



# SHIRE OF YORK

**MINUTES OF THE ORDINARY  
MEETING OF THE COUNCIL  
HELD ON 28 APRIL 2015  
COMMENCING AT 5.02pm  
AT THE YORK RECREATION &  
CONVENTION CENTRE**



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## SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL  
HELD ON TUESDAY, 28 APRIL 2015, COMMENCING AT  
5.02PM AT THE YORK RECREATION & CONVENTION CENTRE

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

*Commissioner, James Best, declared the meeting open at 5.02pm.*

#### 1.2 Disclaimer

The Commissioner 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 – Clause 3.2 – Order of Business

Commissioner declared Standing Orders will apply.

#### 1.4 Announcement of Visitors *Welcomed Gallery*

#### 1.5 Declarations of Interest that Might Cause a Conflict

##### **Financial Interests**

*Graeme Simpson, Acting CEO – Item 9.2.2 – Acting Chief Executive Officer Request for Leave Without Pay - Negative Financial Interest*

##### **Disclosure of Interest that May Affect Impartiality**

*Glenwarra Development Services – Item 9.1.2 – Development Application: Change of Use and Associated Signage - Consultant to Shire of York*

## 2. ATTENDANCE

2.1 Commissioner  
*James Best*

2.2 Staff  
*Graeme Simpson, Acting Chief Executive Officer; Allan Rourke, Manager Works & Services, Kira Strange, Town Planner; Gail Maziuk, Compliance/Human Resources; 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 10 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

### **Ms Darlene Barratt**

Public Question Time – Ordinary Council Meeting - 23 March 2015

#### **Question 2:**

Why is the FOI subject on the Agenda? I take offense to this subject of FOI being bought up in any meetings. I have not received answers to four (4) pieces of correspondence and because of that I have had to go to the FOI road, which is my right.

#### **Response:**

FOI is on the agenda in order to ensure that all rate payers of the Shire of York are fully and adequately informed about the yearly expenses all ratepayers bear as a result of the Shire dealing with FOI applications received by the Shire

The cost to ratepayers in dealing with FOI applications is, in essence, a hidden cost. The Shire believes that all ratepayers have the right to be informed about those costs, as they have risen significantly and must be budgeted for in future years.

In the past three financial years, an analysis of the costs involved in processing FOI applications indicates that the Shire has incurred costs, on average, of \$73,500.00 for processing all FOI applications received by the Shire.

#### **Question 3:**

Why has my correspondence not been answered?

#### **Response**

This office has discussed the issues and answered your request for a refund of rates when no payment has been made. This office cannot continue to allocate resources and priority time to this matter.

The Shire has agreed to mediation on this subject which will provide a total closure.

**Question 4:**

Is not Freedom of Information my right?

**Response**

If, by that question, you mean do you have the right to use the *Freedom of Information Act 1992* to seek copies of documents from the Shire, the answer is, clearly, yes.

Every person who resides in Australia – not just in Western Australia – has the legal right to make an FOI application to all State and local government agencies, except those agencies that are exempted from the FOI Act. One such agency is the Crime and Corruption Commission. An FOI application can't be made to the CCC.

**Question 5:**

I believe that Item 9.4.6 of today's agenda is unlawful. Has the Shire of York investigated if the deregistered business property under the corporations act vested with ASIC which seems the property invalid for sale or transfer?

**Response**

The Shire of York has investigated the details involving the ownership of land which is the subject of the item on the meeting agenda.

This Shire actions will be guided by qualified legal practitioners.

**Ms Patricia Walters**

Public Question Time – Ordinary Council Meeting - 23 March 2015

**Question 1:**

Why has the Shire chosen to give a total estimated costs of \$84986 (\$85,000) as an example?

**Response:**

Until recently, the Shire of York annually received several FOI applications. Usually, those FOI application were of a minor or simple nature and the administrative costs incurred in dealing with and processing them had a minimal impact on the annual administration costs/expenses borne by the Shire.

In the past three financial years, the Shire has received several FOI applications of a substantial and complicated nature, including requests for substantial numbers of documents. In order to deal with those FOI applications, in accordance with its statutory obligations and duties under the FOI Act, the Shire has been required to devote ever increasing amounts of resources – especially staff time, in dealing with those FOI applications.

It is incumbent upon the Council of the Shire to, given its financial management duties and obligations under Part 6 of the *Local Government Act 1995*, to adequately and purposefully explain to all ratepayers why rates and charges are being increased and what the actual costs are that all ratepayers bear as a result of the Shire's officers dealing with FOI applications received by the Shire

The cost to ratepayers in dealing with FOI applications is, in essence, a hidden cost. The Shire believes that all ratepayers have the right to be informed about those costs, as they have risen significantly and must be budgeted for in future years.

In the past three financial years, an analysis of the costs involved in processing FOI applications indicates that the Shire has incurred costs, on average, of \$73,500.00 for processing all FOI applications received by the Shire.

#### **4. PUBLIC QUESTION TIME**

*The Commissioner provided 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 – Written Questions - commenced at 5.05pm*

*The Commissioner reminded the Gallery that 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.*

*The Commissioner stated that he would prefer all questions for Public Question Time to be in writing and presented prior to the meeting.*



## **Mrs Tanya Richardson**

### **Question:**

How much has been spent on the CEO's corporate credit card over the period April 2014 – March 2015 inclusive?

### **Response:**

Commissioner Best stated that between November 2014 and March 2015 \$598.80 had been placed on Mr Graeme Simpson's corporate credit card which was for two Shire vehicle licences. Between April and November 2014 \$11,672.18 was placed on Mr Michael Keeble's corporate credit card which was for software, fuel and vehicle licenses. This information is listed in the Financial Reports to Council Meetings. The Shire is reluctant to use the corporate credit card due to recent criticism.

Significant issues/expenditure include \$60,700 been spent on legal fees for the Fitz Gerald Report and \$85,000 on Freedom of Information.

Commissioner Best stated it would be best for all community members to focus on strategic issues as the big issues do not get addressed if we only consider the small picture.

## **Mr Simon Saint**

### **Question 1:**

What action was taken by the Department to reverse the declaration limiting the scope of public questions that can be asked at a Council meeting?

### **Response:**

Commissioner Best stated the Department did provide advice to the Shire on whether individuals can be banned from the question time process and stated they were not of the view that the legislation allows for that.

### **Question 2:**

I received correspondence from the Shire of York dated 2<sup>nd</sup> April, 2014 – can you confirm that the 'poor quality of my life' related to my wife's medical condition?

### **Response:**

Taken on Notice

### **Question 3:**

Why are there no Financials in the Agenda?

### **Response:**

The Acting Chief Executive Officer stated that Financials were not presented in this month's Agenda due to the responsible officer being away on school holidays. Two months of financials will be presented at the next Ordinary Council Meeting.

### **Question 4:**

The Agenda needs to be to Councillors 5 working days before the meeting, the Agenda was placed on the Shire website on the Thursday before the meeting.

### **Response:**

Commissioner Best stated the Agenda papers were out 10 days ago for to the Agenda Briefing Information Session. There are however more Late Reports than we would have liked.

**Question 5:**

There is a need to have the Agenda for the Ordinary Council Meeting out earlier.

**Response:**

We have bought everything forward by one week. The Agenda is prepared for the Agenda Briefing Information Session which is held one week prior to the Ordinary Council Meeting.

**Ms Jane Ferro****Question 1:**

In regards to Item 9.5.1 – FOI Applications. I had a personal experience with lodging an FOI application in 2012 to ascertain the true interactions between the SoY and SITA that allowed the potential rubbish site to become quite advanced before the residents knew anything about the proposal. The External Review process was my only avenue to access documents being withheld from me by the administration of that time. If there is a policy of open and accountable governance, which includes accessing documents easily to negate the need for FOI applications, what has changed to cause a projection by the Deputy CEO of 19 FOI application this fiscal year?

**Response:**

If, like SITA, the Shire of York receives information that is “Commercial in Confidence” then the Shire is required to respect this. The number of FOI’s received has now reached the point that it is unmanageable. The projection was taken from what we have received over the last 3 years. Community members are encouraged to come into the Shire of York Administration office to see staff instead of automatically submitting an FOI application.

**Question 2:**

There are only 2 months remaining for this fiscal year, don’t you think it extreme to be expecting an additional 10 FOI’s to those already received within such a short time frame?

**Response:**

Acting CEO stated it was a projected forward number, calculated on what has been received in the last few months.

**Question 3:**

In the projected budget for ‘staff member 1’ is this the person who is currently being paid to fill the position of FOI Officer for the SoY?

**Response:**

We have several staff members who carry out research on FOI’s.

**Question 4:**

Is there a staff member being paid to carry out the duties of the FOI officer?

**Response:**

We have outside help with FOI enquires.

**Question 5:**

Does this include the amount of \$33,439 included in the estimated annual expenditure?

**Response:**

Yes

**Question 6:**

How much is that person already being paid as the Shire's FOI Officer?

**Response:**

Person 1 comes into give help to the Shire. No one staff member is paid extra for doing Freedom of Information. In the next financial year we will know how many hours have been spent undertaking FOI. FOI's are just an extra work load for current staff members.

**Question 7:**

Aware some retraining needed to be undertaken due to some mismanagement of FOI's.

**Response:**

We have an Officer with a legal background.

**Ms Darlene Barratt**

**Question 1:**

Item 9.4.3 is on today's Agenda. In the Briefing Information Session Agenda it is noted as 4.4.3. Can we please get the paperwork right?

**Response:**

ESO replied the paperwork is correct – in the Briefing Information Session Agenda some items like Public Question Time are not included that are included in the Ordinary Council Meeting Agenda, this is why the numbering is different.

**Question 2:**

FOI – why is this on the Agenda as it is a Statutory requirement and it doesn't matter how many FOI's you have.

**Response:**

Commissioner Best stated he is providing this information for the community on just how many FOI's are being received.

**Question 3:**

If we request documents through the easy way, will we get them without having to go the FOI road?

**Response:**

Commissioner Best stated it depended on what you requested.

**Question 4:**

I have asked for a letter and asked to be able to view my rates file.

**Response:**

Acting CEO stated the answers to those questions will be posted out to you tomorrow.

**Question 5:**

Why haven't we still got a costing on the YRCC?

**Response:**

Commissioner Best stated it is more comprehensive than you think.

The Acting CEO stated we are currently putting together fact sheets of various issues from over the years which will be released shortly.

**Ms Tricia Walters**

My question relates to Items 9.4.1 and 9.4.2 – Sponsorship

**Question:**

Why has Council changed the way that Sponsorship funds are allocated and why has such a disproportionate amount been allocated to Sports? For example, Sports (recreation) receives approximately \$2.5 pa Budget allocation, which is 50% of all rates monies or 25% of total revenue, plus \$3M in loans and now a funding pool of \$10,500 pa. Whereas Talbot Brook require a new toilet for \$8,500 and the annual maintenance funding is going to be deducted from this amount. May I suggest that the \$8,500 would be better spent at Talbot Brook toilet.

**Response:**

Taken on Notice

**Mrs Tanya Richardson**

**Question:**

If the FOI Consultant is an unbudgeted item will it go before Council?

**Response:**

Commissioner Best stated the finance is coming out of a pool of funds.

**Dr James Plumridge**

**Question 1:**

You mentioned that the Shire has engaged a person with a legal background to assist with the processing of FOI applications. Is that person a lawyer?

**Response:**

The FOI Officer has a legal background.

**Question 2:**

What is the scope of the classification 'Commercial in Confidence' as applied by the Shire?

**Response:**

Commissioner Best stated it is someone wanting to do work within the Shire. We need to respect 'Commercial in Confidence' as this allows the proponent to enter into a conversation with the Shire. It is for the proponent to determine if a matter is 'Commercial in Confidence'.

**Ms Jane Ferro**

**Question 1:**

Would like to commend you on the magnificent statue for the ANZAC commemoration. Do we own it?

**Response:**

Commissioner Best stated that we do not own it – it is on loan from Len Zuks the Sculpturer. I understand the RSL is commencing a campaign to raise the funds to purchase it.

**Question 2:**

How much are we attempting to raise for its purchase?

**Response:**

Commissioner Best stated \$75,000.

**Dr James Plumridge**

I would like to commend you and congratulate you on bringing the statue to York.

**Response:**

Commissioner Best stated that this is what Councillors can do – it brings a sense of pride to the community.

*There were no further questions from the Gallery Public Question time was declared closed at 5.36pm*

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

*Cr Pat Hooper*

**RESOLUTION**

**030415**

***“That the Commissioner:***

***Approve Leave of Absence for Cr Pat Hooper for the months of August and September, 2015 as advised to Shire President, Cr Matthew Reid late 2014.”***

***The Commissioner Declared the Motion Carried***

**6. PETITIONS / PRESENTATIONS / DEPUTATIONS**

*Nil*

**7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING & TABLING OF NOTES OF THE BRIEFING INFORMATION SESSION**

7.1 Minutes of the Ordinary Council Meeting held March 23, 2015

Corrections

Confirmation

**RESOLUTION  
040415**

***“The Commissioner Confirmed:***

***That the minutes of the Ordinary Council Meeting held March 23, 2015 be taken as a correct record of proceedings.”***

***The Commissioner Declared the Motion Carried***

7.2 Agenda Briefing Information Session – April 20, 2015

Officers of the Shire of York presented background information on reports to be considered at the April Ordinary Council Meeting at the Agenda Briefing Information Session held on April 20, 2015.

Attachments – Agenda Briefing Information Session Notes

Recommendation:

**RESOLUTION  
050415**

***“The Commissioner Confirmed:***

***That the notes of the Agenda Briefing Information Session held on April 20, 2015 be noted.”***

***The Commissioner Declared the Motion Carried***

**8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

*Commissioner Best announced he would like to commend Shire employees Gail Maziuk and Paul West on their input into ANZAC Day. It was a fantastic day attended by many people.*

**9. OFFICER’S REPORTS**

## 9.1 Development Services

### 9. OFFICER'S REPORTS 9.1 DEVELOPMENT REPORTS 9.1.1 Crawford Court Precinct

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

FILE NO: PS.TPS.47  
COUNCIL DATE: 28 April 2015  
REPORT DATE: 7 April 2015  
LOCATION/ADDRESS: Crawford Court Precinct, York  
SENIOR OFFICER: G. Simpson, ACEO  
REPORTING OFFICER: K. Strange, TP  
DISCLOSURE OF INTEREST: Nil  
APPENDICES: Nil  
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE A/CEO: Graeme Simpson

#### Summary:

In accordance with Schedule 5 of the York Town Planning Scheme No. 2, the preparation of an overall drainage plan for the Crawford Court Precinct is required prior to any approval for subdivision in the Crawford Court Precinct.

At the request of one of the Precinct landowners, and as per the resolution by the Commissioner at the Ordinary Meeting held 25 February 2015, this report was deferred for one month. There are only minor amendments to the report that was presented at the February meeting.

It has been reaffirmed that the Shire is not in a position to cover the initial expense or the ongoing responsibility of project managing this document, especially given that the rate of return and overall community benefit would be minimal.

Further to last month's report, a formal response is required to be Wilkie Civil Engineering outlining the Shire's rejection of their fee proposal for a drainage plan for the Precinct.

It is therefore advised that the Commissioner uphold the requirements of the Scheme and resolve that the landowners be responsible for the costs associated with the requirements of Schedule 5 in the Shire of York Town Planning Scheme No. 2.

#### Background:

On 18 January 2013, Scheme Amendment 47 was gazetted for the purposes of rezoning these lots from Rural Residential to Residential R2.5. The Amendment included inserting text in 'Schedule 5 – Additional Requirements for the Residential Zone' as follows;

3. *The Crawford Court residential precinct is to include land bounded by Northam-York Road, Attfield Road, Chandos Road, Herbert Road and Steere Road. In this area the following additional provisions shall apply:*
  - a. *An overall drainage plan must be prepared for the precinct prior to subdivision.*
  - b. *No additional access shall be permitted onto the Northam-York Road.*
  - c. *Where an Outline Development Plan is not required by the Shire of York or Western Australian Planning Commission prior to subdivision of any lot, any subdivision proposals must demonstrate the proposal will not compromise orderly and proper planning principles for the precinct, as expressed in all relevant Western Australian Planning Commission policies.*

At the Ordinary Meeting of Council held 15 September 2014, Council resolved to;  
*Consider covering the initial cost of preparing an overall drainage plan in accordance with Schedule 5 provided that;*

- 1. the cost be recovered over a period of time from landowners as they develop their land; and*
- 2. the appropriate statutory policy and/or procedure can be put in place to recover the cost in stages.”*

At the Briefing Session held 16 March 2015, one of the landowners, Mrs K Bramley, requested that the item be deferred to allow communication with other landowners. Further to this, Mr J Rostom of Wilkie Civil Engineering requested the inclusion of a formal response to his company for the fee proposal dated 11 September 2014. The proposal included an Overall Drainage Plan quoted at a cost of \$12'000 excluding GST.

Therefore at the Ordinary Meeting held 23 February 2015, the Commissioner resolved that *“the Officer Recommendation Not be adopted. The Officer Report to be deferred for month”*.

**Consultation:**

Mrs Kerry Bramley and Mr John Wieske initially consulted with the Shire regarding the requirements of Crawford Court. It was suggested that the Shire may be in a position to cover the cost associate with these requirements.

Advice was obtained from the Department of Planning as well as a quote from GHD.

GHD provided the following summarised quote;

*\$34,307 ex GST for the ODP, which would include:*

- Initial consultation with landowners to understand development aspirations*
- Bushfire hazard assessment and mapping (desktop only)*
- Review of structure plan elements which would require consideration of developer contributions and staging by a Principal Civil Engineer. This would include drafting statutory provisions within the ODP which can support developer contributions*
- Preparation of the ODP, consistent with the structural requirements of the WAPC structure planning guidelines*
- Presentation of the ODP to Council, including preparation of agenda items*
- Review and summary of submissions following advertising*

*This would be supported by a standalone LWMS, consistent with the requirements of Better Urban Water Management, at a separate estimated fee of \$20,321 ex GST.*

It is acknowledged that only one quote was obtained and therefore, other prices may be above or below these figures. However, the quote was obtained a guide only.

**Statutory Environment:**

Shire of York Town Planning Strategy

In accordance with the Strategy, subdivisions that create more than three (3) lots require the preparation of an Outline Development Plan. This may be required for developers within the Crawford Court Precinct and in accordance with Schedule 5, however it will largely depend on the configuration of subdivision.

Shire of York Town Planning Scheme No 2

In accordance with Schedule 5, an overall drainage plan must be prepared for the precinct prior to subdivision. Therefore, until such time that this plan has been produced and approved to the satisfaction of the Local Government, the landowners are unable to subdivide their property.

Structure Plan Preparation Guidelines

This document outlines the State requirements for the content of a Structure Plan. Structure Plans provide a framework for the coordinated provision of future development.



**Policy Implications:**

There are no policy implications associated with this report.

**Financial Implications:**

There are no financial implications associated with the recommended resolution of this report.

The cost of preparing a Structure Plan for the Crawford Court Precinct would have significant financial implication for the Shire given that the item is unbudgeted and funds would need to be sourced from an alternative item. Given that the total initial cost would equate to \$54'628, this is a large expense for Shire and, if at all, would not be recovered in a timely manner.

**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 development of Crawford Court Precinct is consistent with the Strategic Community Plan, however, when weighing up the cost of the Shire facilitating this development against the overall community benefit, it is not considered as a priority.

It is considered that the financial/economic impact to the Shire would far outweigh the benefit to only a small number of community members i.e. 12 properties.

**Voting Requirements:**

Commissioner's Voting Support

**Site Inspection:**

**Site Inspection Undertaken: No**

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

There are no economic implications associated with the resolution of this report.

If the Shire agreed to cover the cost of preparing the Structure Plan, then the cost would have significant economic implications the Shire.

**Social Implications:**

There are no social implications associated with this proposal.

There is a potential for the funding of this project to cause an undesirable precedent in the future to fund private development as it is not the responsibility of the Shire to fund private development.

**Environmental Implications:**

There are no environmental implications associated with this proposal.

**Officer Comment:**

In accordance with Schedule 5 of the Scheme, an overall drainage plan needs to be prepared prior to permitting and subdivision within the Crawford Court Precinct. This drainage plan, whilst may only funded be funded by a few of the developers/landowners, will ultimately guide future development for the entire Precinct.

As well as this, as a condition of subdivision in accordance with Schedule 5, an outline development plan may be required from the landowners which will detail issues, including drainage, more specifically for the context of their individual site/lots. This would largely depend on the configuration and scale of development for each lot.

The landowners/developers of the Precinct are responsible for meeting these requirements including all associated costs prior to any subdivision approval. Ms Bramley and Mr Wieske have not questioned the requirement, rather the responsibility of cost.

In considering the matter, further advice was obtained in relation to the most appropriate way to recover costs of the associated drainage plan and supporting documents, and it was concluded that in order to re-coup costs, a Structure Plan or Outline Development Plan (ODP) would be required. However, the rate at which these costs would be recovered would be largely dependent on the rate at which the land is developed which is expected to be over an extended period of time i.e. 10 – 20 years.

Further to this, a quote was obtained from GHD for the initial cost of the preparation of a Structure Plan, in accordance with the Department of Planning Structure Plan Preparation Guidelines. It was estimated that the cost would be \$34'307 excluding GST and a further \$20'321 excluding GST for a local water management strategy (i.e. the overall drainage plan). This cost does not include the internal staff hours required to manage this project.

Essentially, the Structure Plan would contain an implementation plan that would include, among other things, developer contributions. In general terms, developer contributions are the total costs of the development apportioned between the landowners/developers, however the cost is generally only recoverable when development occurs.

In order to share costs equally among the landowners, Council agreed to investigate if there was a way that we could re-coup the associated costs. Whilst the Shire does not wish to discourage development within York, it is not responsible for the costs involved. Agreeing to the initial cost associated with this development would also set an undesirable for the Shire to fund future development.

**RESOLUTION  
060415**

***“That the Commissioner:***

- 1. Uphold the requirements of the Shire of York Town Planning Scheme No. 2, specifically Schedule 5, additional requirements for the Crawford Court Precinct;***
- 2. Instruct the CEO to write to the landowners to inform them that the cost of the requirements associated with Schedule 5 will be the responsibility of the landowners/developers of the area.***
- 3. Instruct the CEO to write to respond to Mr John Rostom of Wilkie Civil Engineering and reject their fee proposal for an Overall Drainage Plan for the Crawford Court Precinct.”***

***The Commissioner Declared the Motion Carried***

## 9. OFFICER'S REPORTS

### 9.1 DEVELOPMENT REPORTS

#### 9.1.2 Development Application: Change of Use and Associated Signage

*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:** BR2. 10462  
**COUNCIL DATE:** 28 April 2015  
**REPORT DATE:** 7 April 2015  
**LOCATION/ADDRESS:** 11 Broome Street, York  
**APPLICANT:** Glenwarra Development Services  
**SENIOR OFFICER:** G. Simpson, ACEO  
**REPORTING OFFICER:** K. Strange, TP  
**DISCLOSURE OF INTEREST:** Shire of York  
**APPENDICES:** Appendix 1 – Site Plan  
Appendix 2 – Signage  
**DOCUMENTS TABLED:** Nil  
**REPORT APPROVED BY THE A/CEO:** Graeme Simpson

#### **Summary:**

A planning application has been received for a change of use and associated signage for the Saw Tooth Shed located on the site of the old York Flour Mill at Lots 24-27, 38, 58 and 26807 (11) Broome Street, York.

For the purposes of this report, the property will be hereby referred to as 'the Mill'.

The application proposes an "old style general store" providing a wide variety of goods to local and surrounding townspeople. Specifically, the proposed use will involve wholesale, retail and hire of unique mining, agricultural and domestic equipment, vehicles and goods, including:

- Machinery
- Vehicles and equipment
- Furniture
- Clothing
- Saddlery
- Camping gear
- Guns and ammunition
- Horse and other stock feed
- Hardware and supplies
- Minor repairs to equipment and machinery, including horse floats.

As the proposal represents a range of retail and servicing use classes, it does not fall comfortably within any use class defined by TPS2, and would be described by a number of both listed and unlisted uses. Such a use definition does not enable the coordinated assessment and determination of the proposal – which would result in some elements of the proposal being more or less consistent with the zoning of the land than other elements.

To provide a single, cohesive consideration of the proposal, it is reasonable to consider the proposed use as a single, unlisted and undefined use of "bulky goods general store" and progress the application in accordance with clause 3.2.4 of the scheme.

It is recommended that in accordance with clause 3.2.4 (b) of the Scheme, the Commissioner resolve that the proposal *may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of clause 7.2 [8.3] in considering an application for planning consent.*

With reference to the Shire of York's disclosure of interest, it should be noted that the applicant is currently a consultant working on behalf of the Shire for other unrelated matters. In disclosing this interest, it is to be noted that this will not impact the requirements of orderly and proper planning in the assessment of this application.

**Background:**

The Mill is located on the eastern boundary of the railway line between Henrietta Street and Broome Street. Being situated adjacent to Henrietta Street (Great Southern Highway), the Mill is on the main road entering the town site of York.

The property is listed as a category 1A on the local municipal inventory which means that the place is of exceptional cultural significance for the Shire of York and the State of Western Australia and is therefore also a State listed heritage place. The Mill is also located within the Central York Heritage Precinct.

Originally constructed in 1892, the Mill and associated buildings built from then onwards, have significance for a number of different reasons including its association with York's role in the commercial development of agricultural exports in Western Australia.

The Saw Tooth Shed, located on the eastern side of the main brick building, is a later addition to the site and therefore does not hold the same level of significance as the original buildings. The Saw Tooth Shed has previously been used for furniture manufacturing, weekend markets/stalls, and most recently the banquet dinner in conjunction with the Medieval Fayre. There are currently two other businesses that operate from part of the shed.

The applicant has proposed a change of use to this building which can be summarised as the sale and hire of a wide variety of goods labelled "The York General Store". Further to this, the applicant has also proposed two associated signs on the building. Further information on this signage may be required.

The applicant has proposed a number of uses, both listed and not listed, to best describe the intention of the overall use including, farm supply centre, motor vehicle and marine sales, showroom, office and shop. However in order to consolidate these individual uses and best describe the intention of the overall proposal, it is recommended that a use, not defined and not listed, be assessed: bulky goods general store.

Ultimately, this use will involve wholesale, retail and hire of a variety of bulky and non-bulky goods combined in one store.

**Consultation:**

Initial discussions have been held with the applicant and operator regarding this use and the compatibility within the town site as well as the site context.

Whilst the applicant has proposed that the uses should be considered consistent with the zone, and therefore permitted in accordance with clause 3.2.4 (a), it is considered that given the overall use is not specifically defined or listed, further public and agency consultation is required prior to making this determination.

Therefore, in accordance with clause 3.2.4 (b), it is considered that the use may be consistent with the zone and therefore can follow the advertising procedures within the Scheme. A discrepancy within 3.2.4 (b) of the Scheme refers to clause 7.2 however, the advertising of applications is covered by clause 8.3.

In accordance with clause 8.3.1 (b) of the Scheme, an application that is made for planning consent that is for a use not listed is to be advertised in accordance with clause 8.3.3.

In accordance with clause 8.3.3, it is considered that notice shall be given in the following ways;

- (a) *notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the local government, are likely to be affected by the granting of planning consent, stating that submissions may be made to the local government by a specified date being not less than 14 days from the day the notice is served; and*
- (b) *notice of the proposed use or development published in a newspaper circulating in the Scheme area stating that submissions may be made to the local government by a specified day being not less than 14 days from the day the notice is served.*

The applicant will be responsible for the cost associated with the newspaper advertisement in accordance with our current fees and charges.

In accordance with clause 8.4, the local government may consult with any other statutory, public or planning authority it considered appropriate. It is considered that during the notification period, other relevant agencies be consulted.

### **Statutory Environment:**

Shire of York Delegation Manual 2012  
DE5 Approval of Statutory Planning

The delegation for determining a 'use not listed' is with Council. For the purposes of this meeting, the Commissioner is currently in place of Council and therefore holds all relevant delegations.

### Shire of York Town Planning Scheme No. 2

#### Clause 3.1.2

- The land is depicted on the Scheme Map as being zoned Town Centre with a number of addition uses listed in Schedule 2 of the Scheme.
- The additional use subject to planning consent being granted by the local government may be furniture manufacture and display and a dwelling.
- The proposed use does not fall under the additional uses listed.

#### Clause 3.2.4

- *If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type or class of activity of any other use the local government may:*
  - (a) *determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or*
  - (b) *determine that the use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of clause 7.2 [clause 8.3] in considering an application for planning consent; or*
  - (c) *determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.*

#### Clause 4.1

- All development or commencement of use on land zoned under the Scheme requires prior approval.

#### Clause 4.9.1

- Objectives of the Town Centre zone;
  - (a) *to retain the town centre of York as the principal place for retail, commercial, civic, and tourist-oriented uses in the District.*
  - (b) *to preserve the unique qualities of the town centre as a heritage place, including the conservation of existing heritage buildings, and to avoid development which will detract from those qualities.*
  - (c) *to ensure development complies with Design Guidelines adopted by the local government for the town centre.*
  - (d) *to encourage a high standard of development of commercial facilities to service the residents, the farming sector, tourists, and travellers.*
  - (e) *to encourage a high standard of landscaping in and around the town centre; the local government will undertake planting of shade trees in road reserves and public carparks where appropriate.*

- (f) *To encourage a high standard of residential and residential mixed use development in appropriate locations that contribute to the amenity, security and economic sustainability of the town centre.*

Clause 4.9.2

- The minimum building setbacks are at the discretion of the local government.

Clause 4.9.3

- Outlines the development requirements for the town centre. The applicant has not proposed and development works except for signage which is covered by assessment against the relevant local planning policy.

Clause 8.3

- Outlines requirements for advertising, specifically for a use that is not listed within the Zoning Table.

Clause 8.4

- Enables local government to consult with external authorities. Referral to a number of external agencies/authorities will be required.

Clause 8.5

- Outlines the matters for consideration when assessing and determining an application for planning consent. A full assessment in accordance with these provisions will be conducted.

Clause 8.6

- Enables local government to approve the application with or without planning conditions, or, to refuse the application.

Shire of York Town Planning Scheme No 2 Omnibus Scheme Amendment 50

Scheme Amendment No. 50, an Omnibus amendment, was finally adopted for approval by the Shire of York at its Ordinary Meeting held on 15 April 2013 and was considered by the Western Australian Planning Commission at its Statutory Planning Committee Meeting on 23 July 2013. The final decision from the Minister for Planning is still pending due to unexpected delays.

This amendment has not been finalised however is often used a guide for our existing Scheme and uses that are not listed in the current Zoning Table. This document may provide assistance in the assessment of the proposed bulky goods general store.

Local Planning Policy – Heritage Precincts and Places

*Clause 4.2. Commercial Development Policy Objectives*

- *To facilitate commercial development that respects the existing character of an area.*
- *To ensure that the primacy and heritage significance of Avon Terrace is maintained.*
- *To protect and encourage the conservation of the important heritage places within the Central York Precinct.*
- *To ensure that all commercial development, including new development and the modification or extension of existing buildings, respects the scale, form, siting, appearance and general fabric of existing buildings and the streetscape in the Central York Precinct.*
- *To ensure that new development is of a high architectural quality that contributes to, and enhances, the Precinct as a whole.*

A full assessment against the policy provisions will be completed. Further to this, referral to the State Heritage Office will be required as the place is a State listed heritage place.

**Policy Implications:**

Policy implications will be considered during the full assessment of the proposal.

**Financial Implications:**

The applicant has paid the application and advertising fee associated with planning applications.

**Strategic Implications:**York Local Planning Strategy (LPS)

The property is identified in the LPS as being within the York Town Centre Precinct.

The proposal will require further assessment against the Strategy and general objectives (clause 2.1) to determine if it consistent with the overall intent of the LPS.

Shire of York Community Strategic Plan

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 will require further assessment against the objectives of the Community Strategic Plan, specifically the economic and social elements.

**Voting Requirements:**

Commissioner's Voting Support

**Site Inspection:**

**Site Inspection Undertaken:**            **Yes**

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

Exact economic implications are unknown at this stage. However, given the location of this facility and that the proposed space is currently unutilised, it is reasonable to assume that with the buildings increased economic activity, there may be a flow on of economic benefit to York. Further assessment is required.

**Social Implications:**

Negative social implications are expected and there is likely to be positive social implications however this will require further assessment.

**Environmental Implications:**

No environmental implications are expected however further consultation may confirm this.

**Officer Comment:**

Bulky goods general store whilst not specifically defined in the Scheme or listed in the current zoning table, is the most appropriate use to describe the proposed application.

In accordance with clause 3.2.4 of the Scheme, the Commissioner has three options with regard to receiving this 'use not listed';

- (a) determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or*
- (b) determine that the use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of clause 7.2 [clause 8.3] in considering an application for planning consent; or*

- (c) *determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.*

In accordance with clause 4.9.1, the objectives of the Town Centre zone are;

- (a) *to retain the town centre of York as the principal place for retail, commercial, civic, and tourist-oriented uses in the District.*
- (b) *to preserve the unique qualities of the town centre as a heritage place, including the conservation of existing heritage buildings, and to avoid development which will detract from those qualities.*
- (c) *to ensure development complies with Design Guidelines adopted by the local government for the town centre.*
- (d) *to encourage a high standard of development of commercial facilities to service the residents, the farming sector, tourists, and travellers.*
- (e) *to encourage a high standard of landscaping in and around the town centre; the local government will undertake planting of shade trees in road reserves and public carparks where appropriate.*
- (f) *To encourage a high standard of residential and residential mixed use development in appropriate locations that contribute to the amenity, security and economic sustainability of the town centre.*

It is considered that whilst the information provided by the applicant will require further assessment, it is sufficient at this stage to determine that it may be consistent with the zone objectives, and should therefore be advertised accordingly.

**RESOLUTION  
070415**

***“That the Commissioner:***

***Determine that the proposed bulky good general store at Lots 24-27, 38, 58 and 26807 (11) Broome Street, York, may be consistent with the objectives of the Town Centre zone in accordance with 3.2.4 (b) of the Shire of York Town Planning Scheme No. 2 and thereafter follow the advertising procedures of clause 8.3 in considering the application for planning consent.”***

***The Commissioner Declared the Motion Carried***



9. OFFICER'S REPORTS  
9.1 DEVELOPMENT REPORTS  
9.1.3 Lot 4 (6) South Street – Showroom

*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: SO1.11610  
COUNCIL DATE: 28 April 2015  
REPORT DATE: 10 April 2015  
LOCATION/ADDRESS: Lot 4 (6) South Street, York  
APPLICANT: M. Higson  
SENIOR OFFICER: G. Simpson, ACEO  
REPORTING OFFICER: K. Strange, TP  
DISCLOSURE OF INTEREST: Nil  
APPENDICES: Appendix 1 – Location Plan  
Appendix 2 – Site Plan  
Appendix 3 – Elevations  
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE A/CEO: Graeme Simpson

**Summary:**

A planning application has been received for the development of a showroom at Lot 4 (6) South Street, York.

As the proposal is categorised as a 'use not listed' under the provisions of the Shire of York Town Planning Scheme No. 2 (the Scheme), a preliminary assessment and decision is required to determine whether the use is consistent, not consistent, or may be consistent with the objectives of the Town Centre Zone.

It is recommended that in accordance with clause 3.2.4 (b) of the Scheme, that the Commissioner resolve that the proposal *may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of clause 7.2 [8.3] in considering an application for planning consent.*

**Background:**

Lot 4 (6) South Street, York is located in the centre of town, just east of Avon Terrace.

The property is located within the Central York Heritage Precinct and is within a flood affected area.

The applicant has stated that the proposal is for the purposes of offering their clients "a showroom experience, providing samples and design options for all internal and external requirements".

Some examples include;

- Kitchen and bathroom layouts and designs
- Shower units
- Floor and wall tiling and other materials
- Internal and external doors
- Double glazing systems
- Landscaping products and design
- Blinds and window coverings
- Lighting systems
- Garage doors
- Masonry work.

The application was originally submitted as a shop and the development was assessed accordingly. However the applicant has decided to develop the building as a showroom to complement his existing business, rather than as a shop. Therefore a different process is required.

Showroom is a use defined in the Scheme as *a building or part of a building used or intended for use for the purpose of displaying or offering for sale by wholesale or retail, automotive spare parts, carpets, large electrical appliances, furniture, hardware or goods of a bulky nature*. It is considered that the application suitably falls within this definition.

However, this use is not specifically listed in the Zoning Table and therefore requires assessment as a 'use not listed'.

Council has adopted a scheme amendment, Omnibus Scheme Amendment 50, which includes 'showroom' as an 'AA' use in the Town Centre zone. An 'AA' use is a use that is not permitted unless the local government has exercised its discretion and has granted planning consent.

Due to delays associated with this Omnibus, this amendment has not been finally adopted. However based on this, it is reasonable to assume that the use may be consistent with the objectives of the Town Centre zone.

**Consultation:**

Numerous discussions have been held with the applicant regarding this use and the compatibility within the Town Centre zone.

Neighbour notification has already occurred as well as referral to a number of relevant agencies and other external groups including; Department of Water, the York Society, Western Power, Telstra, Water Corporation, and our local heritage advisor Laura Gray.

Therefore, In accordance with clause 3.2.4 (b), it is considered that the use may be consistent with the zone and therefore can follow the advertising procedures within the Scheme. A discrepancy within 3.2.4 (b) of the Scheme refers to clause 7.2 however, the advertising of applications is covered by clause 8.3.

In accordance with clause 8.3.1 (b) of the Scheme, an application that is made for planning consent that is for a use not listed is to be advertised in accordance with clause 8.3.3.

It is considered that based on the merits of the proposal and the previous consultation already undertaken, the proposal would not require an advertisement in the paper, rather a notification to the surrounding neighbours and above mentioned agencies to inform them of the amendment to the original application. This is consistent with clause 8.3.3(a) and clause 8.4.

**Statutory Environment:**

Shire of York Delegation Manual 2012  
DE5 Approval of Statutory Planning

The delegation for determining a 'use not listed' is with Council. For the purposes of this meeting, the Commissioner is currently in place of Council and therefore holds all relevant delegations.

Shire of York Town Planning Scheme No. 2

Clause 3.1.2

- The land is depicted on the Scheme Map as being zoned Town Centre with a number of addition uses listed in Schedule 2 of the Scheme.

Clause 3.2.4

- *If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type or class of activity of any other use the local government may:*
  - (d) *determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or*
  - (e) *determine that the use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of clause 7.2 [clause 8.3] in considering an application for planning consent; or*
  - (f) *determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.*

Clause 4.1

- All development or commencement of use on land zoned under the Scheme requires prior approval.

Clause 4.9.1

- Objectives of the Town Centre zone;
  - (g) *to retain the town centre of York as the principal place for retail, commercial, civic, and tourist-oriented uses in the District.*
  - (h) *to preserve the unique qualities of the town centre as a heritage place, including the conservation of existing heritage buildings, and to avoid development which will detract from those qualities.*
  - (i) *to ensure development complies with Design Guidelines adopted by the local government for the town centre.*
  - (j) *to encourage a high standard of development of commercial facilities to service the residents, the farming sector, tourists, and travellers.*
  - (k) *to encourage a high standard of landscaping in and around the town centre; the local government will undertake planting of shade trees in road reserves and public carparks where appropriate.*
  - (l) *To encourage a high standard of residential and residential mixed use development in appropriate locations that contribute to the amenity, security and economic sustainability of the town centre.*

Clause 4.9.2

- The minimum building setbacks are at the discretion of the local government.

Clause 4.9.3

- Outlines the development requirements for the town centre.

Clause 8.3

- Outlines requirements for advertising, specifically for a use that is not listed within the Zoning Table.

Clause 8.4

- Enables local government to consult with external authorities.

Clause 8.5

- Outlines the matters for consideration when assessing and determining an application for planning consent. A full assessment in accordance with these provisions will be conducted.

Clause 8.6

- Enables local government to approve the application with or without planning conditions, or, to refuse the application.

Shire of York Town Planning Scheme No 2 Omnibus Scheme Amendment 50

Scheme Amendment No. 50, an Omnibus amendment, was finally adopted for approval by the Shire of York at its Ordinary Meeting held on 15 April 2013 and was considered by the Western Australian Planning Commission at its Statutory Planning Committee Meeting on 23 July 2013. The final decision from the Minister for Planning is still pending due to unexpected delays.

The amendment proposed the inclusion of the use, 'showroom', to the zoning table as an 'AA' use in the Town Centre zone.

Whilst this amendment has not been finalised, it is reasonable to assume that this use, should it be included in the zoning table, may be consistent with the objectives of the Town Centre zone.

#### Local Planning Policy – Heritage Precincts and Places

##### *Clause 4.2. Commercial Development Policy Objectives*

- *To facilitate commercial development that respects the existing character of an area.*
- *To ensure that the primacy and heritage significance of Avon Terrace is maintained.*
- *To protect and encourage the conservation of the important heritage places within the Central York Precinct.*
- *To ensure that all commercial development, including new development and the modification or extension of existing buildings, respects the scale, form, siting, appearance and general fabric of existing buildings and the streetscape in the Central York Precinct.*
- *To ensure that new development is of a high architectural quality that contributes to, and enhances, the Precinct as a whole.*

A full assessment against the policy provisions will be completed. Further to this, referral to the State Heritage Office will be required as the place is a State listed heritage place.

#### **Policy Implications:**

Policy implications will be considered during the full assessment of the proposal.

#### **Financial Implications:**

The applicant has paid the application fee and no advertising fee is required.

#### **Strategic Implications:**

##### York Local Planning Strategy (LPS)

The property is identified in the LPS as being within the York Town Centre Precinct.

The proposal will require further assessment against the Strategy and general objectives (clause 2.1) to determine if it consistent with the overall intent of the LPS.

##### Shire of York Community Strategic Plan

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 will require further assessment against the objectives of the Community Strategic Plan.

#### **Voting Requirements:**

Commissioner's Voting Support

#### **Site Inspection:**

**Site Inspection Undertaken:            Yes**

**Triple bottom Line Assessment:**

**Economic Implications:**

Economic implications are unknown at this stage however, given the location of this facility and the nature of the use, it may be reasonable to assume that it may have some economic benefit to York. Further assessment is required.

**Social Implications:**

Any potential social impacts will require further assessment.

**Environmental Implications:**

The property is located within a flood affected area.

Department of Water have provided comment in relation to minimum floor level requirements.

Further assessment may be required.

**Officer Comment:**

A showroom, whilst not listed in the current zoning table, has been considered in the Omnibus Scheme Amendment 50 and is included as an 'AA' use in the proposed Zoning Table.

In accordance with clause 3.2.4 of the Scheme, the Commissioner has three options with regard to receiving this 'use not listed';

- (d) determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or*
- (e) determine that the use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of clause 7.2 [clause 8.3] in considering an application for planning consent; or*
- (f) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.*

In accordance clause 4.15.1, the objectives of the Town Centre zone are;

- (a) to retain the town centre of York as the principal place for retail, commercial, civic, and tourist-oriented uses in the District.*
- (b) to preserve the unique qualities of the town centre as a heritage place, including the conservation of existing heritage buildings, and to avoid development which will detract from those qualities.*
- (c) to ensure development complies with Design Guidelines adopted by the local government for the town centre.*
- (d) to encourage a high standard of development of commercial facilities to service the residents, the farming sector, tourists, and travellers.*
- (e) to encourage a high standard of landscaping in and around the town centre; the local government will undertake planting of shade trees in road reserves and public car parks where appropriate.*
- (f) To encourage a high standard of residential and residential mixed use development in appropriate locations that contribute to the amenity, security and economic sustainability of the town centre.*

It is considered that whilst the information provided by the applicant may require further assessment, it is sufficient at this stage to determine that it may be consistent with the zone objectives, and should therefore be advertised accordingly.

**RESOLUTION  
080415**

*“That the Commissioner:*

*Determine that the proposed showroom at Lot 4(6) South Street, York, may be consistent with the objectives of the Town Centre zone in accordance with clause 3.2.4 (b) of the Shire of York Town Planning Scheme No. 2 and thereafter follow the advertising procedures of clause 8.3 in considering the application for planning consent.”*

*The Commissioner Declared the Motion Carried*

## 9.2 Administration Reports

### 9. OFFICER'S REPORTS

#### 9.2 ADMINISTRATION REPORTS

##### 9.2.1 Public Health Bill 2014

**FILE NO:** LE.ACT.10  
**COUNCIL DATE:** 28 April 2015  
**REPORT DATE:** 2 April 2015  
**LOCATION/ADDRESS:** N/A  
**APPLICANT:** Shire of York  
**SENIOR OFFICER:** A/CEO - Graeme Simpson  
**REPORTING OFFICER:** EHO - John Coles  
**DISCLOSURE OF INTEREST:** N/A  
**APPENDICES:** N/A  
**DOCUMENTS TABLED:** N/A

**REPORT APPROVED BY THE A/CEO:** Graeme Simpson

#### **Summary:**

To advise Council of the *Public Health Bill 2014*, which was introduced into the Western Australian (WA) Parliament on 26 November 2014.

#### **Background:**

The *Public Health Bill 2014* is a major public health initiative and regulatory reform project for WA, which proposes to replace the existing *Health Act 1911*, which is now over 100 years old.

Extensive consultation has taken place across WA throughout the Bill's development, including state and local governments, industry, professional groups and the public. Feedback has indicated widespread support for the Bill.

The Bill is supported by the Public Health (Consequential Provisions) Bill 2014, which provides for amendments to the *Health Act 1911* and a range of other Acts as a consequence of the Bill's passage.

The Bill proposes to replace much of the existing *Health Act 1911*, and aims to provide the community with modern legislation to:

- Promote public health and well being;
- Help prevent disease, injury, disability and premature death;
- Inform individuals and their communities to plan for, create and maintain a healthy environment;
- Support programs and campaigns intended to improve public health;
- Collect information about the incidence and prevalence of diseases and other public health risks for research purposes; and
- Reduce the health inequalities in public health of disadvantaged communities.

The current *Health Act 1911* is limited in that it:

- Makes reference to out-dated public health risks and issues;
- Deals with issues that have since been captured by other legislation;
- Does not address emerging public health issues such as bio-terrorism, new industries and epidemic chronic diseases; and
- Is prescriptive and reactive.

Once passed, the Bill and the *Public Health (Consequential Provisions) Bills 2014* will be implemented in conjunction with each other and with relevant subsidiary legislation, in a staged manner over the course of a 3 to 5 year period following Royal Assent.

**Consultation:**

N/A

**Statutory Environment:**

Health Act 1911  
Public Health Bill 2014  
Local Government Act 1995  
Shire of York Health Local Laws 2000

**Policy Implications:**

*The Shire of York Health Local Laws 2000* are currently in line with the *Health Act 1911*; and will require to be updated in accordance with the *Local Government Act 1995*.

The *Public Health Bill 2014* will replace the *Health Act 1911*.

**Financial Implications:**

Associated costs may be implicated in accordance with new legislative requirements.

**Strategic Implications:**

Nit

**Voting Requirements:**

Commissioner's Voting Support

**Site Inspection:**

Site Inspection Undertaken: N/A

**Triple bottom Line Assessment:**

**Economic Implications:**

Not applicable at this stage of the process.

**Social Implications:**

Not applicable at this stage of the process.

**Environmental Implications:**

Not applicable at this stage of the process.

The detail will reveal the effects on the Economic, Social and Environmental elements within the Shire.



**Officer Comment:**

Once passed, the *Public Health Bill 2014* will contain a number of new provisions and health initiatives including:

*Emergency Management*

There will be enhanced powers to take immediate and effective action during a public health emergency such as a pandemic influenza and to manage the risks of impending and unfolding health events. This ensures that there is necessary authority to take action that will prevent the spread of disease or other health hazards. This could include quarantine and isolation measures, closures of public places and seizure or destruction of hazardous materials.

*Infectious Diseases*

Comprehensive powers are established to deal with infectious diseases, allowing appropriate action to be taken to prevent and manage such risks in WA.

*Public Health Assessments*

The introduction of Public Health Assessments ensures that the public health risks arising from particular development proposals are identified and considered as part of existing approvals processes, to encourage and support strategic and proactive planning for public health.

Public Health Assessments will complement current planning, development, and environmental protection processes, and will only apply to proposals that are prescribed under subsidiary legislation made under the Bill. Prior to creating subsidiary legislation the Department of Health will consult closely with all relevant agencies.

*Public Health Planning*

State and Local Governments will be required to prepare public health plans that identify the public health needs of people within local government districts and across the state to identify strategies to meet those needs.

In order to minimise the number of separate planning processes required of local government, the Local Public Health Plans will be integrated with existing planning processes under the *Local Government Act 1995*.

*Increased Penalties*

The penalties provided by the *Health Act 1911* are inadequate; this is of particular concern when managing environmental health risks (for example asbestos contamination) and the management of persons with serious infectious diseases.

The Bill provides for appropriate penalties that can be applied to people who create public health risks.

*Risk Based Approach*

The content of the *Health Act 1911* reflects the public health risks from the early 20<sup>th</sup> Century. It is prescriptive in nature and provides regulation of specific known and often historical risks in public health.

In contrast the Bill provides a flexible and generic framework that includes a set of regulatory tools to regulate any given tasks to public health. This ensures that the Bill can support public health risks that exist today, as well as those risks that are not yet known but may emerge in the future.

### *Streamlined and Coordinated Framework of Regulation*

The out-dated regulatory framework provided by the *Health Act 1911* includes 47 separate Health Regulations. The volume of subsidiary legislation makes it difficult for the Department of Health and local government to administer and for business and the wider community to observe.

The transition to the new framework provided by the Bill will involve the review and reform of the subsidiary legislation under the *Health Act 1911*. All regulations relating to broad policy areas will be consolidated and streamlined into single regulatory instruments. For example, the 14 Health Regulations that presently relate to aspects of the built environment will be consolidated into one.

### *Binding the Crown*

The *Health Act 1911* does not bind the Crown, as a result that Act cannot be enforced on land that is owned or managed by the Crown. The Bill takes an important step towards addressing these inequalities by requiring the Crown to comply with the Bill.

However, it is recognised that some parts of the Crown may not be capable of achieving immediate compliance with the Bill. This is because improvements to infrastructure (such as housing) and service delivery may require extra time and additional funding before compliance can be achieved.

The Bill recognises that a staged approach may be required, and in inappropriate circumstances the Minister for Health may exercise his or her power to exempt the Crown and Crown authorities from compliance with the Bill. Such an exemption may require the Crown or Crown authority to develop a compliance plan outlining the schedule of works to be completed within a specified period.

### *Authorised Officers*

The *Public Health Bill 2014* provides for a range of functions to be exercised by authorised officers. Unlike the *Health Act 1911*, the Bill provides local government with the autonomy to designate persons with a range of qualifications (acceptable to the Chief Health Officer) and experience to perform functions as authorised officers under the Bill.

### *Shire of York Implications*

As opposed to the current *Health Act 1911*, the new *Public Health Bill 2014* will require the Shire to undertake a more proactive approach to public health. This proactive approach will require the Shire to develop and implement Public Health Plans to provide a strategic and forward thinking approach that ensures that public health can be effectively promoted and protected.

The resource requirements to enable the Shire to adequately work within the legislative requirements of the *Public Health Bill 2014* should be assessed as part of Council's 2015/16 budget process.

#### **RESOLUTION**

**090415**

***“That the Commissioner:***

***Acknowledges the proposed changes in legislation resulting from the Public Health Bill 2014.”***

***The Commissioner Declared the Motion Carried***

**9. OFFICER'S REPORTS**  
**9.2 ADMINISTRATION REPORTS**  
**9.2.2 Acting Chief Executive Officer Request for Leave Without Pay**

**FILE NO:** P266  
**COUNCIL DATE:** 28 April 2015  
**REPORT DATE:** 7 April 2015  
**LOCATION/ADDRESS:** N/A  
**APPLICANT:** Acting Chief Executive Officer  
**SENIOR OFFICER:** G K Simpson, A/CEO  
**REPORTING OFFICER:** G K Simpson, A/CEO  
**DISCLOSURE OF INTEREST:** Negative Financial Interest  
**APPENDICES:** Nil  
**DOCUMENTS TABLED:** Nil

**REPORT APPROVED BY THE A/CEO:** *Graeme Simpson*

**Summary:**

This application is to request leave without pay for the period 8<sup>th</sup>-12<sup>th</sup> June, 2015.

It is recommended that Lo-Go Appointments be requested to nominate a replacement Acting Chief Executive Officer during the Acting Chief Executive Officer's period of leave.

**Background:**

The travel arrangements were set in place to complement the existing Council meeting schedule and enable the Acting Chief Executive Officer to have a mid year break.

**Consultation:**

Deputy Chief Executive Officer  
Commissioner

**Statutory Environment:**

The past practice has been that for periods of CEO's leave the Deputy CEO has been paid higher duties in accordance with the Contract of Employment and Council Resolution 220310.

This option is not available because of the Deputy CEO being on Maternity Leave.

**Policy Implications:**

Nil

**Financial Implications:**

The Acting Chief Executive Officer contract arrangement is that no leave payment is made during absence from the office.

The replacement officer will be sought from Lo-Go Appointments to cover for the absence period.

**Strategic Implications:**

Nil

**Voting Requirements:**

Commissioner's Voting Support

**Site Inspection:**  
**Site Inspection Undertaken:**            **Not Applicable**

**Triple bottom Line Assessment:**  
**Economic Implications:**  
Not Applicable

**Social Implications:**  
Nil

**Environmental Implications:**  
Nil

**Officer Comment:**  
The chosen period of leave has been kept to a minimum and taken during a period of low administrative impact.

**RESOLUTION  
100415**

***“That the Commissioner:***

- 1.        Approve the existing Acting Chief Executive Officer’s application for leave during the week 8<sup>th</sup>-12<sup>th</sup> June, 2015.***
- 2.        Appoint Mr Peter Bradbrook as Acting Chief Executive Officer for the period 8<sup>th</sup>-12<sup>th</sup> June, 2015.”***

***The Commissioner Declared the Motion Carried***

9. OFFICER'S REPORTS  
9.2 ADMINISTRATION REPORTS  
9.2.3 Yorky's Coffee Carriage – Lease

FILE NO: CCP.19  
COUNCIL DATE: 28 April 2015  
REPORT DATE: 14 April 2015  
LOCATION/ADDRESS: Reserve Lot 588 Deposited Plan 190244  
APPLICANT: Mr R Cameron  
SENIOR OFFICER: G Simpson, A/CEO  
REPORTING OFFICER: T Cochrane, DCEO  
DISCLOSURE OF INTEREST: Nil  
APPENDICES: Nil  
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE A/CEO: Graeme Simpson

**Summary:**

That Council show its support for Yorky's Coffee Carriage to change hands, in accordance with the Lands Administration Act.

**Background:**

A lease exists between the current lessee and the Shire.

The carriage was subject to a fire approximately a year ago and the business has been closed ever since.

The new lessee is keen to get the premises up and running and has requested Council to support his request to take over the lease.

**Consultation:**

Elders Real Estate  
Lessee  
Feinauer Commercial Lawyers

**Statutory Environment:**

**Land Administration Act:**

**18. Crown land transactions that need Minister's approval**

- (1) A person must not without authorisation under subsection (7) assign, sell, transfer or otherwise deal with interests in Crown land or create or grant an interest in Crown land.
- (2) A person must not without authorisation under subsection (7) —
  - (a) grant a lease or licence under this Act, or a licence under the *Local Government Act 1995*, in respect of Crown land in a managed reserve; or
  - (b) being the holder of such a lease or licence, grant a sublease or sublicense in respect of the whole or any part of that Crown land.
- (3) A person must not without authorisation under subsection (7) mortgage a lease of Crown land.
- (4) A lessee of Crown land must not without authorisation under subsection (7) sell, transfer or otherwise dispose of the lease in whole or in part.

- (5) The Minister may, before giving approval under this section, in writing require —
  - (a) an applicant for that approval to furnish the Minister with such information concerning the transaction for which that approval is sought as the Minister specifies in that requirement; and
  - (b) information furnished in compliance with a requirement under paragraph (a) to be verified by statutory declaration.
- (6) An act done in contravention of subsection (1), (2), (3) or (4) is void.
- (7) A person or lessee may make a transaction under subsection (1), (2), (3) or (4) —
  - (a) with the prior approval in writing of the Minister; or
  - (b) if the transaction is made in circumstances, and in accordance with any condition, prescribed for the purposes of this paragraph.
- (8) This section does not apply to a transaction relating to an interest in Crown land if —
  - (a) that land is set aside under, dedicated or vested for the purposes of an Act other than this Act, and the transaction is authorised under that Act; or
  - (b) that interest may be created, granted, transferred or otherwise dealt with under an Act other than —
    - (i) this Act; or
    - (ii) a prescribed Act;
 or
  - (c) an agreement, ratified or approved by another Act, has the effect that consent to the transaction was not required under section 143 of the repealed Act; or
  - (d) the transaction is a lease, sublease or licence and the approval of the Minister is not required under section 46(3b).

### **Local Government Act:**

#### **3.58. Disposing of property**

- (1) In this section —
 

*dispose* includes to sell, lease, or otherwise dispose of, whether absolutely or not;

*property* includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
  - (a) the highest bidder at public auction; or
  - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
  - (a) it gives local public notice of the proposed disposition —
    - (i) describing the property concerned; and
    - (ii) giving details of the proposed disposition; and
    - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
 and

- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
- (a) the names of all other parties concerned; and
  - (b) the consideration to be received by the local government for the disposition; and
  - (c) the market value of the disposition —
    - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
    - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
- (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
  - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
  - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
  - (d) any other disposition that is excluded by regulations from the application of this section.

*[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]*

**Policy Implications:**

Nil

**Financial Implications:**

The Shire will not be responsible for any costs associated with this transaction.  
The new lessee has agreed to pay costs associated with the new lease agreement.

**Strategic Implications:**

Built Environment Enhanced.

**Voting Requirements:**

Commissioner's Voting Support

**Site Inspection:**

**Site Inspection Undertaken:** Yes previous Environmental Health Officer

**Triple bottom Line Assessment:**

**Economic Implications:**

Tourism is a significant component of the local economy, with Yorky's Coffee Carriage providing a popular tourist facility that complements the infrastructure developed at Avon Park by the Council.

**Social Implications:**

Yorky's Coffee Carriage has proven to be a popular eating establishment, for both residents and visitors to York alike, and contributes to the social diversity of the town.

**Environmental Implications:**

Not applicable to this report.

**Officer Comment:**

The Officer's recommendation is to support the sale of the business, however it would be subject to the termination/cancellation of the current lease and at the applicant's cost.

**RESOLUTION**

**110415**

***"That the Commissioner:***

- 1. supports the current lease agreement being terminated/cancelled and re-issued for Lot 588 Deposited Plan 190244 to enable the potential new Lessees to operate Yorky's Coffee Carriage subject to compliance with advice from the Department of Lands and Minister's endorsement for the proposal and in accordance with Section 18 of the Land Administration Act; and***
- 2. advise the new lessee that the local government shall recover all costs associated with the development of the new lease agreement."***

***The Commissioner Declared the Motion Carried***



## 9.3 Works Reports

### 9. OFFICER'S REPORTS

#### 9.3 WORKS REPORTS

##### 9.3.1 Tender 02 – 1415 - Purchase And Removal Of Reinforced Concrete Pipes And Headwalls

**FILE NO:**  
**COUNCIL DATE:** 28 April 2015  
**REPORT DATE:** 11 April 2015  
**LOCATION/ADDRESS:** Thorn Street and Balladong Street  
**APPLICANT:** Not Applicable  
**SENIOR OFFICER:** Graeme Simpson, ACEO  
**REPORTING OFFICER:** Allan Rourke, MWS  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** Nil  
**DOCUMENTS TABLED:** Nil

**REPORT APPROVED BY THE ACEO:** *Graeme Simpson*

#### **Summary:**

To consider tenders received for the purchase and removal of reinforced concrete pipes and headwalls.

#### **Background:**

At the Works Committee meeting held on 2 October 2014 the resolution was as follows

RESOLUTION  
031014

Moved: M. Gill

Seconded: D. Randell

This committee recommends to Council that the project be cancelled. Chief Executive Officer to be given a mandate to investigate alternative uses, or sale of pipes.

CARRIED 6/0

145 drainage pipes and 2 headwalls were purchased for the Monger/Balladong Street drainage upgrade project and stored on vacant land in the York townsite.

The cost of the drainage work was estimated at a cost of \$1 million to \$1.5 million and the funds were not available at that time.

As there is no other project that will use the size of the pipes a tender was prepared and advertised in the West Australian newspaper on Saturday 14 March 2015 and also with Tenderlink.

#### **Consultation:**

Acting Chief Executive Officer

#### **Statutory Environment:**

Part 4 of the Local Government (Functions and General) Regulations 1996, section 3.57 of the Local Government Act 1995.

#### **Policy Implications:**

There are no Policy implications relevant to this item.

**Financial Implications:**

There are no financial implications relevant to this item.

**Strategic Implications:**

There are no strategic implications relevant to this item.

**Voting Requirements:**

Commissioner's Voting Support

**Site Inspection:**

**Site Inspection Undertaken:** Not Applicable

**Triple bottom Line Assessment:**

**Economic Implications:**

There are no economic implications relevant to this item.

**Social Implications:**

There are no social implications relevant to this item.

**Environmental Implications:**

There are no environmental implications relevant to this item.

**Officer Comment:**

When tenders closed at 4.00pm Friday 10 April one tender had been received:

Jenna Equipment - \$12,182.00 includes GST.

**RESOLUTION**

**120415**

*"That the Commissioner:*

*Reject Tender 02-1415 the purchase and removal of reinforced concrete pipes and headwalls from Jenna Equipment at the tendered price of \$12,182.00 (incl GST) and investigate other options for the sale of the pipes and headwalls."*

*The Commissioner Declared the Motion Carried*

## 9.4 Financial Reports

### 9. OFFICER'S REPORTS

#### 9.4 FINANCE REPORTS

##### 9.4.1 Talbot Brook Community Group Inc Donation

**FILE NO:** FI.DON/Ta1.30570  
**COUNCIL DATE:** 28 April 2015  
**REPORT DATE:** 14 April 2015  
**LOCATION/ADDRESS:** Not Applicable  
**APPLICANT:** Various  
**SENIOR OFFICER:** Tyhscha Cochrane - DCEO  
**REPORTING OFFICER:** Tyhscha Cochrane - DCEO  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** Nil  
**DOCUMENTS TABLED:** Nil

**REPORT APPROVED BY THE A/CEO:** *Graeme Simpson*

#### **Summary:**

This report deals with a verbal request to provide funding to enable the completion of the toilet facility located at Talbot Hall.

#### **Background:**

The DCEO met with the Committee Members in August 2014 to finalise their lease and discussed their plans for the site. A demolition application was submitted on the 12 August 2014.

The group have been trying to source grant funding however were wishing to finalise the lease first. The DCEO advised the group that the lease arrangements would be completed in a timely manner.

The Council waived all fees associated with the demolition application for a toilet block, which has already been the subject of the removal of asbestos.

#### **Consultation:**

Not applicable.

#### **Statutory Environment:**

Local Government Act 1995  
Building Act 2011  
Building Regulations 2012

#### **Policy Implications:**

Nil

#### **Financial Implications:**

The lease has been held up due to technicalities with the lodgement of the lease with Landgate.

An allocation was made in general ledger number 111107 being \$4200 for maintenance and \$8000 towards the removal of the asbestos in accordance with the Coultas Consulting Report.

The toilet facility will cost approximately \$17,000 and is required to be built in accordance with any new regulations due to the alterations, which has resulted in higher costs than originally anticipated.

Fees of \$501 were waived to deal with the demolition. It should also be noted that Council have fees associated with the requirements that staff need to adhere to by Landgate.

**Strategic Implications:**

It is Council's objective to assist in developing quality capable services to manage community demand.

**Voting Requirements:**

Commissioner's Voting Support

**Site Inspection:**

**Site Inspection Undertaken:**

**Triple bottom Line Assessment:**

**Economic Implications:**

Not applicable.

**Social Implications:**

Not applicable.

**Environmental Implications:**

Not applicable.

**Officers Comment:**

It is recommended that Council increase the annual contribution for the 2014/15 financial year.

**RESOLUTION**

**130415**

***"That the Commissioner:***

***Approves funding to an amount of \$8,500 to the Talbot Brook Community Group Inc for placement of a donga like construction for use as toilets at Reserve 12191.***

***Advice Note: This includes the Group's annual maintenance costs."***

***The Commissioner Declared the Motion Carried***

**9. OFFICER'S REPORTS**  
**9.4 FINANCE REPORTS**  
**9.4.2 Sponsorships**

**FILE NO:** FI.DON  
**COUNCIL DATE:** 28 April 2015  
**REPORT DATE:** 22 April 2015  
**LOCATION/ADDRESS:** N/A  
**APPLICANT:** Various  
**SENIOR OFFICER:** Graeme Simpson – A/CEO  
**REPORTING OFFICER:** Tyhscha Cochrane – Deputy CEO  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** Appendix A – Sporting Groups  
**DOCUMENTS TABLED:** Nil

**REPORT APPROVED BY THE A/CEO:** *Graeme Simpson*

**Summary:**

Each year Council makes a number of contributions by way of donations to various community groups that operate within the York Shire. This report makes recommendations to Council for the disbursement of funds left in the funding pools related to sporting groups for 2014/15 Budget.

**Background:**

Previously as part of Council's Annual Budget process, submissions for financial assistance with projects that benefit the community are called for from local community groups and organisations. Those applying provide details about their organisation and the project they are seeking funding for including a budget and quotations for the project and details of any other funding sources. All groups receiving non-recurrent funding are required to provide an acquittal report to Council outlining how the funds were spent and providing copies of receipts where appropriate.

This year the way sponsorships were handled was changed and money was allocated to a funding pool within different areas of the budget.

Due to additional unexpected expenditure this year and no formal process regarding how the funding was to be distributed the funding could not be finalised until such time as the Mid Year Review was complete, that now being the case Council is to consider the allocations of the rest of the funds.

**Consultation:**

Council staff, Councillors and some applicants – ongoing.

Wayne Collins of the York Football Club attended the Briefing Session on the 20<sup>th</sup> April 2015, due to the Grand Final being held in York this year it was seen that the moving of the switch for the siren should be a focus, this would therefore require further money.

A meeting with Hockey Club representatives will be held on Wednesday evening and further funds may be requested in relation to fire extinguishers and security.

**Statutory Environment:**

Local Government Act 1995.

**Policy Implications:**

Not applicable.

**Financial Implications:**

General Ledger Account 113167 allowed for a funding pool of \$10,000, after the deductions of various expenditure throughout the year \$4,688 is still available.

The following expenditure has already been provided for:

<b>Date</b>	<b>Description</b>	<b>Debit</b>
16/02/2015	SHIRE OF YORK SPONSORSHIP - TENNIS EVENING FRIDAY 13/2/15 - GREEN FEES & LIGHTING - YRCC SPONSORSHIP	158.86
19/02/2015	SHIRE OF YORK SPONSORSHIP - CHAIR HIRE 21/2/15 - YORK SWIMMING DISTANT MEET	152.73
16/03/2015	YORK BOWLING CLUB SPONSORSHIP - CORPORATE BOWLS FINAL 2015 SPONSORSHIP	500.00
30/03/2015	YORK BOWLING CLUB SPONSORSHIP - APRIL OPEN DAY 2015	3000.00
31/03/2015	YORK VOLUNTEER EMERGENCY SERVICES DONATION - CORPORATE BOWLS RAFFLE 2015	500.00
31/03/2015	ST JOHN AMBULANCE ASSOCIATION - YORK - CORPORATE BOWLS RAFFLE 2015	500.00
31/03/2015	YORK VOLUNTEER FIRE & RESCUE DONATION - CORPORATE BOWLS RAFFLE 2015	500.00

\$1,500 that was raised from raffles was paid out of General Ledger Account 113167, however income offset this amount, leaving a balance of \$6,188.

York Junior Netball – Reimbursement for safety post padding for the netball poles to be reimbursed fully as the facility was changed to use the courts for a dual purpose (netball and basketball) it is felt that this request should be paid in full. A guarantee from the Club that it has not been reimbursed for the padding by returning padding or on selling or whether the safety padding can come in handy for another group to be determined.

The remaining requests are provided for in Appendix A.

Whilst Council have guidelines in place, funds are short this year and as such the remaining requests have been dealt with on the basis of \$175 contribution per \$1,000 of the total project costs unless the group has indicated the level of support. Should clubs not be in a financial position to undertake this year they may request Council to hold funds to next year.

It should be noted that funds to pay for the Fitzgerald Report were taken from Schedule 4 General Ledger Account 41105 and transferred to 42195 Legal Expenses and as such all other sponsorship requests will need to be determined at a later time dependant on funds available within the budget, these include the Mens' Shed and Voice of the Avon these groups will be notified of this.

Other areas of sponsorship available are within the Tourism and Area Promotion section of the budget and this will be evaluated once all Policies relating to Events have been assessed.

After a discussion with Bronwyn Dunn of Comfort Quilts on Wednesday, 22 April 2015, it has been determined that the fees for all the facilities will be waived and this will come out of area promotion and is approximately \$720.00.

**Strategic Implications:**

Council's support of local groups is of strategic importance to the District, as without this support these groups, who in many respects are the backbone of the community, become unviable from a financial perspective.

**Voting Requirements:**  
Commissioner's Voting Support

**Site Inspection:**  
**Site Inspection Undertaken:** N/A

**Triple bottom Line Assessment:**

**Economic Implications:**

Local community groups are a vital component of the local economy, as in many cases they provide the lifestyle type activities that attract individuals, families and businesses to a community, improving the overall diversification and market size of the local economy.

**Social Implications:**

Local community organisations provide the social framework of any community and without this type of financial support from the Council; many are not able to function effectively.

**Environmental Implications:**

Not applicable.

**Officers Comment:**

The recommendations are put forward for Council's consideration.

**OFFICER RECOMMENDATION**

*"That the Commissioner:*

1. *approves the recommendations in the attached document "Schedule of Non-Recurrent Funding Submissions – Sporting Groups" totalling \$5,911.00 from the 2014/15 Budget;*
2. *confirms the delegation to the Chief Executive Officer that funding/sponsorship/donations up to an amount of \$500.00 be approved subject to the discretion of the Chief Executive Officer and liaison with the Commissioner from available funds from the 2014/15 Budget; and*
3. *advise the unsuccessful applicants.*

*Advice Note:*

- a. *advice to all successful applicants that acquittal is required and advice is subject to comments within Appendix A.*
- b. *it should be noted that funds to pay for the Fitzgerald Report were taken from Schedule 4 General Ledger Account 41105 and transferred to 42195 Legal Expenses and as such all other sponsorship requests will need to be determined at a later time dependant on funds available within the budget."*

*The Author has requested that this item be deferred as new information that has come to hand since the Agenda Briefing Information Session shows there has been a shift in Club priorities that need to be considered.*





**9. OFFICER'S REPORTS**  
**9.4 FINANCE REPORTS**  
**9.4.3 Revoke Council Resolution**

**FILE NO:** FI.RTS.PPO.2490  
**COUNCIL DATE:** 28 April 2015  
**REPORT DATE:** 9 April 2015  
**LOCATION/ADDRESS:** N/A  
**APPLICANT:** Graeme Simpson, CEO  
**SENIOR OFFICER:** Graeme Simpson, CEO  
**REPORTING OFFICER:** Graeme Simpson, CEO  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** Nil  
**DOCUMENTS TABLED:** Nil

**REPORT APPROVED BY THE A/CEO:** *Graeme Simpson*

*At the Agenda Briefing Information Session it was foreshadowed that this motion would be deferred to allow for further investigation on this matter through mediation with the applicant.*



## 9. OFFICER'S REPORTS

### 9.4 FINANCE REPORTS

#### 9.4.4 Comfort Quilts Against Cancer Inc – Application to be Recognised

**FILE NO:** FI.DON / CS.CCS.6  
**COUNCIL DATE:** 28 April 2015  
**REPORT DATE:** 13 April 2015  
**LOCATION/ADDRESS:** Not Applicable  
**APPLICANT:** Bronwyn Dunn  
**SENIOR OFFICER:** Graeme Simpson, Acting CEO  
**REPORTING OFFICER:** Tyhscha Cochrane, Deputy CEO  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** Nil  
**DOCUMENTS TABLED:** Nil

**REPORT APPROVED BY THE A/CEO:** *Graeme Simpson*

#### **Summary:**

It is a requirement that Comfort Quilts Against Cancer Inc makes application to Council to be a recognised Community Group for the purpose of waiving fees and charges related to the use of Shire facilities for fundraising activities of benefit to the community.

#### **Background:**

On 28 January 2015 the Shire received an application from Ms Bronwyn Dunn seeking Council recognition of Comfort Quilts Against Cancer Inc as a Community Group for the purpose of waiving fees and charges related to the use of Shire facilities for fundraising activities of benefit to the community.

In February 2013 Comfort Quilts Against Cancer Inc was approved as a recognised Community Group for the purpose of having Shire fees and charges waived when conducting not for profit fund raising activities in public places and thoroughfares.

Council has completed the midyear review and as such is in a position to provide information relating to the groups funding request.

#### **Consultation:**

Discussions were held with Bronwyn Dunn on the 22<sup>nd</sup> April 2015 regarding the waiving of all fees, due to the numbers identified coming to town and buying tickets for Friday night and Saturday's event.

#### **Statutory Environment:**

Local Government Act 1995.

#### **Policy Implications:**

Nil

#### **Financial Implications:**

As a recognised community group the benefit/saving over the period of two days is approximately \$808. Leaving a balance of \$1,108.50 plus all other fees required in relation to bonds etc.

#### **Strategic Implications:**

This will encourage community groups to undertake fund raising activities.

**Voting Requirements:**  
Commissioner's Voting Support

**Site Inspection:**  
**Site Inspection Undertaken: Not Applicable**

**Triple bottom Line Assessment:**

**Economic Implications:**

Certificate of Incorporation and Public Liability Insurance of \$10,000,000 is still required for Community groups to qualify as being recognised as a York Community Group.

**Social Implications:**

It is of benefit to enhance relationships between Council and Community Groups by waiving fees and charges for fundraising purposes of community benefit.

**Environmental Implications:**

Nil

**Officers Comment:**

Comfort Quilts Against Cancer is an organisation established to provide comfort to cancer patients by way of offering beautiful handmade quilts to as many cancer patients in regional Australia as possible.

Its aim is to establish and maintain an ongoing network of volunteers who can fulfil requests for the provision of these quilts.

This organisation is a York based registered "Not for Profit" organisation that services Australia as a whole.

Comfort Quilts Against Cancer seeks to waive fees and charges related to the use of Council facilities for fundraising activities of benefit to the community.

A current copy of the Certificate of Currency for Public Liability Insurance for \$10,000,000 is to be provided.

**RESOLUTION  
140415**

***"That the Commissioner:***

- 1. Recognise Comfort Quilts Against Cancer as a Community Group and waive all fees associated with the use of Council facilities for their event over the 1<sup>st</sup> and 2<sup>nd</sup> of May 2015; and***
- 2. Provide recurrent funding for an event to be run by the Comfort Quilters for the purpose of fundraising annually subject to inclusion in the budget.***

***Advice Note:***

***The fees will be transferred from General Ledger 132145 Area Promotion."***

***The Commissioner Declared the Motion Carried***

## 9. OFFICER'S REPORTS

### 9.4 FINANCE REPORTS

#### 9.4.5 Veteran Car Club of WA Inc – York Branch – Application to be Recognised

**FILE NO:** FI.DON / CS.CCS.6  
**COUNCIL DATE:** 28 April 2015  
**REPORT DATE:** 13 April 2015  
**LOCATION/ADDRESS:** Not Applicable  
**APPLICANT:** Leo Pendergrass  
**SENIOR OFFICER:** Graeme Simpson, Acting CEO  
**REPORTING OFFICER:** Tyhscha Cochrane, Deputy CEO  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** Nil  
**DOCUMENTS TABLED:** Nil

**REPORT APPROVED BY THE A/CEO:** *Graeme Simpson*

#### **Summary:**

It is a requirement that the Veteran Car Club of WA Inc – York Branch makes application to Council to be a recognised Community Group for the purpose of reduced fees and charges related to the use of Shire facilities for activities that will benefit the community.

#### **Background:**

Through discussion with the Shire Staff the group are seeking recognition of the Veteran Car Club of WA Inc – York Branch as a Community Group for the purpose of utilising Shire facilities for activities of benefit to the community.

Council has completed the midyear review and as such is in a position to provide information relating to the groups funding request.

#### **Consultation:**

Nil

#### **Statutory Environment:**

Local Government Act 1995.

#### **Policy Implications:**

Nil

#### **Financial Implications:**

Council's current fees for usage of the YRCC Committee Room is \$21 per hour for the purpose of community groups. The group are looking at utilising a space to meet approximately 1 hour a month to discuss matters concerning the Veteran Car Rally event.

#### **Strategic Implications:**

This will assist this community group in their endeavours to bring activities to the town.

#### **Voting Requirements:**

Commissioner's Voting Support

#### **Site Inspection:**

**Site Inspection Undertaken:** Not Applicable

**Triple bottom Line Assessment:**

**Economic Implications:**

Certificate of Incorporation and Public Liability Insurance of \$10,000,000 is still required for Community groups to qualify as being recognised as a York Community Group.

**Social Implications:**

It is of benefit to enhance relationships between Council and Community Groups by assisting with activities that can bring advantage to those other businesses within the town.

**Environmental Implications:**

Nil

**Officers Comment:**

The Veteran Car Club of WA Inc – York Branch seeks to reduce fees and charges associated with the hire/use of Council facilities, which will benefit the businesses in town.

A current copy of the Certificate of Currency for Public Liability Insurance for \$10,000,000 is to be provided.

**RESOLUTION**

**150415**

***“That the Commissioner:***

***Recognise the Veteran Car Club of WA Inc – York Branch as a Community Group for the purpose of reducing fees and charges related to the use of Council facilities for monthly meetings.”***

***The Commissioner Declared the Motion Carried***

## 9.5 Late Reports

### 9. OFFICER'S REPORTS 9.5 LATE REPORTS 9.5.1 Freedom of Information

**FILE NO:** AS.RMT.2  
**COUNCIL DATE:** 28 April 2015  
**REPORT DATE:** 16 APRIL 2015  
**LOCATION/ADDRESS:** N/A  
**APPLICANT:** N/A  
**SENIOR OFFICER:** Graeme Simpson, A/CEO  
**REPORTING OFFICER:** Tyhscha Cochrane, Deputy CEO  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** Nil  
**DOCUMENTS TABLED:** Nil

**REPORT APPROVED BY THE A/CEO:** *Graeme Simpson*

#### **Summary:**

That the Commissioner considers the current and potential future impact that will arise for Shire administration budget as a result of processing Freedom of Information applications received by the Shire and limited staff resources that are available to the Shire to deal with Freedom of Information applications.

#### **Background:**

Recent History of FOI Applications:

2012/13

Total 22 FOI applications received

2013/14

Total of 16 FOI applications received

2014/15 – February 2015

Total of 9 FOI applications received - 2 carried over from the previous year

#### **Consultation:**

Staff;  
Commissioner

#### **Statutory Environment:**

Freedom of Information Act and Regulations are applicable to this report in relation to processes and fees and charges.

Local Government Act.

#### **Policy Implications:**

Linkages to the Recordkeeping Policy and in turn the Information Statement.

**Financial Implications:**

This service is undertaken and is not cost recovery, fees are charged in accordance with the Regulations.

2012/13 Total 22 FOI applications received – income \$1,015.00

2013/14 Total of 16 FOI applications received – income \$518.00

2014/15 – February 2015

Total of 9 FOI applications received - 2 carried over from the previous year – income to date \$425.00

The process of dealing with and processing FOI applications and the resulting use of Shire resources is not limited just to the Shire Officer who is designated or assigned the responsibility for FOI work. Each FOI application received by the Shire has an impact on the human resources allocated to the various departments within the Shire who are also required to assist the officer completing the application and providing background information.

Each hour spent by officers of the Shire dealing with an FOI application is a cost incurred that cannot be recovered from the FOI applicant because the FOI process is not a “user pays” system. These costs have not been included in the Annual Budget, as a separate line item in previous years, as they are hard to monitor as each application varies in complexity and detail i.e. the application can deal with planning, facilities, administration and so forth.

It would be reasonable to say that the Shire will deal with approximately 19 new FOI applications over the financial year, which could result in an additional \$28,500 in consultant fees that has been budgeted for in the midyear review. This is based on approximately \$1,500 per application and once again is dependent on the complexity of each application.

It should be noted that recently a significant number of FOI applications have been very time consuming and have involved requests for documents spanning several years of information. Processing such applications is not just a matter of photocopying the requested documents. In several instances, substantial research is and will continue to be required, the document needs to be read, on most cases third parties informed and consulted with which in itself has a cost effect on the Shire’s postal account, i.e. fifty letters to third parties means an unanticipated expenditure of about \$35.00 for one FOI application, time must be spent redacting information and so on.

There are a lot of overheads associated with employment. Recent experience with FOI applications has illustrated that FOI applicants are not satisfied that they have received all the requested documents which unfortunately taken together with Council’s history with internal and external reviews have been extremely high.





**SHIRE OF YORK**  
**Freedom of Information**  
**Cost to Shire of York**

ESTIMATED ANNUAL EXPENDITURE

Staff 1 - Administrative/Research - 22 hrs/wk	\$	33,439
Staff 2 - Research/Liaison/Meetings	\$	23,712
Staff 3 - Liaison/Meetings	\$	9,880
Superannuation	\$	9,720
Workers Comp	\$	5,036
Training	\$	700
Computers	\$	2,500
Sundry - Photocopying/Paper/Stationery/Utilities		
<b>Total Estimated Costs</b>	<b>\$</b>	<b>84,986</b>

**Comments:**

Plus additional Consultant Fees approx. per month as required depending on number of FOI applications and complexity. Some issues may require legal advice which may vary costs per application.

Currently the expense which relates only to the staff time is 1.8% of the rates income, this does not include consultants or legal advice that may be required from time to time.

**Strategic Implications:**

N/A

**Voting Requirements:**

Commissioner's Voting Support

**Site Inspection:**

**Site Inspection Undertaken:** N/A

**Economic Implications:**

There is an economic impact on the community and other services provided, as the service is not cost recovery.

**Officers Comment:**

Under the FOI Act the Council has 45 days to finalise and issue a Notice of Decision.

The majority of FOI's that are being received are large and complex and divert a substantial and unreasonable portions of staff resources away from other every day operations. This includes not only staff resources but also finance and equipment.

An example is provided to illustrate the complexity that most applications require to ensure that the requirements of the Act are met:

**Example – extract from letter sent out recently in response to a substantial FOI application:**

*“you seek access, under the FOI Act, to documents which you described as follows:*

- 1. Whole of life costs for the York Recreation and Convention Centre.*
- 2. Expenditure to date of Forrest Oval Recreation and Convention Centre to include:*
  - (a) Full details of Grants received;*
  - (b) All monies provided from Shire funds;*
  - (c) Re-allocation of grants from other projects;*
  - (d) Costs of work provided by Shire of York staff;*
  - (e) Costs associated with remedial work carried out since building officially opened; and*
  - (f) Costs of work carried out on Oval ground.” (“the requested documents”)...*

*...The Shire’s electronic records keeping system and data bases contain approximately:*

- 805 financial documents relating to accounts received and payments made in respect of the construction and/or installation of infrastructure at the Centre;*
- 215 financial documents relating to monies received and payments made in respect of the installation of fixtures and furniture at the Centre;*
- 85 financial documents relating to monies received and payments made in respect of the buildings at the Centre; and*
- 660 financial documents relating to work performed by Shire staff in relation to the development, construction and operation of the Centre.”*

It should be noted that when any State or local government agency – including the Shire – receives an FOI application with a scope as broad as the one referred to above, the FOI Act imposes a statutory duty on staff of the Shire to make reasonable efforts to help an FOI applicant reduce the scope.

That requirement under the FOI Act has its own staff resource and cost impacts, before the FOI application has even started to be dealt with and therefore every endeavour to reduce/refine the scope is undertaken. However the following needs to be considered:

- the limited human resources available to the Shire to deal with your application;
- the statutory obligations and duties imposed upon the Shire by the FOI Act in relation to the rights and entitlements of any third party or parties who may be affected by any decision on access made by the Shire;
- the number of documents falling within the scope of your FOI application; and
- the amount of time that would be required by one or more officers of the Shire to:

- a. collect, collate and photocopy the requested documents;
- b. make a decision on access with respect to each document;
- c. redact any potentially exempt matter from each document or, in the alternative, to redact any third party information that is agreed to be removed from the scope of your FOI application;
- d. photocopy the redacted documents, prior to their release;
- e. consult with all of the affected third parties, in the event that consents not granted for third party information being removed from the scope of the FOI application.

#### OFFICER RECOMMENDATION

*“That the Commissioner:*

*Acknowledges the additional cost associated with Freedom of Information applications, i.e. consultants, staff time and use of legal aid.*

*Advice Note:*

*The additional costs will be further emphasised through the mid-year review document.”*

***The Commissioner Moved the Officer Recommendation:***

***Motion to Amend:***

***Delete the words “legal aid” and amend to read “legal assistance”.***

#### RESOLUTION

**160415**

***“That the Commissioner:***

***Acknowledges the additional cost associated with Freedom of Information applications, i.e. consultants, staff time and use of legal assistance.***

***Advice Note:***

***The additional costs will be further emphasised through the mid-year review document.”***

***The Commissioner Declared the Motion Carried***

*Commissioner James Best stated that rates may need to be increased to cover Freedom of Information costs.*

*Acting Chief Executive Officer stated 1% of total rates would equate to \$46,000.*

*Commissioner Best will be issuing a press release for the next edition of the York Community Matters.*



## 9. OFFICER'S REPORTS

### 9.5 LATE REPORTS

#### 9.5.2 Financial Assistance Grants to Local Government

**FILE NO:** FI.FAG  
**COUNCIL DATE:** 28 April 2015  
**REPORT DATE:** 20 April 2015  
**LOCATION/ADDRESS:** N/A  
**APPLICANT:** N/A  
**SENIOR OFFICER:** G Simpson, CEO  
**REPORTING OFFICER:** G Simpson, CEO  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** Nil  
**DOCUMENTS TABLED:** Nil

**REPORT APPROVED BY THE A/CEO:** *Graeme Simpson*

#### **Summary:**

Local Councils across Australia have recently received the third quarterly payment of Commonwealth Financial Assistance Grants (FAGs) to local government for this financial year.

FAGs are an important untied payment to Council from the Australian Government which are invested in essential community infrastructure and services ranging from local roads and parks to swimming pools and libraries.

#### **Background:**

While the FAGs are paid through each state's Local Government Grants Commission, the funding originates with the Commonwealth and it is important it is recognised as such. Council, and every other Council in Australia, have been asked to pass a resolution acknowledging the importance of the Commonwealth's Financial Assistance Grants in assisting Council to provide important community infrastructure.

#### **Consultation:**

Australian Local Government Association.

#### **Statutory Environment:**

#### **Policy Implications:**

Not applicable

#### **Financial Implications:**

Councils will receive \$2.3 billion from the Australian Government in 2014-15 under this important program of which the Shire of York will receive \$1.44 million from these funds.

#### **Strategic Implications:**

#### **Voting Requirements:**

Commissioner's Voting Support

#### **Site Inspection:**

**Site Inspection Undertaken:**

#### **Triple bottom Line Assessment:**

**Economic Implications:**

Nil

**Social Implications:**

Not applicable

**Environmental Implications:**

Not applicable

**Officers Comment:**

FAGs are a vital part of the revenue base of all councils, and this year councils will receive \$2.3 billion from the Australian Government under this important program.

The Government's decision in the 2014 Federal Budget to freeze the indexation of FAGs for three years beginning in 2014-15 will unfortunately cost councils across Australia an estimated \$925 million by 2017-18.

ALGA and the state local government associations are seeking the support of Council for advocacy to have the Federal Government reverse the decision to freeze the indexation of FAGs.

While the FAGs are paid through each state's Local Government Grants Commission, the funding originates with the Commonwealth and it is important it is recognised as such. Council, and every other council in Australia, have been asked to pass a resolution acknowledging the importance of the Commonwealth's Financial Assistance Grants in assisting Council to provide important community infrastructure.

Council is also being asked to acknowledge the receipt of Financial Assistance Grants from the Commonwealth in media releases and council publications, including our annual report and to highlight to the media a council project costing a similar size to the FAGs received by Council so that the importance and impact of the grants can be more broadly appreciated.

**RESOLUTION**

**170415**

***"That the Commissioner:***

***1. Acknowledges the importance of federal funding through the Financial Assistance Grants program for the continued delivery of Councils services and infrastructure.***

***2. Acknowledges that the Council will receive \$1.44 million in 2014-15; and***

***3. Will ensure that this federal funding, and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in Council publications, including annual reports."***

***The Commissioner Declared the Motion Carried***

**9. OFFICER'S REPORTS**  
**9.5 LATE REPORTS**  
**9.5.3 MOU - Community Emergency Services Manager - DFES**

**FILE NO:** RS.FES.4  
**COUNCIL DATE:** 28 April 2015  
**REPORT DATE:** 20 April 2015  
**LOCATION/ADDRESS:** N/A  
**APPLICANT:** N/A  
**SENIOR OFFICER:** G Simpson, CEO  
**REPORTING OFFICER:** G Simpson, CEO  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** Nil  
**DOCUMENTS TABLED:** MOU

**REPORT APPROVED BY THE A/CEO:** *Graeme Simpson*

**Summary:**

To acknowledge that the provision of a shared Community Emergency Services Manager (CESM) with the Shire of Beverley and applicable funding arrangements with Department of Fire & Emergency Services has been extended until 13 April 2018.

**Background:**

The current arrangement has been in place for some three years.

**Consultation:**

Shires, DFES and Staff.

**Statutory Environment:**

Council has multiple obligations under the Emergency Management Act 2005 and the Bush Fires Act 1954. This position allows a permanent staff member to manage and fulfil these statutory requirements.

**Policy Implications:**

Not applicable

**Financial Implications:**

A 70/30 sharing arrangement between DFES and the of Shire's Beverley and York. (Refer to MOU document last page).

**Strategic Implications:**

Not applicable

**Voting Requirements:**

Commissioner's Voting Support

**Site Inspection:**

**Site Inspection Undertaken:**

**Triple bottom Line Assessment:**

**Economic Implications:**

Not applicable

**Social Implications:**

The role includes specific projects and the development of practices that will provide the community with confidence.

**Environmental Implications:**

Environmental implications to be dealt with by a strategic approach to issues raised. Many of the issues that face Beverley and York are similar e.g. Avon River and Forrest.

**Officers Comment:**

Some of the key components of this role include undertaking the following duties:

**Prevention** – Community Safety programs such as Bush Fire Ready, Home Fire Safety, Fire Ready Schools and Fire inside out.

**Preparedness** – Training of volunteers will be managed, in partnership with the volunteer training network. Access to specific courses that align with increased roles will be provided.

**Response** – DFES will assist with the day to day incidents via the Communications Centre. Management and leadership will be provided by DFES at fire incidents, when requested by the Shires and agreed to by DFES.

**Recovery** – DFES will provide strategic assistance and advice to the Shires.

**Management and Administration** – DFES will provide day to day and strategic management services.

DFES will provide strategic advice and access to programs and/or services in order to support services delivered by the Shires.

**RESOLUTION**

**180415**

*“That the Commissioner:*

- (a) acknowledges and endorses that the Chief Executive Officer has signed an extension of the Memorandum of Understanding for the provision of a Community Emergency Services Manager until 13 April 2018; and*
- (b) agrees to allocate sufficient funding in the 2014/15, 2015/16, 2016/17 and 2017/18 budgets to support the position of Community Emergency Services Manager.”*

*The Commissioner Declared the Motion Carried*



## 9.6 Confidential Reports

Nil

## 10. NEXT MEETING

**RESOLUTION  
190415**

*“That the Commissioner:*

*holds the Agenda Briefing Information Session on Monday, May 18, 2015 at 5.00pm at the York Recreation & Convention Centre and the next Ordinary Meeting of the Council on Monday, May 25, 2015 at 4.00pm at Talbot Hall, Talbot and.*

*The Commissioner Declared the Motion Carried*

## 11. CLOSURE

*Commissioner James Best thanked everyone for their attendance and declared the meeting closed at 6.06pm.*