



SHIRE OF YORK

**MINUTES OF THE ORDINARY
MEETING OF THE COUNCIL
HELD ON 17 FEBRUARY, 2014
COMMENCING AT 4.00pm
IN THE COUNCIL CHAMBERS,
YORK TOWN HALL, YORK**

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SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL
HELD ON MONDAY, 17 FEBRUARY 2014, COMMENCING AT
4.00PM IN THE COUNCIL CHAMBERS, YORK TOWN HALL, YORK

1. OPENING

- 1.1 Declaration of Opening
Cr Matthew Reid, Shire President, declared the meeting open at 4.00pm.

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

- 1.2 Disclaimer
The Shire President advised the following:

*"I wish to draw attention to the Disclaimer Notice contained within the agenda
document and advise members of the public that any decisions made at the meeting
today, can be revoked, pursuant to the Local Government Act 1995.*

*Therefore members of the public should not rely on any decisions until formal
notification in writing by Council has been received. Any plans or documents in
agendas and minutes may be subject to copyright. The express permission of the
copyright owner must be obtained before copying any copyright material."*

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

Moved: _____ Seconded: _____ Carried:

- 1.4 Announcement of Visitors
Nil

- 1.5 Declarations of Interest that Might Cause a Conflict

Financial Interest
Nil

Disclosure of Interest that May Affect Impartiality
Cr Pat Hooper – 9.2.5 – Financial - Applicant

2. ATTENDANCE

- 2.1 Members
*Cr Matthew Reid, Shire President; Cr Mark Duperouzel, Deputy Shire President
Cr Denese Smythe, Cr David Wallace, Cr Pat Hooper, Cr Tony Boyle*
- 2.2 Staff
*Ray Hooper, Chief Executive Officer; Jacky Jurmann, Manager of Planning Services;
Graham Lantzke, Manager Works & Projects; Gordon Tester, Manager –
Environmental Health & Building Services; Helen D’Arcy-Walker, Executive Support
Officer*
- 2.3 Apologies
Tyhscha Cochrane
- 2.4 Leave of Absence Previously Approved
Nil
- 2.5 Number of People in Gallery at Commencement of Meeting
There were 18 people in the Gallery at the commencement of the meeting.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

- 3.1 Previous Public Questions Taken on Notice

Ms Louise Draper-Sevenson

Questions 1 and 2 were recorded in the December 2013 Ordinary Council Meeting Minutes.

Question 3:

Shire Recycling - The following two questions are relevant to reducing York’s requirement for Landfill services and saving landfill costs over the life of the facility. What plans are in place for reducing the Shire of York’s landfill requirements over the next 40 years and, to this end, has the proposed Group of Amalgamated Shires examined its proposed recycling strategy for the next forty years?

Response:

Not formally under the South East Avon business plans.

The Shire of York is part of the SEAVROC Waste Management Strategy which has undertaken projects such as E-waste facilities and recycling.

Question 4:

Shire Recycling - If the Shire of York and/or the proposed Group of Amalgamated Shires has no strategic plans for increasing recycling, re the quantity and range of materials that can be recycled locally, why are there no strategic plans?

Response:

At present there is no cost effectiveness in general recycling in rural areas and recycling options will be reviewed when viable options are available.

Question 5:

Nuisance Risk - What strategies have SITA put in place to prevent and control vermin at the Landfill site, e.g. rodents and seagulls, which are notorious for spreading landfill-generated organisms to the wider catchment via their excreta?

Response:

This information will be available if and when the environmental appeals process is finalised and works orders are issued by the Department of Environment.

Question 6:

Odour - What odour control assessments has SITA done and what measures does SITA have in place for preserving the amenity of residents, farmers and other users of the area, considering prevailing winds at different times of the year?

Response:

This information will be available if and when the environmental appeals processed is finalised and works orders are issued by the Department of Environment.

Question7:

Accountability - How will SITA be accountable to the Shire of York or the proposed Group of Amalgamated Shires (separate from State Government accountability), for abiding by their agreement re access to the Landfill Services, costs over forty years, inadvertent breakdown of environmental integrity and its repair costs in the wider catchment, vermin control and other nuisances, foreseen or unforeseen? Who will pay the costs of ensuring this accountability, eg regular monitoring, conducting of audits and legal costs.

Response:

Operations at any proposed landfill facility will be controlled and monitored under Work Orders issued by the Department of Environment and not by the Shire of York which is responsible for land use compliance and not environmental compliance under a State Government Department order.

Mrs Tanya Richardson**Question:**

It was stated in the recent Community Information Update that York continues to buck the rural and wheatbelt trend by growing and expanding. Where did these statistics come from?

Response:

Comments on population and growth are based on Bureau of Statistics data, subdivisions and building permits issued.

4. PUBLIC QUESTION TIME

Cr Reid read the following statement at the commencement of Public Question Time:

Statement by the Presiding Member at the Opening of Public Question Time at Ordinary and Special Council Meetings

“Public Question Time is provided for under the provisions of Section 5.24 of the Local Government Act and the Local Government (Administration) Regulations 1996.

To provide equal opportunity for people to ask questions a limit of two (2) questions per person per time will be applied. If there is time available in Public Question Time people may be given the opportunity to ask a further two (2) questions at a time.

Procedures

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

PRESIDING OFFICER

21 October 2013

4.1 Public Question Time

Public Question Time commenced at 4.10pm

Mr Denis Hill

Question 1:

Reference Item 9.5.2 – I ask that the recommendation be amended to strike out “on the levels of concern about and opposition to” and read as follows:

That Council: Authorise a 2013/14 Municipal Budget Fund amendment of up to \$5,000 for the preparation and/or presentation of information to the Joint Wheatbelt Development Assessment Panel on the Allawuna Landfill Development application.

Response:

A change of the recommendation will be discussed when the Agenda item is reached.

Question 23:

In light of the public interest, could this item be bought forward on the Agenda?

Response:

Cr Reid stated he would prefer to keep the item where it is.

Mr John Oliver

Question 1:

In light of the fact that there are effective recycling practices operating in other Local Government areas who decided there are no cost effective practices for York?

Response:

Taken on Notice

Question 2:

When will this be re-assessed and by whom?

Response:

Taken on Notice

Mrs Yvonne Dols

After reading the York Planning Scheme No. 2 – Agricultural Zone, the Community Strategic Plan on environmental vision and economic development, the York Local Planning Strategy, the State Planning Policy – land use in rural areas can any Councillor or employee give me just one instance from the above policies where the proposed landfill site is compatible.

Response:

No we cannot at this time.

Question 2:

Does the Council want to bear the blemish when a previous Council turned their backs on one of Yorks icons (the Ficus tree).

Response:

Council is aware the community is unhappy regarding the proposed landfill development, however due process needs to be followed.

Question 3:

How do we know if the DAP Council Members are mindful of community concerns?

Response:

DAP members will be appropriately trained and are aware of community concerns.

Mr Simon Saint

Question 1:

How can there be a fair decision made if hundreds of documents have not been released by the Shire of York.

Response:

Information is currently with the FOI Commission.

Question 2:

Why not release the documents.

Response:

FOI – to go to an external review.

Mrs Tanya Richardson

Question 1:

Item 9.2.8 – YRCC – how can Council accept this report without any financials?

Response:

This has been discussed by Council, more in depth reporting is to occur.

Question 2:

Information Services – why are they not using the regional calendar of events?

Response:

Taken on Notice

Mr Kevin Guelfi

Question 1:

When will the Shire do something about the heavy fire load on the vacant land next to my property?

Response:

Taken on Notice

Ms Tricia Walters

Question 1:

In 'Questions Taken on Notice' why do the questions from Ms Louise Draper-Sevenson commence at Question 3?

Response:

Questions 1 & 2 were answered and printed in the December Minutes.

Question 2:

Can free hard copies of the Agenda be provided?

Response:

Will assess how many community members attend Council Meetings and look at adjusting the number of Agendas printed for these meetings.

Mrs Tanya Richardson

Question 3:

CEO credit card records – I can't find where these are detailed.

Response:

The report presented is in accordance with the Local Government Department direction, there is no break up of individual transactions.

Question 4 (a):

Item 9.2.9 – South East Avon Regional Transition Group – why is this group still meeting?

Response:

The South East Avon Regional Transition Group will wind up under due process.

Question 4 (b):

The \$12,000 for telecommunications what is happening with this?

Response:

The approved \$12,000 was expended on the telecommunications project.

Public Question Time was declared closed by the Shire President at 4.35pm

5. APPLICATIONS FOR LEAVE OF ABSENCE

**RESOLUTION
020214**

Moved: Cr Hooper

Seconded: Cr Duperouzel

“That Council grant a leave of absence to Cr David Wallace for the month of March.”

CARRIED: 6/0

6. PETITIONS / PRESENTATIONS / DEPUTATIONS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Minutes of the Ordinary Council Meeting held December 16, 2013

Corrections – Item 9.2.4 - South East Avon Regional Transition Group – Shire President, Cr Matthew Reid requested it be minuted that the SEARTG Information Note had been distributed under his signature without his authority or knowledge of the contents.

**RESOLUTION
030214**

Moved: Cr Smythe

Seconded: Cr Hooper

“That the above amendment to the Ordinary Council Meeting held December 16, 2013 be confirmed.”

CARRIED: 6/0

Confirmation

**RESOLUTION
040214**

Moved: Cr Hooper

Seconded: Cr Smythe

“That the minutes of the Ordinary Council Meeting held December 16, 2013 be confirmed as a correct record of proceedings with the above amendment.”

CARRIED: 6/0

7.2 Minutes of the Annual General Meeting of Electors held February 3, 2014

Corrections

Confirmation

**RESOLUTION
050214**

Moved: Cr Boyle

Seconded: Cr Wallace

“That the minutes of the Annual General Meeting of Electors held February 3, 2014 be confirmed as a correct record of proceedings.”

CARRIED: 6/0

7.3 Minutes of the Special Council Meeting held February 4, 2014

Corrections

Confirmation

**RESOLUTION
060214**

Moved: Cr Boyle

Seconded: Cr Wallace

“That the minutes of the Special Council Meeting held February 4, 2014 be confirmed as a correct record of proceedings.”

CARRIED: 6/0

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Cr Reid announced that recently Councillors and Senior Staff met in Cervantes to consider ‘The Way Forward’ for the Shire of York. Five key areas were selected for consideration – Roads, Workforce, Streetscape, Water Harvesting & Re-Use and Economic Development. These five areas are priorities for the Shire of York and will have concrete outcomes in the next 1-2 years.

9. OFFICER’S REPORTS

9.1 Development Services

9. OFFICER'S REPORTS

9.1 DEVELOPMENT REPORTS

9.1.1 Scheme Amendment No. 52 – Foreman, Lewis and Red Swamp Precinct

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

FILE NO:	PS.PPD.4.4
COUNCIL DATE:	17 February 2014
REPORT DATE:	16 January 2014
LOCATION/ADDRESS:	Foreman, Lewis and Red Swamp Precinct.
APPLICANT:	Shire of York
SENIOR OFFICER:	J Jurmann, MPS
REPORTING OFFICER:	K Strange, PO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Scheme Amendment Documentation
DOCUMENTS TABLED:	Nil

Summary:

Council at its Ordinary Meeting held on 16 December 2013 resolved:

"That Council:

- 1. Request Council's Planners to prepare the scheme amendment documentation required to rezone the Foreman, Lewis and Red Swamp Precinct from Rural Residential to Residential R5/R10.*
- 2. That the affected landowners be advised of the resolution and be advised that the amendment once initiated will be advertised for community comment.*
- 3. That a further report be received to formally initiate the scheme amendment for the Precinct.*
- 4. Not to prepare scheme amendment documentation for rezoning proposals associated with single lots or multiple lots in single ownership or lots that are not identified in the York Local Planning Strategy."*

The Scheme Amendment documentation has been prepared in accordance with the Council resolution and the provisions of the York Town Planning Scheme No. 2, with variation to the original proposed Residential coding.

Council is now requested to resolve to formally initiate a scheme amendment to rezone the Foreman, Lewis and Red Swamp Precinct from 'Rural-Residential' to 'Residential' with a coding of R2.5 and R5 in accordance with Map 2; to request permission from the Environmental Protection Authority to advertise the proposed scheme amendment; and following receipt of permission to advertise, publicly advertise the proposed scheme amendment.

Additionally the area vested in the Shire, as identified as Area C on Map 2, will be allocated as Reserve for the purposes of Recreation and Open Space within this amendment, to rectify an anomaly within the current Scheme zoning.

Background:

The Foreman, Lewis and Red Swamp Precinct is an area bounded by Red Swamp Place, Lewis Road and the Avon River, on the north-eastern side of the York townsite. The Area comprises of 13 existing lots – Lots 69, 70, 71, 73, 74, 75, 76 and 77 Foreman Road; Lots 67, 68 and 79 Lewis Road; and Lot 72 Red Swamp Place with an area of 16 hectares. Map 2 and Table 2 below show the area and respective sizes of each lot.



Map 1: The Precinct

	<i>Lot No.</i>	<i>Street No.</i>	<i>Street.</i>	<i>Size (m²)</i>	<i>Size (ha)</i>
<i>Area A</i>	72	6	Red Swamp Place	9,792	0.98
	73	1	Foreman Road	10,206	1.02
	74	9	Foreman Road	10,006	1.00
	75	15	Foreman Road	10,107	1.01
	76	21	Foreman Road	10,108	1.01
	77	27	Foreman Road	10,038	1.00
	78	17	Lewis Road	10,707	1.07
	79	3	Lewis Road	10,138	1.01
	Total Area A			81,102	8.1ha
<i>Area B</i>	69	14	Foreman Road	10,794	1.08
	70	8	Foreman Road	11,426	1.14
	71	2	Foreman Road	12,220	1.22
	67	49	Lewis Road	11,754	1.17
	68	37	Lewis Road	11,202	1.12
	Total Area B			57,396	5.73ha
<i>Roads</i>			Red Swamp Place	7,350	0.73
			Lewis Road	9,678	0.97
			Foreman Road	5,635	0.56
	Total Roads			22,663	2.26ha
	Total Area			161,161m²	16.09ha

Table 1: Lot areas

The properties range from 0.5 to 1.2 hectares in area and are not subdividable under their current Rural Residential zoning.

On 2 October 2013, Council received a request to initiate a scheme amendment to rezone Lot 69 Lewis (Cnr Foreman) Road from Rural Residential to Residential with a density coding consistent with neighbouring York Estates to facilitate subdivision. Council at its Ordinary Meeting held on 21 October 2013 resolved the following:

“That Council:

1. *Advise the applicant that it supports the rezoning of Lot 69 Lewis Road, York and agrees, in principle, to initiate a scheme amendment to the York Town Planning Scheme No. 2.*
2. *Advises that the applicant is responsible for all costs associated with the rezoning, including preparation of scheme amendment documentation that meets the requirements of the York Local Planning Strategy and York Town Planning Scheme No. 2.”*

A notation was appended to Council's resolution that stated:

"Letter to be sent to all neighbours to give them the opportunity to 'opt in' to the proposal"

Following this resolution, letters were sent to all relevant neighbouring properties for their 'expressions of interest'. Seven out of the thirteen landowners favoured the proposal.

Further to this consultation, a report was put forward to Council at its Ordinary Meeting held on 16 December 2013 where the following was resolved:

"That Council:

- 1. Request Council's Planners to prepare the scheme amendment documentation required to rezone the Foreman, Lewis and Red Swamp Precinct from Rural Residential to Residential R5/R10.*
- 2. That the affected landowners be advised of the resolution and be advised that the amendment once initiated will be advertised for community comment.*
- 3. That a further report be received to formally initiate the scheme amendment for the Precinct.*
- 4. Not to prepare scheme amendment documentation for rezoning proposals associated with single lots or multiple lots in single ownership or lots that are not identified in the York Local Planning Strategy."*

The area, whilst not specifically mentioned in the York Local Planning Strategy, is a logical and practical expansion of the Residential land within the area known as the 'York Estates'.

Consultation:

In accordance with the notation from Council's resolution at the Ordinary Meeting held on 21 October 2013, all landowners in the Foreman, Lewis and Red Swamp Precinct were notified via letter about the proposed scheme amendment and requested any 'expressions of interest' in the rezoning, including cost sharing. Seven (7) positive responses were received whilst no responses (or objections) were received from the remaining six (6) landowners.

If officially initiated, the scheme amendment will be advertised in accordance with the Town Planning Regulations.

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 Strategy does not specifically identify this area for an intended purpose however it is considered to be a practical expansion of the Residential area known as the 'York Estates'. It will support the existing low density residential area as well as logically round off the existing York Estates.

Issues such as urban water management and identification and retention of native vegetation will need to be considered in any application for subdivision, or for greater than three (3) lots, any submitted Outline Development Plans.

York Town Planning Scheme No. 2

The site is currently zoned Rural-Residential under the provisions of the Scheme. The current minimum lot size is 1 hectare. The lots in the Precinct range from 1 to 1.5 hectares and are not subdividable under their current zoning.

It is proposed to rezone the Precinct to Residential with a coding of R2.5 for Area A and R5 for Area B in accordance with Map 2 below.



Map 2: Area A, B and C of the Precinct

This would theoretically enable subdivision of the lots to a minimum lot size of 4,000m² and 2,000m² respectively. This coding is consistent with the existing zoning for properties within York that abut the Avon River as well as the York Estates area.

Clause 4.8.3 of the Scheme requires the preparation of an Outline Development Plan in accordance with clause 5.10 before granting and/or recommending approval to any proposal which involves subdivision of over three (3) lots.

Policy Implications:

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

Local Planning Policy – Contributions for Road & Footpath Construction & Infrastructure.

Contributions will be sought under the provisions of the Policy at the subdivision stage.

Draft Country Sewerage Policy (Department of Health)

This draft policy does not permit the subdivision of un-sewered properties with an area of less than 2,000m² and is enforced by the Western Australian Planning Commission. This proposal complies with this policy.

Financial Implications:

Initially, it was resolved at the Ordinary meeting of 21 October 2013 for the applicant to be responsible for the full cost associated with the rezoning, however this was related to a single lot, i.e. Lot 69 Lewis Road.

Due to the expansion of the rezoning from one (1) lot to thirteen lots, it was considered more practicable for Council to bear the cost of the rezoning. Council's resolution from the Ordinary Meeting of 16 December 2013 resolved that Council's Planners would prepare the scheme amendment documentation required and make clear that Council would not be responsible for the costs of rezoning single properties, particularly if the property does not have a strategic context and/or community benefit.

Therefore, it is expected that Council will bear the full cost of this particular scheme amendment as well as prepare all relevant documentation and mapping related to the rezoning.

Strategic Implications:

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

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Yes

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

The rezoning will provide the landowners the opportunity to subdivide and sell all or part of their properties. Developer contributions, for road upgrading and drainage management, may be imposed at the subdivision stage.

If Council resolves to initiate the amendment, then there are economic implications associated with the preparation and advertising of relevant documentation including staff time and advertising costs. These costs can be absorbed within existing budget allocations.

Social Implications:

The provision of larger lot residential land will provide additional housing choice for new and existing residents of York, in turn, creating a positive social outcome for the Shire of York.

Environmental Implications:

There are no environmental implications with this proposal, although drainage will need to be considered as part of any subdivision proposal brought about by the rezoning.

Comment:

The majority of landowners in the Foreman, Lewis and Red Swamp Precinct support the rezoning of the Precinct from Rural Residential to Residential in order to enable subdivision of the existing lots. Whilst it was initially proposed for a coding of R5/R10 to be applied, after further investigation it has been concluded that a coding of R2.5 and R5 is more appropriate.

The rezoning of the Precinct is consistent with the existing York Estates, facilitating a transition of zonings towards the outskirts of the townsite, towards the Avon River and the Rural Residential area east of Red Swamp Place.

Theoretically, approximately 48 lots could be created as a result of the rezoning, however it is unlikely that the total lot yield would be obtained. The development of the Precinct could occur over many years (i.e. 10 to 15 years) as the town expands, particularly with the increase in development occurring in the York Estates.

The Local Planning Policy *Contributions for Road and Footpath Construction and Upgrading* will provide equitable distributions of costs for upgrading of the Precinct's infrastructure including roads, footpaths and drainage. This is something that is likely to occur over time as the individual landowners develop their land.

The portion of land between the Precinct and the Avon River is vested with the Shire and is currently zoned Rural Residential. This Amendment will correct this anomaly by allocating the area as a Reserve for the purposes of Recreation and Open Space.

**RESOLUTION
070214**

Moved: Cr Hooper

Seconded: Cr Boyle

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

1. Initiate Scheme Amendment No. 52 to the York Local Planning Scheme No. 2 by:

(a) Rezoning the Foreman, Lewis and Red Swamp Road from Rural Residential to;

- i. Residential R2.5 for properties abutting the Avon River (Lot 72 Red Swamp Place; Lots 73, 74, 75, 76 and 77 Foreman Road; and Lots 78 and 79 Lewis Road);***
- ii. Residential R5 for all other properties (Lots 67 and 68 Lewis Road; and Lots 69, 70 and 71 Foreman Road); and***
- iii. Reserve (Recreation and Open Space) for the portion of land vested in the Shire between the Avon River and the Precinct.***

(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 1967.”

CARRIED: 6/0

Item 9.1.1 - Appendices

9. OFFICER'S REPORTS

9.1 DEVELOPMENT REPORTS

9.1.2 Proposed Shed – Lot 404 (21) Avon Terrace, York

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

FILE NO: P894, Av1.7330
COUNCIL DATE: 17 February 2014
REPORT DATE: 29 January 2014
LOCATION/ADDRESS: Lot 404 (21) Avon Terrace, York
APPLICANT: Mr S Nevill
SENIOR OFFICER: R Hooper (CEO)
REPORTING OFFICER: J Jurmann (MPS)
DISCLOSURE OF INTEREST: Nil
APPENDICES:
1 – Site Plan
2 – Flood Mapping
3 – Heritage Report
4 – Department of Water Advice
DOCUMENTS TABLED: Nil

Summary:

Council at its Ordinary Meeting held on 16 December 2013 considered a report for the construction of a shed at 21 Avon Terrace, York. The property is listed on the Municipal Heritage Inventory, located in the Blandstown Heritage Precinct and flood affected.

The determination of the application was deferred by Council to obtain further advice from Council's Heritage Advisor. Further advice has now been obtained from the Heritage Advisor and Department of Water.

It is recommended that the application be conditionally approved taking into consideration the advice obtained and discussions with the applicant.

Background:

A planning application was submitted to the Shire of York on 22 November 2013 proposing to construct an outbuilding at Lot 404 (21) Avon Terrace, York.

The property is located on the corner of Revett Place and Avon Terrace in the Blandstown Heritage Precinct, south of the centre of York. The existing development on the property consists of a dwelling, known as "Brook Cottage" that is registered as a Category 1B on the Shire of York's Municipal Heritage Inventory List and a shed.

Department of Water mapping indicates that the property could be affected by flooding. The map attached at Appendix 2 illustrates the extent of the flooding.

The report considered by Council at its meeting held on 20 December 2013 provides the full background and an assessment of the proposal. This report provides an assessment of the additional heritage and flooding information.

Consultation:

Council's Heritage Advisor, Laura Gray, was requested to provide an assessment of the proposal, as requested by Council.

Following receipt of the advice, the Department of Water was further consulted, together with the applicant/landowner.

The original submission received has also been considered during the initial and subsequent assessment of this application. The submission is detailed in the original Council report.

Statutory Environment:

York Town Planning Scheme No. 2

The Report considered by Council at its meeting held on 20 December 2013 provided a full assessment of this application. The main issues for consideration of this proposal are flooding and heritage that have been re-assessed from the original report in view of the additional information provided by the Heritage Advisor and Department of Water.

Local Planning Policy – Heritage Precincts and Places

Council’s Heritage Advisor, Laura Gray, has assessed the proposal considering the Policy and has provided a number of recommendations. These recommendations will need to be considered together with the impacts of the development on flooding.

Local Planning Policy – Outbuildings in Residential Areas

The proposal complies with the Policy and this review does not impact on any provisions of this Policy.

Policy Implications:

Local Planning Policies are guidance documents adopted in accordance with the provisions of the York TPS2 and provide a base for consistency of decision making.

Variation of policy is often required where the provisions of one policy outweigh the provisions of another where there are conflicting requirements. In this case, reduction of the impacts of flooding on the proposed structure and local area is considered the primary issue and has been given precedence in this assessment.

Financial Implications:

There are no financial implications associated with this proposal. The applicant will be required to sign an Indemnity Agreement indemnifying the Shire of York from any losses associated with the impact of any major flooding.

Strategic Implications:

There are no strategic implications associated with this proposal as indicated in the original report.

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:

The impacts on the flood regime have been assessed by the Department of Water and have been reduced to an acceptable level.

Construction of the shed does not necessitate removal of any significant riparian vegetation.

Comment:

In accordance with the resolution from the Ordinary Meeting on 16 December 2013, the application was referred to Laura Gray, Council's Heritage Advisor for specialist heritage advice. The following advice was provided:

"In consideration of Shire of York LPP Heritage Precincts and Places (Update 2009), the proposed outbuilding is supported conditional upon:

- *Further consideration of the realignment of the location, to be parallel to its Avon Terrace frontage, the existing residence and Revett Place;*
- *Realignment including a location closer to Revett Place to minimise the Avon Terrace impact; and,*
- *Reconsideration of the roof sheeting option of corrugated galvanized or Colorbond (colour to match the walls), in preference to the proposed zincalume roof sheeting."*

A full copy of the Heritage Report is attached at Appendix 4.

Taking into consideration the Heritage Advisor's recommendations, an alternative position closer to Revett Place (as depicted in Map 1), was referred to the Department of Water for their comment and advice.

The Department of Planning Water have provided the following advice taking into consideration the alternative location as a result of the heritage advice:

"The relocation of the proposed shed moves it much closer towards Bland Brook, increasing the potential for obstruction of major flows in the Brook.

It is recommended that the proposed shed be located further from the Brook (i.e. closer to the existing house/the original location of the proposed shed)."

Taking into consideration the advice from the Heritage Advisor and Department of Water, the applicant was further consulted and has confirmed he is willing to negotiate an appropriate location for the shed from a flooding point of view and make alterations to the design as recommended in the Heritage Report.

As indicated in the Policy Section of this report, the impacts of flooding must take precedence in the assessment of this application. Therefore, the recommendations of the Department of Water to locate the shed closer to the existing house in the original location must be supported. Notwithstanding this, the changes to the design of the shed as recommended by the Heritage Advisor should also be supported.

Although the proposed orientation and location of the shed is a departure from the provisions of the Heritage Policy, it is considered appropriate due to the above considerations.

Clause 8.11 of the York TPS2 enables approval to be granted subject to later approval of details, which may include siting, design and external appearance of the buildings.

It is recommended that conceptual approval be granted subject to submission of site plan drawn to scale prepared by a suitably qualified person that confirms the location of the shed closer to the existing house using the Department of Water flood levels and mapping.

Conditions of approval should also be imposed requiring the plans to be amended incorporating the design changes recommended in the Heritage Report.

**RESOLUTION
080214**

Moved: Cr Duperouzel

Seconded: Cr Hooper

“That Council:

APPROVE the construction of an outbuilding at Lot 404 (21) Avon Terrace, York, subject to the following:

- 1. This approval is current for a period of two (2) years from the date of determination. Details required by condition 2 must be submitted within this period. If the required details are not provided within 2 years, then this approval will lapse and be of no further effect.**
- 2. Prior to planning consent being finally granted and the issue of a Building Permit, an application for planning consent is to be submitted for approval as follows:**
 - (a) An amended site plan, drawn to scale and prepared by a suitably qualified person that confirms the location of the shed closer to the existing house using the Department of Water flood levels and mapping.**
- 3. Subject to the approval of the plan required in 2(a), final planning consent be granted subject to the following:**
 - (a) Condition 1: The development must substantially commence within two (2) years from the date of final planning determination.**
 - (b) Condition 2: Development must take place in accordance with the stamped approved plans.**
 - (c) Condition 3: A schedule of colours and materials shall be submitted for approval prior to the commencement of the development in accordance with the Heritage Report recommendations.**
 - (d) Condition 4: Prior to commencement of works, sediment and erosion control measures shall be installed to the satisfaction of Council.**
 - (e) Condition 5: No significant vegetation shall be removed without approval of the local government. Measures shall be taken to ensure the protection of any significant vegetation on the site, prior to commencement of construction works.**
 - (f) Condition 6: Cut and fill associated with the development must not exceed 300mm without the prior approval from the local government and Department of Water.**
 - (g) Condition 7: The applicant shall enter into a Deed of Indemnity indemnifying the Shire of York from any loss or damage caused by flood prior to occupation.**
 - (h) Condition 8: The outbuilding is not be used for habitable, commercial and/or industrial purposes.**
 - (i) Advice Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval will lapse and be of no further effect.**
 - (j) Advice Note 2: Where an approval has so lapsed, no development is to be carried out without the further approval of the local government having first been sought and obtained.**

- (k) Advice Note 3: If an applicant is aggrieved by this determination there is a right of appeal under the Planning & Development Act 2005. An appeal must be lodged within 28 days of the determination.**
- (l) Advice 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.**
- (m) Advice Note 5: It is the applicant's responsibility to obtain any approvals and/or permits required for works within a riparian area/ waterway."**

CARRIED: 5/1

Item 9.1.2 – Appendices

9.2 Administration Reports

9. OFFICER'S REPORTS

9.2 ADMINISTRATION REPORTS

9.2.1 Proposed Excision Of Road Reserve – Ashworth Road

FILE NO:	AS.1
COUNCIL DATE:	17 February 2014
REPORT DATE:	22 January 2014
LOCATION/ADDRESS:	Ashworth Rd, Daliak
APPLICANT:	A Courtin
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	J Jurmann, MPS
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Draft Plan
DOCUMENTS TABLED:	Nil

Summary:

The Shire of York has received a request from Mr Arnaud Courtin to purchase a portion of unmade road reserve adjacent to his property at Lot 18 Ashworth Road, Daliak.

The Plan attached at Appendix 1 depicts the area.

It is recommended that the proposal be advertised and that service agencies be invited to comment. Subject to no objections being received, Council request the Department of Lands to excise the subject land.

Background:

The subject area is an area of unmade road reserve of approximately 2,500m² and is currently fenced together with Lot 1533 Ashworth Road.

Mr Arnaud Courtin, owner of Lot 18 Ashworth Road, has requested to purchase the area with an intention to revegetate the area, and possibly in the future utilise the area for customers in conjunction with the York Olive Oil Company.

Consultation:

Following receipt of the request and an inspection of the area, correspondence was sent to both adjoining landowners. No response was received from the owner of Lot 1533 Ashworth Road.

Council's Environment Officer and Works Manager have been consulted and do not raise any objections to the proposed excision.

Statutory Environment:

Land Administration Act 1997

Part 5 of the *Land Administration Act 1997 (WA)* (LAA) provides the current primary legislative basis for the creation/dedication of roads as well as the closure of roads and private roads in Western Australia.

The Department of Lands Crown Land Manual advises that adjoining landowners or interested persons may apply to local government seeking a road or portion to be closed, which is the case with this proposal.

On receipt of that request, the local government must undertake the following steps:

- undertake community consultation,
- consult with the WAPC on the proposed amalgamation,
- liaise with adjoining landowners, and
- seek public utility service authority providers' agreement to the closure,

In addition to the above steps that must be taken for the closure of a road, the local government should also:

- liaise with Main Roads WA to ensure that they do not require the road for any other purpose,
- advertise the proposed road closure in a newspaper circulating in its district; and
- pass a resolution to close the road.

Where any adjoining landowners are interested in purchasing part of the closed road for amalgamation with their land, the local government should also arrange with adjoining landowners for a concept sketch plan showing the manner of allocation of the closed road with adjoining land.

Both adjoining landowners have been contacted and only one has shown interest. This situation will be confirmed during the community consultation process.

Policy Implications:

There are no policy implications associated with this proposal.

Financial Implications:

The applicant will be responsible for all costs associated with the excision and land purchase.

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 excision and sale of unmade road reserves that are excess to the communities and Shire's needs enables better management of infrastructure and related budgetary requirements.

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Yes

Triple bottom Line Assessment:

Economic Implications:

The excision of the excess portion of road reserve will result in a slight reduction in verge maintenance costs.

Social Implications:

There are no social implications associated with this proposal.

Environmental Implications:

There are no environmental implications associated with the proposal.

Comment:

This Report is for the purpose of seeking Council's in principle support for the proposed excision of the identified portion of road reserve and to progress to the next required steps in the road closure process as outlined in the Statutory Environment section.

There are a number of sections of Ashworth Road where the constructed road varies from the alignment of the gazetted road and are subject of remedial action, including consultation with affected landowners and the Department of Lands.

**RESOLUTION
090214**

Moved: Cr Hooper

Seconded: Cr Wallace

"That Council:

- 1. Initiate the road closure processes in accordance with the provisions of the Land Administration Act 1997 for the proposed excision of the portion of Ashworth Road identified on the map attached at Appendix 1;***
- 2. Advertise to the community and consult with adjoining landowners and relevant government and service agencies in accordance with the provisions of the Land Administration Act 1997.***
- 3. Inform the applicant that all costs associated with surveying and fencing will be his responsibility.***
- 4. Receive a further report once all the required steps have been completed to finalise the road closure process."***

CARRIED: 6/0

Item 9.2.1 – Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.2 SEARTG – Amalgamation Proposal

FILE NO: OR.RDT.5
COUNCIL DATE: 17 February 2014
REPORT DATE: 23 January 2014
LOCATION/ADDRESS: South East Avon
APPLICANT: N/A
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: R Hooper, CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Correspondence & Report
DOCUMENTS TABLED: Nil

Summary:

The Minister for Local Government; Community Services; Seniors & Volunteering; Youth advises that he has accepted the recommendation of the Local Government Advisory Board that the application to amalgamate the Local Governments of York, Quairading, Cunderdin and Tammin be rejected.

Background:

The South East Avon Regional Transition Group has pursued the structural reform process for a number of years under an agreement with the State Government culminating in the application for amalgamation.

Consultation:

Not applicable in relation to this decision as it is final and binding on all parties.

Statutory Environment:

Local Government Act 1995 – Schedule 2.1 Clause 6.1

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.*

Policy Implications:

Nil

Financial Implications:

Nil as funding arrangements in place for the structural reform process will now be finalised and acquitted.

Strategic Implications:

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

Social

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

Environmental

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

Economic

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

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not Applicable

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

Transition funding in place will now not be accessed (\$2,655,000).

Social Implications:

The status quo for Local Government in the South East Avon Region will remain in place until and unless the State Government mandates rural structural reform similar to the process applied to the metropolitan area.

Environmental Implications:

Nil

Officers Comment:

The conclusions of the Local Government Advisory Board (pages 90-92 of the Report) brings into question whether voluntary rural Local Government reform will ever be considered viable if concerns about consultation processes, capacity to drive change and the cost of transitioning to a single entity are the determining factors rather than the advantages of financial savings, improved services, protection of identity and other factors incorporated into the SEARTG Business and Service Delivery Plans.

Comments on the commonality of goals and objectives and the capacity to drive change management are not quantified and as such they are not open to challenge or assessment.

The structural reform process in the region was based on selection of partners, history of working collaboratively (SEAVROC), proximity and commonality of interests, protection of identity and the certainty that structural reform will be forced on rural Local Governments and new and better service delivery.

Now that the decision has been made the Shire of York will need to determine its position on resource sharing and regional collaboration while continually improving service delivery to ratepayers and residents as a single entity controlling its own future until the State Government determines the future of structural reform in rural areas.

**RESOLUTION
100214**

Moved: Cr Smythe

Seconded: Cr Hooper

“That Council:

Receive the decision of the Minister for Local Government and the Local Government Advisory Board Report and make these documents available to the public through the Shire of York website and the Shire office.”

CARRIED: 6/0

Item 9.2.2 – Appendices

9. OFFICER'S REPORTS

9.2 ADMINISTRATION REPORTS

9.2.3 Proposed Local Government Property Amendment Local Law 2014

FILE NO:	LE.LLW.2
COUNCIL DATE:	17 February 2014
REPORT DATE:	30 January 2014
LOCATION/ADDRESS:	N/A
APPLICANT:	Shire of York
SENIOR OFFICER:	Ray Hooper, CEO
REPORTING OFFICER:	Darren Long – DL Consulting
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Proposed Local Government Property Amendment Local Law 2014
DOCUMENTS TABLED:	Principal Local Law and Amendment 2012

Summary:

To allow:

- (1) the Presiding Person to give notice to the meeting of the intent to make a new Local Government Property Amendment Local Law 2014;
- (2) the Presiding Person to give notice of the purpose and effect of the proposed Local Government Property Amendment Local Law 2014,
- (3) for the Council to adopt the proposed Local Government Property Amendment Local Law 2014, and
- (4) to allow for advertising of the Local Government Property Amendment Local Law 2014 for public comment.

Background:

The current principal Local Government Property Local Law was first adopted by Council on 4 August 2000, and gazetted on 17 January 2001.

To comply with the provisions of section 3.16 of the *Local Government Act* 1995, the Shire of York commenced a review of its local laws on 27 October 2009.

At the conclusion of the review process it was identified that a series of amendments were required to the principal Local Government Property Local Law.

Amendments were undertaken and completed in May 2012.

The Joint Standing Committee on Delegated Legislation wrote to the Shire of York in June 2012 requesting the Council to make minor amendments to the Shire of York Local Government Property Local Law. The amendments related to:

- (1) Clause 2.3(3) of Part 2 of Schedule 2

The Joint Standing Committee is of the view that the determination to ban glass containers under clause 2.3(3) is not authorised as it is outside the heads of power for making determinations listed in clauses 2.7 and 2.8 of the Local Law.

- (2) Clause 2.4(1) of Part 2 of Schedule 2

The Joint Standing Committee is of the view that the determination to prohibit the discarding of waste from any animal under clause 2.4(1) is not authorised by clause 2.7 or 2.8 of the Local Law.

The Council considered a report at its 16 July 2012 Ordinary Council Meeting relating to the undertakings sought by the Joint Standing Committee, and resolved as follows:

“That the Joint Standing Committee on Delegated Legislation be advised that the Council agrees to the following undertakings in relation to the Shire of York Local Government Property Amendment Local Law 2012:

- 1. delete clause 2.3(3) from Part 2 of Schedule 2;***
- 2. delete clause 2.4(1) from Part 2 of Schedule 2;***
- 3. Make all consequential amendments arising from the Committee’s undertakings;***
- 4. That all undertakings will be completed within 6 months from the date of the Shires advice to the Committee;***
- 5. Provide a copy of the minutes where the Council agrees to the Committee’s undertakings; and***
- 6. In the interim, where the Shire of York makes the local law public available, whether in electronic form or hard copy, it will be accompanied by a copy of the undertakings.”***

To give effect to the above the Council now needs to undertake the law making process in accordance with Section 3.12 of the Local Government Act 1995.

Consultation:

As required by section 3.12 the Local Government Act 1995, an advertisement is to be placed, in a state-wide newspaper, inviting the public to comment on the proposed local law, with submissions being open for a period of not less than 6 weeks (42 days).

The advertisement will be placed once Council has resolved its intent to make the local law.

In addition, copies of the proposed Local Government Property Amendment local law 2014, (gazettal copy), and the National Competition Policy review (if required) must be sent to the relevant Minister for comment.

Statutory Environment:

Local Government Act 1995

Section 3.12(2) of the Local Government Act 1995 and the Local Government (Functions and General) Regulations (Regulation 3) which states that for the purpose of Section 3.12(2) of the Local Government Act the person presiding at a council meeting is to give notice of the purpose of the local law by ensuring that the purpose and effect of the proposed local law is included in the agenda for that purpose and the minutes of the meeting of the council include the purpose and effect of the proposed local law.

Policy Implications:

There are no policy implications for this item.

Financial Implications:

Advertising costs of approximately \$600 - \$800 associated with state-wide advertising.

Strategic Implications:

Resource Management.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not Applicable.

Triple bottom Line Assessment:

Economic Implications:

Not applicable.

Social Implications:

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

Environmental Implications:

Not applicable.

Comment:

The proposed amendments to the Shire of York Local Government Property Local Law are set out in the attachment to this report.

In making a new local law, Council must comply with the provisions of section 3.12 of the Act.

The *Local Government (Functions and General) Regulations* (Regulation 3) states that for the purpose of Section 3.12(2) of the Act, the person presiding at a council meeting is to give notice of the purpose of the local law by ensuring that the purpose and effect of the proposed local law is included in the agenda for that purpose and the minutes of the meeting of the council include the purpose and effect of the proposed local law.

The purpose of the proposed Local Government Property Amendment Local Law 2014 is to give effect to amendments required by the Joint Standing Committee on Delegated Legislation.

The effect of the proposed Local Government Property Amendment Local Law 2014 is to remove offending clauses that have no head of power within the local law.

RESOLUTION

110214

Moved: Cr Hooper

Seconded: Cr Duperouzel

“That Council:

- 1. adopt the proposed Shire of York Local Government Property Amendment Local Law 2014, as contained in the Attachment for the purposes of advertising;***
- 2. pursuant to section 3.12 of the Local Government Act 1995, give Statewide public notice that it intends to make the Shire of York Local Government Property Amendment Local Law 2014, as contained in the Attachment:***
 - (a) the purpose of which is to give effect to amendments required by the Joint Standing Committee on Delegated Legislation; and***
 - (b) the effect is to remove offending clauses that have no head of power within the local law.”***

CARRIED: 6/0

Item 9.2.3 – Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.4. Declaration on Climate Change

FILE NO: EV.PVN.8
COUNCIL DATE: 17 February 2014
REPORT DATE: 31 January 2014
LOCATION/ADDRESS: South East Avon
APPLICANT: WALGA
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: R Hooper, CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Declaration for the Shires of York, Quairading
Cunderdin & Tammin
DOCUMENTS TABLED: Nil

Summary:

The WA Local Government Association requests all local governments to become a signatory to a Local Government Declaration on Climate Change to provide a uniform position.

Background:

The Regional Environment Officer assessed the original draft declaration and gained feedback from the Member Councils resulting in the modified document presented for endorsement.

Consultation:

Shires of Quairading, Cunderdin and Tammin
Regional Environmental Officers
WALGA

Statutory Environment:

Nil

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

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

Social

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

Environmental

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

Economic

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

Voting Requirements:
Absolute Majority Required: No

Site Inspection:
Site Inspection Undertaken: N/A

Triple bottom Line Assessment:

Economic Implications:

Climate change has and will continue to have economic impacts on rural production and some adaptations may need to be made to business operations to counteract these impacts.

Social Implications:

The community has a high awareness of environmental impacts and leadership by Council in entering into an industry wide declaration is likely to be appreciated.

Environmental Implications:

The declaration is primarily about awareness and a general committee to reduce the impacts of climate change and there are likely to be no measurable outcomes for sometime.

Officers Comment:

The Declaration on Climate Change is seen as a leadership and direction setting mechanism to reduce environmental impacts into the future.

The Shire of York has been actively engaged in energy efficiency and greenhouse emission reductions for sometime through E-Waste, solar power and heating, LED Lighting and other projects.

**RESOLUTION
120214**

Moved: Cr Boyle

Seconded: Cr Smythe

“That Council:

Endorse the WA Local Government Declaration on Climate Change as presented in the Appendix and authorise the Chief Executive Officer to sign the document.”

DEFEATED: 0/6

Item 9.2.4 – Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.5 WA Local Government Grants Commission

FILE NO: OR.IGR.5
COUNCIL DATE: 17 February 2014
REPORT DATE: 4 February 2014
LOCATION/ADDRESS: N/A
APPLICANT: WALGA
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: R Hooper, CEO
DISCLOSURE OF INTEREST: Cr Hooper - Financial
APPENDICES: Notification of Vacancy
Nomination Form
Curriculum Vitae Proforma
Selection Criteria
DOCUMENTS TABLED: Nil

Summary:

The WA Local Government Association calls for nominations for one Metropolitan and one Country Rural Member and the respective deputy members for each position.

WALGA will present a panel of three names for each position to the Minister for Local Government who will make the final determination and appoint the persons to the WA Local Government Grants Commission.

Background:

Cr Hooper, York Shire Council, is the current Country Rural Member of the Grants Commission.

Consultation:

Avon Midland Zone

Statutory Environment:

Ministerial Appointment

Policy Implications:

Nil

Financial Implications:

Nil – all Commission Member costs are met by the State Government.

Strategic Implications:

Nil

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: N/A

Triple bottom Line Assessment:

Economic Implications:

Not Applicable

Social Implications:

Not Applicable

Environmental Implications:

Not Applicable

Officers Comment:

It is important for an experienced person to be nominated to this position as the WA Local Government Grants Commission is responsible for the assessment of the financial and operating capacities of all Local Governments and the allocation of general purpose and road funds provided to the State for the Federal Government.

Cr Hooper declared a Financial Interest to this item and left the room at 4.55pm

RESOLUTION

130214

Moved: Cr Boyle

Seconded: Cr Wallace

“That Council:

Fully support and endorse the nomination by Cr Hooper for the position of Country Rural Member of the WA Local Government Grants Commission.”

CARRIED: 5/0

Cr Hooper returned to the room at 4.56pm

Item 9.2.5 – Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.6 Shire of York Draft Corporate Business Plan (CBP) 2014-2017

FILE NO: OR.CMA.2.4
COUNCIL DATE: 17 February 2014
REPORT DATE: 6 February 2014
LOCATION/ADDRESS: N/A
APPLICANT: Shire of York
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: T Cochrane, DCEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Shire of York Draft CBP 2014-2017
DOCUMENTS TABLED: Nil

Summary:

Council to consider the adoption of the draft Shire of York Corporate Business Plan 2014-2017.

Background:

The Local Government Act 1995 and supporting regulations have had changes that require all local governments to develop a series of strategies and plans to form and comply with the State Government's Integrated Planning and Reporting Framework.

Consultation:

The Consultant – Helen Hardcastle assisted Council to develop the Strategic Community Plan, and undertook community consultation and held various workshops with select groups.

Consultants, Dominic Carbone and Darren Long have reviewed all the information on hand to pull together the community aspirations from the Strategic Community Plan to produce a well linked document in that of the Shire of York Corporate Business Plan 2014-2017.

Statutory Environment:

Local Government Act 1995 – Section 5.56 – Planning for the Future

"5.56. Planning for the future

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

Local Government (Administration) Regulations 1996 – Regulation 19DA

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
 - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*

- (b) *govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*
- *Absolute majority required.*
- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

Policy Implications:

N/A

Financial Implications:

The draft Corporate Business Plan will link to the Shire's Long Term Financial Plan and Annual Budget.

Strategic Implications:

Governance: Strengthen Shire Leadership

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not applicable

Comment:

The Strategic Community Plan set out a series of aspirations and desired outcomes for the Shire for a period of ten years. Both the Strategic Community Plan and the Corporate Business Plan are linked through the integrated planning framework. The Corporate Business Plan takes the identified strategies and actions that Council will take over the next four years in response to the Strategic Community Plan.

As identified in the Corporate Business Plan the following shows the Integrated Planning and Reporting Framework and linkages.

The IPRF is designed to improve local government strategic planning, and consists of a:

- ⇒ Strategic Community Plan (10 years+) - links the community's priorities and aspirations with Council's vision and long-term strategy;
- ⇒ Corporate Business Plan (four years) - incorporates existing Council plans and strategies with the Strategic Community Plan;
- ⇒ Operational Plan (one year) - included within the Corporate Business Plan, the Operational Plan details major projects, actions and activities for the year, aligning with Council's annual budget process.

The IPRF requires that the Corporate Business Plan:

- ⇒ Operates for a minimum of 4 years;
- ⇒ Identifies and prioritises the key strategies, actions, activities that Council will undertake in response to the aspirations and objectives outlined in the Strategic Community Plan;
- ⇒ Outlines the services, operations and projects that the Council will deliver over the 4 year period of the Plan, the method of delivering them, and the associated costs;
- ⇒ References resourcing considerations such as asset management plans, finances and workforce plans.

It is proposed that the Corporate Business Plan should be reviewed annually, which will enable the Council of the day to realign and re-prioritise projects should such action be required as part of the review of the Strategic Community Plan.

It should be noted that a desktop analysis of the Strategic Community Plan and consultation with the community will be undertaken approximately April 2014 dependant on the midyear review and funds being available.

RESOLUTION

140214

Moved: Cr Hooper

Seconded: Cr Boyle

“That Council by an absolute majority adopt the draft Shire of York Corporate Business Plan 2014-2017, as attached and labelled Appendix A in accordance with Section 5.56 of the Local Government Act 1995 and Regulation 19DA of the Local Government (Administration) Regulations 1996.

Advice Note: To ensure the lines of communication are kept open and to show accountability Council will ensure that the Corporate Business Plan is available on Council’s website.”

CARRIED: 5/1

Subject to Organisational Chart on Page 13 being replaced to show all staff positions.

Item 9.2.6 – Appendices

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

FILE NO: CS.LCS.8.1
COUNCIL DATE: 17 February 2014
REPORT DATE: 7 February 2014
LOCATION/ADDRESS: N/A
APPLICANT: Shire of York
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: Information Services Officers – Vicki & Pat
DISCLOSURE OF INTEREST: Nil
APPENDICES: December & January Figures
DOCUMENTS TABLED: Nil

Summary:

The following is a summary of items for York Information Services for the months of **December 2013 and January 2014.**

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

The number visitors coming through the doors and taking maps in December 2013 was **1148** as compared to **751** in 2012.

The number of visitors coming through the doors and taking maps in January 2014 was **843** as compared to **881** in 2013.

- **Product Sales-** (Appendix B) Net sales for the month of December 2013 was **\$931.40** compared to **\$690.10** for the same period 2012.
Product Sales- (Appendix B) Net sales for the month of January 2014 were **\$716.10** compared to **\$396.90** for the same period 2013.
- **The Gold Coin Souvenirs** – these are very popular with visitors and locals alike. There have been some visitors that come to York just to purchase a coin; while they are here they see the sights and make purchases in the town and have lunch.
- **Request for Services** - There are certain services that visitors ask for (verbally) on a regular basis, these include:
 - Laundromat
 - More RV Parking signs coming into town
 - Bus Tours to show people around the town and take them to the attractions in York
 - More York Information signs as you come into town
 - Backpacker Accommodation or cheap accommodation.
 - The return of the old photos that use to be hanging on the wall in the Town Hall
 - Cooler Weather. (This will come).
- **Feedback**
 - Tourist are very happy with the Free RV Parking down at Avon Park, we have had a lot of great feedback. The only thing is that some say they don't know it's here as its not advertised very well and not many signs around town showing that we have a Free RV Parking facility.
 - Lots of comments about what a lovely little town we have here.
 - Lots of comments about the Gold Coins being such a good idea.

Background:

We have the calendar of Event for the year of 2014. All known details are listed on the Calendar of Events, which is distributed through York Information Services and available on the Shire of York website. This is also email to a contact list the Information Services have for those residence and visitors centres and visitors who want to receive the calendar of events.

Consultation:

Shire of York and local business proprietors

Statutory Environment:

Nil

Policy Implications:

Not Applicable

Financial Implications:

Nil

Strategic Implications:

Not Applicable

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Nil

Social Implications:

Nil

Environmental Implications:

Nil

Comment:

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

RESOLUTION

150214

Moved: Cr Hooper

Seconded: Cr Duperouzel

“That Council:

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

CARRIED: 6/0

Item 9.2.7 – Appendices

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

FILE NO: CCP.7
COUNCIL DATE: 17th February 2014
REPORT DATE: 5th February 2014
LOCATION/ADDRESS: N/A
APPLICANT: Shire of York
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: Kathryn Brown, YRCC Manager
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil

Summary:

The following is a summary of items for York Recreation and Convention Centre for the months of

December 2013 and January 2014.

- **Catering Numbers on Fridays-** Monthly averages were calculated from the number of meals served each Friday night. A consistent number of meals were sold each Friday, with a marked decline across all areas during the holiday months. This is as you would expect with so many local residents holidaying away from York and those that stay here often being put off going out by seasonal high temperatures. The last Friday trading in January shows a return to the "normal" amount of meals sold.
- **Sporting Events And Catering**
December was a busy month for sporting fixtures, with the YRCC being open 5 or 6 days a week (up until the last week) in order to cater for these events. A new format for a combined clubs Christmas party seemed successful for all clubs participating and the YRCC as well. January was characteristically quiet sports-wise with the heat and school holidays preventing most activities. Some discussion was entered into with regards to Bowls Club catering after night-time events.
- **Diversity Of Private Functions**
During December and January YRCC hosted several Christmas events for local clubs and businesses, a couple of private wakes and the morning tea for Australia Day award winners, in addition to a reduced number of regular tennis, cricket and lawn bowls fixtures
- **Feedback:**
 - Ongoing complaints regarding damage to gym flooring due to weights use on the carpeted areas and also the trip hazard of weights being left out or not stored properly
 - Some comments received regarding YRCC closing between Christmas and New Year, when many families are still in town and potentially wanting a venue in which to socialize and possibly play some casual sport
 - Still receiving positive comments on improvement in lawn surfaces surrounding the venue and the oval as well
 - Some minor imperfections in the synthetic bowling green surface have been identified and YRCC management await clarification from the consultant as to a correct course of action
 - Most clubs and regular clientele seem upbeat about the prospect of carpeting the main room of the YRCC in February
 - Request for car park resurfacing to be considered, as the dust and dirt blowing on to all synthetic surfaces is perceived to be affecting play and/or their longevity

Background:

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

Consultation:

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

Statutory Environment:

Nil

Policy Implications:

Not Applicable

Financial Implications:

As predicted, a significant fall in turnover from November with the weather and school holidays substantially impacting trading and attendance at any scheduled events. Number of trading days were also significantly reduced with almost no sporting fixtures for most of January leading to an uncommonly low monthly financial figure.

Averaged across both months, the key hospitality utilities of bar, catering and functions made a profit of over \$1000, with expenditure down from November by over 10% in bar and 20% in catering areas. The gym facility is being well utilised and income is set to exceed the budgeted figure, whilst maintenance costs are lower than budgeted to date.

Income from YRCC sports club membership is well below budgeted figures at present, as are oval lights usage, tennis green fees and facility hire incomes. Greens maintenance and marketing and promotions budgets are on target.

Strategic Implications:

Social: Building a Sense of Community

Vision

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

Objectives

Outcomes – Connected community

Objectives – Strengthen community cohesiveness and participation

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

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not Applicable

Triple bottom Line Assessment:

Economic Implications:

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

Social Implications:

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

Environmental Implications:

Nil

Officers Comment:

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

RESOLUTION

160214

Moved: Cr Wallace

Seconded: Cr Duperouzel

"That Council:

Receive the December 2013/January 2014 report prepared by York Recreation and Convention Centre."

CARRIED: 6/0

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

FILE NO: OR.RDT.5
COUNCIL DATE: 17 February 2014
REPORT DATE: 10 February 2014
LOCATION/ADDRESS: South East Avon
APPLICANT: SEARTG
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: R Hooper, CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Minutes – SEARTG Board Meeting
DOCUMENTS TABLED: Nil

Summary:

The minutes of the South East Avon Regional Transition Group Board Meeting held on 20 December, 2013 at the Shire of York are provided for Council and Community information.

Background:

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

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

Consultation:

Not Applicable

Statutory Environment:

Not Applicable

Policy Implications:

Nil

Financial Implications:

Fully funded by Department of Local Government grants.

Strategic Implications:

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

Social

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

Environmental

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

Economic

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

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not Applicable

Triple bottom Line Assessment:

Economic Implications:

Not Applicable

Social Implications:

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

Environmental Implications:

Nil

Comment:

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

RESOLUTION

170214

Moved: Cr Hooper

Seconded: Cr Boyle

“That Council:

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

CARRIED: 6/0

Item 9.2.9 – Appendices

9.3 Works Reports

9. OFFICER'S REPORTS
9.3 WORKS REPORTS
9.3.1 Tender RFT 1302 Replacement of Grader

FILE NO:
COUNCIL DATE: 17 February 2014
REPORT DATE: 6 November 2013
LOCATION/ADDRESS: Not Applicable
APPLICANT: Not Applicable
SENIOR OFFICER: Works Manager, Graham Lantzke
REPORTING OFFICER: Works Manager, Graham Lantzke
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: (1) Tender Specification;
(2) Four Tenders received

Summary:

Tenders have been called to replace one of Council's Graders with a like model in accordance with Council's adopted plant replacement program. Tendering has been carried out in accordance with regulations and Council policy and four compliant tenders have been received for a new Grader purchase and 6 compliant tenders for sale of the old.

It is recommended to purchase a new Volvo G930 model grader from, and sell the old grader to, CJD Equipment for a net \$200,000 which is the best dollar value deal and best assessed option on value for money.

Background:

Council has an existing plant replacement program which provides for the replacement of plant and equipment on a continuing cyclical basis. It is understood the replacement schedules are based on rules of thumb for optimum replacement when machines reach appropriate ages/mileages, which are forward estimated on average annual usage. This is a system adopted by almost all Western Australian rural Local Governments.

In the 2013/14 financial year Council allocated funds in the budget to replace the old maintenance Grader (License Plate Y205) in accordance with the adopted schedule.

Funding to replace the grader is being obtained from the Shire of York Plant replacement reserve account. The reserve account is generated by identifying and charging to each construction job the true cost of obtaining, operating, maintaining and replacing the plant over its life cycle. The depreciation charge rates are a component of the plant unit rates adopted by the Council each year. This is the mandated accounting system for Western Australian Local Governments.

The Shire of York operates two graders. A main construction grader and a second maintenance grader. Typically the maintenance grader is only operated about 50% of the time as there is insufficient need to operate it continuously and during construction season all road crew are required on the construction team.

However Council could not deliver on service obligations and construction program with less than one and a half graders. The grader is the essential part of the road construction process and if the Shire had only one grader all works would need to cease when maintenance grading is required. Similarly during winter two graders are needed to perform annual winter maintenance grade on gravel roads while the gravel is moist.

This grader is being traded with around 8,300 hours use which is approaching the optimal "rule of thumb" trade in. Common lore suggests graders start to need major maintenance around the

10,000 hour mark, although this varies from machine to machine, depends on usage and operator/mechanic care.

Further information on the funding of plant replacement, grader need, maintenance grading requirements and other related matters can be provided on request but are not included in this report for brevity. The general recommendation is that Council has an adopted plant management strategy, the replacement grader is necessary, this replacement is due and replacement should proceed in accordance with the adopted strategy. Review of the plant replacement strategy can be separately conducted as part of Council's strategic planning.

Consultation:

This tender has been completed using WALGA preferred supplier panel. The preferred supplier panel is an arrangement where by WALGA has pretended and short listed suppliers who comply with requirements.

Statutory Environment:

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

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

Policy Implications:

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

Financial Implications:

The Adopted Shire budget for 2013/14 includes

- Purchase of new grader \$340,000
- Sale of old grader (\$140,000)
- **Net budget \$200,000**

Amounts exclude GST and show income to the Shire as negative in accordance with Local Government practice.

The recommended tender purchase price of the new grader is \$330,000 and the sale price for the old grader is (\$115,000) for a net changeover of \$215,000.

Changeover excludes some fitting out items such as fitting radios and costs will likely go over net budget by around \$18,000

The return on Council's old grader is significantly lower than expected and should be factored into the plant depreciation schedule and plant rates at the next review of those. The current market for purchase of graders and Australian dollar are very competitive offsetting this.

Strategic Implications:

Nil

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

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

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

Social Implications:

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

Environmental Implications:

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

Comment:***Tenders***

Two tenders were called

Tender No RFT York 13/02 for replacement of existing grader, including sale of old grader was called using WALGA preferred supplier panel Contract No C023_11 Plant and Equipment. The tender was initially invited on 6 January 2014 with an addendum issued on 10 January 2014. The tender closed on 29 Jan 2014.

A second tender RFT 005/14 was also invited for sale only of the old grader by state wide notice in the Western Australian Newspaper on 22 January 2014, also closing 29 January 2014.

The two tenders were structured so that Council could separately sell the old grader if a better price was received on the open market for it.

The tender has been conducted in accordance with the Act, Regulations and Shire Policy.

The requests for tender and tenders received have been tabled under separate cover for Councillor review if required.

Tender Mandatory Compliance

All tenders received were initially tested for mandatory compliance with conditions of tender and submitted details.

One tender was found to be non compliant and was rejected.

Tender Results

The received tender results are as follows

Tenderer	Tender offer	Purchase price of new grader	Sale price of old Grader	Net trade
<i>Shire Budget</i>	<i>na</i>	\$340,000	(\$140,000)	\$200,000
1. Hitachi Construction Machinery (Australia)	John Deere 670G motor grader and purchase of old grader	\$340,000	(\$68,000)	\$272,000
2. Westrac	Caterpillar 12M Motor Grader and purchase of old grader	\$311,200	(\$72,000)	\$239,000
3. Komatsu	Komatsu GD555 Motor Grader and purchase of old grader	\$319,810	(\$74,000)	\$245,810
4. CJD Equipment	Volvo G930 Motor Grader and purchase of old grader	\$315,000	(\$115,000)	\$200,000
5. PVT Sales	Purchase old grader only	Non compliant	Non compliant	Non compliant
6. Equipt	Purchase old grader only	Na	(\$56,000)	Na
7. Allused	Purchase old grader only	Na	(\$65,250)	Na

All amounts exclude Goods and Service Tax

Note the specified tender assessment criteria are for assessment of “value for money” and the lowest price is not necessarily the best value for money. A cheap purchase could have high hidden operating costs or not be suited to the job.

Tender Qualifications and Options

It is normal in any tender for the tenderer to add conditions of tender or service, usually in relation to unknown or unspecified requirements. In some instances conditions of tender can show a good understanding of the required work. In other cases they may imply or cause additional costs.

Tenderer	Qualification	Officer Comment
1. Hitachi Construction Machinery	a. No conditions	Nil
	b. Spare tyre carrier and spare wheel included.	OK
2. Westrac	a. First 250 hour service free	Additional benefit.
	b. Optional Spare tyre carrier for additional \$7,620	Add \$7,620 to price for consideration
	c. Optional cross slope levelling system for additional \$14,660	Not required
3. Komatsu	a. No conditions	Nil
	b. Spare wheel carrier and spare wheel included.	OK

4. CJD Equipment	a) Spare wheel and spare wheel rack extra \$9,775	Add \$9,775 to price for consideration
	b) Optional joystick control extra \$12,781	Not required
	c) Optional Volvo Hydraulic Air compressor \$5,750	Add \$5,750 to price for consideration
	d) Free 2 days driver training/familiarisation	Additional benefit
	e) Free first 250 hour service	Additional benefit
5. PVT Sales	Not compliant.	Not compliant.
6. Equipt	No conditions	Nil
7. Allused	No conditions	Nil

Tender Assessment

- **Assessment process**

The tenders have been assessed by the Works Manager and the assessment reviewed by the Chief Executive Officer.

The assessment process is as follows

- Tenders assessed against compulsory tender compliance requirements.
- Tenders assessed and ranked by price
- Tenders assessed against qualitative criteria
- Tender price and qualitative assessment reconciled

- **Qualitative Assessment**

Scored 1 to 5 in each criteria

- 1: Unsatisfactory
- 2: Inferior/Marginal
- 3: Acceptable
- 4: Superior
- 5: Excellent

	Hitachi John Deere 670G	Westrac Caterpillar 12M	Komatsu GD555	CJD Equipment Volvo 930G
Frame and Body	3	3	3	3
Engine	3	3	3	3
Transmission	3	3	3	3
Controls	3	3	3	3
Electrics	3	3	3	3
Operators Cab	3	3	3	3
Sundry items and fit out	3	3	3	3
Manuals License and paper work	3	3	3	3
After care	2	3	2	4

Warranty	3 years/ 6,000h	5 years/ 5,000 h	5 years/ 5,000h	5 years/ 10,000 h
Delivery	3-5 weeks	5-8 weeks	Not found	4-6 weeks
Price adjusted	\$245,810	\$246,620	\$272,000	\$215,525
Estimated Service costs over 6,000 hrs	\$23,400	\$31,750	Not found	\$16,600
Referees	Good	Good	Good	Good
Other		Free first service		Free first service; free driver induction
Ranking	3	2	4	1

- **Risk**

This is a standard procurement process from known and reputable suppliers. With good financial credibility. Principle risks are a delay in delivery of the replacement unit or delivery of a defective machine both risks assigned to the supplier.

- **Reference check**

The Shire of York has operated the recommended purchase, a Volvo G930 Grader for many years with good results. A further reference check has not been made.

- **Credit Check**

A credit check has not been performed. All of the suppliers are large multinational corporations with excellent reputations. A credit check has not been performed.

- **Summary Assessment**

The two compliant “outright purchase of old grader” tenders are of less value than any of the trade in offers and are therefore not considered further.

In summary after consideration, and adjusting prices for various inconsistencies (see above) the tenders are as follows

Tenderer	Tender Offer	Price Adjusted including trade in	Assessed ranking
1. Hitachi Construction Machinery (Australia)	John Deere 670G motor grader and purchase of old grader	\$272,000	4
2. Westrac	Caterpillar 120M Motor Grader and purchase of old grader	\$246,620	2
3. Komatsu	Komatsu GD555 Motor Grader and purchase of old grader	\$245,810	3
4. CJD Equipment	Volvo G930 Motor Grader and purchase of old grader	\$215,525	1

The tender from CJD Equipment is the lowest assessed price and has been ranked the highest on assessment. The superior warranty offer from CJD and offer of free driver induction are significant. Further to this Volvo is a tried product by York and preferred by Councils current lead grader operator.

RESOLUTION

180214

Moved: Cr Boyle

Seconded: Cr Duperouzel

“That Council:

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

CARRIED: 6/0

9.4 Financial Reports

9. OFFICER'S REPORTS
9.4 FINANCE REPORTS
9.4.1 Monthly Financial Reports – December 2013

FILE NO: FI.FRP
COUNCIL DATE: 17 February 2014
REPORT DATE: 13 January 2014
LOCATION/ADDRESS: Not Applicable
APPLICANT: Not Applicable
SENIOR OFFICER: Ray Hooper, CEO
REPORTING OFFICER: Tabitha Bateman, FO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Yes – Appendix A as detailed in Summary
DOCUMENTS TABLED: Nil

Summary:

The Financial Report for the period ending 31 December 2013 is hereby presented for the consideration of the Council.

Appendix A includes the following:

- Monthly Statements for the period ended 31 December 2013
- 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 31 December 2013;

Sundry Creditors as per General Ledger	\$430,652.26
Sundry Debtors as per General Ledger	\$637,654.53
Unpaid rates and services current year (inc. ESL)	\$1,313,460.77
Unpaid rates and services previous years (inc. ESL)	\$719,171.87

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
190214**

Moved: Cr Smythe

Seconded: Cr Boyle

“That Council:

Receive the Monthly Financial Report for November and ratify payments drawn from the Municipal and Trust accounts for the period ending 31 December 2013:

	<u>VOUCHER</u>	<u>AMOUNT</u>
MUNICIPAL FUND		
<i>Cheque Payments</i>	<i>31005 - 31039</i>	<i>\$ 100,527.39</i>
<i>Electronic Funds Payments</i>	<i>11707 - 11868</i>	<i>\$ 1,276,717.48</i>
<i>Direct Debits Payroll</i>		<i>\$ 174,760.83</i>
<i>Bank Fees</i>		<i>\$ 1,523.53</i>
<i>Corporate Cards</i>		<i>\$ 2,148.27</i>
<i>Shell Cards</i>		<i>\$ 15.00</i>
<i>TOTAL</i>		<i><u>\$ 1,555,692.50</u></i>
 TRUST FUND		
<i>Cheque Payments</i>	<i>4235 - 4244</i>	<i>\$ 5,580.20</i>
<i>Direct Debits Licensing</i>		<i>\$ 103,751.50</i>
<i>TOTAL</i>		<i><u>\$ 109,331.70</u></i>
 <i>TOTAL DISBURSEMENTS</i>		 <i><u>\$1,665,024.20”</u></i>

CARRIED: 6/0

Item 9.4.1 – Appendices

9. OFFICER'S REPORTS
9.4 FINANCE REPORTS
9.4.2 Investments – December 2013

FILE NO:	FI.FRP
COUNCIL DATE:	17 February 2014
REPORT DATE:	14 January 2014
LOCATION/ADDRESS:	Shire of York
APPLICANT:	N/A
SENIOR OFFICER:	Ray Hooper, CEO
REPORTING OFFICER:	Tabitha Bateman, FO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Shire of York Investment Portfolio
DOCUMENTS TABLED:	Nil

Summary:

That Council consider the investment portfolio as attached.

Background:

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

Consultation:

Auditors; and
Dominic Carbone.

Statutory Environment:

Not Applicable.

Policy Implications:

In accordance with the Financial Management Investment Policy.

Financial Implications:

Credit Ratings:

Strategic Implications:

Not applicable.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Not applicable.

Social Implications:

Not applicable.

Environmental Implications:

Not applicable.

Comment:

In accordance with the policy, a report of investments is presented to Council to provide a summary of investments held by the Shire of York as at 31 December 2013.

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

200214

Moved: Cr Hooper

Seconded: Cr Boyle

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

CARRIED: 6/0

Item 9.4.2 – Appendices

9.5 Late Reports

9. OFFICER'S REPORTS
9.5 LATE REPORTS
9.5.1 Wheatbelt Integrated Aged Care Plan

FILE NO:	CS.NCS.13
COUNCIL DATE:	17 February 2014
REPORT DATE:	13 February 2014
LOCATION/ADDRESS:	Wheatbelt Region
APPLICANT:	Verso Consulting Pty Ltd
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	R Hooper, CEO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Nil
DOCUMENTS TABLED:	Draft Executive Summary & Integrated Aged Care Plan

Summary:

Verso Consulting Pty Ltd provides the Wheatbelt Integrated Aged Care Plan for endorsement by the participating Local Governments for the Plan to be formalised and submitted to the Federal and State Governments for consideration and for the Plan to be used for ongoing grant fund applications associated with Aged Care in the Wheatbelt Region.

Background:

This initiative to assess Aged Care needs into the future is a joint project between the Southern Inland Health Initiative, Wheatbelt Development Commission, Regional Development Australia and Wheatbelt Local Governments.

Consultation:

Wheatbelt Local Governments
Wheatbelt Health
Wheatbelt Development Commission
Regional Development Australia Wheatbelt
Health Service Providers
Aged Care Service Providers

Statutory Environment:

Not Applicable

Policy Implications:

Nil

Financial Implications:

The Shire of York contributed \$5,000 to the project plus inhouse support through meeting attendance and data collation.

Strategic Implications:

The Shire of York's 2012 Strategic Community Plan:

Community Priorities Against Key Areas –

Social: Building a Sense of Community

Our Vision

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

Outcomes

Outcomes - Community Needs and Services are Met

Objectives - Ensure Access to Services as Needs Change within the Community

Priorities - Develop a regional plan for the provision of aged care services

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not Applicable

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

Appropriate and accessible aged care facilities and services are integral to local and regional economic development through the purchase of goods and services, employment infrastructure construction and other services and requirements.

Social Implications:

All rural communities expect and need appropriate aged care services and facilities in regional areas rather than having to access these in the metropolitan area.

Environmental Implications:

Nil

Comment:

The Integrated Aged Care Plan is a comprehensive overview of current and future needs in this field and provides direction on how needs can be met into the future.

**RESOLUTION
210214**

Moved: Cr Hooper

Seconded: Cr Duperouzel

“That Council:

- 1. Receive and adopt the Wheatbelt Integrated Aged Care Plan and the Executive Summary.***
- 2. Adopt the Five Step Plan for the Wheatbelt Aged Support and Care Solution/s Report –***

Step 1:

It has been recommended that LGA’s continue to work in sub-regional groups to ensure the successful implementation of the Wheatbelt Aged Support and Care Solution/s Report.

Step 2:

All Shire Councils formally adopt the Wheatbelt Aged Support and Care Solution/s Report and Needs Studies relating to the sub region and their individual Shires.

Step 3:

The boards of WDC and RDAW formally accept the reports.

Step 4

WDC and RDAW coordinate responses from the below key stakeholders on behalf of LGA’s;

- Department of Social Services***
- WACHS***
- HACC***
- Department of Housing***
- Department of Transport***

Step 5:

The Wheatbelt Aged Support and Care Solution/s Report is publicly released with a launch.”

CARRIED: 6/0

9. OFFICER'S REPORTS
9.5 LATE REPORTS
9.5.2 Allawuna Landfill Proposal

FILE NO:
COUNCIL DATE: 17 February 2014
REPORT DATE: 13 February 2014
LOCATION/ADDRESS: Allawuna Farm
APPLICANT: Shire of York
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: R Hooper, CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil

Summary:

Further to the public sentiment expressed to date at public meetings, in petitions and in comments to elected members voicing concerns about and opposition to the development application Council needs to make provision for any action determined by absolute majority in relation to a submission or a notification to the Joint Wheatbelt Development Assessment Panel which is the determining authority in the application.

Background:

The landfill development application process is in train with the environmental assessment process determined after an appeal, the development application being lodged and works' approval application being in the public submission process.

Consultation:

York Community
SITA
Politicians

Statutory Environment:

Local Government Development Assessment Panel members can vote on Local Government matters provided that there is no conflict of interest under the provisions of the Local Government Act and any perceived conflict of interest arising from the Council decision is advised at the DAP meetings.

Policy Implications:

Nil

Financial Implications:

No potential additional expenditure to the 2013/14 Budget as any expenditure approved will be met through re-allocations or reduced expenditure within the budget.

Strategic Implications:

Nil

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Councillors and staff have inspected the proposed site

Triple bottom Line Assessment:

Economic Implications:

Nil associated with this action.

Social Implications:

If approved this action would allow Council to notify the Development Assessment Panel of the level of community concern and opposition.

Environmental Implications:

Nil associated with this action.

Comment:

The York Shire Council has endeavoured to apply fairness and equity to all parties involved throughout this process without adopting a for or against position on something for which it is not the determining authority.

The proposed action provides the scope for Council to present a notification or comment to the DAP as a presentation or through the submission process to recognise the opposition to and concerns of a significant section of the community about the proposal and the potential social and other impacts.

This action is not to prepare a Shire of York case for the development application to be rejected by the DAP but rather to ensure that the level of community concern and opposition is appropriately recognised and presented through the determination process.

RESOLUTION

220214

Moved: Cr Smythe

Seconded: Cr Hooper

“That Council:

Authorise a 2013/14 Municipal Fund Budget amendment of up to \$5,000 for the preparation and/or presentation of information to the Joint Wheatbelt Development Assessment Panel on the levels of concerns about and opposition to the Allawuna Landfill development application.”

CARRIED: 6/0

9. OFFICER'S REPORTS
9.5 LATE REPORTS
9.5.3 Youth Report

FILE NO: CS.LCS.6
COUNCIL DATE: 17th February, 2014
REPORT DATE: 14th February, 2014
LOCATION/ADDRESS: N/A
APPLICANT: Shire of York
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: Anneke Birleson, YAC
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil

Summary:

- **York Youth Centre**

As advised in previous reports, the uptake on the services offered at the Youth Centre has been very low to zero, leaving a qualified Youth Officer sitting in an empty building waiting for youth to access the services.

A decision has been made not to open the centre in the immediate future, consultation will determine how best to provide youth services in the future.

- **Inclusive School Holiday Programmes**

It was decided that April would be a more realistic goal for an inclusive holiday programme. Contact with clubs and Ability Focus is ongoing.

- **Urban Art Project**

Awaiting news on grant.

- **National Youth Week 2014**

We were successful in receiving a grant of \$990 (incl GST) to hold a York Beach party for the youth of York on Saturday 12th April 2014. The best location for this may be the skate park. The skate ramps from the old park are still at the depot and could be moved to the current skate park to add more interest.

- **Wheatbelt Skate Competition**

Donny from Drawing Boards has been in contact with us regarding a Wheatbelt wide skateboarding competition to be held during National Youth Week. The current thinking is to have three sessions in Merredin, Narrogin and Moora. York could put a team together and travel to one of these centres to participate. Awaiting further details.

Background:

Youth Activities Coordinator 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 -

Social: Building a Sense of Community -

- *Develop a Youth Plan to capture specific youth activities and opportunities.*

Environment: Enhanced Lifestyle Choices -

- *Provide and maintain facilities for youth and aged services.*
- *Provide and maintain local area spaces and parks.*
- *Implement asset plans for youth facility, skate park, park improvements, pool upgrades, archives centre, town hall upgrades.*

Economic Development: Maximise Development -

- *York will diversify economically through commercial growth, providing jobs and services to support our growing population.*
- *There will be employment and investment choices, providing a place for business access to rural and metropolitan opportunities.*

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

230214

Moved: Cr Hooper

Seconded: Cr Duperouzel

“That Council:

Receives this report and acknowledges and endorses the activities and initiatives of the Youth Activities Coordinator.”

CARRIED: 6/0

9.6 Confidential Reports

10. NEXT MEETING

**RESOLUTION
240214**

Moved: Cr Smythe

Seconded: Cr Wallace

“That Council:

hold a Special Meeting of the Council on February 27, 2014 at 2.00pm in the Council Chambers, York Town Hall, York, to consider the recommendations of the Audit Committee and any other issues

hold the next Ordinary Meeting of the Council on March 17, 2014 at 4.00pm in the Council Chambers, York Town Hall, York.”

CARRIED: 6/0

11. CLOSURE

Cr Reid thanked everyone for their attendance and declared the meeting closed at 5.31pm