



SHIRE OF YORK

**MINUTES OF THE ORDINARY
MEETING OF THE COUNCIL
HELD ON 15 AUGUST, 2011
COMMENCING AT 3.02pm
IN THE LESSER HALL, YORK**

SHIRE OF YORK

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RAY HOOPER
CHIEF EXECUTIVE OFFICER

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SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL
HELD ON MONDAY, 15 AUGUST 2011, COMMENCING AT
3.02PM IN THE LESSER HALL, YORK.

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

1. OPENING

- 1.1 Declaration of Opening
Cr Pat Hooper, Shire President, declared the meeting open at 3.02pm
- 1.2 Chief Executive Officer to read the disclaimer
Ray Hooper, Chief Executive Officer, read the disclaimer
- 1.3 Announcement of Visitors
Nil
- 1.4 Announcement of any Declared Financial Interests
Cr Brian Lawrance – Item 9.1.4 – Proximity
Jacky Jurmann – Manager Planning Services – Item 9.1.4 - Proximity
Cr Tony Boyle – Item 9.6.1 – Proximity

2. ATTENDANCE

- 2.1 Members
Cr Pat Hooper, Shire President;
Cr Brian Lawrance; Cr Roy Scott; Cr Tony Boyle; Cr Trevor Randell
- 2.2 Staff
Ray Hooper, Chief Executive Officer, Gordon Tester; Manager of Health and Building Services; Jacky Jurmann, Manager Planning Services; Glen Jones, Manager Works & Projects; Gail Maziuk, Finance Officer/Project Co-Ordinator; Helen D'Arcy-Walker, Executive Support Officer
- 2.3 Apologies
Nil
- 2.4 Leave of Absence Previously Approved
Cr Tricia Walters
- 2.5 Number of People in Gallery at Commencement of Meeting
There were 15 people in the Gallery at the commencement of the meeting.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

3.1 Previous Public Questions Taken on Notice

Mr Andrew Fraser
17 Pelham Street
YORK WA 6302

QUESTION TAKEN ON NOTICE

Further to your question taken on notice at the July Council meeting please find set out below the relevant response.

Question:

Veranda Posts in CBD. Is it fair to put cost onto landowners because Council raised pavers?

Response:

No costs are foreseeable to landowners because Council raised the pavers for the following reasons:

- All verandah posts in the main street are manufactured from jarrah, treated pine or steel. Some posts may not have been originally installed on stirrups.
- While the Building Code of Australia has deemed to comply diagrams that indicate a deemed to comply method of installing timber posts on stirrups with a clearance of 75mm to the below surface material, it needs to be understood that this is not the only method of connecting timber posts to the ground.
- Further to the above the Building Code of Australia is a performance based document first and a deemed to comply document second.
- The raising of the pavement levels around steel posts should have no consequences whatsoever.
- The raising of the pavement levels around treated pine posts (treated for durability and termite resistance) should have no consequences whatsoever.
- The raising of the pavement levels around jarrah posts should have no consequences whatsoever.
- Jarrah has an In - ground durability of between 15 - 25 years and features a natural resistance to termites and has been used for many years to support houses and bridges in direct contact with the ground.
- There are therefore no clearances required from the base of the verandah posts to the surface of the pavers.
- No specific photographs of the aspect of the paving work were taken.
- There is no need to remove the pavers from the base of the verandah posts.
- No costs involved as nothing is required to be done.
- Council is not exposed to any costs as nothing is required to be done.

Ms Darlene Barratt
PO Box 797
YORK WA 6302

QUESTIONS TAKEN ON NOTICE

Further to your questions taken on notice at the July Council meeting please find set out below the relevant responses.

Question 1:

Why is Council employing people who do not know their job?

Response:

Relevant staff have the appropriate tertiary qualifications to undertake their tasks and duties.

Question 2:

Why has Council planted trees that are from the same family of the one that were originally hacked out?

Response:

The tree variety used was based on appropriate advice and are a variety used by many local governments.

Question 3:

Why are Council not taking up the offer of free CCTV for the main street?

Response:

The Shire of York has never received an offer of free CCTV, it has only ever received an offer of a trial of a particular system.

The Shire of York has worked continuously with the police and Office of Crime Prevention to ensure that any system installed meets all objectives and requirements and it will be cost effective.

Question 4:

Why did Council misappropriate letters from the Ratepayers Association and total letters received daily.

Response:

The Shire of York has never misappropriated letters from the York Ratepayers Association or any other body.

There was a perception that a high volume of letters were received from the York Ratepayers Association and/or members in some timeframes.

Ms Tanya Richardson
113 Newcastle Street
YORK WA 6302

QUESTION TAKEN ON NOTICE

Further to your question taken on notice at the July Council meeting please find set out below the relevant response.

Question:

Why is there not a detailed sustainability plan for the trees?

Response:

This is not warranted or needed for the scale of tree planting in the CBD of York.

Mr Simon Saint
87 Avon Terrace
YORK WA 6302

QUESTION TAKEN ON NOTICE

Further to your question taken on notice at the July Council meeting please find set out below the relevant response.

Question:

Why then is the Shire so unwilling to open the Town Hall earlier to accommodate the tourist buses which arrive at 8.30am?

Response:

Financial responsibility precludes a greater cost to provide visitor information and support services e.g. toilet access at the Town Hall outside of the current arrangements.

There are two other public toilet facilities in York and tour operators have been advised of these.

The Shire of York will install additional signage to direct visitors to alternative public toilets when the hall is closed.

3.2 Written Questions
Nil

4. PUBLIC QUESTION TIME

Mr Simon Saint
87 Avon Terrace
York WA 6302

Question 1:

Is there any particular reason why my question asked and taken on notice at the last Ordinary Council meeting on 18th July has not been answered?

Response:

We received advice from the Department of Planning after the Agenda for this meeting was prepared. The answer will be printed in the next Ordinary Council meeting Agenda.

Question 2:

According to the Ombudsman's report the Shire agreed to fund a private mediator and apparently we refused that offer.

Response:

The Council did not write the report and it was written with information received from other people.

Question 2a:

When, where and how did we refuse that offer?

Response:

Not Council – third party involvement.

Question 3a:

Does Council recall on a recent TV program the CEO stating, quote “I believe they’ve been given every opportunity to have their say and be heard and have things assessed independently and not one of them has come out in support of their claims”?

Response:

Not aware of the wording.

Question 3b:

Is the Council aware that the Shire was under investigation by the Ombudsman and of the subsequent report dated 3re August, 2011?

Response:

Had discussion with Ombudsman’s office.

Question 3c:

Is Council aware of the term Defective Administration and its definition?

Response:

Yes

Question 3d:

Is Council aware on page 6 of the report under the heading Defective Administration.

Response:

Council is aware of the report.

Question 3e:

Does Council then agree that this report would appear to support our claims?

Response:

No. The Ombudsman has closed the file.

Question 3f:

Is Council aware that over the last eighteen months we have been questioning the Shire over various administrative deficiencies not once has an apology been offered to counteract those deficiencies?

Response:

Aware.

Question 4:

Why do you elected members sit there in contemptuous disquiet and condone the actions and untruths of this administration?

Response:

Noted.

Question 5a:

Do Shire public buildings have to conform with premises standards?

Response:

Things are now in place.

Question 5b:

Are there any Shire Public Toilets within the CBD that comply with Premises Standards?

Response:

Manager Environmental Health & Building Services replied that they do not comply and that action has been taken to ensure full compliance.

Question 5c:

Why then do I need to comply and the Shire does not?

Response:

Plans used had been used by other Shires and the Shire has acted to comply.

Question 5d:

CEO – confirmed all Senior Staff have proper qualifications, who signed toilets off?

Response:

The previous Environmental Health Officer.

Mr Peter McInnes
61 Roe Street
York WA 6302

Question 1:

What is the Shires policy for buying cars?

Response:

There is a WALGA preferred providers listing.

Question 2:

Do Northam dealers give us a price?

Response:

Yes

Mrs Roma Paton
30 Bouverie Road
York WA 6302

Question 1:

I refer to Council meeting of 21st March, 2011 when Mrs Saint brought the 1989 building regulations to the attention of the Shire of York, Manager Health & Building Services. Is it not fair and reasonable for the York Shire Councillors to explain why they did not question how this had come about and act on the Saint's questions and complaints regarding the York Administration before it became a matter for the Western Australian Ombudsman to deal with?

Response:

Noted.

Question 2:

Councillors, is it not accepted, in your role as Elected York Councillors you are to be approachable by members of the York Community who have concerns, to listen to questions asked each month at Council meetings, then read the answers provided in the Minutes, to ensure the community in total is being treated fairly?

Response:

Noted.

Question 3:

As York councillors, do you not consider if the State Ombudsman can investigate and confirm the Administration was defective with its handling of the Saints concerns, why did you not realise something was wrong and help them?

Response:

Noted.

Question 4:

Do the Councillors feel it would be fair that members of the community could have come to the conclusion that you failed the Saint's in your role as Councillors by not believing they had serious problems before it became common knowledge on State and National television?

Response:

Noted.

Question 5:

Given Simon Saint handed in his Australian Citizenship is it not fair and reasonable for the community of York to conclude that you a Councillors failed in your duty of care towards them?

Response:

Noted

Ms Tanya Richardson
113 Newcastle Street
York WA 6302

Question 1:

Refer to item no 132148 (51) of the 2011/12 budget – Tourist Bureau Contribution. Can you please confirm the amount of \$13,000 set aside in the budget was for an outstanding debt for the York Bridal Fair which the YTB was supposedly holding in trust?

Response:

Noted.

Question 2:

Refer to item no 132148 (51) of the 2011/12 budget, can you please confirm that YTB funding has been withheld to contribute towards the purchase of stock for the York Information Service?

Response:

Yes

Question 3a:

Refer to item no 132145 (51) of the 2011/12 budget – Town Hall Centenary, can you confirm if the \$50,000 amount set aside is for a dignitary function?

Response:

Yes

Question 3b

Are Visitors to town going to be invited?

Response:

Yes

Question 3c:

Are locals going to be invited?

Response:

Yes

Question 4:

Do Councillors have an input in answers given to questions taken on notice?

Response:

Councillors have input into answers.

Question 5a:

Are all Councillors aware of the Avon Tourism Holiday Planner publication?

Response:

Yes

Question 5b:

Are Councillors aware that it is now distributed to all airports, visitors centres and with Exp Perth into the New Zealand and Asian markets?

Response:

Yes

Question 5c:

Are Councillors aware that each Shire in the Avon contributes to the cost of this publication but York does not?

Response:

Yes

Ms Darlene Barratt

PO Box 797

York WA 6302

Question 1:

Why is Council employing people who do not have appropriate qualifications?

Response:

Noted.

Question 2:

Why has Council planted trees that are from the same family of the one that were originally hacked out?

Response:

Noted.

Question 3:

Why are Council not taking up the offer of free CCTV for the main street? What is the difference between a free trial offer and free CCTV?

Response:

Noted.

Question 4:

Why did Council misappropriate letters from the Ratepayers Association.

Response:

Noted.

Mrs Roma Paton
30 Bouverie Road
York WA 6302

Question:

Why do you take everything as noted?

Response:

Noted.

Ms Darlene Barratt
PO Box 797
York WA 6302

Question:

Not recorded as it related to private activity and not that of Council or the Shire of York and it contained allegations/statements about an individual.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS / PRESENTATIONS / DEPUTATIONS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Minutes of the Ordinary Council Meeting held July 18, 2011

Confirmation

**RESOLUTION
090811**

Moved: Cr Lawrance

Seconded: Cr Randell

“That the Minutes of the Ordinary Council Meeting held July 18, 2011 be confirmed as a correct record of proceedings.

CARRIED: 5/0

7.2 Minutes of the Special Council Meeting held August 11, 2011

Confirmation

**RESOLUTION
100811**

Moved: Cr Boyle

Seconded: Cr Randell

“That the Minutes of the Special Council Meeting held August 11, 2011 be confirmed as a correct record of proceedings.

CARRIED: 5/0

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Cr Hooper congratulated Beth Beglin and Karen Ovens of the CWA who both won awards at the recent Claremont Craft Fair. The community is also extremely proud of Yorks FESA unit and member Phil Furey who were nominated for awards while Richard Boulbee was awarded the highest award from FESA for the year.

9. OFFICER'S REPORTS

9.1 Development Services

9. OFFICER'S REPORTS

9.1 DEVELOPMENT REPORTS

9.1.1 Proposed Local Planning Policy - Advertising 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:
COUNCIL DATE: 15 August 2011
REPORT DATE: 3 August 2011
LOCATION/ADDRESS: Shire-wide
APPLICANT: Shire of York
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: J Jurmann, MPS
DISCLOSURE OF INTEREST: Nil
APPENDICES: Draft Policy
DOCUMENTS TABLED: Nil

Summary:

Currently advertising signage is regulated under the provisions of the York Town Planning Scheme No. 2.

It is proposed to introduce a Local Planning Policy to better regulate advertising signage and to provide appropriate exemptions from approval for temporary signage and for community and sporting groups.

Background:

Advertisements play a vital role as a means of advertising the service and product available from a business or organisation. The display of advertisements is beneficial in providing a public service through providing information to the community.

The over-use of advertisements, however, contributes to an accumulation and eventual proliferation of signage clutter, to the extent that the advertisements become ineffective and impact negatively on the amenity of the streetscape and character of the area.

Inappropriately located advertisements may also create a hazard to pedestrians and road users.

In order to ensure that advertisements are used for best advantage, organisations, businesses and property owners are encouraged to demonstrate the reasonable and appropriate use of advertisements, and focus more on providing short, distinct signage and branding to limit the number of words and the use of suitable contrasting colours and text that make advertisements distinct and clearly legible.

Consultation:

The draft Policy will be advertised in accordance with the provisions of the York Town Planning Scheme No. 2.

Statutory Environment:

York Town Planning Scheme No. 2

Clause 5.3 of the Scheme gives the Shire power to control the erection, placement and display of advertisements.

Currently Schedule 8 of the Scheme provides exemptions for certain advertisements. However, there are no other guidelines for the erection, placement or display of advertisements, with the exception of advertisements on a heritage place or within a heritage precinct.

There are no specifications or direction as to appropriate advertising within the current Scheme provisions. The draft Policy will provide the community with direction with regards to expectations regarding advertising.

Council may develop and adopted a Local Planning Policy under the provisions of Clause 8.8 of the York Town Planning Scheme No. 2.

A Local Planning Policy is not part of the Scheme and does not bind the Council in respect of any application for planning approval but the Council is to have due regard to the provisions of the policy.

Local Planning Policy – Heritage Precincts and Places

The proposed Policy will be read in conjunction with the controls with the Local Planning Policy – Heritage Precincts and Places.

Policy Implications:

The proposed policy will provide Council and developers with guidelines for appropriate advertising signage within the Shire.

Existing lawful advertisements will not be affected by this Policy.

Financial Implications:

Costs associated with the advertising of the draft Policy.

Strategic Implications:

The proposed Policy is consistent with the provisions of the York Local Planning Strategy and Scheme. It is considered that the adoption of the proposed Policy will assist in achieving a more appropriate outcome for advertising signage within the Shire.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Landowners and developers will have more guidance before preparing planning applications for advertising signage, which will streamline the development preparation process.

Social Implications:

Inappropriate advertising can have adverse social impacts, including creating a hazard to pedestrians and traffic. Over-use of advertising can contribute to signage clutter and impact negatively on the amenity of the streetscape and character of the area.

Environmental Implications:

Inappropriate and accumulation of signage can detract from the natural and built environment.

Comment:

The proposed Policy provides clear direction on Council's expectations with regards to advertising signage.

RESOLUTION

110811

Moved: Cr Scott

Seconded: Cr Randell

“That Council:

- 1. Resolve to adopt the proposed Local Planning Policy – Advertising Signage for advertising purposes;***
- 2. advertise the proposed Local Planning Policy – Advertising Signage in accordance with the provisions of Clause 8.8.2 of the Shire of York Town Planning Scheme No. 2 for a period of 42 days; and***
- 3. Resolve that after the expiry of the advertising period, consider a report detailing submissions made relating to the proposed Local Planning Policy – Advertising Signage prior to formally adopting the Policy.”***

CARRIED: 5/0

Item 9.1.1 - Appendices

9. OFFICER'S REPORTS

9.1 DEVELOPMENT REPORTS

9.1.2 Retrospective Planning Approval To Conduct A Home Business At Lot 55 (324) Rudall Road, Mount Hardey

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: Ru1.3411, P.665
COUNCIL DATE: 15 August 2011
REPORT DATE: 3 August 2011
LOCATION/ADDRESS: Lot 55 (324) Rudall Road, Mount Hardey
APPLICANT: R Darr
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: J Jurmann, MPS
DISCLOSURE OF INTEREST: Nil
APPENDICES: 1 – Locality
2 – Site Plan
3 – Assessment Report
DOCUMENTS TABLED: Nil

Summary:

Council has received an application for retrospective approval to conduct a home plumbing business for Darry's Plumbing at Lot 55 (324) Rudall Road, Mount Hardey.

To conduct a home business within the Shire of York, all operators are required to obtain planning consent prior to commencement of the business and then renew the approval annually.

One submission was received objecting to the proposal in response to advertising. However, was withdrawn prior to the writing of this report.

The assessment of the application shows, that with conditions of consent, the conducting of the home business will comply with the provisions of the Scheme and will not detrimentally impact on the amenity of the locality.

It is recommended that the application be approved subject to the recommended conditions of consent.

Background:

Council received a complaint on 11 May 2011 requesting that Rudall Road be sealed to reduce dust being experienced from traffic generated by the plumbing business at the end of Rudall Road.

The subject lot is located in the Mount Hardey rural-residential area at the end of Rudall Road and is 1.2 hectares in area.

Investigations by Council's Compliance Officer revealed that the operator of the business did not have the required approvals to operate a home business from the premises and was requested to submit a planning application.

The planning application was received by Council on 14 June 2011 for retrospective approval to conduct a home business for Darry's Plumbing.

Consultation:

The application was advertised in accordance with Clause 7.3 of the York Town Planning Scheme No. 2. Notices were sent to adjoining landowners, placed in the newspaper, Council's Office and website.

One submission was received raising concerns regarding the appropriateness of the business being located in a rural-residential area and the impacts on Rudall Road from vehicles using the site. However, this objection was withdrawn by the objector prior to finalisation of this report and therefore is not required to be assessed. Notwithstanding this, the issues raised have been considered in the assessment of the proposal. Refer to Appendix 3.

The applicant has been advised of the Council meeting date in writing.

Statutory Environment:

York Town Planning Scheme No. 2 (the Scheme)

The site is zoned Rural-Residential under the provisions of the Scheme.

The objectives of the zone are to provide for closer settlement for residential use in a rural environment and to make provision for retention of the rural landscape and amenity. The use of the property for a home business is not inconsistent with the objectives of the zone.

Home businesses are a use that is not permitted in the zone unless Council has exercised its discretion and by granted planning consent. In this case, Council has not issued planning consent prior to the commencement of the home business.

Clause 7.14 of the Scheme enables Council to grant planning consent to a use or a development already commenced or carried out if the development conforms to the provisions of the Scheme.

The application is to conduct a home business. Home businesses are defined under the Scheme as:

“a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which –

- (a) does not employ more than 2 people not members of the occupier's household;*
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;*
- (c) does not occupy an area greater than 50 square metres, except that for land in the Farming Zone under the Scheme the local government may permit an area up to 200 square metres;*
- (d) does not involve the retail sale, display or hire of goods of any nature;*
- (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight, except that for land in the Farming zone under the Scheme the local government may permit the presence and use of up to 3 vehicles of more than 3.5 tonnes tare weight; and*
- (f) does not involve the use of an essential service or greater capacity than normally required in the zone.”*

The application proposes to gain approval to continue to conduct a home business that meets the requirements of the definition with the exception of the number of employees and area used. It is proposed to have four (4) employees utilising an area of 100m².

The numerical standards within the definition are 'development standards' and therefore can be varied and approved subject to conditions in accordance with Clause 4.6 of the Scheme, if Council is satisfied that the variation of the standards would be consistent with orderly and proper planning; preservation of the amenity of the locality; and that non-compliance will not have any adverse impacts on the locality or likely future development of the locality.

It is considered that the variation of the development standards are appropriate if the recommended conditions of consent are imposed to ensure the preservation of the amenity of the area and reduce the potential for land use conflicts in accordance with Clause 4.7.3 of the Scheme. Additionally, the conditions are considered appropriate to ensure the future development of the area as a rural-residential area will not be affected by the approval of the home business.

The assessment of the provisions of the Scheme shows that the proposal is consistent with the intent of the provisions for home business and the objectives of the rural-residential zone.

Refer to Appendix 3 for a full assessment of the Scheme provisions.

Local Planning Policy – Retrospective Planning Applications

Council at its Ordinary Meeting held on 18 July 2011 resolved to adopt the Local Planning Policy – Retrospective Planning Applications. The Policy provides guidelines on the assessment and determination of applications and fees.

This application is retrospective for a home business that has commenced without approval. The Policy states that the application is to be treated as if they were new proposals for planning approval.

The assessment of this application has been conducted in accordance with the Policy.

Additional application fees have been charged in accordance with the Policy and Council, if approves or refuses the application, has the choice to initiate legal proceedings for commencing a use without approval.

Policy Implications:

The proposal is consistent with the provisions of the York Town Planning Scheme No. 2 and the Local Planning Policy – Retrospective Planning Applications.

Financial Implications:

Additional application fees have been paid by the applicant in accordance with the Town Planning Regulations and Local Planning Policy – Retrospective Planning Applications.

Strategic Implications:

The Mount Hardey locality has been identified as future rural-residential in the York Local Planning Strategy. The approval of this application is unlikely to affect the proposed development of the locality.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Yes

Triple bottom Line Assessment:

Economic Implications:

Local businesses are an important part of the York economy and should be encouraged where appropriate, particularly considering the lack of industrially-zone land available. It is considered that the approval of this home business is appropriate where any potential impacts can be managed through conditions and monitoring.

Social Implications:

There are no social implications are associated with this proposal.

Environmental Implications:

There are no environmental implications associated with this proposal.

Comment:

The applicant has been fully cooperative in the consultations with Council's Planning Manager and Compliance Officer and is aware fully now that approval should have been sought when the business grew from operating an office to a home business.

**RESOLUTION
120811**

Moved: Cr Scott

Seconded: Cr Lawrance

"That Council:

APPROVE the retrospective planning application to conduct a home business at Lot 55 (324) Rudall Road, Mount Hardey, subject to the following conditions:

- 1. The development must take place in accordance with the approved plans.***
- 2. The development must be substantially commenced within two (2) years from the date of determination.***
- 3. This consent is valid for 12 months from the date of determination and must be renewed annually by application in writing.***
- 4. The home business must be operated by the occupier of the dwelling and no more than 4 employees not members of the household are permitted to operate from the premises in conjunction with the home business.***
- 5. The area used for the home business shall not exceed 100m².***
- 6. Any advertising signage shall not exceed 0.2m².***

Notes to Consent:

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period specified in the approval, after the date of determination, the approval will lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development is to be carried out without the further approval of the local government having first been sought and obtained.

Note 3: If an applicant is aggrieved by this determination, there is a right of appeal under the Planning and Development Act 2005. An appeal must be lodged within 28 days of the date of determination.

Note 4: An application for a renewal of a home business approval must be made in writing prior to the lapsing of the current approval. The operator of a home business is responsible for ensuring that an approval is current at all times.

Note 5: Should industrial land become available Council reserves the right to review all home business approvals."

CARRIED: 5/0

The Officer Recommendation was varied by the inclusion of Advice Note 5 to allow for a review.

Item 9.1.2 Appendices

9. OFFICER'S REPORTS

9.1 DEVELOPMENT REPORTS

9.1.3 Retrospective Planning Approval To Conduct A Rural Industry And Incidental Use – Lot 19 Station Road, Mount Hardey

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: ST2.3916, P675
COUNCIL DATE: 15 August 2011
REPORT DATE: 3 August 2011
LOCATION/ADDRESS: Lot 19 Station Road, Mount Hardey
APPLICANT: J Parker
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: J Jurmann, MPS
DISCLOSURE OF INTEREST: Nil
APPENDICES:
1 – Locality Plan
2 – Site Plan
3 – Recommended Use Area
4 – Assessment Report
DOCUMENTS TABLED: Nil

Summary:

Council has received an application for retrospective approval to conduct a rural industry and incidental use of Lot 19 Station Road, Mount Hardey. The application also includes the continued display of an advertising sign located on the corner of Station and Quairading Roads.

The application has been submitted as a result of compliance action initiated by Council's Compliance Officer.

Three (3) submissions were received in response to the advertising of the application – two in support (one conditionally) and one strongly objecting.

The assessment of the application shows, that with conditions of consent, the activity can be conducted in accordance with the provisions of the York Town Planning Scheme No. 2 and without detrimentally impacting on neighbouring properties and the locality.

It is recommended that the application be approved subject to the recommended conditions of consent.

Background:

The site is zoned 'General Agriculture' under the provisions of the York Town Planning Scheme No. 2 and is 54.9 hectares in area. The site contains a large shed and is also used for cropping and grazing.

Activities conducted on the site, as described by the applicant, include:

- Maintenance and storage of farming equipment for local farmers;
- Storage of equipment for farming use by local farmers;
- Maintenance of equipment for mining equipment; and
- Maintenance and storage of motor bikes, boats and other items for personal use.

An advertising sign has also been erected, with owner's consent, on the corner of Station and Quairading Roads.

The application was received in response to compliance action initiated by Council in response to a number of complaints from a neighbouring landowner regarding the unapproved activities being conducted on the subject site.

Several inspections have been carried out by Council staff investigating the unapproved use in response to the complaints and in conjunction with the submission of this application. The description of the activities provided by the applicant is considered accurate. Maintenance activities also include sand blasting and spray painting but do not include mining trucks as thought by a number of residents who enquired about the proposal.

Consultation:

The application was advertised in accordance with Clause 7.3 of the York Town Planning Scheme No. 2. Notices were sent to adjoining landowners, placed in the newspaper, Council’s Office and website.

Three (3) submissions were received regarding the proposal – two in support (one conditionally) and one objecting.

The issues raised in the submissions, particularly the objection, have been assessed as follows:

Submitter (For/Against)	Submission Received	Planning Comment
Landowner (For)	Business is highly complementary to agriculture. Please to help another diverse business.	Noted. Agree.
Landowner (For)	No objection. Recommend conditions: <ul style="list-style-type: none"> • No structures, storage, equipment within 3m of boundary; • Tree planting 4m from fence from Station Rd boundary to gate in fence; • Solid fence or compound to house any equipment or material being stored. 	Agree. Conditions appropriate to reduce any unsightliness associated with use. It is also recommended that a designated area within the property be identified on the approved plans as indicated in Appendix 3.
Landowner/complainant (Against)	Does not comply with LPP – Retrospective Planning Applications. No definition of ‘agriculture’ in scheme that would allow unrestricted compliance. What defines ‘local’ in reference to local farmers? What does maintenance mean? Concerned about growth of business and that large farm equipment could be stored. Ugly and unnecessary. No specific definitions for industry uses in Scheme. What is the difference. Should be in light industry area.	Application submitted complies with requirements, except fees paid. Agree. However, zone objectives provide direction on suitable activities, together with zoning table. Local is not defined, but would be considered as York and surrounding areas. Maintenance is not defined, but could be restricted through conditions of consent. Industry uses are defined in the Scheme. Industry – Rural is specifically defined and it is considered proposal is consistent with the definition. Incidental use is defined in the

	<p>Incidental use should not be permitted in general agriculture zone. Could see large mining trucks lined up on property read for maintenance. Lack of definition would not enable Council to control the activity.</p> <p>Illegal signage that does not comply with Scheme.</p> <p>Sandblasting and painting activities could affect neighbours health and environment.</p> <p>Any approval could not be contained and has no place in General Agriculture zone.</p>	<p>Scheme. The applied incidental use is and will be required to be subordinate to the rural industry. Conditions enable control of activity.</p> <p>Signage can be approved under the scheme. Owner's consent has been provided.</p> <p>Sandblasting and painting should be conducted in accordance with WorkSafe guidelines within buildings with appropriate controls. To be conditioned.</p> <p>The Scheme and Act provides sufficient controls for the proposal.</p>
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As part of the consultation process, the applicant and objectors were advised in writing of the date of the Council meeting.

Statutory Environment:

York Town Planning Scheme No. 2 ('the Scheme')

The property is zoned 'General Agriculture' under the Scheme. The objectives of the zone are:

- (a) *"To ensure the continuation of broad-hectare agriculture as the principal land use in the district encouraging where appropriate the retention and expansion of agricultural activities.*
- (b) *To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.*
- (c) *To allow for facilities for tourists and travellers, and for recreation uses.*
- (d) *To have regard to residential use of adjoining land at the interface of the General Agriculture zone with other zones to avoid adverse effects on local amenities."*

Rural Industry is a permitted use in the General Agriculture zone under the Scheme. A Rural Industry means:

"an industry handling, treating, processing, or packing primary products grown, reared, or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality".

The maintenance and storage of farming equipment for local farmers and storage of equipment for farming use by local farmers is consistent with the definition of 'rural industry'.

Incidental Uses are permitted under the Scheme if the use is incidental to the predominant use as decided and approved by the local government. The definition of 'incidental use' in the Scheme means:

"a use of land or buildings which is ancillary and subordinate to the predominant use".

The predominant use of the site is 'rural industry' and the 'incidental use' will involve the maintenance of equipment for the mining industry. The applicant has advised that the maintenance does not include large mining trucks or other large equipment. It is recommended that a condition be imposed regarding this issue.

It is considered that the development is consistent with the definitions of a 'rural industry' and 'incidental use' and the zone objectives. The continued use will not result affect any broad-

hectare agricultural activities or impact on natural resources or the environment. Conditions of consent and a designated use area is recommended as an appropriate management tool.

Clause 5.3.1 provides Council the power to control advertisements. An advertising sign has been erected on the corner of Quairading and Station Roads to advertise the business without the prior approval of Council. The advertising sign is included in this retrospective application and owner's consent has been provided. The continued display of the advertising sign is continued appropriate subject to the wording being amended to reflect the approved activities.

Clause 7.14 of the Schemes enables Council to grant planning consent to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms with the provisions of the Scheme.

Refer to the Appendices of the report for a full assessment of the provisions of the Scheme.

Local Planning Policy – Retrospective Planning Applications

Council at its Ordinary Meeting held on 18 July 2011 resolved to adopt the Local Planning Policy – Retrospective Planning Applications. The Policy provides guidelines on the assessment and determination of applications and fees.

This application is retrospective for a home business that has commenced without approval. The Policy states that the application is to be treated as if they were new proposals for planning approval.

The assessment of this application has been conducted in accordance with the Policy.

If Council approves or refuses the application, it has the choice to initiate legal proceedings for commencing a use without approval.

Policy Implications:

The proposal is consistent with the provisions of the York Town Planning Scheme No. 2 and the Local Planning Policy – Retrospective Planning Applications.

Financial Implications:

Application fees have been paid by the applicant.

Strategic Implications:

The proposal is consistent with relevant policies.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Yes

Triple bottom Line Assessment:

Economic Implications:

The development provides services to local farmers. Local businesses are an important part of the York economy and should be encouraged, where appropriate. It is considered that the approval of this development is appropriate and potential impacts can be managed through conditions of consent.

Social Implications:

There are no social implications associated with this proposal.

Environmental Implications:

One submission has raised concerns regarding sand blasting and spray painting activities that are carried out in open-air. It is recommended that a condition of consent be imposed requiring such activities to be carried out within an approved structure.

No other environmental issues have been identified associated with this development.

Comment:

The retrospective approval of this development is considered appropriate, subject to the recommended conditions of consent, as it complies with the relevant provisions of the Scheme.

The applicant has been co-operative throughout the process and was unaware of the approval requirements for the use of the property following the issue of a Building Licence for the construction of a shed.

In addition to the conditions of consent, it is recommended that an area of use be designated on the stamped approved plans. Refer to Appendix 3 for the recommended area.

RESOLUTION**130811****Moved: Cr Randell****Seconded: Cr Lawrance*****“That Council:***

APPROVE the retrospective planning application to conduct a rural industry and incidental use of Lot 19 (Station Road, Mount Hardey and to display an advertising sign at 22 (47) Station Road, Mount Hardey, subject to the following conditions of consent:

- 1. The development must take place in accordance with the stamped approved plans.***
- 2. The development must be substantially commenced within two (2) years from the date of determination.***
- 3. The area approved for the rural industry and incidental use is restricted to the approved use area shown in red on the approved stamped plans.***
- 4. Maintenance activities for the rural industry and incidental use shall not include heavy vehicles, machinery or equipment requiring transport by a restricted access vehicle.***
- 5. The storage of equipment and materials shall be screened from view through the use of fencing and landscaping to the satisfaction of the local government. Screening shall be located on the boundary of the approved use area indicated in red on the stamped approved plans. Fencing and landscaping shall be established within sixty (60) days from the date of determination.***
- 6. All spray painting and sand blasting activities shall be conducted within the shed or other approved enclosed structure located in the approved use area.***
- 7. The wording of the sign located on Lot 22 (47) Station Road shall be amended to reflect the approved uses on Lot 19 Station Road within sixty (60) days from the date of determination.***
- 8. The sign shall be maintained in accordance with the provisions of Clause 5.3.6 of the York Town Planning Scheme No. 2.***
- 9. All sea containers located on the property are to be painted to match the colour of the shed within sixty (60) days from the date of determination.***

Advice Notes:

Note 1: *If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period specified in the approval, after the date of determination, the approval will lapse and be of no further effect.*

Note 2: *Where an approval has so lapsed, no development is to be carried out without the further approval of the local government having first been sought and obtained.*

Note 3: *If an applicant is aggrieved by this determination, there is a right of appeal under the Planning and Development Act 2005. An appeal must be lodged within 28 days of the date of determination.”*

CARRIED: 5/0

Note: The Officer Recommendation for Condition 4 was varied to provide specific definition.

Item 9.1.3 - Appendices

9. OFFICER'S REPORTS
9.1 DEVELOPMENT REPORTS
9.1.4 Proposed Signage – York Pony Club

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: CCP.29, P678
COUNCIL DATE: 15 August 2011
REPORT DATE: 5 August 2011
LOCATION/ADDRESS: Lot R9202 (60) Ulster Road & Lot R9203 Dinsdale Street, York
APPLICANT: York Pony Club
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: J Jurmann, MPS
DISCLOSURE OF INTEREST: J Jurmann – Proximity
Cr Lawrance - Proximity
APPENDICES: 1 – Locality Plan
2 – Site Plan
3 – Signage Design
DOCUMENTS TABLED: Nil

Summary:

Council has received an application to erect two (2) advertising signs for the York Pony Club on their grounds. One sign will be located at Lot R9202 (60) Ulster Road near the corner of Ford Street and the other sign will be located at Lot R9203 Dinsdale Street near the entrance to the Pony Club.

Clause 5.3 of the York Town Planning Scheme No. 2 gives Council the power to control advertisements.

The application has been advertised in accordance with Clause 7.3 of the Scheme. No submissions were received in response to the advertising.

It is recommended that Council approve the signage, subject to the recommended conditions of consent.

Background:

York Pony Club is a not-for-profit community organisation teaching the youth of York horse riding skills.

It is proposed to erect signage on Ulster Road and Dinsdale Streets to advertise the Club and location.

Consultation:

The application was advertised in accordance with Clause 7.3 of the York Town Planning Scheme No. 2. Letters were sent to adjoining landowners, a notice was placed in the Avon Valley Gazette and on Council's website. The application was also available at Council's Administration Office for viewing.

A number of persons enquired about the application during the exhibition period.

No submissions were received regarding the proposal.

The applicant has been notified of the Council Meeting.

Statutory Environment:

York Town Planning Scheme No. 2 (the Scheme)

The land is reserved under the Scheme for the purposes of 'Recreation and Open Space'. The use of the land by the York Pony Club is consistent with the purposes of the reserve. The proposed advertising signage is also considered consistent with the purposes of the reserve.

The site is listed in the Municipal Heritage Inventory as a site of cultural significance and is therefore the provisions of the Local Planning Policy – Heritage Precincts and Places must be considered. Refer to the assessment below.

Clause 5.3 of the Scheme gives Council the power to control advertisements. Sub-clause 5.3.3 requires that in considering an application for advertising that the character and amenity of the locality, including its historic or landscape significance and traffic safety, and amenity of adjacent areas must be assessed. The proposed signage is considered in context with the use and purpose of the reserve and will not affect the traffic safety or amenity of the site or adjacent areas. All signage approved under the Scheme must be maintained and not allowed to become derelict or in a state of disrepair.

The application was advertised in accordance with Clause 7.3 of the Scheme. Refer to the Consultation section of this report.

Clause 7.5 of the Scheme sets out the matters for consideration when determining an application for planning consent. The applicable matters have been considered as follows:

- (a) *Aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area.* Planning comment – the proposal is consistent with the aims and provisions of the scheme as shown in this assessment.
- (f) *Any Planning Policy adopted by the local government under clause 8.8, any policy for a designated heritage precinct adopted under clause 5.1.3, and any other plan or guideline adopted by the local government under the Scheme.* Planning comment – the Local Planning Policy – Heritage Precincts and Places applies. Refer to assessment later in this report.
- (g) *In the case of land reserved under the Scheme, the ultimate purpose intended for the reserve.* Planning comment – the land is reserved for Recreation and Open Space. The proposal is consistent with the reserve purpose.
- (h) *The conservation of any place that has been entered in the Register within the meaning of the Heritage of Western Australia Act 1990, or which is included in the Heritage List under clause 5.1.2, and the effect of the proposal on the character or appearance of a heritage precinct.* Planning comment – the site is listed in the Municipal Heritage Inventory. The proposal will not detrimentally affect the conservation of the place or the character or appearance of the site.
- (i) *The compatibility or a use or development with its setting.* Planning comment – the proposal is considered in context with the setting and use of the property.
- (k) *The cultural significance of any place or area affected by the development.* Planning comment – the proposed signage is to advertise the use of the property that has been identified as a culturally significant place for York.
- (n) *The preservation of the amenity of the locality.* Planning comment – the amenity of the locality will not be affected by the proposed signage.
- (o) *The relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal.* Planning comment – the proposed signage design and size is considered in scale with the property and streetscape.
- (y) *any relevant submissions received on the application.* Planning comment – no submissions were received.

The proposal is consistent with the purpose of the Reserve and relevant provisions of the Scheme.

Local Planning Policy – Heritage Precincts and Places

The site is listed in Category 4 of the Municipal Heritage Inventory as a site of cultural significance. The proposed signage will assist in promoting the activities of the pony club and assist in the longevity of the use of the site.

Section 5 of the Policy relates to advertising and the objectives are to permit adequate identification and business advertising; to recognise that advertising signs can help to express the character of the heritage precinct; and to ensure that signage is designed and located in a manner which enhances and conserves the heritage place with which it is associated. It is considered that the proposed advertising is consistent with these objectives and that the signs are appropriately designed, scaled and located.

Policy Implications:

The proposal is consistent with the provisions of the York Town Planning Scheme No. 2 and the Local Planning Policy – Heritage Precincts and Places.

Financial Implications:

Application fees have been paid by the York Pony Club. As they are a not-for-profit community group, Council may resolve to refund the fees.

Strategic Implications:

The proposal is consistent with the York Town Planning Scheme No. 2 and the Local Planning Policy – Heritage Precincts and Places.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Yes

Triple bottom Line Assessment:

Economic Implications:

The proposed signage will enable better communication and advertisement of the activities of the York Pony Club to enable the Club to attract more community involvement and members.

Social Implications:

The Pony Club is an important community service for youth of York.

Environmental Implications:

There are no environmental implications associated with this proposal.

Comment:

As indicated above, the York Pony Club is a not-for-profit local community organisation and Council may wish to refund the application fees.

Jacky Jurmann and Cr Lawrance declared an Interest Affecting Impartiality to this item and left the room at 3.42pm.

**RESOLUTION
140811**

Moved: Cr Boyle

Seconded: Cr Scott

“That Council:

APPROVE the planning application to erect two (2) advertising signs for the York Pony Club at Lot R9202 (60) Ulster Road and Lot R9203 Dinsdale Street, York, subject to the following conditions:

- 1. The development must take place in accordance with the stamped approved plans.**
- 2. The development must be substantially commenced within two (2) years from the date of determination.**
- 3. The signage must be maintained in accordance with the provisions of Clause 5.3.6 of the York Town Planning Scheme No. 2.**

Advice Notes:

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period specified in the approval, after the date of determination, the approval will lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development is to be carried out without the further approval of the local government having first been sought and obtained.

Note 3: If an applicant is aggrieved by this determination, there is a right of appeal under the Planning and Development Act 2005. An appeal must be lodged within 28 days of the date of determination.

Note 4: This approval is not a building licence. In accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1960, an application for a building licence must be submitted to, and approval granted by the local government prior to any change of classification or prior to the commencement of any structural works within the development hereby permitted.”

CARRIED: 4/0

Jacky Jurmann and Cr Lawrance returned to the room at 3.44pm.

Item 9.1.4 - Appendices

9. OFFICER'S REPORTS
9.1 DEVELOPMENT REPORTS
9.1.5 Proposed Outbuildings Policy

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
COUNCIL DATE:	15 August 2011
REPORT DATE:	8 August 2011
LOCATION/ADDRESS:	Shire Wide
APPLICANT:	N/A
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	J Jurmann, MPS
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Draft Policy
DOCUMENTS TABLED:	Nil

Summary:

Council at its Ordinary Meeting held on 20 June 2011 considered a draft Local Planning Policy for Outbuildings and resolved:

“That Council:

- 1. Resolve to adopt the proposed Local Planning Policy - Outbuildings for advertising purposes;***
- 2. Advertise the proposed Local Planning Policy – Outbuildings in accordance with the provisions of Clause 8.8.2 of the Shire of York Town Planning Scheme No 2 for a period of 42 days; and***
- 3. Resolve that after the expiry of the advertising period, consider a report detailing the submissions made relating to the proposed Local Planning Policy – Outbuildings prior to formally adopting the Policy.”***

The draft Policy was advertised in accordance with the resolution from 25 June 2011 to 9 August 2011. At the time of writing, no submissions had been received by Council regarding the proposal.

It is recommended that the draft Policy be adopted by Council without change.

Background:

Council at its Ordinary Meeting held on 21 February 2011 resolved to advertise a draft Local Planning Policy – Outbuildings. The draft Policy was advertised and no submissions were received from the public during the submission period.

A review of the draft Policy, a review of policies of other local governments and consultation with Council's Building Section, has revealed that the policy may be too restrictive for landowners and cumbersome to administer.

Therefore, an amended draft Local Planning Policy for Outbuildings was presented to Council at its Ordinary Meeting held on 20 June 2011 where it was resolved to adopt the new policy for advertising purposes.

Consultation:

The new draft Policy was advertised in accordance with the provisions of the York Town Planning Scheme No. 2 and the Council resolution.

The closing date for submissions is 9 August 2011 and at the time of writing this report, no submission had been received. Any submissions received by Council following the writing of this report will be provided to all Councillors for consideration and if necessary, amendments will be made to the draft Policy for consideration at the Council meeting. Any submitters would also be notified of the Council meeting.

Statutory Environment:York Town Planning Scheme No. 2

Clause 4.2 of the York Town Planning Scheme No. 2 permits ancillary outbuildings to be constructed without first obtaining planning consent from the Shire, unless the proposal requires Council to use the exercise of discretion to vary the provisions of the R-Codes, or if the development will be located in a heritage precinct designated under the Scheme.

Clause 8.8 of the Scheme enables Council to prepare a planning policy for any matter related to the planning or development of the Scheme area.

Residential Design Codes

The R-Codes apply to all residential zone land and stipulates acceptable development criteria for outbuildings under Clause 6.10.1. If a proposed outbuilding meets the requirements of the acceptable development criteria, then the only application required is a Building Licence application.

Where a development does not comply with the acceptable development criteria, then the development can be assessed against the performance criteria. Currently a planning application is required for assessment of applications against the performance criteria.

The residential provisions of the Policy have been developed to provide landowners criteria that is considered to meet the performance criteria of the R-Codes without the need for a planning application.

Applications to vary the provisions of the Local Planning Policy will be subject to a merit-based assessed through the planning application process.

Policy Implications:

The proposed Policy will streamline the application process for outbuildings that meet the requirements of the Policy.

Financial Implications:

Costs associated with the re-advertising of the draft Policy.

Strategic Implications:

The proposed Policy is consistent with the provisions of the York Local Planning Strategy and Scheme. It is considered that the adoption of the proposed Policy will assist in achieving appropriate development of residential, rural townsite and rural-residential lots.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Applicants will not have to continue to pay for both planning and building licence application fees for outbuildings that meet the acceptable criteria.

Social Implications:

Process improvement provides a better service to residents and landowners.

Environmental Implications:

Nil.

Comment:

The new draft Local Planning Policy for Outbuildings will result in Council providing a better service to landowners and residents. It will provide a consistent and more efficient assessment framework for Council Officers.

RESOLUTION

150811

Moved: Cr Scott

Seconded: Cr Boyle

“That Council:

- 1. ADOPT the Local Planning Policy – Outbuildings under the provisions of Clause 8.8 of the York Town Planning Scheme No. 2.***
- 2. ADVERTISE the final adoption of the Local Planning Policy – Outbuildings.”***

CARRIED: 5/0

Item 9.1.5 Appendices

9.2 Administration Reports

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

FILE NO: CS.CEV.6
COUNCIL DATE: 15 August 2011
REPORT DATE: 27 July 2011
LOCATION/ADDRESS: Avon Valley
APPLICANT: Avon Tourism
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: R Hooper, CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Minutes – Avon Tourism 14 June, 2011
DOCUMENTS TABLED: Nil

Summary:

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

Background:

The Shire of York has previously been a financial member of Avon Tourism up to 2009/10 and in 2010/11 contributed \$10,000 to the Guest Town promotion at the Perth Royal Show.

Consultation:

Not Applicable

Statutory Environment:

Not Applicable

Policy Implications:

Policy No. 13.1 - Events For York

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

Financial Implications:

If Council takes action to renew membership of Avon Tourism an annual fee of approximately \$10,000 per year will be applicable.

Note: Council was a member of Avon Tourism for three years prior to 2010/11 when the equivalent contribution to membership was used as a contribution to the Guest Town project at the 2010 Perth Royal Show.

Strategic Implications:

Key Result Area 2: Economic Development & Tourism

Objectives:

- 1. To encourage a sustainable community by increasing employment opportunities in York, attracting investment and businesses to the town, and achieving diversification of industries.*
- 2. To increase tourism to achieve business viability and growth.*
- 3. To increase the net disposable income of the York community and investigate ways of increasing spending within the Shire.*
- 4. To utilise the unique features of York's heritage and rural lifestyle, where appropriate, as the basis for economic development.*
- 5. To ensure economic development does not conflict with York's heritage, lifestyle and environment.*

Voting Requirements:
Absolute Majority Required: No

Site Inspection:
Site Inspection Undertaken: Not Applicable

Triple bottom Line Assessment:

Economic Implications:

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

Social Implications:

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

Environmental Implications:

Nil

Comment:

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

RESOLUTION

160811

Moved: Cr Lawrance

Seconded: Cr Boyle

“That Council:

- 1. *Receive the Minutes of the June 2011 Avon Tourism meeting.***
- 2. *Consider renewing corporate membership of Avon Tourism in the 2012/13 budget and forward financial plans.”***

CARRIED: 5/0

Item 9.2.1 – Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.2 Youth Report for August, 2011

FILE NO: CS.LCS.6
COUNCIL DATE: 15th August, 2011
REPORT DATE: 5th August, 2011
LOCATION/ADDRESS: N/A
APPLICANT: Shire of York
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: Lyn Kay, YDO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil

Summary:

The following is a summary of the activities undertaken by the Youth Development Officer since the last report submitted in June 2011.

• **Active After School Programme:**

Youth Development Officer has ordered 25 basketballs for Term 3, along with assistant Judy Davies and 35 students will be starting on Wednesday 10th August with Years 5, 6 & 7.

• **School Holiday Programme:**

Youth Development Officer took 5 volunteer adults and 23 Youth from Beverley and York to Fremantle's Queensgate Cinema then down to Ciccerello's for lunch, walk along the beach then to Timezone for an hour.

Youth Development Officer was very pleased with the Youth who represented our Towns and everyone had a fantastic day, a very long day but great fun. The Youth covered their own costs on the excursion.

Youth Development Officer also had the "Hang Out Centre" open on the Thursdays with 15 Youth attending on both days playing different sports and playstation.

• **Youth Centre:**

The Sewer connections have been completed and also the site works. Sand pad is ready to be laid. The Shed Company has ordered all the materials and have organised for the cement pad and plumbers to start once the sand pad is completed, which has been held up due to the rain.

We have received quotes from 2 Carpet/Tile, 2 Air Conditioning Companies and are still awaiting quotes from Electricians. We are waiting for a decision from the York Volunteers Workers Inc. who had a meeting on the 3rd August to see if they can assist with the internal fit out and York District High School would like their Cadets to be involved as well.

Youth Development Officer has also met with Tiger Turf to quote on Basketball Court/volleyball/netball and other games to be situated in front of the Centre and then will need to seek Grants to pay for it.

Youth Development Officer has been given 3 lounges from families in Beverley for the Centre and would appreciate any donations of tables, chairs Xbox, playstations, Wii, TV's, computers etc.

- **Hang Out Centre:**

This is held every Thursday from 3pm-6pm and we average 15 Youth each week and also the local Police call in and are in contact with Youth Development Officer on developments around the Town with regards to Youth.

- **Banners in the Terrace:**

The Youth Development Officer travelled to Perth to take photos of the Banners in St Georges Terrace and York's Banner looks fantastic, situated near the corner of Barrack Street and St. Georges Terrace. They will be on display until 13th August.

- **Salvation Army Breakfast Club:**

Youth Development Officer will be working along side the Salvation Army on Friday mornings at the Pavilion from 8am-8.30am for children and parents to come and have a healthy **free** breakfast. This project was initiated by the York Salvation Army who received funding from Kleenheat Gas and has support from the Shire of York.

If further funding is made available the breakfast club could run 2 mornings per week.

York IGA has been generous and very supportive of the project, assisting in the purchase of the appropriate cereals, toast, milk etc.

Background:

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

Consultation:

Youth
School
Police
Health
Councillors
Council Staff
Community Members

Statutory Environment:

Nil

Policy Implications:

Not Applicable

Financial Implications:

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

Strategic Implications:

Key Result Area 4 - Youth - Objectives:

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

Voting Requirements:
Absolute Majority Required: No

Site Inspection:
Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:
Economic Implications:
Nil

Social Implications:
A strong focus on Youth activities will support community cohesion and interaction through the recognition and valuing of this section of the community.

Environmental Implications:
Not applicable

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

**RESOLUTION
170811**

Moved: Cr Randell

Seconded: Cr Boyle

“That Council:

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

CARRIED: 5/0

Cr Pat Hooper requested that the York Banner that was hung in St George’s Terrace to be placed on a banner pole in Avon Terrace.

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.3 York Information Services

FILE NO: CS.LCS.8.1
COUNCIL DATE: 15 August, 2011
REPORT DATE: 8 August, 2011
LOCATION/ADDRESS: N/A
APPLICANT: Shire of York
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: P Law, Information Officer
DISCLOSURE OF INTEREST: Nil
APPENDICES: Appendix A & B
DOCUMENTS TABLED: Nil

Summary:

The following is a summary of items for York Information Services for the month of July 2011.

- **Visitor Numbers-** (Appendix A) As compared to the same period last year the number of visitors coming through the doors have doubled. There were 914 visitors for the month of July 2010, however for the period 1st to 21st during that year the opening hours were only 10am to 2pm, not 10am to 4pm, as they are now. For the month of July 2011 there were 1858 visitors.

For the first time, staff are also collecting data on the number of accommodation related enquiries. These are from visitors wanting accommodation in York and can be made by phone call, email or direct within the office.

- **Product Sales-** (Appendix B) Product sales are steady. Total sales for the month of July, after discounts, were \$1,090.15, with a profit of \$459. This includes sales of stock items left from York Tourist Bureau.
- **Rebranding-** From 1st July 2011, this office has formally made the change from York Visitor Centre to York Information Services. All future advertising will be made under the name of York Information Services.
- **New Contact Details-** York Information Services new has a new email address info@york.wa.gov.au. info@yorkwa.org is still in operation and all mail being sent to that address is currently being forwarded on to the new one. This office no longer has a separate fax line, we are using the fax line for the Shire of York office which is 96412202. The phone number contact of 96411301 is to remain the same.
- **Wildflower Tours-** After being approached by several members of the public, both local and visitors, the Information Officer approached the local Wildflower Society to gauge interest in setting up guided wildflower tours. A trial will be run this year. If interest is high enough, then this could become a regular event for York's wildflower season.
- **Calendar of Events-** This is emailed to a state wide data base on a fortnightly basis. Feedback is coming back through as to how people do like to see what is happening in York.

- **Weekend Internet Access-** It has been proposed that York Information Services offer weekend internet access to visitors, on a fee for use basis. With the closure of Kookaburras Dream there is currently nowhere available for visitors to access this service on the weekends; the Community Resource Centre is available on weekdays. We are currently awaiting the return of a computer which is on loan to an outside source, before this service can be made available. Charges for internet use have been included in the Schedule of Fees and Charges.
- **Town Hall Toilets-** Issues relating to open hours of these toilets have decreased, with no complaints in the past few months. The Town hall toilets access clearly indicates where the closest 24 hour toilets are located, should these be closed.

Complaints have arisen in regards to the cleanliness of the Town Hall toilets. Information Officers have been responsible for mopping, cleaning and replacing toilet paper, in both the male and female toilets on several occasions, particularly on Friday afternoons and Saturday mornings. This is not an issue of the past month only, this is over time.

Background:

York Information Services has been operated by the Shire of York for 13 months now, having taken over operation from York Tourist Bureau 30 June 2010.

During the past twelve months staff at York Information Services have, along with many other tasks:

- Opened up the service to all tourism related York businesses and services,
- Developed new brochures,
- Updated and reprinted the local tourist map,
- Developed a photo board with current York attractions,
- Developed the Calendar of Events, newsletter and mailing list,
- Introduced a larger range of York souvenirs to the shop.

Consultation:

Shire of York and local business proprietors

Statutory Environment:

Nil

Policy Implications:

Not Applicable

Financial Implications:

Nil

Strategic Implications:

Not Applicable

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Nil

Social Implications:

Nil

Environmental Implications:

Nil

Comment:

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

RESOLUTION

180811

Moved: Cr Scott

Seconded: Cr Randell

“That Council:

Receive the York Information Services report and commend the staff on the level of service provided to visitors and the community.”

CARRIED: 5/0

Cr Pat Hooper commended Pam Law for the report and the excellent service the staff of the York Information Services give to visitors and the community.

Item 9.2.3 Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.4 Roads to Recovery Funding

FILE NO: FI.FAG.2
COUNCIL DATE: 15 August 2011
REPORT DATE: 8 August 2011
LOCATION/ADDRESS: N/A
APPLICANT: ALGA
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: R Hooper, CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: ALGA Correspondence
DOCUMENTS TABLED: Nil

Summary:

The Australian Local Government Association requests the support of all local governments for a lobbying process to ensure the continuation of this highly beneficial funding programme beyond 2013/14.

Background:

The current programme is due to end in 2014 however the identified road infrastructure shortfall has not been addressed and further commitment is required.

Current funding is based on road length and for York this equates to \$297,500 per annum.

Consultation:

ALGA
WALGA

Statutory Environment:

Federal Government funding commitment through a fixed amount, fixed term allocation.

Policy Implications:

Nil

Financial Implications:

The Shire of York will receive a minimum of \$1,190,000 in the period to 2013/14 and it is vitally important for future road programming that this level of financial support remains in place.

Strategic Implications:

Nil

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Roads and transport have a major bearing on local, regional and state economic outcomes and an efficient and effective transport system is required.

Social Implications:

Road safety, travel times and access are important to any community, particularly those in rural areas.

Environmental Implications:

Environmental factors and impacts are considered in the expenditure of Roads to Recovery funds.

Comment:

Road funding at this level is vital to assist in dealing with the road and transport tasks at the current levels. Loss of income of this scale would severely impact on the municipal budget and works programming as the amount received equates to 8.79% of rate income.

RESOLUTION**190811****Moved: Cr Boyle****Seconded: Cr Lawrance*****“That Council:*****1. *Calls on the Federal Government to:***

- *recognise the successful delivery of the Roads to Recovery Programme by local government since 2000*
- *continue the Roads to Recovery Programme on a permanent basis to assist local government meet its responsibilities of providing access for its communities*
- *continue the Roads to Recovery Programme with the current administrative arrangements, and*
- *provide an increased level of funding under a future Roads to Recovery Programme that recognises the shortfall of funding on local roads of \$1.2 billion annually.*

2. *Lobby the Prime Minister, Minister for Infrastructure & Transport, Leader of the Opposition and Opposition Transport spokesperson for the continuation of the Roads to Recovery Programme beyond 2013/14.***3. *Lobby WA Federal representatives on this issue.”*****CARRIED: 5/0**

Item 9.2.4 Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.5 Application to Keep Three (3) Dogs

FILE NO: RS.ANC.1
COUNCIL DATE: 15th August 2011
REPORT DATE: 1st August 2011
LOCATION/ADDRESS: 20 Northam Road, YORK
APPLICANT: Mr and Mrs Steed
SENIOR OFFICER: Mr R Hooper, CEO
REPORTING OFFICER: Ranger Services
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Letters from Adjoining Neighbours

Summary:

An application has been received from Wendy and Duncan Steed requesting permission to keep three dogs on their property at 20 Northam Road, York.

Background:

It is a requirement of the York Shire Council's Dogs Local Law (2000) that the maximum number of dogs that can be kept on a premise within a townsite is two unless an exemption is granted by Council under the provisions of section 26(3) of the Dog Act 1976 (as Amended).

Council has approved similar applications in the past where all adjoining neighbours have agreed to the request and the Shire Ranger or other authorised Council Officer has considered that there are no valid reasons for withholding such approval.

Consultation:

The Shire Ranger has advised all adjoining neighbours of the request to Council who have provided correspondence that they have no objections to the proposal.

Statutory Environment:

Dog Act 1976 (As Amended)
York Shire Council Dogs Local Law (2000)

Policy Implications:

Not Applicable

Financial Implications:

Not Applicable

Strategic Implications:

Not Applicable

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Yes

The Shire Ranger has inspected the property at 20 Northam Road and has advised that there are no reasons to withhold the granting of an exemption to keep three dogs at the property, given the neighbours consent and that no verbal or written complaints have been received.

Triple bottom Line Assessment:

Economic Implications:

Nil

Social Implications:

Keeping of dogs in a townsite may impact on the social cohesion of a community if the dogs create a nuisance.

Environmental Implications:

Nil

Comment:

It is recommended that Council agree to the granting of an exemption for the keeping of three dogs at 20 Northam Road subject to the following conditions:

- That the exemption be reviewed in twelve months to ensure that no adverse problems have been experienced as a result of the exemption, and
- That Council reserve the right to withdraw the exemption at anytime if any major or substantial problems are experienced prior to the review period.
- That the exemption applies only to the dogs nominated by the applicant.
- Upon the death or permanent removal of any of the nominated dogs a maximum of two dogs only will be permitted to be kept on this property.

**RESOLUTION
200811**

Moved: Cr Randell

Seconded: Cr Boyle

“That Council:

Approve an exemption for the keeping of three dogs at 20 Northam Road subject to the following conditions:

- 1. That the exemption be reviewed in twelve months time to ensure that no adverse problems have been experienced as a result of the exemption.***
- 2. That Council reserve the right to withdraw the exemption at any time if any major or substantial problems are experienced prior to the review period.***
- 3. The exemption applies only to the dogs nominated by the applicant.***
- 4. Upon the death or permanent removal of any of the nominated dogs a maximum of two dogs only will be permitted to be kept on this property.”***

CARRIED: 5/0

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.6 Application to Keep Three (3) Dogs

FILE NO: RS.ANC.1
COUNCIL DATE: 15th August 2011
REPORT DATE: 1st August 2011
LOCATION/ADDRESS: 15 Foreman Road, YORK
APPLICANT: Mr Mark Gladwin
SENIOR OFFICER: Mr R Hooper, CEO
REPORTING OFFICER: Ranger Services
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Receipts for Dog Containment System

Summary:

An application has been received from Mark Gladwin requesting permission to keep three dogs on their property at 15 Foreman Road, York.

Background:

It is a requirement of the York Shire Council's Dogs Local Law (2000) that the maximum number of dogs that can be kept on a premise within a townsite is two unless an exemption is granted by Council under the provisions of section 26(3) of the Dog Act 1976 (as Amended).

Council has approved similar applications in the past where all adjoining neighbours have agreed to the request and the Shire Ranger or other authorised Council Officer has considered that there are no valid reasons for withholding such approval.

Consultation:

There are currently no adjoining neighbours.

Statutory Environment:

Dog Act 1976 (As Amended)
York Shire Council Dogs Local Law (2000)

Policy Implications:

Not Applicable

Financial Implications:

Not Applicable

Strategic Implications:

Not Applicable

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Yes

The Shire Ranger has inspected the property at 15 Foreman Road and has advised that there are no reasons to withhold the granting of an exemption to keep three dogs at the property. A dog containment system has been installed.

Triple bottom Line Assessment:

Economic Implications:

Nil

Social Implications:

Keeping of dogs in a townsite may impact on the social cohesion of a community if the dogs create a nuisance.

Environmental Implications:

Nil

Comment:

Before arriving to York the applicant contacted the Ranger to find out the Local Laws relating to the keeping of dogs.

On the 25th July 2011 one of his dogs was found near the motocross track and was subsequently impounded as it had no registration tag or owners name and address on the collar. All fines and impound fees were paid and on collection of his dog it was brought to the Rangers attention that he had purchased a dog containment system only two days prior to the dog escaping but had not yet received it.

It is recommended that Council agree to the granting of an exemption for the keeping of three dogs at 15 Foreman Road subject to the following conditions:

- That the exemption be reviewed in twelve months to ensure that no adverse problems have been experienced as a result of the exemption, and
- That Council reserve the right to withdraw the exemption at anytime if any major or substantial problems are experienced prior to the review period.
- That the exemption applies only to the dogs nominated by the applicant.
- Upon the death or permanent removal of any of the nominated dogs a maximum of two dogs only will be permitted to be kept on this property.

RESOLUTION

210811

Moved: Cr Scott

Seconded: Cr Randell

“That Council:

Approve an exemption for the keeping of three dogs at 15 Foreman Road subject to the following conditions:

- 1. That the exemption be reviewed in twelve months time to ensure that no adverse problems have been experienced as a result of the exemption***
- 2. That Council reserve the right to withdraw the exemption at any time if any major or substantial problems are experienced prior to the review period.***
- 3. The exemption applies only to the dogs nominated by the applicant.***
- 4. Upon the death or permanent removal of any of the nominated dogs a maximum of two dogs only will be permitted to be kept on this property.”***

CARRIED: 5/0

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.7 Structural Reform – RTG Representation

FILE NO: OR.RDT.5
COUNCIL DATE: 15 August 2011
REPORT DATE: 8 August 2011
LOCATION/ADDRESS: South East Avon
APPLICANT: South East Avon Regional Transition Group
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: R Hooper, CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil

Summary:

The members of the South East Avon RTG are requested to provide advice on an interim representation model to allow business planning to move to the next stage.

The model presented is based on financial equity rather than population as one vote, one value benefits cannot be equitable in the first instance.

Background:

The Regional Transition Group has previously considered a range of elected member scenarios none of which were supported by York due to the voter representation variances.

Business planning does require an agreed position as a start point to set governance costs and other factors.

Consultation:

Department of Local Government
Minister for Local Government
Shires of Beverley, Cunderdin, Quairading and Tammin

Statutory Environment:

Nil at this stage as the RTG Business Plan is an information and options document.

Policy Implications:

Nil

Financial Implications:

Nil at this stage as all business plan costs are funded from a Department of Local Government Grant of \$150,000.

Strategic Implications:

Nil

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Nil at this stage.

Social Implications:

Representation levels and equity will be of high importance to the community if the structural reform process moved to the next phase of a formal study through the Local Government Advisory Board.

Environmental Implications:

Nil

Comment:

The proposal to be considered by the SEARTG is as follows:

Shire	Equity Position 08/09	Representation
Tammin	\$24,761,959	1 Member
Quairading	\$34,692,436	2 Members
Cunderdin	\$40,464,379	2 Members
Beverley	\$39,879,601	2 Members
York	\$63,058,509	3 Members

		10 Elected Members

The above is obviously based on a ward system using existing Shire boundaries however a no ward system may need to be applied in the future to obtain voting equity.

The model above does not address one vote, one value principles and it exceeds the maximum number of elected members being set at nine however the Minister has agreed that these matters can be addressed in future electoral cycles.

The proposed model is seen as workable for the initial stages if amalgamation occurs and it is a realistic level for the purposes of business planning. The proposal does retain equity between the East and West Shires in the group.

**RESOLUTION
220811**

Moved: Cr Hooper

Seconded: Cr Boyle

“That Council:

Advise the South East Avon Regional Transition Group that it will support the equity based elected representatives model for the purpose of the Structural Reform Business Plan subject to these representation levels only being in place through governance orders for one (1) electoral cycle (4 years).”

AMENDMENT

Moved: Cr Hooper

Seconded: Cr Boyle

That Council Amend the Officer Recommendation to read:

“That Council:

Advise the South East Avon Regional Transition Group that it will support the equity based elected representatives model for the purpose of the Structural Reform Business Plan subject to these representation levels being in place for up to 8 years.”

CARRIED: 5/0

**RESOLUTION
230811**

The amendment became the motion.

CARRIED. 5/0

The Officer Recommendation was amended to set an electoral cycle for representation to allow the RTG Business Plan to proceed.

9.3 Works Reports

9.4 Financial Reports

9. OFFICER'S REPORTS

9.4 FINANCE REPORTS

9.4.1 Monthly Financial Reports – July 2011

FILE NO:	FI.FRP
COUNCIL DATE:	15 August 2011
REPORT DATE:	8 August 2011
LOCATION/ADDRESS:	Not Applicable
APPLICANT:	Not Applicable
SENIOR OFFICER:	Ray Hooper, CEO
REPORTING OFFICER:	Tabitha Bateman, Administration Officer
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Yes – Appendix A as detailed in Summary
DOCUMENTS TABLED:	Nil

Summary:

The Financial Report for the period ending 31 July 2011 is hereby presented for the consideration of the Council.

Appendix A includes the following:

- Bank Account Reconciliations – July 2011
- Cheque drawings on the Municipal Account
- EFT drawings on the Municipal Account
- Cheque drawings on the Trust Account
- Payroll Direct Debits Summary
- Corporate Credit Card Summary
- Fuel Card Summary
- Bank Account Reconciliations – Final June 2011

Consultation:

Dominic Carbone

Statutory Environment:

Local Government Act 1995 (As Amended).

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

Policy Implications:

Nil.

Financial Implications:

The following information provides balances for key financial areas for the Shire of York's financial position as at 31 July 2011;

Sundry Creditors as per General Ledger	\$ 195,047.88
Sundry Debtors as per General Ledger	\$ 1,473,613.45
Unpaid rates and services current year (paid in advance inc. ESL)	\$ 298,957.28
Unpaid rates and services previous years (inc. ESL)	\$ 254,757.47

Strategic Implications:

Nil

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

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

Social Implications:

Not applicable.

Environmental Implications:

Not applicable.

Comment:

Not applicable

**RESOLUTION
240811**

Moved: Cr Lawrance

Seconded: Cr Scott

“That Council:

Receive the Interim Monthly Financial Report for July and ratify payments drawn from the Municipal and Trust accounts for the period ending 31 July 2011:

	<u>VOUCHER</u>	<u>AMOUNT</u>
MUNICIPAL FUND		
<i>Cheque Payments</i>	29583-29590	\$ 9,277.59
<i>Electronic Funds Payments</i>	8301-8321	\$ 40,581.63
<i>Direct Debits Payroll</i>		\$ 145,814.89
<i>Bank Fees</i>		\$ 583.68
<i>Corporate Cards</i>		\$ 4,572.97
<i>Shell Cards</i>		\$ 241.33
<i>TOTAL</i>		<u>\$ 201,072.09</u>
 TRUST FUND		
<i>Cheque Payments</i>	3842-3852	\$ 4,218.15
<i>Direct Debits Licensing</i>		\$ 120,977.00
<i>TOTAL</i>		<u>\$ 125,195.15</u>
 <i>TOTAL DISBURSEMENTS</i>		 <u>\$ 326,267.24”</u>

CARRIED: 5/0

Note to this item

The Chief Executive Officer has delegated authority under Delegation DE1 (Council Meeting 21 September 2009) to make payments from the Municipal and Trust accounts.

Item 9.4.1 Appendices

9. OFFICER'S REPORTS
9.4 ADMINISTRATION REPORTS
9.4.2 Plan for the Future 2011/12 to 2014/15

FILE NO: FI.FRP.1
COUNCIL DATE: 15 August 2011
REPORT DATE: 9 August 2011
LOCATION/ADDRESS: Not applicable
APPLICANT: Shire of York
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: T Bateman, Administration Officer
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Plan for the Future

Summary:

Council is to review its current plan for the future of its district every 2 years and may modify the plan, including extending the period the plan is made in respect of in accordance with Section 5.56 of the Local Government Act 1995 and 19C of the Local Government (Administration) Regulations.

A plan for the future of a district is to set out the broad objectives of the local government for the period specified in the plan.

Background:

This is the third time a Plan for the Future for the Shire of York has been prepared.

Consultation:

Availability of the Draft Shire of York Plan for the Future 2011/12 to 2014/15 was advertised in the Avon Valley Gazette on 25th June, 2011 seeking public comment. Public submissions closed on 14th July, 2011 with no submissions received.

Statutory Environment:

Local Government Act 1995 Section 5.56 and Local Government (Administration) Regulations 1996. Regulations 19C and 19D.

“5.56. Planning for the future

- (1) *A local government is to plan for the future of the district.*
- (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.”*

“19C. Planning for the future — s. 5.56

- (1) *In this regulation and regulation 19D —
plan for the future means a plan made under section 5.56.*
- (2) *A local government is to make a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years).*
- (3) *A plan for the future of a district is to set out the broad objectives of the local government for the period specified in the plan.*
- (4) *A local government is to review its current plan for the future of its district every 2 years and may modify the plan, including extending the period the plan is made in respect of.*

- (5) *A council is to consider a plan, or modifications, submitted to it and is to determine* whether or not to adopt the plan, or the modifications, as is relevant.*
- *Absolute majority required.*
- (6) *If a plan, or modified plan, is adopted by the council then the plan or modified plan is to apply to the district for the period of time specified in the plan.*
- (7) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a plan for the future of the district, and when preparing any modifications of a plan.*
- (8) *A plan for the future of a district is to contain a description of the involvement by the electors and ratepayers in the development of the plan, and any modifications of the plan.*
- (9) *A local government is to ensure that a plan for the future made in accordance with this regulation applies in respect of each financial year after the financial year ending 30 June 2006.”*

Policy Implications:

Not applicable.

Financial Implications:

The adoption of the Plan for the Future in itself does not have any financial implications to the Shire however it does outline Council’s intentions for the coming 4 years. Implementation of the plan involves significant expenditures and revenues and the four year financial plan shows balanced budgets. Adoption of the plan does not commit Council to any expenditure as this is done through the budget process.

Strategic Implications:

The Plan for the Future outlines the strategic direction in which the Council is heading for the next four years however the plan is required to be reviewed at least every two years.

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Not applicable.

Social Implications:

The Plan for the Future provides the electors of York an outline on the future intentions of Council and provides a guideline to staff when framing future budgets.

Environmental Implications:

Not applicable.

Comment:

That Council proceed to advertising.

**RESOLUTION
250811**

Moved: Cr Lawrance

Seconded: Cr Randell

“That Council:

- 1. resolves to adopt the Plan for the Future 2011/12 – 2014/15 as tabled ; and***
- 2. advises that copies of the Adopted Plan for the Future 2011/12 – 2014/15 are available for inspection at the Shire Office or on Council’s website.”***

Advice Note:

The Draft Plan was advertised for community comment and submissions and none were received during the designated advertising period.”

CARRIED: 5/0

9.5 Late Reports

9.6 Confidential Reports

9.6.1 State Administrative Tribunal Appeal – Laurelville, 18-20 Panmure Road, York

**RESOLUTION
260811**

Moved: Cr Boyle

Seconded: Cr Lawrance

“That Council:

Go ‘Into Committee’ to consider the Confidential Report at 4.05pm.”

CARRIED: 5/0

Cr Boyle declared an Interest Affecting Impartiality to this item and left the room at 4.05pm.

**RESOLUTION
270811**

Moved: Cr Scott

Cr Randell

“That Council resolve to:

- 1. Reconsider its decision of 11 April 2011 in accordance with the Section 31 of the State Administrative Tribunal Act 2004 by:***

APPROVING the application to conduct functions at Lots 1 and 2 (18-20) Panmure Road, York known as Laurelville, subject to the following conditions of consent:

- 1. Development must take place in accordance with the plans stamped ‘Approved’ 11 April 2011, and any other plans required under conditions of this approval.***
- 2. This consent will lapse twenty four (24) months from the date of determination.***
- 3. Disabled access and facilities shall be provided in accordance with the requirements of the Building Code of Australia and Australian Standard AS 1428, Part 1.***
- 4. The maximum number of people present at any given time be limited to 130 inclusive of guests, staff, subcontractors and the residents of the land.***
- 5. Functions may only be held on a Friday or Saturday. No functions are permitted on weekdays or public holidays. All functions must conclude no later than midnight.***
- 6. Any tent, marquee or temporary building and facilities may be placed on the property no earlier than the Thursday before a function must be completely removed from the property no later than the Tuesday following a function.***
- 7. Sufficient parking must be provided so that all parking is capable of being contained on the property. The Applicant is to submit a plan to the Shire, demonstrating the provision of sufficient parking bays on the property. The Applicant must undertake any works necessary to give effect to such plan prior to the commencement of any functions on the property.***
- 8. The Traffic Management Plan approved 19 July 2011 is to be complied with.***
- 9. Temporary toilet facilities shall be provided in accordance with Council’s Events Policy.***
- 10. Any amplified music or amplified speaking must cease by 11.30pm.***

11. Notwithstanding condition 5, a function may be held on the property on Sunday 20 November 2011.

Note 1: If an applicant is aggrieved by this determination there is a right of appeal under the Planning & Development Act 2005. An appeal must be lodged within 28 days of the determination.

Note 2: In relation to condition 2 the first 12 months are to run as a trial period. Under the provisions of the York Town Planning Scheme No. 2, Council can extend a consent following receipt of a written request.

Note 3: Any parking on the verge of Panmure Road associated with events at Laurelville will result in the vehicle owners being infringed.

Note 4: If a tent or marquee or any type of temporary building is to be erected for any function, the Applicant must ensure that any permit approval or licence required under the Health Act or any regulations or local law is obtained prior to commencement of the function.

2. Following notice of the applicant's request to withdraw the matter from the State Administrative Tribunal, provide written consent to the State Administrative Tribunal that the Shire consents to withdrawal of the matter (SAT DR 159/2011: Wealth Balance Pty Ltd).

3. If the matter is not withdraw, authorise the Chief Executive Officer to authorise the continued engagement of McLeods Barristers and Solicitors to represent the Shire at a hearing, if required."

AMENDMENT

Moved: Cr Scott

Seconded: Cr Randell

That Council Amend the Motion to read:

"That Council:

1. Reconsider its decision of 11 April 2011 in accordance with the Section 31 of the State Administrative Tribunal Act 2004 by:

APPROVING the application to conduct functions at Lots 1 and 2 (18-20) Panmure Road, York known as Laurelville, subject to the following conditions of consent:

1. Development must take place in accordance with the plans stamped 'Approved' 11 April 2011, and any other plans required under conditions of this approval.

2. This consent will lapse twenty four (24) months from the date of determination.

3. Disabled access and facilities shall be provided in accordance with the requirements of the Building Code of Australia and Australian Standard AS 1428, Part 1.

4. The maximum number of people present at any given time be limited to 130 inclusive of guests, staff, subcontractors and the residents of the land.

5. Functions may only be held on a Friday or Saturday. All functions must conclude no later than midnight.

6. Any tent, marquee or temporary building and facilities may be placed on the property no earlier than the Thursday before a function must be completely removed from the property no later than the Tuesday following a function.

7. **Sufficient parking must be provided so that all parking is capable of being contained on the property. The Applicant is to submit a plan to the Shire, demonstrating the provision of sufficient parking bays on the property. The Applicant must undertake any works necessary to give effect to such plan prior to the commencement of any functions on the property.**
8. **The Traffic Management Plan approved 19 July 2011 is to be complied with.**
9. **Temporary toilet facilities shall be provided in accordance with Council's Events Policy.**
10. **Any amplified music or amplified speaking must cease by 11.30pm.**
11. **Notwithstanding condition 5, a function may be held on the property on Sunday 20 November 2011.**

Note 1: If an applicant is aggrieved by this determination there is a right of appeal under the Planning & Development Act 2005. An appeal must be lodged within 28 days of the determination.

Note 2: In relation to condition 2 the first 12 months are to run as a trial period. Under the provisions of the York Town Planning Scheme No. 2, Council can extend a consent following receipt of a written request.

Note 3: Any parking on the verge of Panmure Road associated with events at Laurelville will result in the vehicle owners being infringed.

Note 4: If a tent or marquee or any type of temporary building is to be erected for any function, the Applicant must ensure that any permit approval or licence required under the Health Act or any regulations or local law is obtained prior to commencement of the function.

2. **Following notice of the applicant's request to withdraw the matter from the State Administrative Tribunal, provide written consent to the State Administrative Tribunal that the Shire consents to withdrawal of the matter (SAT DR 159/2011: Wealth Balance Pty Ltd).**
3. **If the matter is not withdraw, authorise the Chief Executive Officer to authorise the continued engagement of McLeods Barristers and Solicitors to represent the Shire at a hearing, if required."**

CARRIED: 4/0

**RESOLUTION
280811**

The amendment became the motion.

CARRIED: 4/0

Condition 1 (5) was amended to make it clear functions may only be held on a Friday or Saturday and must conclude by midnight.

**RESOLUTION
290811**

Moved: Cr Randell

Seconded: Cr Lawrance

"That Council:

Come 'Out of Committee' at 4.07pm."

CARRIED: 4/0

Cr Boyle returned to the room at 4.08pm

10. NEXT MEETING

**RESOLUTION
300811**

Moved: Cr Scott

Seconded: Cr Randell

“That Council:

hold the next Ordinary Meeting of the Council on September 19, 2011 at 3.00pm in the Lesser Hall, York.”

CARRIED: 5/0

11. CLOSURE

Cr Hooper thanked everyone for their attendance and declared the meeting closed at 4.08pm.