2012 and 2013, the York Motorcycle Festival from 2012 and 2013 and the York Easter Fair 2013 and the current documents relating to these events in 2014?

Business Plan, Risk Management Plan, Food/Health Permits/Applications, Blanket Stallholder Application, Event Application, Funding request including detailed budget, Funding Acquittals, Traffic Management Plan, Council resolutions to approve sponsorship for the above events in 2014.

Can you also please provide copies of any Council resolutions and/or delegated authorities which apply to the funding/sponsorship or donations of the above events?

Please also supply a copy of the legislation which enables the Shire of York to provide a 'donation' to a private individual and/or ABN holder being Mr Chris Baker and any relevant invoices, etc relating to this transaction.

Please also provide copies of any written agreement which may be in place with Premier Events and Mr Chris Baker demonstrating why the Shire of York would be listed as the contact for these events.

I trust these documents are easily accessible and will be readily made available finally. If these are not made available I will request them via FOI. It is noteworthy these types of documents relating to AEM and their running of the Antique Fair and Gourmet Festival were made public.

Response:

Access will not be provided to third party documents which have not been published and which may have a degree of commercial confidentiality.

Council provided funding for York based events in the budget process as authorisation for payments.

There are no written agreements in place between the Shire of York and Premier Events or Mr C Baker and the Shire of York acts as a contact point for York based events to support tourism in York and the local economy.

Mr Michael Gill**Question 1:**

Has the grader operator been trained and has a current certificate of competency?

Response:

All Shire Plant Operators including the Grader Drivers have the necessary licenses and training to drive the machines they are assigned to.

Question 2:

On 5th March, 2014 I sent an email to Graham Lantzke the Works Manager to report a safety incident on Talbot Road, York – a water cart was travelling up the wrong side of the road against the flow of uncontrolled traffic heading up to a blind crest corner. Has this contractor been inducted on site, is there a JSA that he has signed onto and does he have the appropriate insurances for a public liability claim? Who is responsible for the work site? Is there a traffic management plan in place?

Response:

On 5th March and possibly 4th March, 2014 contractors working for the Shire of York were operating plant on the Talbot Road worksite on the wrong side of the road contrary to the law, safety standards and works instructions.

The Works Manager instructed the contractor and all crew to cease this practice immediately as soon as it was seen.

We presume you observed this activity earlier the same day.

Contractor Peter Bush does not instruct the Shire works crew who report to the Works Foreman, Peter Atkins, and through him to the Works Manager, Graham Lantzke.

4. PUBLIC QUESTION TIME

Cr Reid read the following statement 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. If there is time available in Public Question Time people may be given the opportunity to ask a further two (2) questions at a time.

Procedures

- Questions submitted in writing prior to the meeting will be dealt with initially.
- Questions from the floor will be taken in the order recorded in a register.
- Statements, 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. The original questions and the response will be included in the Agenda and Minutes of the next Ordinary Council meeting.
- Questions may be deemed inappropriate because they contain defamatory remarks or offensive language, they question the competency of elected members or staff, they relate to the personal affairs of elected members or staff, they relate to legal processes and confidential matters or they have been responded to previously and these will not be accepted or recorded in the Minutes.
- The minutes may only record a summary of the question asked and the response given.
- Where possible 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.
- Shire of York guidelines for Public Question Time are included on the meeting agenda.”

PRESIDING OFFICER

21 October 2013

4.1 Public Question Time – Written Questions – Current Agenda

Public Question Time commenced at 4.15pm

Mr Ian Crombie

Question:

- (a) Has the Shire of York finalised the crucial employment of a designated gardener?
- (b) What progress has been made with this engagement?
- (c) What is the Shire’s status on this important service?
- (d) Reasons for not undertaking this vital employment engagement?

Response:

Graham Lantzke, Works Manager Engineer responded - The Shire has not at this time appointed a new gardener.

An internal review by the administration has identified the need for 2 full time equivalent staff to be employed to manage the multiple sporting fields, parks, reserves, club houses, street trees and other areas. Those staff also require practical experience and/or knowledge in “growing things” which can’t be acquired on the spot.

The internal review indicated sufficient people are already employed for this task, but they do not have all the required experience and knowledge. Appropriately skilled staff have resigned from the Shire over a period of years. The review also identified that in the last few years staff have been diverted from “routine garden work” by other urgent demands, ad hoc and unplanned extensions to gardens and responsibilities and obligations to provide gardening services at multiple non Shire premises. As a result routine turf care and other activities have been left undone which have had long term consequences. A change in works manager, with limited expertise in gardens, loss of staff expertise and particularly harsh summer has compounded problems with the Towns parks. Other contributing problems have been a plethora of additional responsibilities in recent years, archaic and dysfunctional irrigation systems, salt contamination of irrigation water and a backlog of routine care and attention to gardens.

The Shire administration have taken steps as of November 2013 to ensure that gardening resources are given priority and not interrupted by other needs. The Shire continues to hire in outside expertise to provide guidance to Shire staff on specialist areas like turf care. Positive results are now being seen on Forrest Oval, the Hockey Fields and Memorial Park. Rehabilitation works are now commencing on Peace Park. Avon Park will follow. However significant damage to parks occurred in the early part of the summer and it will take some time and effort to recover fully to the conditions of 3-5 years ago.

The administration review has not been published or referred to the elected members at this time. That review will be forwarded to the Council meeting of May 2014 and will identify the costs and benefits of continuing current resourcing, and a range of options including employing an additional specialist gardener, and the appropriate levels of skill or experience of that person. A decision on an additional gardener will then be in time for inclusion in a revised strategic plan and the 2014/15 budget.

The Shire operates on a fixed budget and a fixed human resource plan. Additional staff can't be employed on an ad hoc basis and any change in staffing needs to be reflected through the Shire's strategic plan and budget. This is a deliberate control measure introduced by the State Government in recent years which limits the Council.

4.2 Public Question Time

Mrs Roma Paton

Question 1:

Can the Shire President update me on the complaint I lodged with you about the CEO?

Response:

The complaint is being handled by the Deputy CEO who is the Complaints Officer and it is being processed.

Question 2:

Will I get feedback from the Deputy CEO?

Response:

Yes within 21 days.

Mr Kevin Guelfi

Submitted photographs of the property next to his own with regards to fire hazard.

Response:

Shire President requested photographs be scanned and emailed to all Councillors.

Mr Simon Saint

Question 1:

Vexatious ratepayer – why did Council change the Minutes of the December 2012 Council Meeting regarding an invoice?

Response:

Cr Duperouzel informed Mr Saint that the information was misinterpreted by McLeods and it was amended.

Question 2:

It was changed to Rateability – Balladong?

Response:

Council took CEO advice.

Mr William Roy

Question:

I make this enquiry as past President of the Society on behalf of the current President Sheryl Russo who could not attend today's meeting due to other commitments.

In May 2011 the Society received a communication from the Shire regarding the prospect of establishing "The York Residency Museum Advisory Committee". This advice included the detailed terms of reference proposed for the committee which indicated among other things that the Society would be represented on it. At the time we viewed this as a positive step forward as the Society had been instrumental in establishing the Museum in the first instance. Since that time nothing more has been heard of the matter.

In more recent times the Society has taken the initiative on more than one occasion to suggest, that in view of the classification of York as a Historic Town together with the many heritage listed buildings within, it would be prudent for the Shire of York to establish an advisory committee/panel on Heritage matters.

We received a response from you as Shire President dated 21st March, 2014 indicating that consideration of the need for various Advisory Committees or Reference Groups was under consideration and a determination would be made in the next three weeks.

As that time frame has expired can we have your assurance that this matter will not be forgotten and suffer the same apparent fate of the 2011 proposal in relation to the proposed Residency Museum Advisory Committee?

Response:

Shire President responded that increased community consultation is the best way forward. He has commenced lobbying for support and requires four votes to take to Council.

Mrs Tanya Richardson**Question 1:**

Through the Chair – can I please ask the CEO why after two years the events policy and event application procedures are still not finalised and consistent?

With festival season upon us I cannot but feel another year has been wasted and want the CEO to explain why it has taken so long and why it is still not in place.

Response:

It is not a priority to Council. All policies are currently up for review. The way forward is to have a Policy Workshop and this will be raised at the next Forward Planning meeting.

Mr Mike Gill**Question:**

As the rainy season is due in the next few weeks we need to burn grass on the road verges to clear the drains and have access to gravel. Can Council engage with the correct authority to undertake this?

Response:

Cr Boyle responded that there was a need to remove grass from the gravel. The Council needs to investigate if we can do this legally. Mr Graham Lantzke, Works Manager, responded that the appropriate permits would need to be obtained from the Department of Environment & Conservation.

Ms Lynley Bashford**Question:**

Can you let the public know what happened at today's DAP meeting?

Response:

The application to construct a landfill site at Allawuna Farm was refused by the Wheatbelt Joint Development Assessment Panel.

Mr Denis Hill**Question 1:**

Should SITA proceed to the tribunal will Council consider engaging Eugene Ferraro and an independent environmental professional?

Response:

The Development Assessment Panel will have all its own experts. The Shire could consider engagements but this may not be needed, will engage if appropriate.

Question 2:

Can Cr Mark Duperouzel explain why he voted with the proposal on the 31st March, 2014 and voted against it today.

Response:

The Shire President stated that both he and Cr Duperouzel were bound by the DAP Standing Orders and only the DAP Presiding Member may publicly comment on the outcome. Both Crs Reid and Duperouzel had to sign impartiality agreements and be impartial to consider the item.

Ms Tricia Walters

Question 1:

At the last Council meeting I raised the unbudgeted expenditure of \$5,000 towards the Aged Care report prepared by Verco and asked who provided the York information within the SEAVROC report and was advised by the CEO that it was an operational matter. My question is why would forward or strategic planning regarding aged care policy be an operational matter only and not of interest to all Councillors of the Shire of York?

Response:

The information requested was not at the policy level, only operational and not governance.

Question 2:

Why was Verco not published in the Minutes, without this the information does not make sense.

Response:

The oversight has been recognised.

Mr Mike Gill

Question not able to be taken as it is DAP related.

Public Question Time was declared closed by the Shire President at 4.45pm

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 17, 2014

Corrections – from Previous Questions Taken on Notice the word Verco was not included in the question. The question should have read - Did any Shire Councillor provide information for the SEAVROC side of the Verco report?

Confirmation -

**RESOLUTION
010414**

Moved: Cr Hooper

Seconded: Cr Smythe

“That the minutes of the Ordinary Council Meeting held March 17, 2014 be confirmed as a correct record of proceedings noting the above amendment.”

CARRIED: 6/0

7.2 Minutes of the Special Council Meeting held March 31, 2014

Corrections

Confirmation

**RESOLUTION
020414**

Moved: Cr Smythe

Seconded: Cr Boyle

“That the minutes of the Special Council Meeting held March 31, 2014 be confirmed as a correct record of proceedings.”

CARRIED: 6/0

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President acknowledged the fabulous results for York at the recent Heritage Awards. The York Residency Museum received a High Commendation Award. Well done to Carol Littlefair and Sam Good and all the volunteers. The York Post Office and Old School both received a Special Commendation. An excellent result for York.

During the weekend the Shire President welcomed the Walker from Guildford. A wonderful opportunity to develop a relationship between the Shire of York and City of Swan and Heritage Societies.

The York Recreation & Convention Centre recently hosted the Local Government Wheatbelt Conference with a 120 guests and speakers. A lot of positive feedback has been received, very good for the town – congratulations to the staff of the YRCC.

9. OFFICER'S REPORTS

9.1 Development Services

9. OFFICER'S REPORTS
9.1 DEVELOPMENT REPORTS
9.1.1 Scheme Amendment No. 50 – Omnibus Amendment

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.50
COUNCIL DATE:	14 April 2014
REPORT DATE:	2 April 2014
LOCATION/ADDRESS:	Various
APPLICANT:	Shire of York
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	J Jurmann, MPS
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	A – Minister's Correspondence
DOCUMENTS TABLED:	Nil

Summary:

Following Council's resolution at its Special Meeting held on 31 March 2014 to support the Officer's Recommendation to recommend to the Wheatbelt Joint Development Assessment Panel to refuse the planning application to construct a landfill at Allawuna Farm, St Ronans, it is recommended that Council formally notify the Minister for Planning, Hon. John Day, of Council's resolution and the community's strong objections.

Background:

Scheme Amendment No. 50 to the York Town Planning Scheme No. 2 was initiated by Council at its Ordinary Meeting held on 19 November 2012. The amendment is an 'Omnibus' amendment and contains changes to the land use table and definitions, reserved land and rezoning proposals for a number of privately owned properties.

Objections were received from the community raising concerns regarding the inclusion of waste management facilities as a permissible use in any zone and recommending that a prohibited use would be more appropriate. These objections were the result of the advertising of the amendment coinciding with the community becoming aware of the Allawuna landfill proposal. It was decided at the time to ensure the amendment was not delayed, to remove any references to waste facilities.

Council adopted the modified scheme amendment at its Ordinary Meeting held on 15 April 2013, which was then forwarded to the Western Australian Planning Commission (WAPC) and the Minister for Planning for final approval. The scheme amendment was considered at the WAPC's Statutory Planning Committee meeting on 23 July 2013 as a Confidential Item. However, it is understood that references to waste management facilities were re-included in the Officer's recommendation; however Council has not been advised of the content of the recommendations. The amendment has been with the Minister for Planning for determination since the WAPC Committee meeting.

Correspondence has recently been received from the Minister for Planning advising that the amendment will be finalised following the Wheatbelt Joint Development Assessment Panel's determination of SITA's planning application for Allawuna Farm. A copy of the correspondence is attached to this report at Appendix A.

Consultation:

The community has been consulted during the scheme amendment process and the development application process. There is a clear message from the community that large-scale waste management facilities catering for the waste disposal needs of the Perth metropolitan area is not wanted or considered appropriate in the Shire of York.

Statutory Environment:

The York Town Planning Scheme No. 2 is the governing planning instrument for the York Shire. The assessment of the planning application for the construction of a landfill on land zoned General Agriculture indicates that the land use is not consistent with the objectives of the zone.

Policy Implications:

Landfills are not considered consistent with the objectives of the York Local Planning Strategy for agricultural land precincts. It is important that the amendments resulting from Amendment 50 are consistent with the objectives of the York Local Planning Strategy and consistent with the York Community Strategic Plan.

The Western Australian Planning Commission in their draft Wheatbelt Regional Planning and Infrastructure Framework that they recommend the identification and zoning of sites for large-scale waste management facilities through a scheme amendment process, as this requires a local government to agree to initiate a scheme amendment in the first instance, early referral to the Environmental Protection Authority, opportunities for public submissions and the ability to establish special conditions for the sites prior to development.

Financial Implications:

As demonstrated in the assessment of the development application for the Allawuna landfill, it is unlikely that there will be any economic benefits for the community as a result of the construction and operation of landfills catering for metropolitan waste.

Strategic Implications:

The Shire of York's 2012 Strategic Community Plan goals are:

Social

- Manage population growth, through planned provision of services and infrastructure.
- Strengthen community interactions and a sense of a united, cohesive and safe community.
- Build and strengthen community, culture, vibrancy and energy.

Environmental

- Maintain and preserve the natural environment during growth, enhancing the 'rural' nature of York, and ensuring a sustainable environment for the future.
- Support sustainable energy and renewable resource choices.

Economic

- Build population base through economic prosperity.
- Value, protect and preserve our heritage and past.
- Grow the economic base and actively support local businesses and service provision.

A landfill development catering for metropolitan waste is not consistent with the goals of the York Community Strategic Plan where it does not benefit the community or is consistent with the principles of sustainable development.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Appropriate, sustainable development can have positive economic implications for the community. Conversely, inappropriate, unsustainable development will have negative economic implications. Any potential economic benefits to York were not quantified in the planning application for the Allawuna Farm landfill.

Social Implications:

There are significant social implications that can result as a result of inappropriate and unsustainable development for the community. The town planning scheme must reflect and achieve the community's goals for sustainable development that will be of benefit to York.

Environmental Implications:

The construction and operation of a landfill, by nature, will impact the environment to some degree, which may or may not be manageable through planning conditions and requirements of a Works Approval.

Identification of suitable sites for large-scale landfills must consider whether these environmental impacts are acceptable not only from a technical viewpoint, but to the community. Impacts on future generations should also be taken into account by considering the principles of the Precautionary Principle for sustainable development that require any level of environmental risk to be considered in decision making.

Comment:

The purpose of this Report is to ensure that the Minister for Planning is aware of the community's strong objections to the establishment of large-scale landfills in York and of Council's resolution to support the refusal of SITA's planning application for Allawuna Farm, during his deliberations in determining Scheme Amendment No. 50.

RESOLUTION

030414

Moved: Cr Smythe

Seconded: Cr Hooper

"That Council:

- 1. Advise the Minister for Planning of the Shire of York's resolution to endorse the recommendation to the Wheatbelt Joint Development Assessment Panel to refuse the development application submitted by SITA to construct a landfill at Allawuna Farm, 2948 Great Southern Highway, St Ronans.***
- 2. Request the Minister for Planning to take into consideration the Shire of York's resolution when determining Scheme Amendment No. 50.***
- 3. Request the Minister for Planning to take into consideration the York community's high level of objection to the establishment of a landfill to cater for metropolitan waste in York.***
- 4. Request the Minister for Planning to make waste management facilities a prohibited use in the Shire of York Town Planning Scheme No. 2."***

CARRIED: 6/0

Item 9.1.1 – Appendices

9. OFFICER'S REPORTS

9.1 DEVELOPMENT REPORTS

9.1.2 Proposed Shed – Lot 216 (58) Tenth 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:	P903, Te1.60339
COUNCIL DATE:	14 April 2014
REPORT DATE:	25 March 2014
LOCATION/ADDRESS:	Lot 216 (58) Tenth Road, York
APPLICANT:	Ronald Smyth
SENIOR OFFICER:	Jacky Jurmann (MPS)
REPORTING OFFICER:	Kira Strange (PO)
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	1 – Site Plan
	2 – Technical Plans
	3 – Department of Water Flood Map
	4 – Department of Water Advice
	5 – Schedule of Submissions

Summary:

Council is in receipt of a planning application to construct an oversized storage shed at Lot 216 (58) Tenth Road, York.

The Department of Water has identified that the southern part of the property could potentially be affected by flooding activity.

The application was advertised in accordance with the provisions of the York Town Planning Scheme No. 2 and one submission was received regarding to the proposal.

An assessment of the proposal has been carried out and it is recommended that the application be approved subject to the conditions listed at the end of this report.

Background:

A planning application was submitted to the Shire of York on 14 January 2014 proposing to construct an outbuilding at Lot 216 (58) Tenth Road, York.

The property is zoned Residential R2.5 with a site area of 5210m² and is located toward the North-North-West end of town at the edge of the Residential zone.

Originally, the application indicated for the shed to be located on the southern side of the existing dwelling, four (4) metres from the boundary. Notification of the proposal was given to surrounding neighbours and one submission was received objecting to the proposal.

The application was also referred to the Department of Water for their comments and advice on the proposal. Department of Water mapping indicates the property is low-lying and could be affected by flooding. The map attached in Appendix 3 illustrates the respective contour lines and points.

Based on the Department of Water's advice, an amendment to the original location was negotiated with the proposed site of the shed being located to higher ground in the North-East corner of the property.

It is now proposed to construct a colorbond shed with; a floor area of 15 metres by 12 metres (180m²); a wall height of 4.5 metres; and a total height of 5.558 metres; to be used for storage of the applicants' large bus.

Adjoining neighbours were re-notified of the amendment to the proposal and one submission was received outlining their unhappiness with the variation to the maximum allowable size.

According to the Department of Water, the proposed amended location is a more suitable location as it is higher ground than that of the southern portion of the property. Currently, the irrigation area for the on-site sewerage system is in this location however after consultation with the applicant and with George Johnson the Environmental Health Officer, this portion of the system can be relocated to the front, North-West corner of the property.

Consultation:

The submission has been advertised in accordance with 8.3.3 (a) of the York Town Planning Scheme.

The Department of Water have also been consulted over this application with their advice being used to negotiate and communicate with the applicant/landowner.

No further consultation is required.

Statutory Environment:

York Town Planning Scheme No. 2

The subject property is zoned Residential R2.5 under the provisions of the Scheme.

An outbuilding is an ancillary development to a single house and in accordance with Clause 4.2, is considered permitted development, except where the development requires variation under the Scheme.

Similarly, Clause 5.4 requires planning approval for development on properties identified as being potentially affected by flooding.

The matters for consideration listed in Clause 8.5 of the Scheme have been considered as follows:

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

The York Town Planning Scheme No. 2 applies to all land in the Shire of York and is the only operating Scheme in the area. This assessment illustrated that the proposal is consistent with the aims of the Scheme.

The objective of the Residential zone are:

- (a) *“To encourage single houses as the predominant form of residential development.*
- (b) *To require infill residential development in Heritage Precincts to be in accordance with Design Guidelines adopted by the local government.*
- (c) *To achieve a high standard of development and residential amenity.”*

The proposal is consistent with the objectives of the Residential zone.

(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 property or this proposal.

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

There are no statements applicable to this application.

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

There are no policies applicable to this application.

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

State Planning Policy 3.1 – Residential Design Codes

The applicable provisions of the Policy have been assessed as follows:

Table 1 – General Site Requirements for R2.5 Coded Sites.

Provision	Requirement	Proposed	Comment
Setbacks	Primary: 15m Secondary: 7.5m Other: 7.5m Rear: 7.5m	Primary: >100m (located at rear) Secondary: N/A Other: 5m Rear: 8m	The shed does not comply with the side setback. Based on contours of the land, this site has been indicated as the most suitable.
Open Space	Min 80% of the site (80% x 5,210 = 4,168m ² Open Space) 5,210 – 4,168 = 1,042m ² Developable Area)	Shed: 15 x 12 = 180m ² Existing House: 14 x 9 = 126m ² Total = 306m ² < 1,042m ²	Complies
Site works	<0.5m cut and fill	< 200mm	To be conditioned.
Stormwater	All stormwater to be contained within the site.	No details provided.	To be conditioned.
Outbuildings	<60m ² or <10% site area, whichever is lesser <2.4m wall height <4.2m ridge height Do not reduce open space Comply with setback requirements	New = 180m ² Wall height = 4.5m Ridge height = 5.0m Open space (refer above) Setbacks (refer above)	Max. area of outbuildings does not comply. Refer to Local Planning Policy for acceptable variation.

The proposal generally complies with the provisions of the R-Codes. With regards to the maximum allowable floor area of all outbuildings, Council has adopted a Local Planning Policy that provides acceptable provisions to meet the Design Principles of the R-Codes to ensure that outbuilding proposals that do not meet the Deemed to Comply provisions meet the principle that “*Outbuildings that do not detract from the streetscape or visual amenity of residents or neighbouring properties.*” Refer to the following section.

(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.*

Local Planning Policy – Outbuildings in Residential Zones

The aim of the LPP is to guide the assessment of outbuildings in residential zones that do not meet the Deemed to Comply provisions of the R-Codes, such as this case.

Table 2 – Residential R10

Provision	Requirement	Proposed	Comment
7.1.2. Floor Area	Outbuildings on a residential lot coded R10 and below that have a combined area not exceeding 100m ² or 10 per cent in aggregate of the site area, whichever is lesser shall be deemed as meeting the performance criteria of Clause 6.10.1 of the R-Codes.	Proposed shed 15m x 12m = 180m ² Total area of outbuildings = 180m ² OR Site area = 5,210m ² x 10% = 521m ² .	Lesser floor area applies (i.e. <100m ²). Does not Comply.
7.1.3. Height	Outbuildings on a residential lot coded R10 and below that has a maximum wall height of 3.5m, a ridge height of 4.2m	Proposed wall height = 4.5m Proposed Ridge Height = 5.0m	The shed is for the storage of a coach style bus. The clearance required is 4.0m The ridge height has been negotiated to this height.

Whilst the proposed development does not comply with the provisions of the LPP, the applicant has justified the reason for the increased variation. Oversized sheds are relatively common in York and based on the location of this proposal in relation to the street, this proposal is likely to have minimal impact on the surrounding locality.

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

The land is not reserved under the Scheme.

(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 property is not heritage listed nor is it within a heritage precinct.

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

The development of ancillary outbuilding is a permissible use within a Residential Zone. Whilst the proposed shed requires variation of the Local Planning Policy, it is still considered to be compatible with the setting.

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

There are no social issues associated with this proposal.

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

There is no cultural significance to this area.

(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 property is located in a low-lying creek line with natural vegetation. No significant vegetation will require removal to facilitate this development.

(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.

According to the advice of the Department of Water, the southern portion of this property could potentially be affected by flooding. The proposed location for this shed is in the higher area of this property and according to the Department of Water, is the most suitable based on the site constraints.

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

Amenity is defined in the Model Scheme Text (and proposed in Scheme Amendment 50 to be included in TPS 2) as “*all those factors which combine to form the character of an area and include the present and likely future amenity*”. This amenity of this area is not likely to be affected as the shed is to be located at the rear of the property where it will not likely be visible from the street.

(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.*

This matter for consideration has been carefully considered during the assessment of this proposal. Large sheds are common in this area with some of the surrounding properties containing similar styles of outbuilding. After negotiations with the applicant, the height and floor area has been reduced to a size that will still facilitate the use of this shed for the applicant's needs, however will not detrimentally impact on the surrounding amenity.

(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 to the site is from Tenth Road. There is minimal room at the rear for manoeuvring of the large bus being stored in the shed; however there is room at the front of the property for this.

(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.*

This proposal will not result in any increase in traffic to the locality.

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

Not applicable to this development.

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

Public utility services are available to the site. No further services will be required for this development.

(t) *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 development.

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

Not applicable to this development.

(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.*

The proposal will not impact or require the removal of any significant vegetation.

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

It is unlikely that the development will cause soil erosion or degradation.

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

No community services or benefits will be affected by this proposal.

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

One submission was received from an adjoining landowner raising a number of points for consideration. The issues raised in the submission have been considered during the assessment of this application.

The main concern in the submission was the size of the proposed shed;

"I believe that the shed should not exceed the current maximum allowable size fixed by the Shire. Or looking from a different angle, the Shire should rather reduce the allowable size of the shed for the area... I will go along with the Shire final decision"

However since this submission, a reduced size has been negotiated with the applicant who was willing to reduce the proposed size taking into consideration the minimum clearance requirements for his bus – which is the main reason for this variation to Policy.

Refer to the Schedule of Submissions for further details.

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

There are no potential impacts of pollutants identified.

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

This proposal was referred to the Department of Water for assessment of any impacts on flooding in the locality. The following response was received based on the initial proposed location:

"The Department of Water in carrying out its role in floodplain management provides advice and recommends guidelines for development on floodplains with the object of minimising flood risk and damage.

Our guiding principles for floodplain management are to ensure that:

- *Proposed development has adequate flood protection from a 100 year ARI flood.*
- *Proposed development does not detrimentally impact on the existing flooding regime of the general area.*

We have no information regarding major flooding in the creek adjacent to Lot 216. However based on the available contour & survey information, the location of the proposed shed is expected to lie within the floodplain of the creek. Given the low-lying nature of the site and the proximity to the creek (less than ~10 m) we are concerned about the potential for the proposed shed to detrimentally impact on the existing flooding regime by obstructing major flows.

Consequently it is recommended that the proposed shed be relocated to higher ground further from the creek, i.e. behind the existing building on the northern side of the lot, to ensure that the proposal does not detrimentally impact on major flooding in the area.”

After further consultation with the applicant and the Department of Water, their stance on the location was confirmed with contour information as show in Appendix 4;

“The potential obstructive effects of the proposed shed would not be significantly lessened by changes to its current alignment or openings.

New, more detailed contour information we have received (see attached plan) confirms that the proposed shed is located on low-lying land and expected to be within the floodplain of the creek. As stated in my previous email, we would prefer that the proposed shed be relocated to higher ground, further from the creek.”

In accordance with the Department of Water’s advice, the proposed shed location was amended to its current location in the North-East corner of the property.

Based on the advice of the Department of Water, the location of this shed is therefor considered acceptable with respect to flooding.

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

Nil.

Policy Implications:

The Local Planning Policy Outbuildings in Residential Zones has been varied for this proposal. There are a number of similar sized shed in this area and it is unlikely that this approval will result in any adverse policy implications.

Financial Implications:

There are no financial implications for the Shire. All relevant fees have been paid.

Strategic Implications:

The Shire of York’s 2012 Strategic Community Plan goals are:

Social

- Manage population growth, through planned provision of services and infrastructure.
- Strengthen community interactions and a sense of a united, cohesive and safe community.
- Build and strengthen community, culture, vibrancy and energy.

Environmental

- Maintain and preserve the natural environment during growth, enhancing the ‘rural’ nature of York, and ensuring a sustainable environment for the future.
- Support sustainable energy and renewable resource choices.

Economic

- Build population base through economic prosperity.
- Value, protect and preserve our heritage and past.
- Grow the economic base and actively support local businesses and service provision.

This proposal is consistent with the objectives of the Plan, particularly as it will not affect the natural environment.

Voting Requirements:
Absolute Majority Required: No

Site Inspection:
Site Inspection Undertaken: Yes

Triple bottom Line Assessment:

Economic Implications:

There are no economic implications associated with this proposal.

Social Implications:

There are no social implications associated with this proposal.

Environmental Implications:

There are no environmental implications associated with the proposal. The significant natural vegetation on this property will not be affected by the development nor will the construction of this outbuilding impact the flow of the waterway during major flood events.

Comment:

The proposed shed requires variation to the floor area and height requirements of the Local Planning Policy *Outbuildings in Residential Zones*. The applicant has sufficiently justified the need for a larger shed to store his coach style bus. The applicant has been cooperative in negotiating an appropriate size taking into consideration the impact to the area as well as the minimum clearance requirements for his bus.

The matters for consideration have been carefully addressed and it can be concluded that based on the proposed location of the shed, this variation will have minimal impact on the surrounding setting and amenity of the location.

The Department of Water has indicated that the proposed location is the preferable site for this outbuilding which will require the applicant to relocate his existing sewerage infrastructure – an achievable requirement to be conditioned on approval.

Whilst there was one submission objecting to this proposal, it is considered that this outbuilding is likely to have minimal effect on neighbouring properties, especially considering that there are a number of similar sheds in the area.

Therefore, it is recommended that the planning application be conditionally approved.

**RESOLUTION
040414**

Moved: Cr Smythe

Seconded: Cr Duperouzel

“That Council:

APPROVE the construction of a shed at Lot 216 (58) Tenth Road, York, subject to the following conditions and advice notes:

Conditions

- 1. Development must substantially commence within two (2) years from the date of this decision.**
- 2. Development must take place in accordance with the stamped approved plans.**
- 3. The total height of the shed shall not exceed five (5) metres.**
- 4. The floor area of the outbuilding shall not exceed 180m².**
- 5. The outbuilding is not to be used for habitable, commercial and/or industrial purposes.**
- 6. Stormwater shall be managed on site to the satisfaction of the local government.**
- 7. No significant vegetation is to be removed without approval of the Local Government.**
- 8. Materials and colours used are to be complementary to the existing development.**
- 9. Cut and fill shall not exceed 500mm without prior approval from the Local Government.**
- 10. Landscaping to the satisfaction of the Local Government is to be planted within six (6) months of completion to minimise the effect of bulk and scale.**

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 any change of classification or prior to the commencement of any structural works within the development hereby permitted.

Note 5: Prior to the commencement of works, approval will be required from the Local Government for the relocation of the existing on-site sewer management system.”

CARRIED: 6/0

Item 9.1.2 – Appendices

9.2 Administration Reports

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.1 Grader Tender Variation

FILE NO: AS.TEN.40
COUNCIL DATE: 14 April, 2014
REPORT DATE: 2 April, 2014
LOCATION/ADDRESS: N/A
APPLICANT: CJD
SENIOR OFFICER: Works Manager, Graham Lantzke
REPORTING OFFICER: Works Manager, Graham Lantzke
DISCLOSURE OF INTEREST: Nil
APPENDICES: Revised Invoice & Covering Letter
DOCUMENTS TABLED: Nil

Summary:

As a result of a motor failure on the trade-in machine prior to the execution of the tender contract a price variation is required to cover the cost of a replacement motor. The sale price of the old grader has been reduced from \$120,000 to \$99,000 for a net variation of \$21,000. (ex GST)

Background:

The original tender for a replacement grader was accepted by Council on the 17th February, 2014 as per Resolution No. 180214.

RESOLUTION
180214

Moved: Cr Boyle

Seconded: Cr Duperouzel

"That Council:

- 1. Accept the tender from CJD Equipment Pty Ltd to replace Shire Grader Y205 with a Volvo G930 grader, including disposal of the old grader, spare wheel and rack and air compressor, for the lump sum price of \$215,525 plus goods and services tax***
- 2. Thank the other tenderers for their consideration."***

CARRIED: 6/0

Consultation:

CJD

Statutory Environment:

Section 3.57 of the Local Government Act (1995) requires a Local Government to tender for works of a prescribed kind and the State Government to create regulations detailing how and when this shall occur.

Part 4 of the Local Government (Financial and General) Regulations 1996 set forth the details on when, where and how tenders should be called. In general terms it requires works over \$100,000 to be tendered, the tenders to be fairly called and assessed and the tender awarded "best value for money".

Policy Implications:

The Shire of York Purchasing Policy applies and includes provision for Local Purchasing.

Financial Implications:

The variation in trade-in value for the 2008 Volvo Grader and the consequent variation in change over price is covered through the prudent financial planning of the Shire of York in a cash backed Unit Replacement Reserve Fund with the price variation able to be met from the Reserve Fund.

Strategic Implications:

Nil

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not Applicable

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

Good roads are essential to the economy. The Shire can't build and maintain effective roads with aged or poor machinery. Operating old plant increases breakdowns and maintenance costs and disrupts productivity.

Social Implications:

Good roads are essential to the community. The Shire can't build and maintain effective roads with aged or poor machinery. Operating old plant increases breakdowns and maintenance costs and disrupts productivity.

Environmental Implications:

Road building has environmental impacts including vegetation clearing and greenhouse gas emissions. Modern plant and equipment, including the recommended purchase include emission controls and better fuel efficiencies and this technology is continuously improving.

Officers Comment:

On or about 11 March 2014 the Shire Grader Y205 suffered a large scale engine failure approximately 9 days before it was due to be traded to CJD Equipment as part of a planned replacement.

The mechanics report is attached. It is very unusual for an engine failure of this type on a machine with only 8,500 hours of operation. CJD Equipment, suppliers of Volvo machinery have advised the engine will be shipped to the factory in Sweden for analysis and a report made available.

The Volvo grader engine is not covered by warranty and as the failure happened pre trade responsibility for replacement lies with the Shire.

CJD Equipment has offered a revised price for the incapacitated machine taking into account the cost to replace a motor and the increased value of the machine post replacement of the motor. The works manager has sought independent advice on the cost to replace a grader engine.

CJD Equipment is the mechanic for the old Shire Grader, the purchaser of it, the seller of the replacement machine and the supplier of Volvo Graders. There is an obvious conflict of interest. There is no identified benefit to CJD Equipment from this situation, and a significant negative to them in the adverse publicity. The independent report from Volvo in Sweden should identify the cause of the failure and if that is found to be failure by CJD Equipment in the servicing of the plant they have agreed to pay to the Shire the \$21,000. This is assessed to be very unlikely given the available evidence.

The reduction in the CJD Equipment offer on the old machine has been reduced from \$120,000 to \$99,000, for a net reduction in offer of \$21,000. The typical cost of replacement of a grader engine for comparable machines would be in the order of \$30,000 to \$35,000

The revised offer from CJD Equipment for the impaired grader is still greater than any of the other tender offers for the unimpaired grader were.

**RESOLUTION
050414**

Moved: Cr Boyle

Seconded: Cr Wallace

“That Council:

Accept the revised trade-in value for the 2008 Volvo G930 Grader (Serial No. 39729) of \$99,000 inclusive of GST and the revised Tender changeover price of \$264,577.50 inclusive of GST for the supply and delivery of a 2013 Volvo Grader under the Shire of York Tender No. 13/02.”

CARRIED: 6/0

Item 9.2.1 – Appendices

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

FILE NO: CS.LCS.8.1
COUNCIL DATE: 14 April 2014
REPORT DATE: 4 April 2014
LOCATION/ADDRESS: N/A
APPLICANT: Shire of York
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: Information Services Officers – Vicki & Pat
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 2014**.

- **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 and picking up pamphlets and Maps from the Town Hall as when we have a few visitors in at one time some don't want to wait so they get a map, attractions and eating out guide. They do not include people walking into the Town Hall to use toilets, view exhibits etc.

The number of visitors coming through the doors and taking maps in March was **857** as compared to **898** in 2013.

- **Product Sales-** (Appendix B) Net sales for the month of March 2014 was **\$765.90** compared to **\$636.70** for the same period 2013.
- **The Gold Coin Souvenirs** – these are very popular with visitors and locals alike. There have been some visitors that come to York just to purchase a coin; while they are here they see the sights and make purchases in the town and have lunch.
- **Request for Services** - There are certain services that visitors ask for (verbally) on a regular basis, these include:
 - Laundromat
 - More York Information signs as you come into town
 - Backpacker Accommodation or cheap accommodation.
 - The return of the old photos that use to be hanging on the wall in the Town Hall
 - Public Showers
- **Feedback**
 - Tourist are very happy with the Free RV Parking down at Avon Park, we have had a lot of great feedback. The Grey nomads are getting to know that York has this facility as they all talk in other towns so the word is getting around.
 - Lots of comments about what a lovely little town we have here.
 - Lots of comments about the Gold Coins being such a good idea.
 - There is an APP called WikiCamps (The Travellers Companion) there are lots of positive comments on this APP.

Background:

We have the calendar of Event for the year of 2014. 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. This is also email to a contact list the Information Services have for those residence and visitors centres and visitors who want to receive the calendar of events.

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

060414

Moved: Cr Smythe

Seconded: Cr Hooper

“That Council:

Receive the March 2014 report prepared by York Information Services.”

CARRIED: 6/0

Item 9.2.2 – Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.3 Roads & Bridges Asset Management Plan

FILE NO: TR.RDT.3
COUNCIL DATE: 14 April 2014
REPORT DATE: 7 April 2014
LOCATION/ADDRESS: Shire of York
APPLICANT: N/A
SENIOR OFFICER: Ray Hooper, CEO
REPORTING OFFICER: Ray Hooper, CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Asset Management Plan – March 2014
DOCUMENTS TABLED: Nil

Summary:

The Asset Management Plan – Roads and Bridges forms part of the Statutory Integrated Planning and Report process for all Local Governments in Western Australia.

Background:

The Roads and Bridges Asset Management Plan was funded through the structural reform process for the South East Avon Regional Transition Group.

Council considered Version 1 (one) at the December 2013 Council Meeting to meet the requirements of the Department of Local Government.

Consultation:

Consultants

Statutory Environment:

Integrated Planning Framework and Guidelines as part of the Local Government Reform Programme.

Policy Implications:

Nil

Financial Implications:

Whilst there were no financial implications to complete the Asset Management Plan originally, as the Plan was funded from Structural Reform grants and the Transition Group however all subsequent reviews are at a cost to Council.

Strategic Implications:

The Shire of York's 2012 Strategic Community Plan goals are:

Built Environment: Enhanced Lifestyle Choices

Our Vision - *Our assets, facilities, roads and parks are well maintained and meet our requirements.*

Outcomes - *Improved Quality of Our Assets*

Objectives - *Upgrade and Maintain Our Infrastructure*

Priorities - *Develop and implement Asset Management Plans.*

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: No - Desktop Analysis of all information available

Triple bottom Line Assessment:

Economic Implications:

Asset Management of the transport network is vital for the future of rural and regional areas.

Social Implications:

Community expectations are for a safe and efficient local transport network administered by their Local Government.

Environmental Implications:

Environmental sustainability is an integrated component of any Asset Management Plan.

Officers Comment:

This first version of the Asset Management Plan – Roads & Bridges was the first step in the Asset Management process using road conditions reports, unit cost rates and works priority setting.

The data in the report relates to conditions provided 2010/11 as the initial assessment. Road and bridge expenditures details provided from the Long Term Financial Plan 2013/14 – 2022/23. 10 Year Predicted Works Program has also been taken into account and this was conducted December 2013.

The initial unit cost rates and road values were reviewed in the past four months and new values were adopted by Council in November 2013.

The Roads & Bridges Asset Management forms part of the Long Term Financial Plan and the Corporate Business Plan as a guideline and framework for asset sustainability.

The development of revised 10 year road programmes will deal with identified priorities based on technical assessment and road expenditures are now categorised as maintenance, renewal, upgrade and expansion to achieve the right mix for asset management.

Please note that projected Renewal Works Programme on Pages 35-44 are provided as a guide only and these roads will not necessarily be incorporated as current or future budget items at this stage as actual needs are determined on an annual basis.

Indicative road expenditure allocations have been made in the Long Term Financial Plan to be received by Council as part of Integrated Planning and Reporting and the Corporate Business Plan however these are also subject to annual review and allocations within the adopted budget.

This plan is a working guideline for the sustainable development of York and the management of the largest assets of the Shire being roads and bridges.

OFFICER RECOMMENDATION

“That Council:

Receive the Roads & Bridges – Asset Management Plan (Version 2 – March 2014) for incorporation into the Corporate Business Plan.”

AMENDMENT

Moved: Cr Reid

Seconded: Cr Duperouzel

“That Council Amend the Officer Recommendation to read:

Council to refer Item 9.2.3 to a Workshop with Graham Lantzke, Engineer – Works Manager for a deeper understanding of the Roads and Bridges Asset Management Plan.”

CARRIED: 6/0

RESOLUTION

070414

Moved: Cr Hooper

Seconded: Cr Duperouzel

The amendment became the motion.

CARRIED: 6/0

Item 9.2.3 – Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.4 York Recreation & Convention Centre (YRCC)

FILE NO: CCP.7
COUNCIL DATE: 14th April 2014
REPORT DATE: 4th April 2014
LOCATION/ADDRESS: N/A
APPLICANT: Shire of York
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: Kathryn Brown, YRCC Manager
DISCLOSURE OF INTEREST: Nil
APPENDICES: Appendix A - Financials
DOCUMENTS TABLED: Nil

Summary:

The following is a summary of items for York Recreation and Convention Centre for the month of
March 2014.

- **Catering Numbers on Fridays-** Monthly averages were calculated from the number of meals served each Friday night. March delivered figures of very little variation from February's averages in number of Friday meals sold.
Sunday night meals have shown an improvement in number of covers since the February report but are still far lower than Fridays.
- **Sporting Events And Catering**
March was a very busy sporting month with most summer sports holding their finals and wind ups during this month and the YRCC trading 6 days per week almost every week. A large number of visitors were present at the YRCC for both the Men's Bowl Pennant finals weekend and the cricket prelim and semi-finals. Lawn bowls, tennis and cricket currently seem content with the variety and delivery of catering services offered to their clubs.
- **Diversity Of Private Functions**
During March, YRCC hosted three corporate workshops, a business breakfast, a club's social lunch, a training event, Men's Pennant Bowls Finals weekend, YLTC AGM and corporate lawn bowls on Wednesdays, in addition to regular tennis, cricket and lawn bowls fixtures. Junior football also utilised the venue for registration purposes.
- **Feedback:**
 - Ongoing complaints regarding damage to gym flooring due to weights use on the carpeted areas and also the trip hazard of weights being left out or not stored properly
 - Received positive feedback from a number of sporting visitors regarding the facilities, range of bar products and catering available
 - Some imperfections in the synthetic bowling green surface have had some work done on them by the installer to rectify these minor issues and we will continue to monitor these areas closely
 - Ongoing request for car park resurfacing to be considered, as the dust and dirt blowing on to all synthetic surfaces is perceived to be affecting play and/or their longevity.

Background:

York Recreation and Convention centre is a hospitality venue within a sporting complex and is aimed at bringing together local sporting clubs and the wider York community. Through quality of customer service and excellent facilities and catering, we also wish to attract corporate clients with potential knock-on effects for other local businesses

Consultation:

Shire of York
Affiliated Sporting clubs
Corporate and local clients for functions

Statutory Environment:

Nil

Policy Implications:

Not Applicable

Financial Implications:

March produced a substantial increase in the gross turn over figure from the February report with the YRCC trading 26 out of 31 days for the month. Large numbers of sporting members visiting for finals in each sport bolstered attendance and revenue, whilst a number of private functions also improved corporate function takings as well.

As expected, with the delayed remittances from February coming in this month, a good improvement over all areas' income can be seen. Purchasing was slightly higher than expected due to a large event scheduled for the very start of April, hence extra stock holding at the end of March, ready for use in April.

Strategic Implications:**Social: Building a Sense of Community****Vision**

- Our community will be inclusive and interactive, where people feel safe and are welcomed.
- Our community will value each other, building relationships and networks to interact, socialise and recreate.
- Our community will have access to service requirements.

Objectives

Outcomes – Connected community

Objectives – Strengthen community cohesiveness and participation

Priorities - Develop and participate in a regional social plan to capture and strengthen community development opportunities, such as recreation, social groups, communication and activities

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not Applicable

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

The YRCC has the capacity to enhance the local economy through the attraction of conferences, seminars and events.

Social Implications:

Recreation and community hub facilities are integral to community wellbeing and social interaction.

Environmental Implications:

Nil

Officers Comment:

The report serves to keep the community informed of the activities at the YRCC.

RESOLUTION

080414

Moved: Cr Wallace

Seconded: Cr Hooper

“That Council:

Receive the April 2014 report prepared by York Recreation and Convention Centre.”

CARRIED: 6/0

Item 9.2.4 – Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.5 Avon Tourism

FILE NO: CS.CEV.6
COUNCIL DATE: 14 April, 2014
REPORT DATE: 7 April, 2014
LOCATION/ADDRESS: Avon Valley
APPLICANT: Avon Tourism
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: R Hooper, CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Minutes – Avon Tourism 11 February 2014
DOCUMENTS TABLED: Nil

Summary:

The minutes of the Avon Tourism Committee meeting are provided for Council and Community information.

Background:

Consultation:

Not Applicable

Statutory Environment:

Not Applicable

Policy Implications:

Policy No. 13.1 - Events For York

Objective: To ensure that York retains its status as an events centre in the Avon Valley

Financial Implications:

Nil at this stage.

Strategic Implications:

Strategic Community Plan – 2012 to the Future

Economic Development: Maximise Development - Our Vision

Visitors will be welcomed, with activities and places of significance to visit, providing a base to visit other regional and rural areas.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not Applicable

Triple bottom Line Assessment:

Economic Implications:

Tourism is a high value industry in the Avon Valley with economic benefit to local and regional businesses.

Social Implications:

Regional and local tourism events, activities and businesses can benefit residents.

Environmental Implications:

Nil

Comment:

Avon Tourism is a regional tourism organisation endeavouring to co-ordinate regional events and area promotion to benefit businesses and communities.

RESOLUTION

090414

Moved: Cr Smythe

Seconded: Cr Wallace

“That Council:

Receive the Minutes of the February 2014 Avon Tourism Incorporated meeting.”

CARRIED: 6/0

Note: Advise Avon Tourism that Matthew Reid represents York, Minutes to reflect this prior to printing.

Item 9.2.5 – Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.6 South East Avon Regional Transition Group

FILE NO:	OR.RDT.5
COUNCIL DATE:	14 April, 2014
REPORT DATE:	7 April, 2014
LOCATION/ADDRESS:	South East Avon
APPLICANT:	SEARTG
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	R Hooper, CEO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Minutes – SEARTG Board Meeting
DOCUMENTS TABLED:	Nil

Summary:

The minutes of the South East Avon Regional Transition Group Board Meeting held on 3rd February, 2014 at the Shire of York are provided for Council and Community information.

Background:

The South East Avon Regional Transition Group (SEARTG) was formed from SEAVROC to investigate structural reform in this region under a formal agreement with the Department of Local Government.

The Regional Transition Group has received funding of over \$500,000 to undertake Business Plans, Asset Management Plans, Community Strategic Plans, 10 Year Financial Plans and Workforce Plans to properly analysis the structural reform process.

Consultation:

Not Applicable

Statutory Environment:

Not Applicable

Policy Implications:

Nil

Financial Implications:

Fully funded by Department of Local Government grants.

Strategic Implications:

The Shire of York's 2012 Strategic Community Plan goals are:

Social

- *Manage population growth, through planned provision of services and infrastructure.*
- *Strengthen community interactions and a sense of a united, cohesive and safe community.*
- *Build and strengthen community, culture, vibrancy and energy.*

Environmental

- *Maintain and preserve the natural environment during growth, enhancing the ‘rural’ nature of York, and ensuring a sustainable environment for the future.*
- *Support sustainable energy and renewable resource choices.*

Economic

- *Build population base through economic prosperity.*
- *Value, protect and preserve our heritage and past.*
- *Grow the economic base and actively support local businesses and service provision.*

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not Applicable

Triple bottom Line Assessment:

Economic Implications:

Not Applicable

Social Implications:

The community will be fully informed of all plans and reports before any final decision is made in relation to any merger arising from the structural reform process.

Environmental Implications:

Nil

Comment:

Provide ongoing information on the current status of the structural reform studies.

RESOLUTION

100414

Moved: Cr Duperouzel

Seconded: Cr Hooper

“That Council:

Receive the Minutes of the South East Avon Regional Transitional Group Board Meeting.”

CARRIED: 6/0

Item 9.2.6 – Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.7 Dedication Of Road – Access To Brooklands Airfield

FILE NO:	TR.RAI
COUNCIL DATE:	17 March 2014
REPORT DATE:	6 March 2014
LOCATION/ADDRESS:	Reserve 16969 'Great Southern Railway'
APPLICANT:	Public Transport Authority
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	Graham Lantzke, Works Manager
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	1 – Site Plan
DOCUMENTS TABLED:	Nil

Summary:

The Public Transport Authority has requested that, for safety and traffic management reasons, a portion of Reserve 16969, comprising a level crossing near Brooklands Airfield, be excised and dedicated as public road.

To facilitate this request, the Department of Lands have advised that the Shire of York would need to formally request dedication of the land under section 56 of the *Land Administration Act 1997*, which is the purpose of this report.

If the dedication proceeds the Shire would become responsible for the ongoing management of this section of road, including financial and safety responsibility.

Background:

On 18 July 2013, the Public Transport Authority requested the Shire of York to agree to the area of land containing the level crossing be excised from the Railway Corridor and dedicated as road. This action will result in provision of public road access to Lots 9 and 10 and the management of the crossing being transferred from a joint arrangement between PTA and the landowners to a joint arrangement between PTA and the Shire.

PTA have advised that the level crossing over the railway servicing Lots 9 and 10 on Diagram 44156, at rail kilometre 31.068 was provided as a right of access between the original allotment and the Spencers Brook Road. A subdivision in 1972 potentially increased the usage of the crossing but the opportunity was not taken by any Authority was an interest to change its status.

They now advise that the traffic generated by Brooklands Airfield by Skydive Express exceeds that anticipated by the original agricultural use of the land, increasing risk of incidents at the crossing.

On 24 July 2013, the PTA was advised that the Shire of York had no objections to the proposal, subject to the shire not being responsible for survey and subdivision costs.

The Department of Lands advised the Shire of York on 20 February 2014, following receipt of the request from PTA, that the Shire needs to formally request the dedication of the area under section 56 of the *Land Administration Act 1997*.

At the Council meeting of March 2014 Council voted to defer a decision pending further information on the expected liability and costs to the Shire of the transfer.

Consultation:

The owners of Skydive the Beach have been advised of the proposal in writing by the Shire of York. They have verbally indicated support for the transfer.

No other consultation has been undertaken and this will now be initiated, subject to Council endorsement of this proposal.

Consultation with the community and relevant authorities is required under the provisions of the *Land Administration Act 1997*.

Statutory Environment:

Road dedications are governed by the *Land Administration Act 1997*. The appropriate processes will be followed to facilitate the PTA's request.

Responsibility for roads and rail crossings is covered by various legislation including Local Government Act 1995, Main Roads Act 1930, various Rail Acts, Land Administration Act 1997 and the Common Law. The interrelations of the Acts is somewhat complex and was recently clarified by the Rail Safety Act, 2010 which now requires the owner of a road and the owner of the railway to have a specific agreement defining standards of construction and responsibility for all aspects of the management of a railway crossing.

Policy Implications:

Council does not have a current policy in relation to construction and maintenance of roads, acceptance of new assets or rail crossings. There are various related standards and operation decisions.

The nearest applicable policy covering this situation would be the standard requirements of subdivision under which terms the developer (in this case PTA) would normally be expected to provide a road access to all lots created which is constructed to the standard and specification of the WAPC, as advised by the Shire of York.

Financial Implications:

Under the proposal the Shire will acquire a new asset (approx. 50 m section of road) and financial responsibility to operate, maintain, refurbish and reconstruct.

The financial liability of the Shire is estimated as follows

Asset Value

Replacement value of asset (as new)	\$25,000
Accrued Depreciation on existing asset	\$nil
Current Value of Asset	\$25,000

Asset Acquisition costs

Subdivision costs including application, survey, compliance with conditions of subdivision, land transfer, public consultation and all other costs are proposed to be paid by the PTA.	\$nil
--	-------

Annual costs

Annual costs to operate the asset (assuming sealed)	\$1,000
Annual depreciation cost	\$ 500

Assessed annual additional income and benefits to the Shire

Additional income from the asset	nil
Additional rates	nil
Additional private contributions	nil
Additional road grant income	\$ 8

Asset value has been guesstimated based on generic unit rates.

Depreciation is calculated on the basis the PTA will hand to the Shire an asset in “new condition” following reconstruction and sealing of the crossing and a turning area.

The current non upgraded asset has a value of approximately 50% the value shown and is guesstimated to be about 50% depreciated.

Land value is not included in this calculation.

Operational costs will include the costs of inspections and maintaining the pavement, drainage, signs, vegetation and all other things. It has been calculated pro rata to existing Shire maintenance budget and allowing for the authors unsubstantiated guesstimate the Shire is currently underfunding maintenance needs on Shire roads by about 50%.

Operational and maintenance costs will be substantially higher if the road is not upgraded and sealed before handover.

Additional grant income is calculated pro rata based on current grant income per lineal metre road from State and federal Government.

Strategic Implications:

The Shire of York’s 2012 Strategic Community Plan goals are:

Social

- Manage population growth, through planned provision of services and infrastructure.
- Strengthen community interactions and a sense of a united, cohesive and safe community.
- Build and strengthen community, culture, vibrancy and energy.

Environmental

- Maintain and preserve the natural environment during growth, enhancing the ‘rural’ nature of York, and ensuring a sustainable environment for the future.
- Support sustainable energy and renewable resource choices.

Economic

- Build population base through economic prosperity.
- Value, protect and preserve our heritage and past.
- Grow the economic base and actively support local businesses and service provision.

The proposal is consistent with the goals of the Plan as it will improve the safety of the community and visitors using the level crossing.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Yes

Triple bottom Line Assessment:

Economic Implications:

This proposal will indirectly support a local business and the local tourism industry.

Social Implications:

The proposal will result in improved road safety and therefore have positive social outcomes.

Environmental Implications:

There are no environmental implications associated with this proposal.

Officers Comment:

Change of Responsibility

The request from the PTA requires the Shire to take responsibility, including financial responsibility, for a new road and rail crossing which is currently an obligation of the PTA and two private landowners to maintain.

There is currently no obligation on the Shire to accept the additional responsibility and if the Shire does not accept the responsibility Brookfield Rail will need to continue to work with the land owners to safely manage the crossing without Shire involvement.

Safety and operational benefits

The benefit of the proposed transfer of land is that the management of the rail crossing would be transferred to the Shire who have a standing arrangement with Brookfield Rail and existing work practices, public liability and other measures in place that will mean the crossing is managed to a higher standard. It is expected and reasonable to assume that public safety risk would be reduced as a result.

Precedent

It would be very difficult to justify this transfer of responsibility from the PTA to the Shire for a single property. The situation of private land obtaining access across rail lines to public roads occurs all over the State and is a result of historical practice. Any transfer of responsibility for these should reasonably be accompanied by an adjustment in State Funding of Local Government roads, else it becomes another cost shifting exercise.

The current responsibility for the safety of those intersections lies with the Railway Authority and the land owner and the suggestion that the Shire can provide a safer management than the well funded Rail Authority with expert knowledge in railways is dubious. What the Shire can provide is a more consistent management practice than private landowners and reduce the need for the Rail Authority to maintain multiple agreements and relationships with private parties; as well as reduce the costs and liabilities of both those parties. There is an obvious benefit to both landowners and the Rail Authority in this, but no direct benefit to the Shire.

Council needs to consider in this instance if the proposed transfer is of benefit to the Shire as a whole. A secondary consideration is whether the management of rail crossings to private land is an obligation or service that the Shire should be taking on and providing to land owners.

Council also needs to consider the precedent set by this decision and the prospect that other property owners and Brookfield Rail will now seek to have other rail crossings transferred to the Shire. This could become an expensive exercise.

Economic Considerations

There is a special consideration in this circumstance in that this rail crossing leads to the Airfield operated by Skydive Express. Skydive Express is a significant business, tourist attraction and promoter for the region and the Shire. The business attracts significant traffic which already affects the Shire management of Spencers Brook Road.

The Shire taking responsibility for this section of the road will therefore provide a benefit to the safety of visitors coming to the Shire and assist a significant local business.

Upgrade and Sealing of the Road

The proposal creates a particular problem for the Shire maintenance regime in that the existing farmers track is a gravel road on the other side of the rail. There is also no provision on the other side of the rail line for vehicles to turn around if access to the private properties is blocked.

In order to maintain this the Shire will need to, at least annually, obtain the permissions of Brookfield Rail and the landowners and deploy a grader to this remote section of road in order to maintenance grade, clear drains and vegetation and so forth. This is logistically difficult and expensive.

Further to this insufficient room to turn will potentially create a situation of vehicles reversing onto or across the rail crossing.

It is therefore recommended that the Shire only accept the transfer of this land subject to it being constructed to a sealed standard, including provision of a turning area on the eastern side of the railway.

The Financial Liability of the Shire

See comments above under financial impacts

The Risk Liability of the Shire

The Shire currently has shared responsibility for multiple road and rail interfaces. One additional crossing built and operated to appropriate standard will not significantly alter the Shire's risk profile.

The crossing already exists and is used and the public risk should be reduced as a result of the transfer of ownership.

General Comment about Risk for the General Public

The possibility of a rail/road accident can't be completely eliminated by any party, short of removing the rail road interface entirely, which is not feasible. The Shire and Rail Authority can use their every best endeavours and there may still be an accident at this or another crossing.

This report is focussing on what are the best possible endeavours to reduce the likelihood of that occurring, or alternately minimise the consequences if it does happen.

Public Consultation

Public consultation is required and this report will initiate the public consultation and provide the information to support that consultation.

The officer recommendation is that if there is no adverse comment raised the CEO then proceed with the matter administratively. If there is adverse comment it is to be referred back to the Council.

MRWA Approval

Main Roads WA maintains a direct involvement in supervising the management of every road rail interface in the State for the reason of ensuring consistency of standards, minimum safety standards and the economic importance of both road and rail to the State Government.

MRWA approval of any dedication of this crossing would be prerequisite and MRWA comment has not yet been received but would likely be supportive because of the expected net public good.

The Public Good

Financial and risk assessment of this proposal inevitably shows the Shire as an organisation gains no benefit from this proposal, and in fact it is disadvantageous to the Shire to accept it.

However the Shire is a Government institution with the purpose of supporting the public good and there are significant benefits to the public, the local economy and other state agencies if the Shire takes up this burden.

Councillors will need to weigh these benefits to the local community against the costs to ratepayers.

Recommendation

The officer is recommending this proposal needs to happen in the interests of the local community, local economy and public safety and that the Shire should seek to support the dedication of the new road subject to the parties Rail Authority, who are benefiting from this proposal, meeting all the initial costs. The Shire would be responsible for subsequent ongoing costs.

Process

To dedicate the level crossing, the Shire must:

1. Pass a Council resolution to the Department of Lands for dedication, with a signed copy of the Council resolution, and a sketch clearly showing the land to be dedicated as road.
2. Indemnify the Minister for Lands against any claims for compensation and reasonable costs.
3. Provide details of any public consultation, and any submissions received.
4. Provide written confirmation that the Shire has complied with section 56(2) of the *Land Administration Act 1997*.

**RESOLUTION
110414**

Moved: Cr Duperouzel

Seconded: Cr Boyle

“That Council:

- 1. Resolve to dedicate the land depicted on the plan attached at Appendix 1 of this Report as a public road in accordance with the provisions of section 56 of the Land Administration Act 1997 subject to***
 - a. The proponent, Public Transport Agency indemnifying the Minister for Lands against any claims for compensation and reasonable costs;***
 - b. The proponent, Public Transport Agency, meeting all costs of creating, dedicating and transferring the new road to the Shire;***
 - c. The proposal being advertised for a period of 21 days to the community and interested agencies;***
 - d. The proponent providing sufficient land on the east side of the railway to construct a turning area for vehicles and trucks;***
 - e. The proponent, Public Transport Agency, constructing the road to the satisfaction of the Shire of York; and***
 - f. Upgrade the rail crossing to an appropriate standard of construction to be agreed by Main Roads WA, the Public Transport Authority and the Shire of York***
- 2. Note that Council will be acquiring a road asset which advances the public good with an estimated replacement value of \$25,000, depreciated value of \$25,000, annual depreciation and operational cost of approximately \$1,500 per annum with no identified income;***
- 3. Subject to no objections being received, authorise the CEO to provide written confirmation that the Shire has complied with section 56(2) of the Land Administration Act 1997; and in the event of objections refer the matter back to Council for further consideration;***
- 4. Commence the process to assign the new road a name; and***
- 5. Advise the Public Transport Authority of Council’s resolution.”***

CARRIED: 6/0

Item 9.2.7 – Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.8 Landfill Development Application – Shire Representative

FILE NO:
COUNCIL DATE: 14 April 2014
REPORT DATE: 9 April 2014
LOCATION/ADDRESS: Shire of York
APPLICANT: Shire of York
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: R Hooper, CEO
DISCLOSURE OF INTEREST: Impartiality – Crs Reid & Duperouzel – DAP Members
APPENDICES: Quote for Services DAP Members
DOCUMENTS TABLED: Nil

Summary:

Variation to Resolution No. 200314 for the engagement of Eugene Ferraro (Ferraro Planning & Development Consultancy), as a Shire of York representative advocate at the Wheatbelt Development Assessment Panel Hearing on the 14th April, 2014 as a replacement for Steven Allerding who is unavailable.

Background:

**RESOLUTION
200314**

Moved: Cr Smythe

Seconded: Cr Boyle

“That Council:

Immediately engage Steve Allerding as the representative advocate to the DAP hearing on 14th April, 2014.”

CARRIED: 6/0

Council resolved (Resolution No. 220214) to allocate up to \$5,000 for the appointment of a representative advocate to make a Shire of York presentation to the Hearing.

Consultation:

Council

Statutory Environment:

Not Applicable

Policy Implications:

Nil

Financial Implications:

Costs have already been allocated by Council resolution.

Strategic Implications:

Nil

Voting Requirements:
Absolute Majority Required: Yes

Site Inspection:
Site Inspection Undertaken: Yes

Triple bottom Line Assessment:
Economic Implications:
Not Applicable

Social Implications:
The landfill issue is of concern to a significant section of the community and appropriate presentation of their views is necessary.

Environmental Implications:
Nil

Officers Comment:
Mr Ferraro is a highly experienced and qualified planning professional with an extensive background in the Department of Planning prior to opening his consultancy service.

**RESOLUTION
120414**

Moved: Cr Smythe

Seconded: Cr Boyle

“That Council:

Rescind Resolution No. 200314 as follows:

“That Council:

Immediately engage Steve Allarding as the representative advocate to the DAP hearing on 14th April, 2014.”

CARRIED: 6/0

**RESOLUTION
130414**

Moved: Cr Smythe

Seconded: Cr Boyle

“That Council:

Endorse the appointment of Mr Eugene Ferraro of Ferraro Planning & Development Consultancy as the Shire of York representative advocate at the DAP Hearing to be held on the 14th April, 2014.”

CARRIED: 6/0

Item 9.2.8 – Appendices

9.3 Works Reports

9.4 Financial Reports

9. OFFICER'S REPORTS

9.4 FINANCE REPORTS

9.4.1 Monthly Financial Reports – March 2014

FILE NO: FI.FRP
COUNCIL DATE: 14 April 2014
REPORT DATE: 4 April 2014
LOCATION/ADDRESS: Not Applicable
APPLICANT: Not Applicable
SENIOR OFFICER: Ray Hooper, CEO
REPORTING OFFICER: Tabitha Bateman, FO
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 2014 is hereby presented for the consideration of the Council.

Appendix A includes the following:

- Monthly Statements for the period ended 31 March 2014
- Bank Account Reconciliations
- List of Creditors Payments
- Payroll Direct Debits Summary
- Corporate Credit Card Transaction Listing
- 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 2014;

Sundry Creditors as per General Ledger	\$441,555.63
Sundry Debtors as per General Ledger	\$517,788.03
Unpaid rates and services current year (inc. ESL)	\$424,591.84
Unpaid rates and services previous years (inc. ESL)	\$683,981.30

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
140414**

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 2014:

	<u>VOUCHER</u>	<u>AMOUNT</u>
MUNICIPAL FUND		
<i>Cheque Payments</i>	<i>31155 - 31182</i>	<i>\$ 37,678.28</i>
<i>Electronic Funds Payments</i>	<i>12105 - 12200</i>	<i>\$ 1,013,530.63</i>
<i>Direct Debits Payroll</i>		<i>\$ 179,408.66</i>
<i>Bank Fees</i>		<i>\$ 621.37</i>
<i>Corporate Cards</i>		<i>\$ 945.77</i>
<i>Fire Messaging Service</i>		<i>\$ 82.50</i>
<i>Shell Cards</i>		<i>\$ 12.50</i>
<i>TOTAL</i>		<i><u>\$ 1,232,279.71</u></i>
TRUST FUND		
<i>Cheque Payments</i>	<i>4278 - 4289</i>	<i>\$ 1,057.00</i>
<i>Direct Debits Licensing</i>		<i>\$ 109,833.14</i>
<i>TOTAL</i>		<i><u>\$ 110,890.14</u></i>
<i>TOTAL DISBURSEMENTS</i>		<i><u>\$1,343,169.85”</u></i>

CARRIED: 6/0

Item 9.4.1 – Appendices

9. OFFICER'S REPORTS
9.4 FINANCE REPORTS
9.4.2 Investments – March 2014

FILE NO:	FI.FRP
COUNCIL DATE:	14 April 2014
REPORT DATE:	7 April 2014
LOCATION/ADDRESS:	Shire of York
APPLICANT:	N/A
SENIOR OFFICER:	Ray Hooper, CEO
REPORTING OFFICER:	Tabitha Bateman, FO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Shire of York Investment Portfolio
DOCUMENTS TABLED:	Nil

Summary:

That Council consider the investment portfolio as attached.

Background:

The investment policy requires Council to review the performance of its investments on a monthly basis.

Consultation:

Auditors; and
Dominic Carbone.

Statutory Environment:

Not Applicable.

Policy Implications:

In accordance with the Financial Management Investment Policy.

Financial Implications:

Credit Ratings:

Strategic Implications:

Not applicable.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Not applicable.

Social Implications:

Not applicable.

Environmental Implications:

Not applicable.

Comment:

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 as at 31 March 2014.

The Shire of York Investment Portfolio identifies Council's investment type, term to maturity and investment value.

The reporting will be reviewed on an ongoing basis by the Auditors and staff.

RESOLUTION

150414

Moved: Cr Boyle

Seconded: Cr Wallace

"That Council receive the Shire of York Investment Portfolio as attached to this report."

CARRIED: 6/0

Item 9.4.2 – Appendices

9.5 Late Reports

9. OFFICER'S REPORTS

9.5 LATE REPORTS

9.5.1. Construction of a shed and placement of a rain water tank – Lot 53 (30) Newcastle Street, 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:	P912, Ne4.4613
COUNCIL DATE:	14 April 2014
REPORT DATE:	11 April 2014
LOCATION/ADDRESS:	Lot 53 (30) Newcastle Street, York.
APPLICANT:	Avalon Sheds and Stables.
SENIOR OFFICER:	J Jurmann (MPS)
REPORTING OFFICER:	K Strange (PO)
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Appendix 1 – Location Plan Appendix 2 – Site Plan Appendix 3 – Technical Drawings: Shed Appendix 4 – Technical Drawings: Water Tank Appendix 5 – Schedule of Submissions

Summary:

Council is in receipt of a planning application to construct a storage shed and water tank at Lot 53 (30) Newcastle Street, York.

The application was advertised in accordance with the provisions of the York Town Planning Scheme No. 2 and two submissions were received regarding the proposal.

An assessment of the proposal has been carried out and it is recommended that the application be approved subject to the conditions listed at the end of this report.

Background:

A planning application was received by the Shire of York on 19 March 2014 proposing to construct an outbuilding and rain water tank at Lot 53 (30) Newcastle Street, York.

The property is zoned Residential R5 with a site area of 8,641m² and is located just north-east of the centre of town.

The proposed shed has a total floor area of 72m² of which 36m² is shed space and 24m² is verandah. The proposed wall height is 2.7m with a maximum ridge height of 3.1m. The walls are proposed in a mist green colorbond whilst the roof is zincalume. The applicant has detailed that the shed will be for storage and hobby purposes.

Originally, the application did not include the rain water tank however discussions with Council's Building Surveyor identified the need for a planning application, it was concluded that this minor change could be included in the current application. The neighbours were re-notified of this change during the advertising period.

The tank is 9.63m in diameter and 2.32 in height with a total floor area of 72.83m². The tank is proposed to be constructed of a green colorbond material.

Consultation:

The submission has been advertised in accordance with 8.3.3 of the York Town Planning Scheme No. 2.

An advertisement was placed in the Avon Valley Gazette and letters were sent directly to adjoining land owners for their submissions closing on 14 April 2014, the day of this meeting.

At the time of writing this report, two submissions had been received, which have been considered in the assessment of this application. Refer to the Schedule of Submissions at Appendix 5 for details. No other enquiries had been received.

Considering that the next meeting is over a month away, it was decided appropriate to put forward this late report to this month's meeting to avoid causing unnecessary delays for the applicant.

It is not expected that further submissions will be received prior to the expiration of the advertising period however Council will be notified should any be received.

Statutory Environment:York Town Planning Scheme No. 2

The subject property is zoned Residential R5 under the provisions of the Scheme.

An outbuilding is an ancillary development to a single house and in accordance with Clause 4.2, is considered permitted development, except where the development requires variation under the Scheme.

The matters for consideration listed in Clause 8.5 of the Scheme have been considered as follows:

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

The York Town Planning Scheme No. 2 applies to all land in the Shire of York and is the only operating Scheme in the area. This assessment illustrated that the proposal is consistent with the aims of the Scheme.

The objective of the Residential zone are:

- (d) *“To encourage single houses as the predominant form of residential development.*
- (e) *To require infill residential development in Heritage Precincts to be in accordance with Design Guidelines adopted by the local government.*
- (f) *To achieve a high standard of development and residential amenity.”*

The proposal is consistent with the objectives of the Residential zone.

(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 property or this proposal.

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

There are no statements applicable to this application.

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

There are no policies applicable to this application.

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

State Planning Policy 3.1 – Residential Design Codes

The proposal does not compromise any of the

The applicable provisions of the Policy have been assessed as follows:

Table 1 – General Site Requirements for R5 Coded Sites.

Provision	Requirement	Proposed	Comment
Setbacks	Primary: 12m Secondary: 6m Other: Table 2 Rear: 6m	SHED Primary: >100m (located at rear) Secondary: N/A Other: 3m Rear: 8m	Complies
		WATER TANK Primary: >100m (located at rear) Secondary: N/A Other: N/A Rear: >10m	Complies
Open Space	Min 70% of the site (70% x 8'641 = 6'048.7m ² Open Space) 8'641 – 6'048.7 = 2'592.3m ² Developable Area)	House = ~352m ² Existing shed = 67.5m ² Existing water tank = 28.27m ² Tank = πr^2 = 72.83m ² Proposed Shed = 72m ² Total = 592.6m ² < 2592.3	Complies
Cut and Fill	<500mm	No details provided.	To be conditioned.
Stormwater	All stormwater to be contained within the site.	No details provided.	To be conditioned.
Outbuildings	<60m ² or <10% site area, whichever is lesser <2.4m wall height <4.2m ridge height Do not reduce open space Comply with setback requirements	Existing shed = 67.5m ² New = 72m ² Total = 139.5m ² Wall height = 2.7m Ridge height = 3.1m Open space (refer above) Setbacks (refer above)	Max. area of outbuildings does not comply. Refer to Local Planning Policy for assessment of proposed variation.

In accordance with 5.4.4 of the R-Codes, a water tank is considered as an external fixture. The design of the water tank is considered to be consistent with the provisions of the R-Codes however some vegetation may be conditioned to minimise any visual impacts. A planning application was triggered as the tank will be visible from the street, although located towards the rear of the property. No impacts on the streetscape will result from the location of the tank.

The proposal generally complies with the provisions of the R-Codes. With regards to the maximum allowable floor area of all outbuildings, Council has adopted a Local Planning Policy that provides acceptable provisions to meet the Design Principles of the R-Codes to ensure that outbuilding proposals that do not meet the Deemed to Comply provisions meet the principle that “*Outbuildings that do not detract from the streetscape or visual amenity of residents or neighbouring properties.*” Refer to the following section.

(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.*

Local Planning Policy – Outbuildings in Residential Zones

The aim of the LPP is to guide the assessment of outbuildings in residential zones that do not meet the Deemed to Comply provisions of the R-Codes, such as this case.

Table 2 – Residential R5

Provision	Requirement	Proposed	Comment
7.1.2. Floor Area	Outbuildings on a residential lot coded R10 and below that have a combined area not exceeding 100m ² or 10 per cent in aggregate of the site area, whichever is lesser shall be deemed as meeting the performance criteria of Clause 6.10.1 of the R-Codes. Lesser floor area applies (i.e. <100m ²).	Existing shed = 67.5m ² Proposed shed 4m x 12m = 48m ² Total area of outbuildings = 115.5m ² OR Site area = 8'641m ² x 10% = 864.1m ² .	Does not Comply. Refer to assessment below.
7.1.3. Height	Outbuildings on a residential lot coded R10 and below that has a maximum wall height of 3.5m, a ridge height of 4.2m	Proposed wall height = 2.7m Proposed Ridge Height = 3.1m	Complies
7.1.4.	Materials of low-reflectivity should be used to ensure that the structure does not adversely impact on neighbours.	The walls are mist green colorbond and the roof is zincalume.	Acceptable.

Whilst the proposed development does not comply with the required floor area, the shed height is below maximum and will therefore have minimal impact. It is important to note that the verandah area of 24m² has not been included in this calculation.

The roof pitch of 12.5° has also been considered in this assessment with the visual impact of the roof being less than that of a steeper pitch roof.

A zincalume roof is considered as an acceptable material however colorbond is preferable.

(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 property is not heritage listed nor is it within a heritage precinct.

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

The development of an ancillary outbuilding is a permissible use within a Residential Zone. Whilst the proposed shed requires variation of the Local Planning Policy, it is still considered to be compatible with the setting. The rain water tank is considered as an external fixture to the dwelling and has been assessed accordingly.

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

There are no social issues associated with this proposal.

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

There is no cultural significance to this area.

(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 is not likely to impact 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.

The property is not subject to such risks.

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

Amenity is defined in the Model Scheme Text (and proposed in Scheme Amendment 50 to be included in TPS 2) as “all those factors which combine to form the character of an area and include the present and likely future amenity”. This amenity of this area is not likely to be affected as the shed is to be located at the rear of the property where it will not likely be visible from the street.

Concerns have been raised from a neighbour regarding potential impacts of the zincalume roof, which is considered more reflective than colorbond. Based on the east-west orientation of the outbuilding and the aspect of the Western Australian sun, most of the reflection is likely to be towards the north boundary. The northern neighbouring property has not made a comment on the proposal and it is considered that the impact of any reflection will be minimal.

Zincalume roofs are relatively common in this area as well as the town in general.

(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.

This matter for consideration has been carefully considered during the assessment of this proposal. Whilst the collective total of floor area for outbuilding on this property has exceeded the Policy requirements, the reduced wall and ridge height will reduce any impact of bulk and scale. Impacts to the area are considered to be minimal.

(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.

Existing provisions for vehicles are adequate.

(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.

This proposal will not result in any increase in traffic to the locality.

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

Not applicable to this development.

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

Public utility services are available to the site. No further services will be required for this development.

(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 development.

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

Not applicable to this development.

(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.*

It is conditioned at the end of this report to plant vegetation around the rain water tank, particularly the western edge that faces the street. This will assist in minimising visual impacts from the primary street.

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

It is unlikely that the development will cause soil erosion or degradation.

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

No community services or benefits will be affected by this proposal.

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

Two submissions were received from adjoining landowners raising a number of points for consideration. The issues raised in the submission have been considered during the assessment of this application.

The main concerns raised were the use of the shed, and the materials and colours used for the structures;

“He is using the [existing] shed as a work shop now with power tools and welders working almost every day, the noise from his shed is very annoying. Our TV service is interrupted with electrical disturbance every time he is either cutting or grinding or welding”.

The shed will be used for storage as well as the applicant’s hobbies. It has been conditioned at the end of this report that the shed will not be used for habitable, commercial and/or industrial purposes. Any noise complaints are referred to the Environmental Health Officer for further investigation.

“I believe that any new building in a built up area, either house or sheds must have colorbond roofing so the glare does not disturb any neighbour’s way of life”

The use of materials has been assessed and in this case, it is considered that zincalume roofing for the outbuilding is acceptable.

Refer to the Schedule of Submissions for further details.

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

The outbuilding is to be used for storage and hobbies. These potential impacts are considered minimal.

(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:

The Local Planning Policy Outbuildings in Residential Zones has been varied for this proposal. There are a number of similar sized shed in this area and it is unlikely that this approval will result in any adverse policy implications.

Financial Implications:

There are no financial implications for the Shire. All relevant fees have been paid.

Strategic Implications:

The Shire of York's 2012 Strategic Community Plan goals are:

Social

- Manage population growth, through planned provision of services and infrastructure.
- Strengthen community interactions and a sense of a united, cohesive and safe community.
- Build and strengthen community, culture, vibrancy and energy.

Environmental

- Maintain and preserve the natural environment during growth, enhancing the 'rural' nature of York, and ensuring a sustainable environment for the future.
- Support sustainable energy and renewable resource choices.

Economic

- Build population base through economic prosperity.
- Value, protect and preserve our heritage and past.
- Grow the economic base and actively support local businesses and service provision.

This proposal is consistent with the objectives of the Plan.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Yes

Triple bottom Line Assessment:

Economic Implications:

There are no economic implications associated with this proposal.

Social Implications:

There are no social implications associated with this proposal.

Environmental Implications:

There are no environmental implications associated with the proposal.

Comment:

The proposed shed requires variation to the permitted floor area of outbuildings under the Local Planning Policy *Outbuildings in Residential Zones*. The impact of this is minimal based on the location of the shed at the rear of the property as well as the reduced wall and ridge heights.

The matters for consideration have been carefully addressed and it can be concluded that based on the location of the shed and the materials of the rain water tank, this proposal will have minimal impact on the surrounding setting and amenity of the location.

Whilst there were two submissions to this proposal, one of objection and one commenting, it is considered that the development will have minimal effect on neighbouring properties.

It is therefore considered that the development be conditionally approved.

RESOLUTION

160414

Moved: Cr Smythe

Seconded: Cr Duperouzel

“That Council:

APPROVE the construction of a shed and placement of a rain water tank at Lot 53 (30) Newcastle Street, York, subject to the following conditions and advice notes:

Conditions

- 1. Development must substantially commence within two (2) years from the date of this decision.***
- 2. Development must take place in accordance with the stamped approved plans.***
- 3. The outbuilding is not to be used for habitable, commercial and/or industrial purposes.***
- 4. Stormwater shall be managed on site to the satisfaction of the local government.***
- 5. Materials and colours used are to be complementary to the existing development.***
- 6. Cut and fill shall not exceed 500mm without prior approval from the Local Government.***
- 7. Landscaping to the satisfaction of the Local Government is to be planted within six (6) months of completion to minimise the effect of bulk and scale of the rain water tank.***

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 any change of classification or prior to the commencement of any structural works within the development hereby permitted.”

CARRIED: 6/0

Item 9.5.1 - Appendices

9.6 Confidential Reports

9.6.1 Matter Relating to a Member of Staff

RESOLUTION

170414

Moved: Cr Smythe

Seconded: Cr Duperouzel

“That Council:

Go “Into Committee” to consider the Confidential Report at 5.13pm.”

CARRIED: 6/0

The Gallery and all Staff were requested to leave the room. Helen D’Arcy-Walker was requested to remain for the recording of the Minutes.

**RESOLUTION
180414**

Moved: Cr Smythe

Seconded: Cr Duperouzel

“That Council:

RESOLVE to:

- 1. Endorse the Shire President’s response to a letter of complaint dated 4th April, 2014 as confidentially circulated to members.***
- 2. Appoint Fitz Gerald Strategies and if necessary Jackson Macdonald as consultants to provide Council with relevant professional advice by way of reporting to Council on its legal position and any responsibilities or obligations it may have in relation to the above-mentioned letter of complaint and other relevant matters.***
- 3. Adopt the consultant’s brief as confidentially circulated to members.***
- 4. Expenditure for this matter to be allocated to Budgeted items Consultants, Governance.***

AMENDMENT

Moved: Cr Smythe

Seconded: Cr Boyle

That Council Amend the Motion to read:

“That Council:

RESOLVE to:

- 1. Endorse the Shire President’s response to a letter of complaint dated 4th April, 2014 as confidentially circulated to members.***
- 2. Appoint Fitz Gerald Strategies and if necessary Jackson Macdonald as consultants to provide Council with relevant professional advice by way of reporting to Council on its legal position and any responsibilities or obligations it may have in relation to the above-mentioned letter of complaint and other relevant matters.***
- 3. Adopt the consultant’s brief as confidentially circulated to members.***
- 4. Expenditure for this matter to be allocated to Budgeted items Consultants, Governance.***
- 5. Authorise the Shire President to liaise with the consultants and direct on this matter.***
- 6. Council to seek guidance from LGIS.***

CARRIED: 6/0

**RESOLUTION
190414**

Moved: Cr Wallace

Seconded: Cr Smythe

The amendment became the motion.

CARRIED: 6/0

**RESOLUTION
200414**

Moved: Cr Smythe

Seconded: Cr Boyle

“That Council:

Come ‘Out of Committee’ at 5.58pm.”

CARRIED: 6/0

10. NEXT MEETING

**RESOLUTION
210414**

Moved: Cr Duperouzel

Seconded: Cr Boyle

“That Council:

hold the next Ordinary Meeting of the Council on May 19, 2014 at 4.00pm in the Talbot Hall, Talbot.”

CARRIED: 6/0

11. CLOSURE

Cr Reid thanked everyone for their attendance and declared the meeting closed at 6.03pm