



SHIRE OF YORK

**MINUTES OF THE ORDINARY
MEETING OF THE COUNCIL
HELD ON 17 DECEMBER, 2012
COMMENCING AT 3.00pm
IN COUNCIL CHAMBERS,
YORK TOWN HALL, YORK**

SHIRE OF YORK
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RAY HOOPER
CHIEF EXECUTIVE OFFICER

Table of Contents

1. OPENING	7
1.1 Declaration of Opening	7
1.2 Chief Executive Officer to read the disclaimer.....	7
1.3 Announcement of Visitors	7
1.4 Announcement of any Declared Financial Interests	7
2. ATTENDANCE	7
2.1 Members.....	7
2.2 Staff.....	7
2.3 Apologies.....	7
2.4 Leave of Absence Previously Approved.....	7
2.5 Number of People in Gallery at Commencement of Meeting.....	8
3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	8
3.1 Previous Public Questions Taken on Notice	8
4. PUBLIC QUESTION TIME.....	9
4.1 Written Questions – Current Agenda	9
4.2 Public Question Time.....	9
5. APPLICATIONS FOR LEAVE OF ABSENCE	11
6. PETITIONS / PRESENTATIONS / DEPUTATIONS.....	11
7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING	12
7.1 Minutes of the Ordinary Council Meeting held November 19, 2012.....	12
7.2 Notice of Motion to Rescind.....	12
8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....	13
9. OFFICER'S REPORTS.....	13
9.1 Development Services.....	15
9.1.1 Adoption of Planning Policy – Sea Containers.....	17
Item 9.1.1 – Appendices.....	21
9.1.2 Scheme Amendment No. 48 – Old Lawn Tennis Club	23
Item 9.1.2 - Appendices.....	27
9.1.3 Filling – 9 Newcastle Street, York	29
Item 9.1.3 - Appendices.....	37
9.2 Administration Reports	39
9.2.1 Proposed Onsite Effluent Disposal Policy	41
Item 9.2.1 - Appendices.....	45
9.2.2 Application To Keep Three (3) Dogs.....	47
9.2.3 Proposed Temporary Accommodation Policy	49
Item 9.2.3 - Appendices.....	51
9.2.4 Health and Wellbeing Policy	53
Item 9.2.4 - Appendices.....	57
9.2.5 WALGA - Request For Council Support – Cash For Cans	59
Item 9.2.5 - Appendices.....	61
9.2.6 Residency Museum – Summary of Activities 2012	63
9.2.7 Information Services	67
Item 9.2.7 - Appendices.....	71
9.2.8 Youth Report for November, 2012	73

9.2.9	Waterwise Council.....	77
	Item 9.2.9 - Appendices.....	79
9.2.10	Sale of Land – Lots 2-6 Avon Terrace & Lot 13 Redmile Road.....	81
	Item 9.2.10 - Appendices.....	85
9.2.11	South East Avon Regional Transition Group.....	87
	Item 9.2.11 - Appendices.....	95
9.3	Works Reports	97
9.4	Financial Reports	99
9.4.1	Monthly Financial Reports – November 2012.....	101
	Item 9.4.1 - Appendices.....	103
9.4.2	Investments – November 2012.....	105
	Item 9.4.2 - Appendices.....	107
9.4.3	Revised Forward Capital Works Plan 2012-13 to 2016-17.....	109
	Item 9.4.3 - Appendices.....	113
9.5	Late Reports	115
9.5.1	Proposed Depot At Lot 12130 Ashworth Rd, York.....	117
	Item 9.5.1 – Appendices.....	127
9.5.2	2013 York Motorcycle Festival.....	129
	Item 9.5.2 - Appendices.....	131
9.5.3.	Country Local Government Fund – Regional Component.....	133
	Item 9.5.3 – Appendices.....	135
9.5.4	Transfer from Reserve – Centennial Units – Local Government Energy Efficiency Program.....	137
9.6	Confidential Reports	139
9.6.1	Australia Day Awards.....	139
10.	NEXT MEETING	141
11.	CLOSURE	141



SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL
HELD ON MONDAY, 17 DECEMBER 2012, COMMENCING AT
3.00PM IN COUNCIL CHAMBERS, YORK TOWN HALL, YORK

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

1. OPENING

- 1.1 Declaration of Opening
Cr Tony Boyle, Shire President, declared the meeting open at 3.00pm
- 1.2 Chief Executive Officer to read the disclaimer
Ray Hooper, Chief Executive Officer, read the disclaimer
- 1.3 Announcement of Visitors
Nil
- 1.4 Announcement of any Declared Financial Interests
 - Cr Tony Boyle - 7.2 – Notice of Motion to Rescind – Financial*
 - Cr Brian Lawrance - 7.2 – Notice of Motion to Rescind – Financial*
 - Cr Tony Boyle - Item 9.1.1 – Financial*
 - Cr Brian Lawrance - Item 9.1.1 – Financial*
 - Cr Mark Duperouzel - Item 9.1.1 – Financial*
 - Cr Roy Scott - Item 9.2.1 - Financial*
 - Cr Tony Boyle - Item 9.2.10 – Financial*
 - Cr Mark Duperouzel - Item 9.6.1 - Proximity*

2. ATTENDANCE

- 2.1 Members
*Cr Tony Boyle, Shire President; Cr Roy Scott, Deputy Shire President;
Cr Brian Lawrance; Cr Pat Hooper; Cr Mark Duperouzel, Cr Denese Smythe*
- 2.2 Staff
Ray Hooper, Chief Executive Officer; Tyhscha Cochrane, Deputy Chief Executive Officer; Jacky Jurmann, Manager Planning Services; Gordon Tester – Manager Environmental Health & Building Services; Helen D’Arcy-Walker, Executive Support Officer
- 2.3 Apologies
Nil
- 2.4 Leave of Absence Previously Approved
Nil

- 2.5 Number of People in Gallery at Commencement of Meeting
There were 13 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 Kenneth Needham

Public Question Time - 19 November, 2012

Question 1:

Has the Shire Works Depot incorporated the provision for adequate storm water management systems to avoid excessive run off into properties on the opposite downside of Macartney Street?

Response:

It is estimated that there will be minimal additional surface water flow from the site from the carpark area to what was generated from the cleared area.

Water flow will be monitored and if required the carpark area can be contoured to direct water flow.

Question 2:

Will the Council guarantee that any works undertaken will not have an adverse effect on the existing properties caused by excessive storm water flow?

Response:

No absolute guarantee can be given in relation to extreme rain events and excessive storm water flows.

Works programmed are to deal with normal rain events and storm water flows only as any work beyond this is outside of the resources available to Council.

Question 3:

Does the Council accept responsibility for any damage incurred if the works programme proves to be of a sub-standard construction method?

Response:

No

Ms Diane Margetts

Public Question Time - 19 November 2012

Question 1:

Will organic farmers near to the proposed landfill lose their organic licences?

Response:

The York Shire Council has no role in the licensing or accreditation of organic farms and it is assumed that any impact if a landfill project is approved will be assessed by the relevant licensing authorities in a similar fashion to current practices whereby the impacts of farming practises on adjoining and adjacent land.

Question 2:

Can the Shire guarantee that there won't be leaching into the water table?

Response:

No. The Shire of York will not be the licensing or monitoring authority for the operations of the landfill facility if it is approved.

Question 3:

Are you aware whether there has been water leaching at Tamala (Landfill) and if so, who has been assessing the impacts and/or the potential impact on the nearby ocean?

Response:

No

4. PUBLIC QUESTION TIME

4.1 Written Questions – Current Agenda

Ms Kay Kneuss

SITA Landfill Proposal

Taking into account the number of citizens at the recent meeting held by SITA it is apparent said citizens of York object to having a landfill industry which is incongruous to agriculture and tourism, the two main industries of the Shire.

When SITA submit applications for their proposal to the relevant authorities, will the Council of York be writing submissions against the landfill applications of SITA?

If not why not?

If yes, on what grounds will be the Council of York's objections to the applications?

Response:

Council will be making a submission but not until an application is received.

4.2 Public Question Time

Ms Tanya Richardson

Question 1:

Will Council consider having a forum one week prior to the Council meeting similar to that of Northam and Toodyay?

Response:

Will be put to Council.

Question 2:

Why would the Council consider offering free water in the Town Hall at \$90 per month when the Information Centre could be charging for drinks and using these profits to pay for printing and other items?

Response:

Council will consider this when the item is debated.

Question 3:

Why is Council considering free Gym Membership for staff at considerable cost when there is no money for so many other important things? Would Council consider offering only discounted Membership instead for Shire employees?

Response:

Council will consider this when the item is debated.

Mrs Roma Paton

I refer to Item 132153 in the current Financials - \$4,778 is listed under 'Actual' up to November 2012 for Christmas Decorations/Festivities.

Item No 132153 in the January 2012 Financials - \$7,986 is also listed under 'Actual' for Christmas Decorations/Festivities. Making a total of \$12,764 for Christmas Decorations/Festivities spent by the Shire of York during the last twelve months.

Question 1:

What new Christmas Decorations were purchased this year?

Response:

No decorations were purchased.

Question 2:

Why were the Christmas Banners, purchased in previous years, not installed on the Banner stands?

Response:

Will research.

Question 3:

Where are the long pole Christmas hats used by the Shire of York in the CBD Christmas 2010?

Response:

Will research.

Question 4:

What was the \$4,778 spent on if not Christmas decorations?

Response:

Cost of installation and removal and hire of cherry picker.

Question 5:

Is itemised documentation regarding the sum of \$12,764 available under any enactment other than Freedom of Information?

Response:

Taken on Notice.

Ms Tanya Richardson

Question 4:

Will Council consider conducting a poll about amalgamations regardless of what the recommendation is ensuring they are doing what the residents of York want?

Response:

If the process is used by the people. There needs to be 250 names on a petition before a poll can be undertaken.

Question 5 (a):

Instead of just accepting the Information Services report and doing nothing is Council prepared to show leadership and call urgent strategic tourism meetings to discuss our tourism future?

Response:

Taken on Notice.

Question 5 (b):

Instead of reading the complaints month after month is Council prepared to lead a forum to address some of these issues? Instead of insisting operators need to do more can Council lead the way?

Response:

Taken on Notice.

Question 6:

Would Council consider ignoring the Officer's Recommendation and remaining part of the ACDF?

Response:

Council will consider this item when the item is debated.

Ms Tricia Walters

Question 1:

Tabled Documents – will they be available in the Library for the general public to read?

Response:

Information can be found on the Securing our Future website and will be available in the Library.

Question 2:

Sea Containers – is the sea container at the Recreation Centre permanent?

Response:

It is not a permanent fixture, the contractor will be asked to remove it.

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 November 19, 2012

Corrections – under payments there is an amount of \$1,992.10 for vexatious ratepayer. Incorrect terminology used – should have read – rateability of Balladong Estate and processes for FOI.

Confirmation

**RESOLUTION
011212**

Moved: Cr Hooper

Seconded: Cr Duperouzel

“That the minutes of the Ordinary Council Meeting held on November 19, 2012 be confirmed as a correct record of proceedings subject to the correct terminology being used for the designated payment voucher.”

CARRIED: 6/0

7.2 Notice of Motion to Rescind

Councillors Boyle and Lawrance previously declared an interest in this matter.

We Councillors R Scott and M Duperouzel submit this notice to rescind Resolution No. 181112 as follows at the Ordinary Council Meeting to be held on Monday, 17th December, 2012.

Note: Local Government Administration Regulation 1996 – Section 10 1 (b)

10. Revoking or changing decisions (Act s. 5.25(1)(e))

(1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —

(a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or

(b) in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee,

inclusive of the mover.

(1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

(2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —

(a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or

(b) in any other case, by an absolute majority.

(3) *This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.*

[Regulation 10 amended in Gazette 31 Mar 2005 p. 1030.]

Moved: Cr Scott

Seconded: Cr Duperouzel

“That Council:

Adopts an advocacy position to support steps towards the phase out of the live animal export trade if acceptable control conditions for animal welfare cannot be negotiated with other countries.”

Crs Tony Boyle & Brian Lawrance declared an Interest Affecting Impartiality to this item and left the meeting at 3.16pm

Deputy President Cr Roy Scott took the Chair.

**RESOLUTION
021212**

Moved: Cr Scott

Seconded: Cr Duperouzel

“That Council:

Rescind Resolution No. 181112 being:

Adopts an advocacy position to support steps towards the phase out of the live animal export trade if acceptable control conditions for animal welfare cannot be negotiated with other countries.”

CARRIED: 4/0

Crs Tony Boyle & Brian Lawrance returned to the room at 3.17pm.

Cr Boyle resumed the Chair

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Cr Boyle thanked staff for the Christmas edition of the Community Information Update.

The Wheatbelt Residential Respite Centre was officially opened on 13th December, 2012. Cr Roy Scott attended the Opening and gave a short overview. Hon Helen Morton, Minister for Disability Services opened the Respite Centre and thanked the Shire of York for vesting land to the Department of Housing & Works, with the savings this enabled another respite house to be built. WIFSA will be running the York Residential Respite Centre.

9. OFFICER'S REPORTS

9.1 Development Services

9. OFFICER'S REPORTS
9.1 DEVELOPMENT REPORTS
9.1.1 Adoption of Planning Policy – Sea Containers

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.2
COUNCIL DATE: 17 December 2012
REPORT DATE: 13 November 2012
LOCATION/ADDRESS: Shire wide
APPLICANT: N/A
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: J Jurmann, MPS
DISCLOSURE OF INTEREST: Councillors Boyle, Lawrance & Duperouzel
APPENDICES: 1 - Policy
DOCUMENTS TABLED: Nil

Summary:

Council at its Ordinary Meeting held on 17 September resolved:

“That Council:

- 1. Resolve to adopt the following proposed Local Planning Policies for advertising purposes:*
 - Sea Containers;*
 - Relocated Second-Hand Dwellings;*
 - Heritage Management – Interpretative Signage;*
 - Extractive Industries – Road Maintenance Contribution;*
 - Developer Contributions for Road & Footpath Upgrading;*
 - Construction of Dams; and*
 - Barn Style Shed Houses.*
- 2. Advertise the proposed Local Planning Policies in accordance with the provisions of Clause 8.8.2 of the Shire of York Town Planning Scheme No 2 for a period of 28 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 Policies prior to formally adopting the Policy.”*

The proposed new and amended policies were advertised in accordance with the provisions of the York Town Planning Scheme No. 2. No submissions were received regarding the proposed policies.

Council at its Ordinary Meeting held on 19 November 2012 resolved to adopt the following Policies: Relocated Second-Hand Dwellings, Heritage Management – Interpretative Signage, Extractive Industries – Road Maintenance Contribution, Developer Contributions for Road and Footpath Upgrading and Barn Style Shed Houses.

This report recommends the adoption of the reviewed Local Planning Policy for Sea Containers.

The remaining policy on the construction of dams is still under review and will be presented to Council at a later date.

Background:

A review of Council's Delegations and Policies is undertaken annually. In conjunction with this general review, a review of the existing Local Planning Policies has been carried out.

The review identified a number of policies that required updating and a number of gaps in policy provisions. Policies are important to provide landowners and the Shire guidance and a consistent approach.

Consultation:

The York Town Planning Scheme No. 2 sets out the provisions for the adoption of Local Planning Policies (refer to the Statutory Environment section of this report).

The proposed new and/or amended policies were advertised in accordance with the provisions of the Scheme for a minimum period of 21 days (in fact the advertising period was 28 days). Advertisements were placed in the Avon Valley Gazette for 2 consecutive weeks, and on Council's website, and copies of the policies were available for viewing at the Council Office and on Council's website.

No enquiries or submissions were received regarding the proposed new and/or amended policies.

Once adopted by Council, a notification will be placed in the newspaper and on Council's website in accordance with the provisions of the Scheme.

Statutory Environment:**York Town Planning Scheme No. 2**

Clause 8.8 of TPS2 sets out the requirements for preparing, adopting and rescinding local planning policies as follows:

8.8.1 *The local government may prepare a planning policy (hereinafter called "a Policy") which may make provision for any matter related to the planning or development of the Scheme area and which may be prepared so as to apply:*

- (a) generally or in a particular class of matter or in particular classes of matters; and*
- (b) throughout the Scheme area or in one or more parts of the Scheme area and may amend or add to or rescind a Policy so prepared.*

8.8.2 *A Policy shall become operative only after the following procedures have been completed:*

- (a) the local government having prepared and adopted a draft Policy shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme area giving details of where the draft Policy may be inspected, and in what form and during what period (being not less than 21 days) submissions may be made.*
- (b) a policy which the local government considers may be inconsistent with other provisions of the Scheme or with State and regional planning policies are to be submitted to the Commission for consideration and advice.*
- (c) the local government shall review the draft Policy in the light of any submissions made and advice received and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.*
- (d) following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme area.*

8.8.3 *The local government shall keep copies of any Policy with the Scheme documents for public inspection during normal office hours.*

8.8.4 *An amendment or addition to a Policy may be made after the Policy has become operative and shall be made in the same manner as provided for the making of a Policy in clause 8.6.2.*

8.8.5 A Policy may be rescinded by:

- (a) final adoption of a new Policy pursuant to this clause, specifically worded to supersede an existing Policy; and
- (b) publication of a formal notice of rescission by the local government twice in a local newspaper circulating in the Scheme area.

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

8.8.7 Any Policy prepared under this clause shall be consistent with the Scheme and where any inconsistency arises the Scheme shall prevail.

Policy Implications:

The review of policies is essential to ensure that they remain current to the needs of the York community and other stakeholders. Policies should be easy to use and understand to ensure that they achieve the aims and objectives of the Policy and are applied consistently.

Introduction of new policies must follow due process, including community consultation, to ensure that they address the issue to meet the needs of the community, Council and Council Officers.

Financial Implications:

The costs associated with advertising are within the adopted 2012/2013 Budget.

Strategic Implications:

Local Planning Policies assist in achieving the aims and objectives of the York Town Planning Scheme and Strategy to ensure proper and orderly planning. The amended and proposed policies are consistent with this aim.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

The amended and proposed policies will not impose undue costs on the community. They will assist in providing a more efficient planning service to the community and developers.

Social Implications:

There are no adverse social implications associated with the proposed new or amended policies.

Environmental Implications:

There are no environmental implications associated with this Policy. Although it could be noted that sea containers provide many farmers with secure chemical storage.

Comment:

The Policy on the construction of dams has not been presented to Council for adoption for the reasons outlined below:

- Construction of Dams

Although no comments were received regarding this proposed policy, Council has raised some concerns and it is considered appropriate to conduct further consultation with the owners of agricultural land before adopting this policy.

Cr Boyle read a letter in its entirety from the Department of Local Government stating that ...”in accordance with authority delegated by the Minister for Local Government, the Director General has approved the Shire’s application under Section 5.69 of the Local Government Act 1995 to allow Councillors Brian Lawrance, Tony Boyle and Mark Duperouzel to participate in the discussion and decision making procedures relating to Council’s review of the current Local Planning Policy for Sea Containers” ...

RESOLUTION

031212

Moved: Cr Duperouzel

Seconded: Cr Lawrance

“That Council:

- 1. ADOPT the Local Planning Policy – Sea Containers under the provisions of Clause 5.3 of the York Town Planning Scheme No. 2.***
- 2. ADVERTISE the final adoption of the Local Planning Policy – Sea Containers.”***

CARRIED: 6/0

Item 9.1.1 – Appendices

9. OFFICER'S REPORTS

9.1 DEVELOPMENT REPORTS

9.1.2 Scheme Amendment No. 48 – Old Lawn Tennis 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:	PS.TPS.48
COUNCIL DATE:	17 December 2012
REPORT DATE:	6 December 2012
LOCATION/ADDRESS:	Lot 31 Glebe St and Lots 150-151 Clifford St, York
APPLICANT:	Shire of York
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	J Jurmann, MPS
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	1 – Scheme Amendment Documentation 2 – Schedule of Submissions
DOCUMENTS TABLED:	Nil

Summary:

Council at its Ordinary Meeting held on 17 September 2012 resolved:

“That Council resolve pursuant to Section 75 of the Planning and Development Act 2005 to:

- 1. Initiate Scheme Amendment No. 48 to the York Local Planning Scheme No. 2 by:
 - a. Rezoning a portion of Lot 31 Glebe Street and Lots 150 and 151 Clifford Street, York from Reserve (Open Space and Recreation) to Residential R40; and*
 - b. Amending the Scheme Map accordingly.**
- 2. Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation.*
- 3. Forward the Scheme Amendment to the Environmental Protection Authority and request permission to advertise.*
- 4. Upon receipt of consent to advertise from the Environmental Protection Authority, advertise the Scheme Amendment for public comment for a period of 42 days in accordance with the Town Planning Regulations 1976.”*

Following receipt of the Environmental Protection Authority's response, the proposal was advertised. No submissions from the public were received. Ten (10 responses were received from government and non-government service agencies.

It is recommended that Council finally adopt the scheme amendment and request the Minister for Planning approve the amendment for gazettal.

Background:

Following the relocation of the York Tennis Club and facilities to the Forrest Oval Sporting Precinct, the land could be developed.

The York Local Planning Strategy identifies the site within the future east Residential Precinct and within the Blandstown Heritage Precinct, although the Local Planning Policy – Heritage Precincts and Places does not identify the site within the heritage precinct.

An appropriate zoning is considered Residential R40, which is consistent with the LPS and compatible with the existing development. The R40 coding would enable theoretically a maximum of 19 lots at 400m² in area to be created, or for theoretically a maximum of 34 dwellings to be constructed at an average area of 220m². (Note: these figures have been calculated without the exclusion of the flood affected area of the site.)

An application was submitted to Landcorp in accordance with the Council resolution for all three sites identified and Council has been advised that the applications for the Old Lawn Tennis Centre and the Springbett Reserve have progressed with business reporting for both projects. A response should be received from Landcorp in August 2012.

Preliminary advice from Landcorp indicates that their feasibility assessment has been based on the delivery of possible medium density residential development, which would be permissible under the proposing zoning.

Consultation:

The proposal was advertised for 42 days in accordance with the *Town Planning Regulations 1967*. Advertising consisted of an advertisement in the Avon Valley Gazette and on Council's website, direct neighbour notification and notices on Public Notice boards.

No submissions were received from the community regarding the proposal

Ten (10) submissions were received from government and non-government agencies. Refer to the Schedule of Submissions attached at Appendix 2 for a summary and an assessment of these submissions. The submissions received did not raised any issues that would prevent the approval (or delay of approval) of the scheme amendment.

Statutory Environment:

Planning and Development Act 2005

Under Section 75 of the *Planning and Development Act 2005*, a local government may amend a local planning scheme with reference to any land within its district, or with reference to land within its district and other land within any adjacent district, by an amendment:

- a) Prepared by the local government, approved by the Minister and published in the Gazette; or
- b) Proposed by all or any of the owners of any land in the scheme area, adopted, with or without modifications, by the local government, approved by the Minister and published in the Gazette.

Town Planning Regulations 1967

A Scheme Amendment must be prepared, advertised and adopted in accordance with the provisions of the Regulations.

York Local Planning Strategy

The LPS identifies the site within the future east Residential Precinct. The objective in the LPS is "To ensure any further residential development is compatible with existing development patterns and does not compromise the residential objectives for west of the Avon River.

The proposed rezoning is consistent with the strategy and will provide additional housing choice within an existing residential area. The coding of R40 is consistent with the surrounding properties and is the approach adopted by the Shire for properties that have connection to the reticulated sewerage system.

Refer to the Scheme Amendment documentation for further assessment of the objectives and strategies.

York Town Planning Scheme No. 2

The site is currently zoned Open Space and Recreation under the provisions of the Scheme and was occupied by the York Tennis Club until its recent relocation to the Forrest Oval sporting precinct.

It is proposed to rezone the site to Residential with a coding of R40 that would enable medium to high density residential development. This coding is consistent with existing Residential zoned lots in the locality.

Policy Implications:

The proposed rezoning is consistent with the York Local Planning Strategy and Scheme.

Financial Implications:

Council will be responsible for the costs involved with the scheme amendment. If the Landcorp application is successful, then they will be responsible for the development costs.

However, if the application is not successful, then the lot should be a marketable, development-ready residential lot that will appeal to a developer. Although if this scenario eventuates it will be recommended that a time-limit to develop is placed on the land sale to ensure that the site is developed in the short-term.

Strategic Implications:

The proposed rezoning is consistent with the York Local Planning Strategy and Scheme.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Yes

Triple bottom Line Assessment:

Economic Implications:

The rezoning will enable the provision of additional housing choice for existing and new residents in an area close to the town centre.

Social Implications:

The rezoning will not result in a loss of a community benefit, as the new tennis facilities at Forrest Oval have been constructed.

Housing choice is imperative to existing and future residents of York, particularly close to the Town Centre.

Environmental Implications:

Flooding and protection of the river will need to be considered carefully in the development. Both issues are manageable with good design. The initial scheme amendment map was reviewed in light of discussions with the Department of Water and Department of Environment and Conservation to align with the 1 in 100 year ARI flood mapping. Accordingly, no objections have been raised from the Department of Water and Department of Environment and Conservation regarding the proposal.

Comment:

The proposed land development is considered to be a benefit to the community.

If the application for the Regional Development Assistance Program is successful it will enable development to progress more expediently and more economically for the community than if the land was development by Council or a private development.

RESOLUTION

041212

Moved: Cr Lawrance

Seconded: Cr Hooper

“That Council resolve

- 1. *In accordance with Section 75 of the Planning and Development Act 2005 to adopt, with or without modification, Scheme Amendment No. 48 of the Shire of York Town Planning Scheme No. 2 by:***
 - i. Rezoning a portion of Lot 31 Glebe Street and Lots 150 and 151 Clifford Street, York from Reserve (Recreation and Open Space) to Residential R40;***
 - ii. Amend the Scheme Map accordingly.***
- 2. *Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation; and***
- 3. *Forward the Scheme Amendment No. 48 to the Western Australian Planning Commission and the Minister for Planning requesting final approval.”***

CARRIED: 6/0

Item 9.1.2 - Appendices

9. OFFICER'S REPORTS
9.1 DEVELOPMENT REPORTS
9.1.3 Filling – 9 Newcastle Street, York

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

FILE NO: NE4.5896, P811
COUNCIL DATE: 17 December 2012
REPORT DATE: 7 December 2012
LOCATION/ADDRESS: Lot 135 (9) Newcastle Street, York
APPLICANT: Evenglow Pty Ltd
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: J Jurmann, MPS
DISCLOSURE OF INTEREST: Nil
APPENDICES:
1 – Location Plan
2 – Flood Map
3 – Photographs
4 – Schedule of Submissions
DOCUMENTS TABLED: Nil

Summary:

Council is in receipt of a planning application to continue filling of Lot 135 (9) Newcastle Street, York.

The application was advertised in accordance with the provisions of the York Town Planning Scheme No. 2 and one submission was received objecting to the proposal. The issues raised in the objection are the subject of this report.

It is recommended that the application be approved to formalise the existing level of fill and to control any further filling, subject to the conditions listed at the end of this report.

Background:

Following a request from Council on 24 September 2012, investigations were instigated into the filling of the subject property due to concerns about what appeared to be uncontrolled filling and dumping of rubbish, particularly considering that the property adjoined the Avon River.

An inspection on 25 September 2012 by Council's Planning Manager confirmed that the concerns were valid and that large amounts of soil, rubble, concrete and other construction and demolition wastes had been deposited on the property and within the area identified as flood affected.

A Planning Direction was served on the owners on 26 September 2012 of the property directing cessation of the depositing of wastes and requiring removal of all materials and returning the land to natural ground within 60 days of the date of the Direction.

The owner contacted Council and requested a site meeting to discuss the matter to reach a suitable solution. A meeting was held on site on 16 October 2012 and it was agreed that a planning application needed to be submitted to Council for approval for the existing fill and for continuation of fill to raise the level of the property not within the identified floodway under controlled conditions to an agreed height. It was also agreed that the rubbish within the fill closest to the river would be removed and that the fill would be levelled to improve the appearance of the block.

A planning application was received by Council on 24 October 2012 and the works were completed as agreed by 29 October 2012.

Consultation:

The application was advertised in accordance with the York Town Planning Scheme No. 2, including direct notification to adjoining landowners. A referral was also sent to the Department of Water.

One submission was received objecting to the proposal and raising a number of historical issues regarding the property. The Department of Water also provided comments.

Following receipt of the objection, the applicant was requested to provide additional details to address the issues raised.

Refer to the Schedule of Submissions for a summary of the submissions, response and Council's assessment.

The objector was advised, in writing, of the date of the Council meeting for the determination of this application.

Statutory Environment:York Town Planning Scheme No. 2 (TPS 2)

Development has the same meaning as the *Planning and Development Act 2005*, which includes the carrying out on the land of any excavation or other works.

Clause 4.1 of TPS2 stipulates that prior approval of the local government is required for all development, unless considered permitted development under Clause 4.2. Filling of land is not listed as permitted development and therefore prior approval is required.

Clause 7.14 of TPS2 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 to the provisions of the Scheme.

The planning application has been submitted under the provisions of Clauses 4.1 and 7.14.

Clause 5.4 outlines the provisions relating to development in the Avon River Flood Fringe. It states that development must not be within the floodway; requires planning consent in the flood fringe; and that the Department of Water must be consulted when determining an application for development.

The proposed filling is not within the floodway (although some of the existing may be within the floodway) and the Department of Water has been consulted and raises no objection to the proposed filling.

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

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

The scheme objectives are to secure amenity health and convenience for residents; make provisions for the nature and location of buildings; preserve places of natural beauty; and to make provision for other matters necessary for housing. The proposal is considered consistent with the objectives in that it will provide for the future residential buildings in accordance with the requirements for the Avon River flood fringe; does not impact on the river as a place of natural beauty; and is unlikely to impact on the health of residents.

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

There are no scheme amendments applicable to this proposal.

- (c) *Any approved statement of planning policy of the Commission.*
There are no statements applicable to this proposal.
- (d) *Any approved environmental protection policy under the Environmental Protection Act 1986.*
There are no policies applicable to this proposal.
- (e) *Any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State.*
There are no policies applicable to this proposal.
- (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.*
There are no policies applicable to this proposal.
- (g) *In the case of land reserved under the Scheme, the ultimate purpose intended for the reserve.*
The land is not reserved.
- (h) *The conservation of any place that has been entered in the Register within the meaning of the Heritage of Western Australia Act 1990, or which is included in the Heritage List under clause 5.1.2, and the effect of the proposal on the character or appearance of a heritage precinct.*
The land is not heritage listed, adjoin a heritage listed property or within a heritage precinct.
- (i) *The compatibility or a use or development with its setting.*
The proposal is to prepare for future residential housing that is consistent with the zoning and development in the area.
- (j) *Any social issues that have an effect on the amenity of the locality.*
There are no social issues applicable to this proposal.
- (k) *The cultural significance of any place or area affected by the development.*
The cultural significance of the Avon River is not affected by this proposal.
- (l) *The likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment.*
Controlled filling as proposal will provide a better environmental outcome. Any filling within the floodway may require removal.
- (m) *Whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bushfire or any other risk.*
As identified in this report, the land is identified on the Department of Water's mapping as flood affected. No filling is permitted within the floodway. Any future residential development must have a habitable floor level of 500 mm above the 1 in 100 ARI level identified at 174.0 m AHD.
- (n) *The preservation of the amenity of the locality.*
The works carried out as part of this process has improved the appearance of the lot. The filling of the lot is required for future residential development and is not considered to impact the amenity of the locality.
- (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.*
Refer to comments above.

- (p) *Whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles.*
The lot has legal access from Newcastle Street.
- (q) *The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.*
Not applicable.
- (r) *Whether public transport services are necessary and, if so, whether they are available and adequate for the proposal.*
Not applicable.
- (s) *Whether public utility services are available and adequate for the proposal.*
Not applicable.
- (t) *Whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities).*
Not applicable.
- (u) *Whether adequate provision has been made for access by disabled persons.*
Not applicable.
- (v) *Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.*
Landscaping of the lot will be suggested to prevent further rubbish dumping and to further improve the appearance of the lot. Following removal of any required fill in the floodway, vegetation should be re-established.
- (w) *Whether the proposal is likely to cause soil erosion and degradation.*
Fill will require stabilisation to prevent any erosion and degradation. Appropriate bank gradients and vegetation will assist.
- (x) *The potential loss of any community service or benefit resulting from the planning consent.*
Not applicable.
- (y) *Any relevant submissions received on the application.*
Refer to Schedule of Submissions.
- (z) *The potential impacts of noise, dust, light, risk, and other pollutants on surrounding land uses.*
Dust may be an issue during vehicle movements. Windy days should be avoided, or alternatively water suppression should be used.
- (aa) *The comments or submissions received from any authority consulted under clause 7.4.*
Refer to Schedule of Submissions.
- (bb) *Any other planning consideration the local government considers relevant.*
Nil.

This assessment shows that the proposal, with imposition of recommended conditions of approval, meets the provisions of the Scheme.

Policy Implications:

There is no policy implications associated with this proposal.

Financial Implications:

To remove the fill would be costly and pointless for the landowner.

Strategic Implications:

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

Social

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

Environmental

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

Economic

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

The proposal is consistent with the goals of the Strategic Community Plan.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Yes

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

There are no economic implications associated with this proposal.

Social Implications:

There are no social implications associated with this proposal.

Environmental Implications:

As shown in this report, if the filling is not within the floodway, there are no environmental implications associated with this proposal.

Comment:

The landowner has been extremely cooperative with Council in reaching a resolution that represents good and proper planning and meets his future development needs.

The allegations raised in the objection cannot be confirmed and until such time residential development is proposed, there is no requirement to determine the engineering capability of the fill.

It is recommended that any existing fill within the floodway be removed and the area be revegetated. Additionally, the perimeter of the filled area needs to be adequately stabilised and/or retained, and drained to prevent any impacts on the adjoining properties. Any additional fill should be limited to the 1 in 100 year ARI level identified by the Department of Water and must be controlled sufficiently by the landowner.

OFFICER RECOMMENDATION

"That Council:

APPROVE the planning application for the filling of Lot 135 (9) Newcastle Street, York subject to the following conditions:

- 1. Development must substantially commence within two (2) years from the date of this decision.*
- 2. Development must take place in accordance with the stamped approved plans.*
- 3. No filling is permitted within the floodway as identified by the Department of Water's flood mapping for the Avon River.*
- 4. Any existing fill within the floodway must be removed within 12 months from the date of the determination and the area is to be revegetated to the satisfaction of Council.*
- 5. Any future filling of the subject lot must be clean fill and shall not exceed the 1 in 100 year ARI level of 174.0 m AHD.*
- 6. The perimeter of the fill area shall be retained and drained to the satisfaction of the local government.*
- 7. A stormwater management plan must be submitted for approval to Council within one month 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 as specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

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

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

Note 4: It is the applicant's responsibility to establish the site boundaries and identify the floodway and flood fringe and associated ARI flood levels as depicted on the Department of Water mapping. It is recommended that a survey be carried out for this purpose."

**RESOLUTION
051212**

Moved: Cr Hooper

Seconded: Cr Duperouzel

“That Council:

APPROVE the planning application for the filling of Lot 135 (9) Newcastle Street, York subject to the following conditions:

- 1. Development must substantially commence within two (2) years from the date of this decision.***
- 2. Development must take place in accordance with the stamped approved plans.***
- 3. No filling is permitted within the floodway as identified by the Department of Water’s flood mapping for the Avon River.***
- 4. Any existing fill within the floodway must be removed within 12 months from the date of the determination and the area is to be revegetated to the satisfaction of Council.***
- 5. Any future filling of the subject lot must be clean fill and shall not exceed the 1 in 100 year ARI level of 174.0 m AHD.***
- 6. The perimeter of the fill area shall be retained and drained to the satisfaction of the local government.***
- 7. A stormwater management plan must be submitted for approval to Council within one month 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 as specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

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

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

Note 4: It is the applicant’s responsibility to establish the site boundaries and identify the floodway and flood fringe and associated ARI flood levels as depicted on the Department of Water mapping. It is recommended that a survey be carried out for this purpose.

Note 5: That a file note be attached to the property details advising that the fill on the property may not meet the standards for construction and testing will be required before a building licence can be issued.”

CARRIED: 6/0

The Officer Recommendation was varied by the inclusion of Advice Note 5 to clarify the standards required before a building licence can be issued.

Item 9.1.3 - Appendices

9.2 Administration Reports

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.1 Proposed Onsite Effluent Disposal Policy

FILE NO:	BS.GEN.4
COUNCIL DATE:	17 December 2012
REPORT DATE:	3 December 2012
LOCATION/ADDRESS:	Not Applicable
APPLICANT:	Not Applicable
SENIOR OFFICER:	Ray Hooper CEO
REPORTING OFFICER:	Gordon Tester MHB
DISCLOSURE OF INTEREST:	Cr Roy Scott
APPENDICES:	Proposed Policy
DOCUMENTS TABLED:	Nil

Summary:

Council is requested to approve a new policy that excludes standard septic tank and leach drain installations on land within the Shire of York with an R10 or higher density residential design code and any land less than 2000 square metres in area, but will permit the installation of Aerobic Treatment Units as onsite effluent disposal in these areas.

Background:

Council resolved to approve the proposed onsite effluent disposal policy for advertising at their Ordinary meeting held on 17 September 2012.

Consultation:

The proposed policy was advertised for (14) fourteen days in the prescribed manner.

All contractors likely to be affected by the proposed policy have been contacted in writing.

At the conclusion of the advertising period no submissions were received.

Statutory Environment:

Health Act 1911,

Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974

Policy Implications:

Proposed policy attached as an appendice.

Financial Implications:

The average cost of a standard septic tank and leach drain installation is approximately \$10,000.00

The average cost of an aerobic treatment unit installation is \$15,000.00 with a quarterly maintenance requirement of \$90.00 per quarter.

In the event sewer becomes available a septic tank and leach drain will be destroyed and decommissioned while an aerobic treatment unit may be excavated and sold as a second hand unit.

Reuse of water in the domestic garden may assist in reducing water bills.

Statutory application fees are the same for both Aerobic Treatment Units and Septic Tanks.

Strategic Implications:

Council's vision for the environment is to support sustainable energy and seek solutions for innovative use of water, energy and other resources.

It is a priority for Council to explore options and improvements in the towns energy and water use.

Voting Requirements:

Absolute Majority Required: No

Site Inspection: Various sites inspected with failed leach
Site Inspection Undertaken: drains

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

While the installation of septic tanks and leach drains are initially cheaper to install, constant failure of leach drains is expensive as it is approximately \$ 800.00 per pump out.

Both effluent disposal systems have sludge tanks that require periodic pumping out, septic tanks additionally have leach drains that require pumping out.

Social Implications:

Failed leach drains create tensions between neighbours.

Environmental Implications:

Aerobic treatment unit's discharge treated effluent to a garden area where the effluent is disposed of by evaporation and transpiration through plants.

Effluent from septic tanks is dispersed through soil till the soil reaches saturation point, then the untreated effluent makes its way to the surface of the ground and in some cases, to the surface of the road resulting in an immediate health hazard and eventual pollution of waterways.

Officers Comment:

Considerable residential development has taken place in the past with septic tanks and leach drains being the only choice available for onsite effluent disposal where reticulated sewer is unavailable.

This has resulted in large numbers of septic tank installations being installed on small lots less than 2000 metres in area in the York Townsite.

Almost all residential areas in the York Townsite feature clay/loam soils that are not ideal for the distribution of effluent beneath the soil.

In addition to the above, seasonal high ground water levels and shallow rock layers contribute to leach drain failures causing effluent to be discharged to the surface of the ground.

Residential houses with 8 to 10 people residing within them generate more effluent than the existing soil types are capable of absorbing, again causing effluent to discharge to the surface of the ground.

The provision of reticulated sewer throughout the townsite is the preferred option for not only environmental health reasons, but to facilitate denser development on land that is currently unavailable for development due to the lack of sewer.

In the interim period prior to the installation of reticulated sewer, the installation of aerobic treatment units on small lots or environmentally sensitive areas is the preferred alternative to septic tanks and leach drains.

The Department of Housing is currently in the process of removing septic tanks and leach drains from two of its York townsite properties that have continually failed and is substituting Aerobic Treatment Units in accordance with the provisions of the proposed policy.

It is recommended that the proposed Onsite Effluent Disposal Policy be adopted and advertised in the prescribed manner.

Cr Roy Scott declared a Financial Interest to this item and left the room at 3.26pm.

RESOLUTION

061212

Moved: Cr Lawrance

Seconded: Cr Duperouzel

“That Council:

Adopt the proposed onsite effluent disposal policy and advertise the adoption of the policy in the prescribed manner.”

CARRIED: 5/0

Cr Scott returned to the room at 3.30pm.

Item 9.2.1 - Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.2 Application To Keep Three (3) Dogs

FILE NO: RS.ANC.1
COUNCIL DATE: 17 December, 2012
REPORT DATE: 03 September, 2012
LOCATION/ADDRESS: 44 Cardwell Rd, York 6302
APPLICANT: Sally Rae
SENIOR OFFICER: Mr Ray Hooper, CEO
REPORTING OFFICER: Ranger Services
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Permission Notes
Mr A. de Klerk, Mr W. Thompson

Summary:

An application has been received from Sally Rae requesting permission to keep three dogs on their property at 44 Cardwell Rd. 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 liaised with Mrs Sally Rae, owner of the property 44 Cardwell Rd. Mr Alan de Klerk of 42 Cardwell Rd. who has given permission for a 3rd dog to be kept on the property and Mr W. Thompson of 13 Hope St (directly behind 44 Cardwell Rd) who has also given permission for a 3rd dog to be kept on the property. There are no other immediate 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 inspected the property on the 03 September 2012 and has advised that there are no reasons to withhold the granting of an exemption to keep three dogs at the property.

The property is adequately fenced to contain the dogs and she only has one dog in residence at the moment.

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:

Mrs Rae has had no complaints in relation to any dogs on her property. She is requesting to keep a third dog in order to foster retired greyhounds.

It is recommended that Council agree to the granting of an exemption for the keeping of three dogs at 44 Cardwell Rd York 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.
- Each dog on the property must be registered with the Shire of York
- At each change in foster care the Shire is to be kept informed of dogs on property at any given time.

RESOLUTION

071212

Moved: Cr Smythe

Seconded: Cr Scott

“That Council:

Approve an exemption for the keeping of three dogs at 44 Cardwell Rd. York subject to the following conditions:

- ***That the exemption be reviewed in twelve months time 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 any time if any major or substantial problems are experienced prior to the review period.***
- ***The exemption applies only to the dogs nominated by the applicant.***
- ***Each dog must be registered with the Shire of York.***
- ***At each change in foster care the Shire is to be kept informed of dogs on the property at any given time.”***

CARRIED: 4/2

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.3 Proposed Temporary Accommodation Policy

FILE NO: BS.GEN.PPO
COUNCIL DATE: 17 December 2012
REPORT DATE: 3 December 2012
LOCATION/ADDRESS: Not Applicable
APPLICANT: Not Applicable
SENIOR OFFICER: Ray Hooper CEO
REPORTING OFFICER: Gordon Tester MHB
DISCLOSURE OF INTEREST: Nil
APPENDICES: Proposed Policy Information and Application Forms
DOCUMENTS TABLED: Nil

Summary:

Council is requested to consider adopting a Temporary Accommodation Policy in regards to occupying a caravan on appropriately zoned land while constructing a dwelling house.

This policy includes a proposed application fee.

Background:

At Council's ordinary meeting held on 17 September 2012, after due consideration of the proposed Temporary Accommodation Policy Council resolved as follows;

"That Council adopt the proposed temporary accommodation policy for the purpose of advertising".

Consultation:

This proposed policy was advertised for public comment for a minimum of (14) fourteen days prior to Council reconsidering it.

At the conclusion of the advertising period no submissions were received.

Statutory Environment:

Caravan Parks and Camping Ground Regulations 1997.

Building Regulations 2011.

Policy Implications:

Proposed new policy is attached as an append ice

Financial Implications:

It is proposed that an application fee of \$150.00 be adopted in Councils Fees and Charges for this policy.

Strategic Implications:

Council's vision for the Built Environment will sustain growing needs, providing housing for all ages and employment.

It is also a priority of Council to facilitate affordable and sustainable housing options.

Voting Requirements:
Absolute Majority Required: No

Site Inspection:
Site Inspection Undertaken: Not Applicable

Triple bottom Line Assessment:
Economic Implications:

It is the objective of this policy to enable owner builders to reside on their land while constructing their house should they wish to do so in a manner acceptable to Council negating the need for costly legal action when camping on land is carried out in an unauthorised manner.

Social Implications:

To avoid any negative social implications by camping on land in densely populated areas it is proposed that approval will only be considered in the following zoned land.

- Rural Town site
- Rural Residential
- Rural Small Holdings; and
- General Agriculture

Environmental Implications:

The proposed policy will address the need for an onsite effluent disposal system to be installed prior to camping on land. Camping will be required to be carried out in a manner that does not contravene any other written law or policy that will adversely affect the environment.

Officers Comment:

The aim of this policy is to permit the use of temporary accommodation on site to assist owner builders to construct a house on their land.

The policy clearly states Councils expectations in regards to maintaining satisfactory levels of health and safety and the need to remove any temporary structures at the completion of the house.

It is also proposed to provide an information pamphlet explaining the policy to applicants and a fee of \$150.00 will be required to cover inspection and processing costs.

There will also be a requirement for applicants to sign a statutory declaration stating that they fully understand their legislative obligations regarding matters pertaining to temporary camping while building a house.

**RESOLUTION
081212**

Moved: Cr Hooper

Seconded: Cr Scott

“That Council:

Adopt the proposed Temporary Accommodation Policy and advertise the adoption of the policy in the prescribed manner.”

CARRIED: 6/0

Item 9.2.3 - Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.4 Health and Wellbeing Policy

FILE NO:
COUNCIL DATE: 17 December 2012
REPORT DATE: 10 December 2012
LOCATION/ADDRESS: Shire of York
APPLICANT: N/A
SENIOR OFFICER: Ray Hooper, CEO
REPORTING OFFICER: Tyhscha Cochrane, DCEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Draft – Health and Wellbeing Policy
DOCUMENTS TABLED: Nil

Summary:

That Council endorse the draft policy to show its support and commitment to promoting health and wellbeing for its employees.

Background:

The Shire of York encourages the use of various services for its employees through programmes provided by Health on the Move. These services include complete health checks every two years, sun care, ergonomics etc.

Consultation:

Staff.

A survey of the staff showed 13 administration and 16 outside staff supported the creation of a Policy.

Statutory Environment:

Not applicable.

This is in no way linked to the Workplace Agreements and should be kept separate.

Policy Implications:

N/A.

Financial Implications:

Currently the costs of entry into the gymnasium, squash, swimming pool are as per the following breakups:

New Gym	Usage 1 July 2012 - 30 June 2013			
	Annual Membership Fee - Individual	400.00	40.00	440.00
	Annual Membership Fee - Pensioners/Seniors - p/p (50% discount)	200.00	20.00	220.00
	Annual Membership Fee - Juniors p/p (13 to 17) (50% discnt)	200.00	20.00	220.00
	6 Months Membership Fee - Individual	240.00	24.00	264.00
	6 Mths Membership Fee - Pensioners/Seniors - p/p (50% discount)	120.00	12.00	132.00
	6 Mths Membership Fee - Juniors p/p (13 to 17) (50% discnt)	120.00	12.00	132.00
	Interim Membership Current Date of Application to 30/06/13 - Adult/Individual – per month	40.00	4.00	44.00

Interim Membership Current Date of Application to 30/06/13 - Pensioners/Seniors per month	20.00	2.00	22.00
Interim Membership Current Date of Application to 30/06/13 - Juniors (13 -17) – per month	20.00	2.00	22.00
Squash			
Annual Charge - per person	140.00	14.00	154.00
Quarterly charge - per person Quarter defined: Jul - Sept, Oct - Dec, Jan - Mar, Apr - Jun	50.00	5.00	55.00

Swimming Pool			
Admission			
Adult	2.73	0.27	3.00
Children	2.73	0.27	3.00
Seniors & Eligible Pensioners	1.36	0.14	1.50
Spectators	0.91	0.09	1.00
Season Passes			
Single	77.27	7.73	85.00
Half Single- Open to 31 December or 1 January to Closing Day	40.91	4.09	45.00
Family - 2 Adults and 2 Children Only OR 1 Adult and 3 Children	163.64	16.36	180.00
Half Family -Open to 31 December or 1 January to Closing Day (Family Season Pass: adult/s and their dependant children)	90.91	9.09	100.00
Pensioners/Seniors with a valid card 50% of the above fees			

A fee of \$50.00 per staff member is payable upon signing up as a member of the gym or squash courts. This covers administration time, issue of a toggle etc.

Conditions will be attached to the use of Council facilities, such as if a staff member leaves the employment of the Shire of York the toggle is to be returned or the remainder of the months left be paid in advance prior to a termination pay being completed.

Strategic Implications:

Strengthen Shire Leadership – Retain and Attract the Right People to do the Work.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not Applicable

Triple bottom Line Assessment:

Economic Implications:

A nominal fee may be considered appropriate to impose due to administration time in providing a membership.

Social Implications:

Recognises staffs efforts and offers more than the average Council, which assists with the retention and attraction of staff.

Environmental Implications:

Nil.

Officers Comment:

The Policy may be considered as part of an employment enhancement package, however these do not always come cheap and costs can escalate as the workforce grows. It is also very awkward to take something away once it is offered, so thought into a complete employment enhancement package needs to be given.

The objective of this Policy is to provide relatively low level financial support, as an incentive for staff to remain or attract new staff at the Shire of York.

RESOLUTION

091212

Moved: Cr Smythe

Seconded: Cr Scott

“That Council endorse the Health and Wellbeing Policy attached and labelled Appendix A.”

CARRIED: 6/0

Item 9.2.4 - Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.5 WALGA - Request For Council Support – Cash For Cans

FILE NO: HS.WDL.3
COUNCIL DATE: 17 December 2012
REPORT DATE: 5 December 2012
LOCATION/ADDRESS: Not Applicable
APPLICANT: WALGA
SENIOR OFFICER: Ray Hooper CEO
REPORTING OFFICER: Gordon Tester MHB
DISCLOSURE OF INTEREST: Nil
APPENDICES: Cash For Cans Logo
DOCUMENTS TABLED: Nil

Summary:

WALGA is currently advocating for a cash for containers scheme for WA.

The Association is seeking Councils support for this initiative by requesting that Council promote the Cash for Containers website by including the following message or similar on its website.

Want to support a cash for containers scheme for a 10 cent deposit on all beverage containers (like they have in South Australia)?

Visit the Cash for Containers Website and sign the online petition <http://cash4containers.org.au/action/support-wa-cash-containers-scheme>

Background:

Cash for Containers Schemes (or Container Deposit Schemes or Legislation) have been around for a long time. Everyone is familiar with the South Australian Container Deposit Legislation (CDL), where consumers receive 10 cents back for recycling their used beverage containers at collection depots. CDL in South Australia has been in place since 1977, and is extremely successful. It is widely acknowledged that it would be politically unwise for any political party to attempt to remove CDL. A recent survey conducted by the South Australian Environmental Protection Authority (EPA) found 98% of the South Australian population supported CDL.

WALGA, through the Container Deposit Systems Policy Forum, has initiated an advocacy campaign to encourage all political parties to commit to implementing a WA based Cash for Containers Scheme. Implementing this type of Scheme at a National level has been discussed for a number of years. However, it is unlikely that the current Federal level discussions will result in tangible outcomes in the near future.

Consultation:

Nil

Statutory Environment:

Environmental Protection Act
Litter Act

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Will contribute to helping preserve and sustain the natural environment by reducing litter.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Minor expense will be incurred for employees time in modifying the website.

Social Implications:

Provides a possible funding source for community groups .

Environmental Implications:

A litter free environment due to containers being collected for cash is a positive outcome for the environment.

Officers Comment:

The South Australian experience is one of reduced litter and majority of residents support for the cash for cans concept.

It is recommended that Council support WALGA in their quest for container deposit legislation in Western Australia by placing a link on Council's website promoting the concept and using the campaign logo.

RESOLUTION

101212

Moved: Cr Hooper

Seconded: Cr Smythe

"That Council:

Support WALGA by promoting the Cash for Containers Website on Councils website by indicating the following message.

...Want to support a Cash for Containers Scheme for a 10 cent deposit on all beverage containers(like they have in South Australia)?...

Visit the cash for Containers Website and sign the online petition <http://cash4containers.org.au/support-wa-cash-containers-scheme>."

CARRIED: 6/0

Item 9.2.5 - Appendices

9. OFFICER'S REPORTS

9.2 ADMINISTRATION REPORTS

9.2.6 Residency Museum – Summary of Activities 2012

FILE NO:	CCP.11
COUNCIL DATE:	17 December 2012
REPORT DATE:	6 December 2012
LOCATION/ADDRESS:	Residency Museum, Brook St, York
APPLICANT:	N/A
SENIOR OFFICER:	J Jurmann, MPS
REPORTING OFFICER:	C Littlefair, Curator
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Nil
DOCUMENTS TABLED:	Nil

Summary:

This report provides Council and the community a summary of the activities undertaken at the Residency Museum during 2012.

Background:

The Residency Museum is managed by the Shire of York employing a part-time (0.5EFT) professional Curator, plus community volunteers who open the Museum to the public.

General administration of the Museum, answering of public enquiries and requests for photographic images, updating the Museum object database (MOSAIC) and liaison with the local community is constant and ongoing.

In 2012, the activities of the Museum can be summarised as follows:

- The Curator and volunteers dismantled the Town Hall Centenary Exhibition “York Town Hall – The Halcyon Years’. Permanent interpretation of the building is now available through the exhibition banners, which were designed to enable post-event use.
- An inventory of the Shire Art Collection was undertaken and records added to the Museum database.
- A Disaster Plan has been drafted and Emergency conservation supplies kit compiled for the Museum.
- An interstate loan of two important historic embroidered samplers to the Yarra Valley Museum, Victoria was arranged to contribute to the national sampler exhibition ‘Practice Makes Perfect’.
- Revision of all the Education material, including worksheets and teacher’s resources has been undertaken to bring these materials into line with the new National Curriculum for History, shifting focus from the WA State Curriculum Society and Environment. This has been a major project for the Curator who has been assisted by Cathy Clarke from YDHS. YDHS are regional leaders in adoption of the new History Curriculum. Significantly, the Museum has been accepted onto the WA Education Department Excursion Provider’s List and hope to ‘go live’ once the Shire website has been updated in early 2013.
- Considerable preparatory work is underway to update the Museum section of the Shire website.
- A concept has been developed to re-use historic style telephone boxes as exciting, attractive and informative enhancements to the York streetscape, using a map and prints from the Residency Museum photographic collection in the windows of the telephone boxes. Known as the Red Tardis Project, the phone boxes will promote and raise public awareness of The Residency Museum and its collections, York’s historic buildings, the diversity of Heritage Walk and Drive Trails in the area complementing the services of the Visitor Information Centre.

- A Conservation grant application has been submitted to LotteryWest for conservation of Town Hall photographs and equipment for storage at the Museum.
- Several new hands-on activities have been added, the Museum now has over 20 children's activities interspersed throughout the exhibitions.
- The Curator and two volunteers staffed a display stand at the WA Museum during National Archaeology Week to promote the Residency Museum
- The Curator attended a Copyright training course run by the State Library of WA and the State Museums Australia Conference in addition to attendance at Local Government Curator's Group and Wheatbelt Chapter of Museums Australia meetings throughout the year.
- Conservation of one of the pair of Miner's Couches, a rare piece of jarrah furniture, was completed and returned to the Museum.
- A small exhibition with the theme of Community Celebrations was installed in the Town Hall Art Gallery.
- An Interpretation Workshop in conjunction with Museums Australia was run by the Curator at the Residency Museum for museums in the Wheatbelt area.
- An Afternoon tea was held for the Noongar community and Wheatbelt NRM (funding body) to celebrate the completion of the paintings on rocks for the Noongar Garden Walk.
- 14 group visits were hosted at the Museum including seniors, guides and brownies.
- A geocache was placed in the Museum grounds. (Geocaching is a hi-tech orienteering / trail activity that uses GPS co-ordinates and clues to locate specific places or landmarks.)
- 53 objects and 30 photographs were added to the Museum collection, some from the existing backlog and several new donations. A few of the most significant were:
 - A set of wine glasses originally from Faversham House;
 - a local 1939 wedding dress;
 - York vehicle number plates;
 - 175th Anniversary Banner;
 - a 1937 photograph of newsagent's shop;
 - c.1953 photographs of the commissariat building, part of the Convict Depot not now existent.

Also received and awaiting processing are:

- a pair of c.1860's chairs from Bridge House;
- an apothecary's bag once the property of Lionel Obeithio Sargent;
- a handwritten Presentation Address to Mr F Jones, railway employee at York in 1900; and
- numerous small articles from the estate of Tony Clack, including a projector camera used at York Town Hall.

All donations are strictly assessed in line with the Museum's Collecting Policy.

A Marketing Strategy is currently being developed by the Museum Curator for the Museum that will take into consideration wider implications for promotion of York's heritage and is liaising with the staff of the Visitor Information Services and York Recreation and Convention Centre for this purpose.

Consultation:

The Museum's Committee, volunteers and others are consulted about the activities of the Museum.

Statutory Environment:

Not applicable.

Policy Implications:

Not applicable.

Financial Implications:

Activities and initiatives are funded in SOY budget and through grants. Day-to-day operations of the Museum rely heavily on volunteers.

Strategic Implications:

The activities described above are in line with the Shire of York Community Strategic Plan as follows:

Vision:

- A place of history and cultural interests, where past history is valued, building a sense of permanency and pride.

Goals – Social:

- Build and strengthen community, culture, vibrancy and energy.
- *Community Priorities Against Key Areas: Social* – Strengthen the Cultural and Historical Significance of York.

Goals – Economic

- Value, protect and preserve our heritage and past.
- *Community Priorities Against Key Areas: Economic* – Increase Visitors / Support York as a Regional Place to Visit / Build tourism capability through events, arts, history, walkways, and cultural experiences.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

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

There are no economic implications associated with this report.

Social Implications:

Continuing care of York's heritage will support community identity and pride in the town through the recognition and valuing of the area's unique cultural and historic significance. Volunteering is important to contributing to sense of place and community pride.

Environmental Implications:

There are no environmental implications associated with this report.

Officers Comment:

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

Changing demographics in York since the Museum opened in 1972 mean that there is an increasing shortage of volunteers, which affects the operation and opening of the Museum. National trends show that this is not likely to be reversed. The current level of tourism in York has had a direct impact on visitor numbers to the Museum. The focus of the Curator's work during 2013 will be to focus on marketing, the development of education programmes for schools and targeting of group bookings to develop more sustainable patronage.

RESOLUTION

111212

Moved: Cr Smythe

Seconded: Cr Scott

"That Council:

Receives the report from the Curator of the Residency Museum and acknowledges the extensive work of the Curator and volunteers in 2012."

CARRIED: 6/0

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

FILE NO: CS.LCS.8.1
COUNCIL DATE: 17 December, 2012
REPORT DATE: 7 December, 2012
LOCATION/ADDRESS: N/A
APPLICANT: Shire of York
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: Information Services Officer
DISCLOSURE OF INTEREST: Nil
APPENDICES: Appendix A and B
DOCUMENTS TABLED: Nil

Summary:

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

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

The Information Services are recording additional information on the visitor numbers visiting the Town Hall for such things as shopping, information only, events, family history, sightseeing, and walks. This count will assist any grant applications in the future and are available on request.

The number of visitors coming through the doors in November 2012 was **793** and the count of York maps outside the Information Office and the Town Hall sliding doors was **343** as compared to **1276** in 2011.

The York maps outside the Town Hall sliding door and the Information Services Office do not go into the visitor count for the month it is shown separate on the spreadsheet.

- **Product Sales-** (Appendix B) Net sales for the month of November 2012 were **\$434.40** compared to **\$1201.80** for the same period 2011.

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

- **Request for Services** - There are certain services that visitors ask for (verbally) on a regular basis, these include:
 - Souvenir Gold Coin Machine 23
 - Laundromat 8
 - Cool drink & water to be supplied in Town Hall 13
 - Public showers required 8
 - Taxi or tour bus transport 10

Please note that the Souvenir Gold Coin Machine is a highly recognisable vending machines which stamps a souvenir coin which is a high quality brass coin designed in WA and proudly manufactured in Australia. The Souvenir Gold Coin Machine can be seen wherever you go around WA.

- **Christmas / New Years Trading Hours** - York Information Services Officers are in the process of emailing all local business asking for details of opening/closing times over the Christmas / New Year period.
- **Complaints** - These are usually received by way of verbal feedback, with the occasional Council Action Request form, letter, or email received. The most common over the month of **November 2012** were:
 - Lack of attractions and businesses available Monday and Tuesday
 - Lack of places to eat of Monday and Tuesday nights
 - Lack of places to get lunch after 2pm
 - Places closing around the same time 3pm or 3.30pm over the weekends
 - The attraction places entry fees are too expensive
 - Places closing early during the day when you are supposed to open.
 - No transport around town for visitors e.g. taxi, tour buses

Background:

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

Consultation:

Shire of York and local business proprietors

Statutory Environment:

Nil

Policy Implications:

Not Applicable

Financial Implications:

A cold water dispenser similar to the unit in the Shire office kitchen can be installed on approximate cost of \$90 per month.

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

121212

Moved: Cr Smythe

Seconded: Cr Lawrance

“That Council:

(1)Receive the November 2012 report prepared by York Information Services.

(2)Arrange for cold water dispensing at the York Town Hall.”

CARRIED: 6/0

Item 9.2.7 - Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.8 Youth Report for November, 2012

FILE NO: CS.LCS.6
COUNCIL DATE: 17th December, 2012
REPORT DATE: 7th December, 2012
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:

- **Wheatbelt Basketball** – The last game/presentation night was held at the Northam Recreation Centre on Monday 3rd December, 2012. The Youth Development Officer took several youth from Beverley and York. Teams from Kellerberrin, Moora, Quairading, Beverley, York and Northam attended and once the games finished were presented with a basketball, trophy and wristband each. The Shire of York was presented with a framed picture of the different Towns represented in appreciation of their support and funding.
- **Disco** – The end of term/Christmas Disco will be held in the Town Hall on the 14th December, 2012 for all children from York and surrounding Districts. Debbie Eastwell from Fun Karaoke provides the music for the day and Youth Development Officer will be searching for a “Father Christmas” to come and give all the children lollies on the day, normally at 4.30pm.
- **Holiday Programme** – Waiting for quotes from Sorrento Surf Lifesaving Club to have a day at their club with beach games, paddling and different Club activities related to Surf Lifesaving. We will be having lunch at Hillarys Boat Harbour. The anticipated date for this event is Friday 25th January, leaving York at 8am and the estimated cost will \$20 each.
- **York Youth Centre** – The Youth Centre is scheduled to be open on Monday, Wednesday and Friday from 9am-1pm during the School Holidays.

Discussions have been held with Ivy Penny from CANWA regarding the potential for an Urban Crew to run a “hip hop” workshop in York in the January School Holidays.

- **Sharing Stories Grant** – A grant application to CANWA for \$5,000 to have Urban Artist, Darren Hutchens, work with youth to paint the “tennis hit-up wall” at the Candice Bateman Memorial Park has been submitted. Proposed dates for the project are March 23/24/25 2013.
- **Forrest Street Oval Water Tanks Grant** – Discussions held with Roadwise, York Police and the RAC Grants Department to work with youth to paint Road Safety messages on the water tanks on the edge of the Forrest Street Oval, opposite the York District High School. The Youth Development Officer and Constable Amy Taylor would like to combine the Police project of supplying helmets with the artwork on the tanks. Also under consideration is a Family Cycle Training Program on the same weekend.

Background:

The 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:

The Shire of York's 2012 Strategic Community Plan:

Community Priorities Against Key Areas –***Social: Building a Sense of Community***

Our objectives and priorities are built from our shared outcomes.

- *Outcomes - Community Needs and Services are met*
- *Objectives – Ensure Access to Services as Needs Change within the Community*
- *Priorities – Develop a Youth Plan to capture specific youth activities and opportunities*

Built Environment: Enhanced Lifestyle Choices

Our objectives and priorities are built from our shared outcomes.

- *Outcomes – Improved Quality of Our Assets*
- *Objectives – Upgrade and Maintain Our Infrastructure*
- *Priorities – Provide and maintain facilities for youth and aged services*

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

131212

Moved: Cr Duperouzel

Seconded: Cr Smythe

“That Council:

Receives this report from the Youth Development Officer.”

CARRIED: 6/0

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.9 Waterwise Council

FILE NO: UT.WSP
COUNCIL DATE: 17 December, 2012
REPORT DATE: 7 December, 2012
LOCATION/ADDRESS: Shire of York
APPLICANT: Water Corporate
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: R Hooper, CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Memorandum of Understanding
DOCUMENTS TABLED: Nil

Summary:

The Water Corporation invites the Shire of York to join the Waterwise Programme as a partnership arrangement to better manage water consumption and use.

Background:

Nil

Consultation:

Water Corporation

Statutory Environment:

The Waterwise Programme is a no obligation arrangement.

Policy Implications:

Nil

Financial Implications:

Nil at this stage however there will be some staff training costs in the future which will generally be met from existing training budget allocations.

Strategic Implications:

The Shire of York's 2012 Strategic Community Plan:

Environment: Preserving and Sustaining Our Natural Environment

Our Vision - We will support sustainable energy and seek solutions for innovative use of water, energy and other resources.

Our objectives and priorities are built from our shared outcomes.

- *Outcomes - Efficient Use of Natural Resources*
- *Objectives - Support Sustainable and Renewable Resource Management*
- *Priorities - Explore options and improvements in the town's energy and water use*

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not Applicable

Triple bottom Line Assessment:

Economic Implications:

Nil

Social Implications:

Waterwise programmes can provide assistance and advice to all property owners as a social benefit to the Local Government participation.

Environmental Implications:

With the implications and effects of climate change and the rising cost of water the programme is an environmental support mechanism.

Officers Comment:

The Waterwise Programme has extensive participation and support across the State and entering into a Memorandum of Understanding is seen as a positive action.

RESOLUTION

141212

Moved: Cr Smythe

Seconded: Cr Duperouzel

“That Council:

Authorise the entering into a Memorandum of Understanding arrangement between the Water Corporation and the Shire of York for participation in the Waterwise Programme.”

CARRIED: 6/0

Item 9.2.9 - Appendices

9. OFFICER'S REPORTS

9.2 ADMINISTRATION REPORTS

9.2.10 Sale of Land – Lots 2-6 Avon Terrace & Lot 13 Redmile Road

FILE NO: AV1.60050
COUNCIL DATE: 17 December, 2012
REPORT DATE: 6 December, 2012
LOCATION/ADDRESS: Avon Terrace, York
APPLICANT: Avon Community Development Foundation
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: R Hooper, CEO
DISCLOSURE OF INTEREST: Cr Boyle – Financial – Board Member of ACDE
APPENDICES: Correspondence from Mia Davies MLC
DOCUMENTS TABLED: Nil

Summary:

The Avon Community Development Foundation has advised that the Minister for Regional Development and Lands has approved the transfer of the Workers Housing Project from York to Northam.

Background:

On 19th September, 2011 Council entered into an agreement for ACDF to purchase the Old Powerhouse lots for a workers housing project to meet part of the regional employment demand. ACDF received a significant government grant in excess of \$3 million to fund the construction.

The site has undergone high level contamination assessment at a cost of \$94,000 to date arising from a complaint by an adjoining landowner and plans are being formulated for any necessary remediation works.

Unfortunately, after no discussion or consultation with the Shire of York, the Avon Community Development Foundation has made application to the State Government to transfer the project from York to Northam to a site already negotiated despite an agreement being in place for the York purchase.

York had an alternative site available for the project if the powerhouse lots were deemed to be not suitable for development.

Despite repeated requests no development application or building plans have been submitted for consideration and approval to allow the project to proceed when the funding was allocated.

Consultation:

Avon Community Development Foundation
Hon B. Grylls MLA
Member for Agricultural Region – Mia Davies MLC
Member for Agricultural Region – Max Trenorden MLC
Member for Agricultural Region – Brian Ellis MLC
Member for Agricultural Region – Jim Chown MLC
Minister for Housing

Statutory Environment:

Not applicable at this stage.

Policy Implications:

Nil

Financial Implications:

The 2012/13 budget provides for income of \$550,000 (inclusive of GST) for this land sale and the loss of this level of funding will require a financial review for budget savings or alternative property sales.

Strategic Implications:

The Shire of York's 2012 Strategic Community Plan:

Built Environment: Enhanced Lifestyle Choices - Our Vision

- *Our built environment will sustain our growing needs, providing housing for all ages and employment.*
- *People will have choice in housing and be able to walk to shops and services within friendly village atmospheres.*

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not Applicable

Triple bottom Line Assessment:

Economic Implications:

The transfer of this regional level project to Northam which already receives significant SuperTown funding makes a mockery of the regional economy approach and centralises more residential development and employment opportunities into Northam to the severe detriment of a sub-regional centre.

There will be a flow-on effect for York through the loss of grant income based on population, loss of local spending by occupants, loss of rate income, etc.

Social Implications:

New residential development has high social impact as people become involved in the community through recreation, education, organisations and other factors of social cohesion and inclusiveness.

Environmental Implications:

All environmental issues associated with the site can be dealt with under standard engineering and environmental management processes.

Officers Comment:

This decision by the State Government and the actions of the Avon Community Development Foundation support the contention that regional development and growth in the Avon is Northam centric and other towns can and will be ignored.

Cr Tony Boyle declared a Financial Interest to this item and left the room at 3.42pm.

Deputy Shire President Cr Roy Scott took the Chair.

**RESOLUTION
151212**

Moved: Cr Hooper

Seconded: Cr Lawrance

“That Council:

- 1. Cancel the Shire of York membership of the Avon Community Development Foundation effective immediately.***
- 2. Advise the Avon Community Development Foundation that the Shire of York withdraws the nomination of Cr Tony Boyle as a Board Member of ACDF effective immediately.***
- 3. Advise all sitting Members of Parliament for the region and aspiring candidates for the 2013 State Elections of the extreme disappointment and dissatisfaction with the decision made, the processes involved and the lack of consultation with the Shire of York in relation to this action.”***

CARRIED: 3/2

Cr Boyle returned to the room at 3.46pm and resumed the Chair.

Item 9.2.10 - Appendices

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

FILE NO: OR.RDT.5
COUNCIL DATE: 17 December, 2012
REPORT DATE: 11 December 2012
LOCATION/ADDRESS: South East Avon Region –
York, Quairading, Cunderdin & Tammin
APPLICANT: Regional Transition Group
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: R Hooper, CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Current State Versus Future State Strengths and
Weaknesses Analysis
Drivers of Structural Reform
Recommendation to the SEARTG Board
DOCUMENTS TABLED: Service Delivery Plans, Rating Study,
Business Plan

Summary:

The member Local Governments of the South East Avon Regional Transition Group – York, Quairading, Tammin and Cunderdin – resolved unanimously on the 11th December, 2012 to recommend to the respective Councils for the structural reform process to move to the next stages being referred to the Local Government Advisory Board and negotiations with the State Government on transition costs so that in the event of an amalgamation there are no financial burdens on the communities.

Background:

The South East Avon Regional Transition Group was formed from the South East Avon Voluntary Regional Organisation of Councils (SEAVROC) to progress the structural reform process beyond the collaborative alliance with no statutory powers.

The original SEAVROC comprised the Shires of Cunderdin, Quairading, Beverley, Brookton and York with Brookton leaving to form a Transition Group with Pingelly and the Shire of Tammin as the replacement Local Government.

The Shires of York, Cunderdin, Quairading, Tammin and Beverley entered into an Agreement with the State Government in August 2010 to progress structural reform with Government funding for Asset Management Plans, Business Plans and Community Strategic Plans as a precursor to a resolution on amalgamation.

In August 2012 the Shire of Beverley withdrew from the Regional Transition Group however it remains part of SEAVROC and there are ongoing shared services in place.

Amalgamation of all or some of the participating Local Governments was and remains an objective for the State Government if all due processes and analysis supported a merger.

Consultation:

State Government
Department of Local Government
WA Local Government Association
Community
Members of Parliament
Consultants
Individuals

Statutory Environment:Local Government Act 1995 - Sect 2.1 - State divided into districts

(1) *The Governor, on the recommendation of the Minister, may make an order —*

(a) *declaring an area of the State to be a district; or*

(b) *changing the boundaries of a district; or*

(c) *abolishing a district; or*

(d) *as to a combination of any of those matters.*

(2) *Schedule 2.1 (which deals with creating, changing the boundaries of, and abolishing districts) has effect.*

(3) *The Minister can only make a recommendation under subsection (1) if the Advisory Board has recommended under Schedule 2.1 that the order in question should be made.*

Local Government Act 1995 - Schedule 2.1

[Section 2.1(2)]

1 . Terms used

In this Schedule, unless the contrary intention appears —

affected electors , *in relation to a proposal, means —*

(a) *electors whose eligibility as electors comes from residence, or ownership or occupation of property, in the area directly affected by the proposal; or*

(b) *where an area of the State is not within or is not declared to be a district, people who could be electors if it were because of residence, or ownership or occupation of property, in the area directly affected by the proposal;*

affected local government *means a local government directly affected by a proposal;*

notice *means notice given or published in such manner as the Advisory Board considers appropriate in the circumstances;*

proposal *means a proposal made under clause 2 that an order be made as to any or all of the matters referred to in section 2.1.*

2 . Making a proposal

(1) *A proposal may be made to the Advisory Board by —*

(a) *the Minister; or*

(b) *an affected local government; or*

(c) *2 or more affected local governments, jointly; or*

(d) *affected electors who —*

(i) *are at least 250 in number; or*

(ii) *are at least 10% of the total number of affected electors.*

(2) *A proposal is to —*

(a) *set out clearly the nature of the proposal, the reasons for making the proposal and the effects of the proposal on local governments; and*

(b) *be accompanied by a plan illustrating any proposed changes to the boundaries of a district; and*

(c) *comply with any regulations about proposals.*

[Clause 2 amended by No. 49 of 2004 s. 67(2).]

3 . Dealing with proposals

(1) *The Advisory Board is to consider any proposal.*

(2) *The Advisory Board may, in a written report to the Minister, recommend* that the Minister reject a proposal if, in the Board's opinion —*

(a) the proposal is substantially similar in effect to a proposal on which the Board has made a recommendation to the Minister within the period of 2 years immediately before the proposal is made; or

(aa) where the proposal was made by affected electors under clause 2(1)(d), that the majority of those electors no longer support the proposal; or

(b) the proposal is frivolous or otherwise not in the interests of good government.

** Absolute majority required.*

(3) *If, in the Advisory Board's opinion, the proposal is —*

(a) one of a minor nature; and

(b) not one about which public submissions need be invited,

the Board may, in a written report to the Minister, recommend that the Minister reject the proposal or that an order be made in accordance with the proposal.*

** Absolute majority required.*

(4) *Unless it makes a recommendation under subclause (2) or (3), the Advisory Board is to formally inquire into the proposal.*

[Clause 3 amended by No. 64 of 1998 s. 52(2); No. 49 of 2004 s. 67(3).]

4 . Notice of inquiry

(1) *Where a formal inquiry is required the Advisory Board is to give —*

(a) notice to affected local governments, affected electors and the other electors of districts directly affected by the proposal; and

(b) a report to the Minister.

(2) *The notice and report under subclause (1) are to —*

(a) advise that there will be a formal inquiry into the proposal; and

(b) set out details of the inquiry and its proposed scope; and

(c) advise that submissions may be made to the Board not later than 6 weeks after the date the notice is first given about —

(i) the proposal; or

(ii) the scope of the inquiry.

(3) *If, after considering submissions made under subclause (2)(c), the Advisory Board decides* that the scope of the formal inquiry is to be significantly different from that set out in the notice and report under subclause (1), it is to give —*

(a) another notice to affected local governments, affected electors and the other electors of districts directly affected by the proposal; and

(b) another report to the Minister.

(4) *The notice and report under subclause (3) are to —*

(a) set out the revised scope of the inquiry; and

(b) advise that further submissions about the proposal, or submissions about matters relevant to the revised scope of the inquiry, may be made to the Board within the time set out in the notice.

** Absolute majority required.*

5 . Conduct of inquiry

(1) *A formal inquiry is to be carried out, and any hearing for the purposes of the inquiry is to be conducted, in a way that makes it as easy as possible for interested parties to participate fully.*

(2) *In carrying out a formal inquiry the Advisory Board is to consider submissions made to it under clause 4(2)(c) and (4)(b) and have regard, where applicable, to —*

(a) community of interests; and

(b) physical and topographic features; and

(c) demographic trends; and

(d) economic factors; and

(e) the history of the area; and

(f) transport and communication; and

(g) matters affecting the viability of local governments; and

(h) the effective delivery of local government services,

but this does not limit the matters that it may take into consideration.

6 . Recommendation by Advisory Board

(1) After formally inquiring into a proposal, the Advisory Board, in a written report to the Minister, is to recommend* —

(a) that the Minister reject the proposal; or

(b) that an order be made in accordance with the proposal; or

(c) if it thinks fit after complying with subclause (2), the making of some other order that may be made under section 2.1.

* Absolute majority required.

(2) The Advisory Board is not to recommend to the Minister the making of an order that is significantly different from the proposal into which it formally inquired unless the Board has —

(a) given* notice to affected local governments, affected electors and the other electors of districts directly affected by the recommendation of its intention to do so; and

(b) afforded adequate opportunity for submissions to be made about the intended order; and

(c) considered any submissions made.

* Absolute majority required.

7 . Minister may require a poll of electors

In order to assist in deciding whether or not to accept a recommendation of the Advisory Board made under clause 6, the Minister may require that the Board's recommendation be put to a poll of the electors of districts directly affected by the recommendation.

8 . Electors may demand poll on a recommended amalgamation

(1) Where the Advisory Board recommends to the Minister the making of an order to abolish 2 or more districts (the **districts**) and amalgamate them into one or more districts, the Board is to give notice to affected local governments, affected electors and the other electors of districts directly affected by the recommendation about the recommendation.

(2) The notice to affected electors has to notify them of their right to request a poll about the recommendation under subclause (3).

(3) If, within one month after the notice is given, the Minister receives a request made in accordance with regulations and signed by at least 250, or at least 10%, of the electors of one of the districts asking for the recommendation to be put to a poll of electors of that district, the Minister is to require that the Board's recommendation be put to a poll accordingly.

(4) This clause does not limit the Minister's power under clause 7 to require a recommendation to be put to a poll in any case.

[Clause 8 amended by No. 64 of 1998 s. 52(3).]

9 . Procedure for holding poll

(1) Where, under clause 7 or 8, the Minister requires that a recommendation be put to a poll —

(a) the Advisory Board is to —

(i) determine the question or questions to be answered by electors; and

(ii) prepare a summary of the case for each way of answering the question or questions;

and

(b) any local government directed by the Minister to do so is to —

(i) in accordance with directions by the Minister, make the summary available to the electors before the poll is conducted; and

(ii) subject to subclause (2), declare* the Electoral Commissioner, or a person approved by the Electoral Commissioner, to be responsible for the conduct of the poll under Part 4, and return the results to the Minister.

* Absolute majority required.

(2) Before making a declaration under subclause (1)(b)(ii), the local government is to obtain the written agreement of the Electoral Commissioner.

[Clause 9 amended by No. 49 of 2004 s. 67(4) and (5).]

10 . Minister may accept or reject recommendation

(1) Subject to subclause (2), the Minister may accept or reject a recommendation of the Advisory Board made under clause 3 or 6.

(2) If at a poll held as required by clause 8 —

(a) at least 50% of the electors of one of the districts vote; and

(b) of those electors of that district who vote, a majority vote against the recommendation, the Minister is to reject the recommendation.

(3) If the recommendation is that an order be made and it is accepted, the Minister can make an appropriate recommendation to the Governor under section 2.1.

10A. Recommendations regarding names, wards and representation

(1) The Advisory Board may —

(a) when it makes its recommendations under clause 3 or 6; or

(b) after the Minister has accepted its recommendations under clause 10, in a written report to the Minister, recommend the making of an order to do any of the things referred to in section 2.2(1), 2.3(1) or (2) or 2.18(1) or (3) that the Board considers appropriate.

(2) In making its recommendations under subclause (1) the Advisory Board —

(a) may consult with the public and interested parties to such extent as it considers appropriate; and

(b) is to take into account the matters referred to in clause 8(c) to (g) of Schedule 2.2 so far as they are applicable.

[Clause 10A inserted by No. 64 of 1998 s. 52(4).]

11 . Transitional arrangements for orders about districts

(1) Regulations may provide for matters to give effect to orders made under section 2.1 including —

(a) the vesting, transfer, assumption or adjustment of property, rights and liabilities of a local government;

(b) the extinguishment of rights of a local government;

(c) the winding up of the affairs of a local government;

(d) the continuation of actions and other proceedings brought by or against a local government before the taking effect of an order under section 2.1;

(e) the bringing of actions and other proceedings that could have been brought by or against a local government before the taking effect of an order under section 2.1;

(f) if the effect of an order under section 2.1 is to unite 2 or more districts, the determination of the persons who are to be the first mayor or president, and deputy mayor or deputy president, of the new local government;

(g) the continuation of any act, matter or thing being done under another written law by, or involving, a local government.

(2) Subject to regulations referred to in subclause (1), where an order is made under section 2.1 any local governments affected by the order (including any new local government created as a result of the order) are to negotiate as to any adjustment or transfer between them of property, rights and liabilities.

(3) Where an order is made under section 2.1 the Governor may, by order under section 9.62(1), give directions as to any of the matters set out in subclause (1) if, and to the extent that, those matters are not resolved by regulations referred to in that subclause or by negotiation under subclause (2).

(4) A contract of employment that a person has with a local government is not to be terminated or varied as a result (wholly or partly) of an order under section 2.1 so as to make it less favourable to that person unless —

(a) compensation acceptable to the person is made; or

(b) a period of at least 2 years has elapsed since the order had effect.

(5) The rights and entitlements of a person whose contract of employment is transferred from one local government to another, whether arising under the contract or by reason of it, are to be no less favourable to that person after the transfer than they would have been had the person's employment been continuous with the first local government.

(6) If land ceases to be in a particular district as a result of an order under section 2.1, any written law that would have applied in respect of it if the order had not been made continues to apply in respect of the land to the extent that its continued application would be consistent with —

(a) any written law made after the order was made; and

(b) any order made by the Governor under subclause (8).

(7) Regulations may make provision as to whether or not, or the modifications subject to which, a written law continues to apply in respect of land under subclause (6).

(8) The Governor may, in a particular case, by order, vary the effect of subclause (6) and regulations made in accordance with subclause (7).

[Clause 11 amended by No. 64 of 1998 s. 52(5).]

Policy Implications:

Nil

Financial Implications:

Nil at this stage as the consultancy and support services to date have primarily been funded by the State Government under the structural reform process.

If the process proceeds to the final stage the Government will be required to fund agreed transition costs for the establishment of the new Local Government.

Strategic Implications:

The Shire of York's 2012 Strategic Community Plan:

Governance: Strengthen Shire Leadership - Our Vision

- *We will ensure our sustainability through our leadership, our regional and government partnerships and ensure we make informed resource decisions for our community good.*

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not Applicable

Triple bottom Line Assessment:

Economic Implications:

There may be economies of scale and purchasing power benefits from a larger entity rather than four smaller ones.

Social Implications:

Change associated with structural reform of this scale will have obvious community impacts and concerns which will need to be offset by improved service delivery, higher service delivery standards, increased communication processes and the provision of new services beyond the capacity of the existing Local Governments.

Environmental Implications:

No major environmental impacts are envisaged through any merger process.

Officers Comment:

The referral of the proposal to amalgamate the Local Governments of York, Quairading, Cunderdin and Tammin to the Local Government Advisory Board is simply a step in the structural reform process to determine the advantages and disadvantages and the viability of the proposal by reference to an independent body for analysis and assessment.

The public are guaranteed input into the processes undertaken by the Advisory Board.

If the Advisory Board determines that there is sufficient community benefit to justify an amalgamation of the Local Governments and makes such a recommendation to the Minister each individual Local Government retains the right to conduct a poll of electors which may reject the proposal bringing the process to an end.

The Local Governments of Town and Shire of Narrogin and the Shire of Cuballing are currently in the Local Government Advisory Board assessment process.

The metropolitan Local Government review undertaken by the State Government may have flow on effects across the State in view of the apparent determination to reduce the number of Local Governments in the metropolitan area from the current 30 to somewhere between 12 and 20.

The advent of SuperTowns and the centralising of government services to designated centres will impact on the sustainability and viability of other Local Government areas.

Additionally the allocation of Royalties for Regions and other funds to large scale regional benefit projects and programmes rather than to individual Shires will impact on infrastructure and service provision.

It is considered that higher population figures and collective effort through amalgamations, subsidiaries, alliances, resource sharing and other options will be required to give rural communities a political and economic voice into the future and moving to the Advisory Board referral stage is one step and option in what will be a long term process to retain Local Governments as viable entities providing appropriate services to communities.

The statutory period for Advisory Board processes and the timing of the 2013 State Election indicates that the likely timing of any new entity is more likely to be October 2014 rather than October 2013.

It is stressed that referring an amalgamation proposal to the Local Government Advisory Board is not a pre-judgement of the outcomes.

RESOLUTION

161212

Moved: Cr Hooper

Seconded: Cr Lawrance

“That Council:

- 1. *Receive the revised Regional Business Plan based on a potential amalgamation of the four member Local Governments in the South East Avon Regional Transition Group being the Shires of York, Quairading, Cunderdin and Tammin.***
- 2. (a) *That the Shire of York resolves to amalgamate with the Shire of Quairading, Cunderdin and Tammin and submit a proposal for amalgamation to the Local Government Advisory Board for implementation in accordance with the provisions of Clause 2 of Schedule 2.1 of the Local Government Act 1995.***
(b) *That the Revised Business Plan for the South East Avon Regional Transition Group which sets out the nature of the proposal, the reasons for making the proposal, the effects of the proposal on the Local Governments and accompanying plan illustrating the new Local Government boundary, be submitted to the Local Government Advisory Board.*
- 3. *With the member Councils of the South East Avon Regional Transition Group enter into negotiations with the Minister for Local Government on behalf of the State Government for commitment to funding and process agreements including, but not limited to, the following:***
 - Transitional representation***
 - Transitional costs***
 - Establishment dates***
 - Appointment of Commissioners***
 - Uniformity of rating***
 - Pre-release of transitional funds.”***

CARRIED: 5/1

Cr Smythe was recorded as voting against the motion.

Item 9.2.11 - Appendices

9.3 Works Reports

9.4 Financial Reports

9. OFFICER'S REPORTS

9.4 FINANCE REPORTS

9.4.1 Monthly Financial Reports – November 2012

FILE NO: FI.FRP
COUNCIL DATE: 17 December 2012
REPORT DATE: 5 December 2012
LOCATION/ADDRESS: Not Applicable
APPLICANT: Not Applicable
SENIOR OFFICER: Ray Hooper, CEO
REPORTING OFFICER: Tabitha Bateman, Administration Officer
DISCLOSURE OF INTEREST: Nil
APPENDICES: Yes – Appendix A as detailed in Summary
DOCUMENTS TABLED: Nil

Summary:

The Financial Report for the period ending 30 November 2012 is hereby presented for the consideration of the Council.

Appendix A includes the following:

- Monthly Statements for the period ended 30 November 2012
- Bank Account Reconciliations
- List of Creditors Payments
- Payroll Direct Debits Summary
- Corporate Credit Card Summary
- Fuel Card Summary

Consultation:

Dominic Carbone

Statutory Environment:

Local Government Act 1995 (As Amended).

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

Policy Implications:

Nil.

Financial Implications:

The following information provides balances for key financial areas for the Shire of York's financial position as at 30 November 2012;

Sundry Creditors as per General Ledger	\$134.84
Sundry Debtors as per General Ledger	\$485,075.96
Unpaid rates and services current year (paid in advance inc. ESL)	\$1,409,928.10
Unpaid rates and services previous years (inc. ESL)	\$571,515.47

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

171212

Moved: Cr Boyle

Seconded: Cr Scott

“That Council:

Receive the Monthly Financial Report for November and ratify payments drawn from the Municipal and Trust accounts for the period ending 30 November 2012:

	<u>VOUCHER</u>	<u>AMOUNT</u>
MUNICIPAL FUND		
<i>Cheque Payments</i>	<i>30409 - 30455</i>	<i>\$ 84,045.51</i>
<i>Electronic Funds Payments</i>	<i>10105 - 10240</i>	<i>\$ 938,609.71</i>
<i>Direct Debits Payroll</i>		<i>\$ 161,996.90</i>
<i>Bank Fees</i>		<i>\$ 877.44</i>
<i>Corporate Cards</i>		<i>\$ 740.49</i>
<i>Shell Cards</i>		<i>\$ 237.23</i>
<i>TOTAL</i>		<i><u>\$ 1,186,507.28</u></i>
 TRUST FUND		
<i>Cheque Payments</i>	<i>4066 - 4079</i>	<i>\$ 3,864.43</i>
<i>Direct Debits Licensing</i>		<i>\$ 112,796.10</i>
<i>TOTAL</i>		<i><u>\$ 116,660.53</u></i>
 <i>TOTAL DISBURSEMENTS</i>		 <i><u>\$1,303,167.81”</u></i>

CARRIED: 6/0

Item 9.4.1 - Appendices

9. OFFICER'S REPORTS
9.4 FINANCE REPORTS
9.4.2 Investments – November 2012

FILE NO:	FI.FRP
COUNCIL DATE:	17 December 2012
REPORT DATE:	5 December 2012
LOCATION/ADDRESS:	Shire of York
APPLICANT:	N/A
SENIOR OFFICER:	Ray Hooper, CEO
REPORTING OFFICER:	Tabitha Bateman, FO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Shire of York Investment Portfolio
DOCUMENTS TABLED:	Nil

Summary:

That Council consider the investment portfolio as attached.

Background:

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

Consultation:

Auditors; and
Dominic Carbone.

Statutory Environment:

Not Applicable.

Policy Implications:

In accordance with the Financial Management Investment Policy.

Financial Implications:

Credit Ratings:

Strategic Implications:

Not applicable.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Not applicable.

Social Implications:

Not applicable.

Environmental Implications:

Not applicable.

Comment:

In accordance with the policy, a report of investments is presented to Council to provide a summary of investments held by the Shire of York.

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

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

RESOLUTION

181212

Moved: Cr Smythe

Seconded: Cr Lawrance

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

CARRIED: 6/0

Item 9.4.2 - Appendices

9. OFFICERS' REPORTS

9.4 FINANCE REPORTS

9.4.3 Revised Forward Capital Works Plan 2012-13 to 2016-17

FILE:	FI.FAG.8.1
COUNCIL DATE:	17 December 2012
REPORT DATE:	7 December 2012
LOCATION/ADDRESS:	N/A
APPLICANT:	N/A
SENIOR OFFICER:	Ray Hooper, CEO
REPORTING OFFICER	Tyhscha Cochrane, DCEO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Forward Capital Works Plan 2012-13 to 2016-17
DOCUMENTS TABLED:	Nil

Summary:

All local governments are required to prepare and adopt a Forward Capital Works Plan as a requirement for future Royalties for Regions funding.

This report recommends that the revised Forward Capital Works Plan 2012-13 to 2016-17 for the Shire of York be accepted by Council. A review of the Plan was conducted with Councilors and staff and as a result updates were made to the associated five year financial plan.

Background:

In 2009/10 the Shire received \$35,000 from the Department of Regional Development, through the Royalties for Regions Country Local Government Fund (CLGF) to assist in preparing a five year Forward Capital Works Plan (FCWP), with the aim of supporting capacity building within the local government industry.

This grant has since been acquitted and Council is required to review on an annual basis.

In preparing the Forward Capital Works Plan, the Shire was required to address the following:

1. Infrastructure items only, not plant and equipment;
2. Infrastructure should be owned by the Council;
3. Expenditure to cover 5 years, commencing from 2012-13;
4. The Plan must be approved by the Council; and
5. A statement of commitment from the Council to undertake annual reviews of the Plan.

In addition to the above, the Shire identified four key objectives for the Plan to address:

1. Key infrastructure projects that will benefit the community;
2. The cost of the projects in today's dollars and their affordability;
3. Potential sources of revenue available to the Shire to fund the projects; and
4. Whole of life costs of the projects to determine whether the Shire can afford to provide, maintain and operate the projects into the future.

The Shire adopted its Forward Capital Works Plan on 11 January 2011 and adopted the reviewed Plan on the 9th January 2012.

In October 2011, the Department of Regional Development and Lands (RDL) released the 2011-12 Country Local Government Fund Individual guidelines. The guidelines require local governments to review their Forward Capital Works Plan and submit the required documentation by 30 December 2011 to RDL. Failure to submit the required documentation by 30 December 2011 may result in a local government being excluded from 2011-12 funding and their 2011-12 notional allocation being redistributed to other eligible recipients.

Local governments are not required to submit their FCWP but ensure they are kept up to date. Local governments must submit to RDL:

1. A Financial Assistance Agreement, which outlines the conditions of funding and work scheduled for the funds.
2. Relevant supporting documentation, for example letters of support, relating plans or strategies; and
3. Notification, in writing, of any changes to the projects relating to CLGF activity in the FCWP.

Project proposals for CLGF grants must meet the following criteria:

1. Projects must be identified in a Council approved Forward Capital Works Plan.
2. Local government should be well advanced in their project planning.
3. CLGF expenditure must be directly related to the delivery of capital works projects.
4. Up to 15% of the total project cost can be allocated from CLGF towards project management fees and project documentation activities (such as architectural fees and the development of structural, mechanical and hydraulic engineering plans) on eligible CLGF projects.
5. The cost of limited, but reasonable, direct wages, where they are a component in the construction of an infrastructure asset, may be included under CLGF expenditure.

Consultation:

Darren Long Consulting
Staff and Councillors

Statutory Environment:

There are no statutory requirements for Council to review and adopt the Forward Capital Works Plan. However it is a condition of the Royalties for Regions program that for Council to receive CLGF funding, it must review its Forward Capital Plan.

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

The Forward Capital Works Plan provides a framework for infrastructure planning, assists in determining priorities and establishes the Council's capacity to meet the costs of proposed projects.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

A four year Forward Capital Plan supports infrastructure planning and priorities and establishes capacity to meet costs.

Social Implications:

The Forward Capital Plan will provide a high degree of certainty to the community for new projects.

Environmental Implications:

Nil

Comment:

The Forward Capital Plan has been developed to identify financial capacity and project priorities.

The Plan will assist in future budget preparation and aligns with the Community Strategic Plan and also underpin business and asset management planning for local governments undergoing structural reform.

A copy of the revised 2012-13 to 2016-17 Forward Capital Works Plan is presented for Council's consideration and adoption.

RESOLUTION

191212

Moved: Cr Duperouzel

Seconded: Cr Hooper

"That Council

Adopts the Forward Capital Works Plan and submits the necessary documentation to the Department of Regional Development and Lands subject to any modifications arising from the Council review of the documents."

CARRIED: 6/0

Item 9.4.3 - Appendices

9.5 Late Reports

9. OFFICER'S REPORTS

9.5 LATE REPORTS

9.5.1 Proposed Depot At Lot 12130 Ashworth Rd, York

FILE NO:	AS1.60609, P814
COUNCIL DATE:	17 December 2012
REPORT DATE:	14 December 2012
LOCATION/ADDRESS:	Lot 12130 Ashworth Rd, York
APPLICANT:	Field Deployment Solutions
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	J Jurmann, MPS
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	1 – Location Plan 2 – Site Plan 3 – Submission
DOCUMENTS TABLED:	Nil

Summary:

Council is in receipt of a planning application to use Lot 12130 Ashworth Road, York for the purposes of a depot and to construct ancillary structures, including an office and staff quarters.

The application was advertised in accordance with the provisions of the York Town Planning Scheme No. 2 and one submission was received objecting to the proposal. The issues raised in this submission are discussed in this report.

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

Background:

Lot 12130 Ashworth Road is located approximately 1.8 kilometres from the Great Southern Highway turnoff, adjoining York Olive Oil. The property is currently used for agriculture and is 41.84 hectares in area.

It is proposed to use the property as a depot to support the operations of Field Deployment Solutions who provide services to the agricultural, mining and disaster relief industries. The applicant describes the operations at the depot as an area that "transport goods are held at the depot for consolidation of loads going out and break down of loads coming in, most items are moved in and out within a few weeks of arrival, but the bulk of the goods are rolled over within a few days". The goods will include mobile and semi-permanent camps, air portable buildings associated with mining, construction and agricultural industries. No manufacturing or assembling of products is proposed.

The structures proposed to be constructed are as follows:

1. Dome Structure – this consists of 16 sea containers connected by a dome-type awning where vehicles will be loaded and unloaded. It is also proposed to use the structure for maintenance of the vehicles.
2. Staff/Manager's Quarters and Office – it is proposed to construct an office and sleeping quarters for staff.
3. Dwelling – (although not part of this application as it does not require planning approval) it is proposed to construct in the near future a dwelling for occupation by the landowner and applicant.

In the application it is estimated that there will be approximately 20 trucks per week on average, which is not expected to increase due to the nature of the company's operations. The hours of operation of the depot will be between 6 am and 6 pm Monday to Friday, unless a transport operation is delayed or postponed due to mechanical issues or other delays.

Consultation:

The application was advertised in accordance with the York Town Planning Scheme No. 2 directly to adjoining landowners, in the Avon Valley Gazette, at Council's Office, on Council's website and on Public Notice Boards. A referral was also sent to Main Roads WA.

One submission was received objecting to the proposal. The issues raised are regarding permissibility, inappropriate use of agricultural land for non-rural purposes and number of truck movements. All issues raised have been considered in the assessment of this application. Refer to Appendix 3 for a copy of the submission.

Statutory Environment:York Town Planning Scheme No. 2 (TPS2)

The property is zoned General Agriculture under the provisions of TPS2. 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.*

The objectives of the zone permit 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. The establishment of this component of the operations may be beneficial to the district through employment, sale of fuel and the like. The location of the depot has been carefully considered by the applicant to protect the environmental features of the site.

The proposed use is best defined as a 'transport depot'. A transport depot means:

"land and buildings used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles."

Transport depots are a 'SA' use, which means that the use is not permitted unless the local government has exercised its discretion and has granted planning consent after giving special notice in accordance with clause 7.2. It should be noted that this is the first issue raised in the objection. The author contends that the use should be classified as an 'industry' which would therefore be prohibited. However an 'industry' means:

"the carrying out of any process in the course of trade or business for gain, for and incidental to one or more of the following:

- a) *The winning, processing or treatment of minerals;*
- b) *The making, altering, repairing or ornamentation, painting, finishing, cleaning, packing, or canning or adapting for sale, or the breaking up or demolition of any article or part of an article;*
- c) *The generation of electricity or the production of gas;*

d) *The manufacture of edible goods,*

and includes, when carried out on land upon which the process is carried out and in connection with that process, the storage of goods, any work of administration or accounting, or the wholesaling of, or the incidental sale of goods resulting from the process, and the use of land for the amenity of persons engaged in the process; but does not include:

(i) The carrying out of agriculture,

(ii) On-site work on buildings or land,

(iii) In the case of edible goods the preparation of food for retail sale from the premises.”

Special notice has been given in accordance with clause 7.2. Refer to the Consultation Section of this report. In consideration of this agenda item, Council is exercising its discretionary power under the provisions of TPS2.

The matters for consideration set out in Clause 7.5 of TPS2 have been considered as follows:

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

The York Town Planning Scheme No. 2 is the relevant planning scheme operating in the Shire. The objectives of the scheme are:

a) *to zone the Scheme area for the purposes described in the Scheme;*

b) *to secure the amenity health and convenience of the Scheme area and the residents thereof;*

c) *to make provisions as to the nature and location of buildings and the size of lots when used for certain purposes;*

d) *the preservation of places of natural beauty, of historic buildings, and objects of historical and scientific interest;*

e) *to make provision for other matters necessary or incidental to Town Planning and housing;*

f) *to make provision for the protection and management of the natural environment within the Scheme area; and*

g) *to recognise the special historic significance of the town of York to Western Australia and to preserve this through the implementation of Design Guidelines.*

The proposal is considered consistent with the objectives of the Scheme, in that the purpose is identified in the Land Use table for the General Agriculture zone; the lot is of sufficient area and location for the proposed use; and the use will not detrimentally affect the environment.

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

Council resolved at its Ordinary Meeting held in November to initiate Scheme Amendment No. 50, an Omnibus Amendment. The Amendment proposes to amend the Land Use table and definitions. The amendment does not propose to change the provisions relating to the permissibility or the like relating to the use of land zoned General Agriculture for the purposes of a transport depot.

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

There are no statements of planning policy applicable to this proposal.

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

There are no policies applicable to this proposal.

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

Statement of Planning Policy No. 11 - Agricultural and Rural Land Use Planning

The four key objectives of the policy are—

1. Protect agricultural land resources;
2. Plan and provide for rural settlement;
3. Minimise the potential for land use conflict; and
4. Carefully manage natural resources.

The viable area of the lot will continue to be used for agricultural purposes; will not affect any future rural settlement; the proposal will not result in any land use conflict is managed in accordance with the recommended conditions; and will not impact on any natural resources.

It is considered that the proposal is inconsistent with the objectives of the State Policy.

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

York Local Planning Policy - Contributions for Road & Footpath Construction & Upgrading

This Policy was adopted at the Ordinary Council Meeting held on 19 November 2012. Although this application was submitted on 8 November 2012, it was not considered formal (due to outstanding information) until 22 November 2012. Therefore it is considered that the provisions of this Policy apply to this application and that Council should seek financial contribution from the applicant for the upgrading and maintenance of Ashworth Road to the entrance of the depot from Great Southern Highway. Refer to Policy section for further assessment of this requirement.

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

The land is not reserved under the Scheme.

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

The property is not heritage listed or located within a heritage precinct.

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

The location of the depot has been chosen so that it is within the property and not visible from adjoining neighbours. The area will be screened with vegetation. The depot will serve as an ancillary operation to the main operations of the business that is currently carried out in Perth (although it is proposed to locate suitable premises in York).

It is considered that due to the nature and scale of the proposal, that the use will not be incompatible with the surrounding agricultural/tourist uses and residences. Additionally, the recommended conditions of consent will provide effective management measures.

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

There are no social issues associated with this proposal.

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

No place or area of cultural significance will be affected by the development.

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

(oo) Stormwater runoff from the area will be captured in rainwater tanks and dams for reuse. Pollution prevention measures for storage of fuels or other liquids will be required. It is unlikely that the proposal will impact the environment.

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

The land is not affected by any known natural constraints. Compliance with the Local Laws requiring fire breaks is required.

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

The proposal will not impact on the amenity of the locality if conditions are met and the proposal remains at the scale applied for. Any increase in operations will require a further planning application.

(rr) *The relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal.*

The location of the proposed depot is at the rear of the lot and will not be visible to the general public or community using Ashworth Road. The land is 41 hectares in size and the depot will occupy 1 hectare of this property. The remainder of the property is continue to the used for agricultural purposes. The dome structure and sea containers may be visible from neighbouring properties, however it is proposed to use landscaping as screening.

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

Access and egress from the site is from an existing driveway on Ashworth Road, which also provides access through an easement to Lot 1711. Trucks entering the site will turn left and exiting the site right. It is proposed to create a separate entrance to the main dwelling and manager's/staff quarters further along Ashworth Road.

There is sufficient room on site for loading, unloading, manoeuvring and parking of vehicles. Clause 4.5 of TPS2 does not stipulate the number of on-site car parking spaces for transport depots. Due to the nature and location of the proposal, it is considered that there is sufficient parking on site to cater for the development.

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

Ashworth Road is capable of catering for an additional 20 truck movements per week. As indicated in this report, it is appropriate however for the proponent to contribute to the upgrade and maintenance of Ashworth Road in accordance with Council Policy.

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

Not applicable to the proposal.

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

The applicant will need to liaise with the utility providers with regards to any required upgrades. Relevant services are available to the site.

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

Not applicable.

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

Not applicable.

(yy) *Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.*

It is proposed to complement the existing vegetation by densely landscaping the depot area, particularly around the dome structure and sea containers.

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

Access roads/tracks will require maintenance to prevent erosion and degradation.

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

No community service or benefit will be affected by this proposal.

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

As mentioned earlier in this report, one submission was received objecting to the proposal. The issues raised in the submission have been assessed and are discussed throughout this report.

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

The closest residence is approximately 450 metres from the proposed site of the depot. Dust is unlikely to be an issue, however a condition is recommended that the access roads be stabilised. Noise can carry long distances depending on weather conditions. It is appropriate to limit hours of operation to reduce the potential impact of noise from truck movements. It should be noted that a submission was not received from the closest landowner.

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

Comments were invited from Main Roads WA. No response was received.

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

A new dwelling is proposed to be constructed in addition to the development proposed by this application. A single dwelling in the General Agriculture zone is listed as 'P' in the Land Use table and is therefore, permitted development (i.e. development that does not require prior planning approval).

The proposal is considered to meet the provisions of the Scheme and subject to conditions of consent, will not impact neighbouring properties or the locality.

Policy Implications:

The proposal is consistent with Council Policy.

Financial Implications:

It is considered appropriate that the application contribute to the upgrading and maintenance of Ashworth Road in accordance with the recently adopted Local Planning Policy.

Strategic Implications:

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

Social

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

Environmental

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

Economic

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

The growth of the economic base of York is imperative for the sustainable growth of York. This relocation of this business to York will contribute to the economy and build population base from the relocation of the business owner.

The proposal will not impact on the historic or environmental features of the locality, nor will it impact on the agricultural activities of the region.

There are no negative strategic implications associated with this proposal.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Yes

Triple bottom Line Assessment:

Economic Implications:

The additional movement of 20 trucks per week on Ashworth Road will result in higher maintenance costs for the Shire of York and the community. As indicated in this report, it is appropriate for the applicant to contribute to any requiring upgrading and maintenance of Ashworth Road so that these costs are not borne by the community.

Social Implications:

There are no social implications identified with this proposal.

Environmental Implications:

As indicated in this report, through preventative measures and management, environmental impact can be prevented.

Comment:

This report demonstrates that the proposal meets the objectives and provisions of the York Town Planning Scheme No. 2. There are no planning reasons that this application should not be approved.

The site inspection indicated that the depot area will be screened by existing vegetation from the two nearby residences and that this screening will be enhanced by additional proposed tree planting. Additionally, it is proposed to paint the sea containers to complement the surrounding environment.

It is considered appropriate that the proponent contributes to the upgrade and maintenance of Ashworth Road.

**RESOLUTION
201212**

Moved: Cr Hooper

Seconded: Cr Duperouzel

“That Council:

APPROVE the planning application to establish a (transport) depot, office and manager’s/staff quarters at Lot 12130 Ashworth Road, York, subject to the following conditions of consent:

- 1. Development must substantially commence within two (2) years from the date of this decision.***
- 2. Development must take place in accordance with the stamped approved plans.***
- 3. Within 12 months from the commencement of the use, a contribution shall be made to the Shire of York for the upgrade and maintenance of Ashworth Road in accordance with the Local Planning Policy - Contributions for Road & Footpath Construction & Upgrading.***
- 4. This approval does not permit the carrying out of any manufacturing or other processes that could be defined as ‘Industry – General’ or any other use defined as an industry under the provisions of the York Town Planning Scheme No. 2.***
- 5. No more than five (5) trucks are permitted on site at any one time. The tare weight of the trucks must not exceed the limit permitted on Ashworth Road.***
- 6. Truck and associated loading and unloading movements are restricted to 6.00 am to 6.00 pm Monday to Friday, unless there are exceptional circumstances, such as mechanical failure or other justifiable reasons.***
- 7. All roadways, entrances, loading and unloading areas, and other trafficked areas, must have a stabilised surface.***
- 8. Any liquid material (fuel, oil and the like) must be kept in a designated roofed and bunded area.***
- 9. All used oils and other wastes from truck service and maintenance activities must be stored in a roofed and bunded area prior to being transported to an approved waste disposal facility.***
- 10. The office and manager’s/staff quarters may only be used/occupier ancillary to the operation of the depot. Permanent habitation of this building for residential purposes is not permitted.***
- 11. The dome structure, sea containers and general compound area shall be screened with appropriate vegetative landscaping within 12 months from the commencement of the use.***
- 12. Any advertising signage, other than one small business identification sign, will require separate planning approval.***

Advice Notes:

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

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

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

Note 4: *This approval is not a building permit. In accordance with the provisions of the Building Act 2011, an application for a building permit must be submitted to, and approval granted by the local government prior to any change of classification or prior to the commencement of any structural works within the development hereby permitted.”*

CARRIED: 6/0

Item 9.5.1 – Appendices

9. OFFICER'S REPORTS
9.5 LATE REPORTS
9.5.2 2013 York Motorcycle Festival

FILE NO: CS.CEV.3
COUNCIL DATE: 17 December, 2012
REPORT DATE: 13 December, 2012
LOCATION/ADDRESS: York Townsite
APPLICANT: Premiere Events
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: R Hooper, CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Premier Events Proposal & Costings
DOCUMENTS TABLED: Nil

Summary:

Premiere Events have submitted a proposal for the 2013 York Motorcycle Festival as the initiator for an annual event to showcase motorcycles and as a fundraiser for designated charities.

Background:

The inaugural York Motorcycle Festival was held in 2012 as a Wheels for Hope fundraiser and it was an extremely well attended and successful event.

Consultation:

Premier Events
Rotary

Statutory Environment:

Not applicable

Policy Implications:

Nil

Financial Implications:

Cash contributions are in accordance with Council policies for events support with the inkind contributions at levels commensurate with previous events in York.

Strategic Implications:

The Shire of York's 2012 Strategic Community Plan:

Social: Building a Sense of Community

Our objectives and priorities are built from our shared outcomes.

Outcomes – Connected Community

Objectives – Strengthen the Cultural and Historical Significance of York

Priorities - Develop a plan to support cultural experiences, such as events, festivals, crafts and entertainment.

Economic Development: Maximise Development

Our objectives and priorities are built from our shared outcomes.

Outcomes – Increase Visitors

Objectives – Support York as a Regional Place to Visit

Priorities - Build tourism capability through events, arts, history, walkways, and cultural experiences

Voting Requirements:
Absolute Majority Required: Yes

Site Inspection:
Site Inspection Undertaken: Yes – York Streets, Parks, Recreation & Convention Centre & Oval

Triple bottom Line Assessment:
Economic Implications:
An event of this scale has local and regional business benefits.

Social Implications:
Annual events of this nature are of high social value to the community and if a music event is added this will be an additional benefit.

Environmental Implications:
Nil at this stage.

Comment:
The York Motorcycle Festival is a large scale event of high value in positioning York as an events centre.

**RESOLUTION
211212**

Moved: Cr Scott

Seconded: Cr Duperouzel

“That Council:

Endorse the Premiere Events proposal for the 2013 and future years York Motorcycle Festival subject to the funding and inkind support commitments by the Shire of York being strictly limited to the amounts detailed.”

CARRIED: 6/0

Item 9.5.2 - Appendices

9. OFFICER'S REPORTS

9.5 LATE REPORTS

9.5.3. Country Local Government Fund – Regional Component

FILE NO:	FI.FAG.8
COUNCIL DATE:	17 December, 2012
REPORT DATE:	14 December, 2012
LOCATION/ADDRESS:	South East Avon Region
APPLICANT:	N/A
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	R Hooper, CEO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Funding Allocation Template
DOCUMENTS TABLED:	Nil

Summary:

The SEAVROC group recommends that the member Councils endorse the funding template for allocation of the Regional Country Local Government Fund for projects across the five member Local Governments.

Background:

The Country Local Government Fund Regional Component has operated for the past two years with the Shire of York receiving \$909,000 for part construction of the Recreation and Convention Centre and the new synthetic sports surfaces.

The regional funding pool will move to an open bid system under the new guidelines and the SEAVROC Councils will need to lobby for the right to allocate funds.

Consultation:

Shires of York, Cunderdin, Beverley, Quairading and Tammin
Wheatbelt Development Commission

Statutory Environment:

Nil at present.

Policy Implications:

Nil

Financial Implications:

Allocation of these funds to the Town Hall project ensures that the project can proceed and be used to leverage grants from other sources.

Strategic Implications:

The Shire of York's 2012 Strategic Community Plan:

Economic Development: Maximise Development

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

Our objectives and priorities are built from our shared outcomes.

Outcome – York – A Regional Centre

Objectives – Improve, Enhance and Grow the Town Centre, Creating a Regional Service Centre

Priorities - Develop the Town Centre Plan, building on the historical significance to celebrate the culture, history and arts

Voting Requirements:
Absolute Majority Required: No

Site Inspection:
Site Inspection Undertaken: Not Applicable

Triple bottom Line Assessment:
Economic Implications:

The regional funds will have high value regional and local economic impacts through employment, visitor attraction, business investment and other factors.

Social Implications:

The Town Hall project will be of significance to the community in preserving the historic Town Hall and expanding its use.

Environmental Implications:

The environmental aspects of the built form will be considered in any upgrading and fit out works.

Comment:

Retention of the ability and right to allocate regional funds through designated Local Government groupings gives a higher degree of certainty to project planning and forward financial planning.

RESOLUTION
221212

Moved: Cr Smythe

Seconded: Cr Boyle

“That Council:

Endorse the CLGF – Regional Component allocations submitted by the South East Avon Voluntary Regional Organisation of Councils including the allocation of \$900,000 for the York Town Hall upgrading to a Regional Cultural Centre from the 2013/14 funding round.”

CARRIED: 6/0

Item 9.5.3 – Appendices

9. OFFICER'S REPORTS

9.4 FINANCE REPORTS

9.5.4 Transfer from Reserve – Centennial Units – Local Government Energy Efficiency Program

FILE NO: CCP.16.4
COUNCIL DATE: 17 December, 2012
REPORT DATE: 17 December, 2012
LOCATION/ADDRESS: Units 1 to 6, 40 McCartney Street, York
APPLICANT: Shire of York
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: G Tester, MHB
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil

Summary:

That Council approve of the transfer of \$9,940.00 from reserve funds for the co-funding of the proposed solar hot water unit project at Units 1 – 6 Centennial Units to replace all storage hot water systems.

Background:

The Manager of Environmental Health and Building Services has assessed that all hot water units apart from one which was recently replaced, are approaching the end of their service life (approximately 6 years old).

The Federal Government through the Local Government Energy Efficiency Program has made available a grant of up to \$20,000 for small regional Councils to replace inefficient storage hot water units with approved solar heated hot water units.

Consultation:

Several tenants of Centennial units have been advised of the hot water storage heater replacement project and three quotes have been obtained.

Statutory Environment:

Local Government Act 1995 Section 6.8 states;

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - Is authorised in advance by resolution.

Policy Implications:

Not applicable.

Financial Implications:

Three quotes were received to replace the hot water storage units, as required by the funding program the lowest quote received was \$29,940 from a local contractor.

Adequate funds are held in Reserve for use on the Centennial Units. This still leaves sufficient funds to co – fund the installation of the solar hot water units.

Strategic Implications:

Council's strategic plan has an objective to support sustainable and renewable resources.

It is a priority to explore options and improvements in the towns energy and water use.

Voting Requirements:
Absolute Majority Required: No

Site Inspection:
Site Inspection Undertaken: Yes

Triple bottom Line Assessment:
Economic Implications:

Favourable economic implications arise from this report for the tenants as it is estimated that a saving of between \$300.00 and \$500.00 per annum will be obtained for each tenant.

Social Implications:
Nil

Environmental Implications:
Improvement in energy use by less reliance on electrical water heating.

Comment:

This funding was originally intended to provide solar hot water installations to other council buildings such as the York Swimming Pool, Town Hall, and indoor basketball courts.

The swimming pool has an existing hot water unit that is still in good repair, the other buildings use minimal hot water and little gain would be obtained by installing the solar hot water units on these buildings.

The centennial units are considered the most appropriate buildings for the retro fitting of solar hot water units as it is to Councils advantage to decommission the aging electric storage hot water units and it is to the tenants benefit with lower electricity bills.

This report gives a correct record and is in accordance with the Local Government Act.

RESOLUTION
231212

Moved: Cr Hooper

Seconded: Cr Smythe

“That Council in accordance with Section 6.8 of the Local Government Act 1995 endorse the transfer of funds to the amount of \$9,940.00 from Reserve 22 – Centennial Garden Reserve for co-funding of the installation of solar hot water units at Units 1-6, 40 McCartney Street, York.”

CARRIED: 6/0

9.6 Confidential Reports

9.6.1 Australia Day Awards

RESOLUTION

241212

Moved: Cr Hooper

Seconded: Cr Lawrance

“That Council:

Go “Into Committee” to consider the Confidential Report at 4.10pm.”

CARRIED: 6/0

Cr Duperouzel declared a Proximity Interest Affecting Impartiality to this item and left the room at 4.10pm

RESOLUTION

251212

Moved: Cr Hooper

Seconded: Cr Lawrance

“That Council:

- (1) receive the Notes from the York Honours Reference for the Meeting held on the 3rd December, 2012;***
- (2) endorse the recommendations from the York Honours Reference Group for the Junior Sports Star of the Year Award and the Senior Sports Star of the Year Award, for the Year 2012;***
- (3) endorse the recommendations from the York Honours Reference Group for the Under 25 Citizen of the Year Award; Community Group or Event Award and Senior Citizen of the Year Award.”***

CARRIED: 5/0

RESOLUTION

261212

Moved: Cr Hooper

Seconded: Cr Lawrance

“That Council:

Come ‘Out of Committee’ at 4.13pm.”

CARRIED: 5/0

Cr Duperouzel returned to the room at 4.13pm.

10. NEXT MEETING

**RESOLUTION
271212**

Moved: Cr Smythe

Seconded: Cr Lawrance

“That Council:

hold the next Ordinary Meeting of the Council on February 18, 2013 at 3.00pm in the Council Chambers, York Town Hall, York.”

CARRIED: 6/0

11. CLOSURE

Cr Boyle thanked everyone for their attendance and declared the meeting closed at 4.14pm.