



SHIRE OF YORK

**MINUTES OF THE ORDINARY
MEETING OF THE COUNCIL
HELD ON 22 FEBRUARY 2016
COMMENCING AT 5.03PM
IN COUNCIL CHAMBERS,
YORK TOWN HALL, YORK**

Table of Contents

1. OPENING	5
1.1 Declaration of Opening	5
1.2 Disclaimer.....	5
1.3 Standing Orders.....	5
1.4 Announcement of Visitors	5
1.5 Declarations of Interest that Might Cause a Conflict.....	5
Financial Interests	5
Disclosure of Interest that May Affect Impartiality	5
2. ATTENDANCE	6
2.1 Members.....	6
2.2 Staff.....	6
2.3 Apologies.....	6
2.4 Leave of Absence Previously Approved.....	6
2.5 Number of People in Gallery at Commencement of Meeting.....	6
3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	6
4. PUBLIC QUESTION TIME	6
4.1 Written Questions – Current Agenda.....	7
4.2 Public Question Time.....	9
5. APPLICATIONS FOR LEAVE OF ABSENCE	9
6. PETITIONS / PRESENTATIONS / DEPUTATIONS.....	9
7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....	9
7.1 Minutes of the Ordinary Council Meeting held January 28, 2016.....	9
7.2 Minutes of the Annual Electors Meeting held February 4, 2016.....	9
8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	9
9. OFFICERS' REPORTS	9
SY009-02/16 – P1016 - Development Application for Ancillary Tourist Use: Lot 3042 (Hse 1625) Qualen West Road, Gilgering	11
SY010-02/16 – 2016 Review of Council Policies.....	21
SY011-02/16 - Promotion of York – Book of Pencil Drawings of Historical York Buildings	25
SY012-02/16 – Financial Report for January 2016.....	27
SY013-02/16 – Investments – January 2016.....	29
SY014-02/16 – Mid Year Review 2015/16.....	31
SY015-02/16 - Closing The Meeting To The Public & Press	35
SY016-02/16 – Confidential Item - Appointment Of Chief Executive Officer	37
SY017-02/16 – Opening The Meeting To The Public & Press	39
10. NEXT MEETING.....	41
11. CLOSURE	41



SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL HELD ON MONDAY, 22 FEBRUARY, 2016, COMMENCING AT 5.03PM IN COUNCIL CHAMBERS, YORK TOWN HALL, YORK

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

1. OPENING

1.1 Declaration of Opening

Cr David Wallace, Shire President, declared the meeting open at 5.03pm.

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 Standing Orders

Motion Not Put

1.4 Announcement of Visitors

Nil

1.5 Declarations of Interest that Might Cause a Conflict

Financial Interests

Nil

Disclosure of Interest that May Affect Impartiality

Nil

2. ATTENDANCE

2.1 Members

*Cr David Wallace, Shire President; Cr Denese Smythe, Deputy Shire President;
Cr Heather Saint; Cr Pam Heaton; Cr Jane Ferro; Cr Trevor Randell; Cr Tricia Walters*

2.2 Staff

Mark Dacombe, Acting Chief Executive Officer; Allan Rourke, Manager Works & Serviced; Gordon Tester, Manager Development Services; Carly Rundel, Senior Planner; Tabitha Bateman, Financial Controller; Gael Ferguson, Advisor; Helen D'Arcy-Walker, Executive Support Officer

2.3 Apologies

Nil

2.4 Leave of Absence Previously Approved

Nil

2.5 Number of People in Gallery at Commencement of Meeting

There were 11 people in the Gallery at the commencement of the meeting

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

The Presiding Member read the following statement in full 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.

Procedures

- Public Question Time is limited to 15 minutes but may be extended by resolution of the Council
- Questions submitted in writing prior to the meeting about matters on the agenda for the meeting will be dealt with initially.
- Questions from the floor will be taken in the order recorded in a register.
- Statements or long preambles are not permitted.
- 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 containing offensive remarks, reference to the personal affairs or actions of Elected Members or staff, or which relate to confidential matters or legal action will not be accepted. Questions that the Presiding Member considers have been answered by earlier questions at the meeting or earlier meetings may not be accepted.
- The minutes may only record a summary of the question asked and the response given.

- Where possible oral 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.

PRESIDING OFFICER

21 December 2015

Public Question Time commenced at 5.05pm

4.1 Written Questions – Current Agenda

Mrs Tanya Richardson

Question 1:

In regards to G 2.5 Reference Groups under Principles – (a) are not Committees established under Section 5.8 of the Local Government 1995. Tenure of Appointment 3.3 – the Council may terminate the appointment of any member prior to the expiry of his or her term if any member is found to be in breach of the principles of the Shire of York Councillors Code of Conduct, and a member's conduct, action or comment brings the Shire of York into disrepute. If this is not a committee but instead a reference group how can a community member be asked to adhere to the Councillor's Code of Conduct?

Response:

Through the Chair, Dr Ferguson replied that the Policy applies only to Reference groups established by Council and not other Community groups. Council is able, through general meeting powers, to set a requirement for general conduct of Reference group members but as it only relates to the business of that group.

Question 2:

In regards to C 1.3 Community Funding – considering the applications are likely to be competitive would Council consider adding the following criteria to the application process – provide a general overview of the organisation's mission, values and objectives; demonstrate a detailed overall budget; demonstrate the ability to manage and acquit the general budget and any Shire of York approved funding; outline how you will acknowledge Shire of York support.

Response:

The Acting CEO suggested that Councillors consider the points raised when considering the Item.

Mr Simon Saint

Question 1(a):

Appointment of Commissioner Best in a dual role as the Shire of York visionary consultant

(a) In the Department of Finance - Procurement Practice Guide, it lists the key principles to be observed when engaging consultants. The Department states that it is generally not appropriate to engage consultants; where it is reasonably believed that a conflict of interest could develop or to resource long-term projects or ongoing core activities. Now that Minister Simpson has clarified that he did not authorize Mr Best's appointment as a visionary consultant, who, how and why did the Shire engage this man?

Response:

Taken on Notice

Question 1(b):

(b) Before engaging Mr Best as a visionary consultant, did the Shire obtain any of the following?

- description/objectives of the project and function and boundaries of the consultancy;
- outcomes/deliverables (e.g. reports, recommendations, seminars, workshops);
- project time frame, including milestones, deadlines and completion date;
- project methodologies and management requirements;
- required knowledge, expertise, experience, interpersonal skills;
- costing requirements e.g. fixed cost, daily or hourly rates, incidentals etc;
- proposed payment schedule

Response:

Taken on Notice

Question 2:

Mr Best's visioning report presented to Council/himself consisted of:

- 21 pages of easily downloadable generic material
- 12 pages of poor quality photographs of post-it notes stuck to A3 paper
- 12 pages of poor quality photocopies of the 12 pages of poor quality photographs
- 1 page advertising a business development meeting at the Castle
- 6 pages of Mr Best's handwritten notes
- 1 page of the 'output' from York business breakfast 5 May 2015

The Shire President noted that Mr Saint had asked two questions i.e 1(a) & 1(b) and asked that he submit Question 2 to the Acting Chief Executive Officer who would reply in accordance with the Councils policy.

Response:

Taken on Notice

Mr Colin Cable**Question 1:**

Does the Shire of York have a Policy for Shire of York Roadside clearance of vegetation?

Response:

Through the Chair, the Works Manager replied that he did not believe we have a Policy for the clearing of vegetation. The Department of Environment guidelines should be followed.

Question 2:

Does the Shire have a Noxious Weed Spraying Policy?

Response:

The Shire President replied that the EPA guidelines would be applied.

The Shire President requested Mrs Tanya Richardson to email her unasked questions to the Acting CEO.

4.2 Public Question Time

As there were no further questions from the Gallery Public Question Time concluded at 5.15pm

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS / PRESENTATIONS / DEPUTATIONS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Minutes of the Ordinary Council Meeting held January 28, 2016

Correction

Confirmation

**RESOLUTION
010216**

Moved: Cr Ferro

Seconded: Cr Randell

“That the minutes of the Ordinary Council Meeting held January 28, 2016 be confirmed as a correct record of proceedings.”

CARRIED: 7/0

7.2 Minutes of the Annual Electors Meeting held February 4, 2016

Corrections

Confirmation

**RESOLUTION
020216**

Moved: Cr Randell

Seconded: Cr Walters

“That the minutes of the Annual Electors Meeting held February 4, 2016 be confirmed as a correct record of proceedings.”

CARRIED: 7/0

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

9. OFFICERS' REPORTS

***SY009-02/16 – P1016 - Development Application for Ancillary Tourist Use:
Lot 3042 (Hse 1625) Qualen West Road, Gilgering***

FILE REFERENCE:	QU2.1613
APPLICANT OR PROPONENT(S):	Kevin Johnson
AUTHORS NAME & POSITION:	Carly Rundle, Senior Planner
PREVIOUSLY BEFORE COUNCIL:	No
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	A – Location Plan
	B – Site Plan
	C – Development Plans

Nature of Council's Role in the Matter:

To make a determination on a development application received for 'Ancillary Tourist Use' at Lot 3042 (Hse 1625) Qualen West Rd, Gilgering.

Purpose of the Report:

The purpose of the report is to request Council to consider an application for planning consent for 'Ancillary Tourist Use' at Lot 3042 (Hse 1625) Qualen West Road, Gilgering. The proposal involves the construction of car parking, placement of a food van on the property and merry-go-round to provide a facility/stopping point for tourists and passing traffic from Talbot West Road.

The application was advertised for a period of 14 days and no submissions were received.

Following an assessment of the application, it is considered that the proposal is consistent with Town Planning Scheme No. 2 and the Planning and Development (Local Planning Schemes) Regulations 2015, and it is therefore recommended to Council that the application be conditionally approved.

Background:

Lot 3042 is 40.92ha in area and located approximately 19.5km south west of the York town site. The property is located at the intersection of Qualen West Rd and Talbot West Road (see Location Plan at Appendix A).

The property is zoned 'General Agriculture', contains a single dwelling, associated outbuildings and is currently used for agricultural purposes including the breeding of sheep, pigs, goats and cattle.

The Talbot Brook runs through the property and access is directly from a gravel crossover from Talbot West Road and Qualen West Road.

The proposal involves the construction of car parking, placement of a food van on the property and merry-go-round to provide a facility/stopping point for tourists and passing traffic on Talbot West Road. The Development Plans are provided at Appendix C. Talbot West Road is a connecting road from Beverley to Chittering and is used by tourists and passengers as a through road.

The owner also proposes to utilise existing features of the agricultural property such as the bird aviary, kangaroo viewing area and animal feeding as a tourist attraction.

The owner has provided that it is his intention to apply for signage and toilet facilities following approval of this application, and has not included these within this application, as the details of both structures are yet to be finalised. It is not a requirement under the current building or health legislation to provide toilets for a use of this nature, and therefore toilets and signage details can be applied for via a separate application.

Comments and details:

Development applications are required to be assessed in accordance with the Shire of York's Local Planning Scheme and Planning and Development (Local Planning Schemes) Regulations 2015 – Deemed Provisions.

York Town Planning Scheme No. 2 & Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 – Deemed Provisions

The property is zoned 'General Agriculture' by Town Planning Scheme No. 2 (TPS2).

The proposal falls within the land use category of 'Ancillary Tourist Use' in Schedule 1 of TPS2, which is defined as:

"Ancillary Tourist Use: means a premises used for:

- a) Recreation or entertainment;*
- b) Consumption of food and/or beverages;*
- c) The sale of produce;*
- d) The sale of arts and crafts, and/or*
- e) Tourist excursions,*

Where such use is incidental to and directly related to the predominant use of the land."

The proposal meets criteria a) to e) of the definition and will be incidental to the predominant agricultural uses occurring by utilising aspects of the agricultural uses as a tourist attraction.

'Ancillary Tourist Use' is not specified in the Zoning Table and is subject to Clause 3.24:

If the use of the land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type or class of activity or any other use the local government may:

- a) Determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or*
- b) Determine that the use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of clause 7.2 in considering an application for planning consent; or*
- c) Determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.*

The application was advertised in accordance with Schedule 2 Clause 64 Deemed Provisions of the Regulations (prevails over clause 8.3 (advertising) to the extent of inconsistency).

The application was advertised for a period of 14 days in accordance with the provisions of the York Town Planning Scheme No. 2. Adjoining landowners were directly notified in writing and advertisements were placed in the newspaper. The application was also available for viewing at the Council Administration Office.

No submissions were received from the general public or adjoining landowners in response to the advertising.

Clause 4.15 contains objectives and provisions which apply to the General Agriculture zone. The relevant provisions are outlined below:

4.15 – General Agriculture Objectives:

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

The proposal will be incidental to the broad-hectare agricultural uses occurring on the property and will facilitate and encourage the retention and expansion of agricultural activities on the property as the use proposes to use the agricultural uses (such as breeding of sheep, cattle, goats etc) as a tourist attraction. The development is located such that it will not detract from any area currently used for agriculture production on the property and is located appropriately to achieve sufficient separation distances from Talbot Brook to prevent any adverse impacts on natural resources and the environment.

The proposal is consistent with objective c) to provide facilities for tourists and travellers and the nature of the use, which is for short term stops from tourists and passing motorists already is not anticipated to impact on the ability of adjoining landowner's ability to continue their agricultural practices. The proposal is considered consistent with the objectives and development standards of the General Agriculture zone.

4.15.2. Development

Having regard to the scenic values of the district and the views from roads the local government may refuse an application for planning consent if, in the opinion of the local government, the development if approved will have a detrimental effect on the rural character and amenities.

The development will result in 2 minor structures, including the cover for the merry go round and coffee van being located on the property. The structures are located in an area where development for the dwelling and associated outbuildings has already occurred, is not located on, or near a ridge or area of high scenic value and is considered to be consistent with the established amenity and scenic value of the area in accordance with Scheme requirements.

4.15.3 Site Requirements

The following minimum building setbacks shall apply

Front: 15.0m

Rear: 15.0m

Side: 15.0m

The owner has advised that the structures will have the following setbacks:

1. Merry-go-round – 10m from Talbot West Road; and
2. Coffee/Food Van – 15m from Talbot West Road.

The Merry go round will be contained inside a dome covered structure to provide shade (see **Appendix C**). The structure is 7.2m by 7.2m (51.84m²). Given that the size of the structure is relatively small compared to other structures visible from the road both on this property and along Talbot West Road and Qualen West Road (such as large hay sheds), it does not appear out of scale or character for this area and is not anticipated to detrimentally impact on the amenity of adjoining landowners or the locality. There are trees located on the road verge and inside the property boundary which soften the view of the structure from the streetscape, but do not fully

screen the structure from view. Officers do not think it is necessary to require additional screening as a result of the 5m setback variation.

Clause 4.5 of the Scheme addresses car parking requirements, and requires development to provide car parking spaces as specified in Schedule 4. Schedule 4 applies car parking rates to corresponding land uses. Schedule 4 does not provide a land use that fits the definition of 'Ancillary Tourist Uses' and car parking requirements are therefore at the discretion of the Shire having regard to Clause 67 below. It is considered that after reviewing car parking requirements for Service Stations/Roadhouses of other Shires, and that this use will create a significantly smaller demand than those uses, that the construction of a minimum of 5 car parking bays, and space for bus parking will be sufficient to cater for the use. An area for overflow car parking will be required to be identified on the car parking plan, should demand require additional car parking.

Clause 67 – Matters for Consideration (Regulations)

Local government is to give due regard to Clause 67 in the consideration of any planning application. The following are those most relevant to the application.

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

The proposal is considered consistent with the objectives and provisions of the General Agriculture zone of the Scheme, and will achieve proper and orderly planning which is in the overall intent of the scheme.

(m) The compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.

It is not anticipated that the development will adversely impact on any adjoining agricultural practices on adjoining lots, visual amenity, or sensitive premises (such as dwellings) which are over 350m away from the proposal's location.

(n) The amenity of the locality including the following –

- (i) environmental impacts of the development*
- (ii) the character of the locality*
- (iii) social impacts of the development*

The proposal has:

- Sufficient buffers to Talbot Brook to prevent any environmental impact and is being constructed in cleared areas where no remnant vegetation will be affected;
- The built form is consistent with the established character of the locality; and
- The development is not anticipated to result in any social impacts which will detrimentally impact the amenity of the locality.

(o) The likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource.

The development has sufficient buffers to the Talbot Brook and any run-off from newly constructed car parking areas will be managed through a condition requiring a stormwater management plan to be prepared.

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

Officers are not of the opinion that the built form will require landscaping to be implemented to provide screening. No vegetation is proposed to be removed to accommodate the development.

- (q) The suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bushfire, soil erosion, land degradation or any other risk.*

The land is suitable for the proposed development.

- (r) The adequacy of –*

- (i) the proposed means of access to and egress from the site; and*
- (ii) arrangements for the loading and unloading, manoeuvring and parking of vehicles.*

Access to the property will be via the existing crossover, which is a large gravel area which adjoins both the Talbot West and Qualen West Road (see **Appendix B**). The proposed development will result in an increase of vehicles entering and exiting the property and has potential to drag gravel onto the road reserve creating a hazard.

It is recommended that the crossover to the property be sealed to prevent the drag of gravel onto the road from occurring. The crossover should also be located so that it does not direct traffic from the property onto an intersection and should be located to exit onto Qualen West Road, a minimum of 6m from where the carriageway begins to deviate which has better sightlines.

Detailed design of parking and access within the property has not been provided. There is sufficient space for this to occur and a detailed parking plan will be required as a condition of approval.

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

Traffic generated by the development is expected to be low and will mostly be from passing traffic already utilising the road networks. In accordance with the WAPC Transport Assessment Guidelines for Development, development which is anticipated to generate less than 10 trips per hour in the peak hour does not require additional traffic information to be provided to support the proposal. Talbot West Road is a regional road designed for substantial volumes of traffic and it is considered that the capacity of the surrounding road network is sufficient for the development.

- (t) The availability and adequacy for the development of the following –*

- (i) public transport services;*
- (ii) public utility services;*
- (iii) storage, management and collection of waste;*
- (vi) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities); and*
- (v) access by older people and people with disability.*

There are adequate utility services available to support the proposed development. An onsite effluent unit will be required to be constructed to service the new toilet facilities.

(x) The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals.

No adverse impacts on the community or adjoining landowners are anticipated as a result of this development.

(y) Any submissions received on the application.

No submissions were received from the public regarding the proposal.

Summary

The Land Use of 'Ancillary Tourist Use' in Schedule 1 of the Scheme is the most appropriate use to describe the proposed development. This use is not specifically defined in the Zoning Table (use not listed).

In accordance with clause 3.2.4 of the Scheme, Council has three options with regards to receiving a 'use not listed':

- a) Determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or
- b) Determine that the use may be consistent with the objectives and purposes of the zone and thereafter follow the advertising procedures of clause 7.2 (now clause 64 of the Regulations) in considering an application for planning consent; or;
- c) Determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.

The proposal is consistent with the objectives and provisions of the 'General Agriculture' zone and is not anticipated to detrimentally impact on the rural character or scenic amenity of the locality or adversely impact adjoining landowners.

Subject to conditions being implemented as identified in the statutory environment section, the proposal will be consistent with Clause 4.5 – Car Parking, and Clause 67 – Matters to be Considered.

It is recommended to Council that the proposal is consistent with Town Planning Scheme No. 2 and the Planning and Development (Local Planning Schemes) Regulations 2015, and that pursuant to Clause 68 of the Regulations that planning consent, subject to conditions be granted for the proposed development.

Implications to Consider:

Policy Implication:

There are no policy implications associated with the proposal for the Shire.

Financial Implications:

There are no financial implications associated with this proposal for the Shire.

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.

If the recommendations in this report are supported, then the approval of the application will have no strategic implications. If approved as proposed, the application is considered consistent with the Community's goals.

Voting Requirements:

Absolute Majority Required: No

**RESOLUTION
030216**

Moved: Cr Heaton

Seconded: Cr Ferro

“That Council:

APPROVE the planning application for ‘Ancillary Tourist Uses’ at Lot 786 (1625) Qualen West Road, Gilgering, subject to the following conditions:

Conditions:

- 1. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.***
- 2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plan(s) (enclosed), including any notes placed in red by the Shire and except as may be modified by the following conditions.***
- 3. The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the Shire’s planning department and have been approved in writing***
 - (i) A Stormwater management plan indicating that stormwater from any sealed parking areas can be satisfactorily managed to prevent any impacts on the Talbot Brook, including erosion.***
 - (ii) A detailed Parking Plan which provides for a minimum number of 5 car parking bays, overflow parking area and bus parking shall be provided on site. The parking area(s), driveway(s) and point(s) of ingress and egress [including crossover(s)] shall be designed, constructed, drained and marked.***
 - (iii) Details of a sealed vehicular crossover to Qualen West Road***
- 4. The development hereby approved shall not be occupied or used until all plans, details or works required by Condition(s) 2 and 3 have been implemented.”***

CARRIED: 6/1

**RESOLUTION
040216**

Moved: Cr Saint

Seconded: Cr Walters

“That Council:

Include the following Advice Notes for Item SY009-02/16:

Advice Notes:

- 1. If the applicant and/or owner are aggrieved by this decision, including any conditions of approval, there is a right to lodge a request for reconsideration.***
- 2. If the applicant and/or owner are aggrieved by this decision, there may also be a right of review under the provisions of Part 14 of the Planning and Development Act 2005. A review must be lodged with the State Administrative Tribunal, and must be lodged within 28 days of the decision being made.***
- 3. The approval hereby granted is for the use of ‘Ancillary Tourist Accommodation’. The use of the property must at all times accord with the definition contained in Town Planning Scheme No. 2 which is defined as:***

“Means a premises used for:

- (a) Recreation or entertainment,***
- (b) Consumption of food and/or beverages,***
- (c) The sale of produce,***
- (d) The sale of arts and crafts, and/or***
- (e) Tourist excursions.***

Where such use is incidental to and directly related to the predominant use of the land.”

Therefore, the structures and use hereby approved may only be used in conjunction with the predominant agricultural uses occurring on site. Any expansion of the use/new structures in relation to the Ancillary Tourist Use and not reflected on the Approved Development Plan(s) subject of this application will require further planning consent.

- 4. The detailed parking plan is required to be prepared in accordance with Schedule 4 of Town Planning Scheme No. 2 and AS/NZS 2890.1:2004 – Off-street car parking and ASNZS 2890.6:2009: Off-street parking for people with disabilities.***
- 5. The crossover is required to comply with the Shire of York’s Specifications for Standard Crossover Construction. – Rural Residential/General Agriculture. Access directly onto the intersection will not be permitted, and shall be located at the point furthest from the point where the carriageway begins to deviate on Qualen West Road.***
- 6. A separate development application is required for all advertising signs.***
- 7. In accordance with the provisions of the Building Act 2011, and Building Regulations 2012, an application for a building permit must be submitted to, and approval granted by the Shire, prior to the commencement of the development hereby permitted.***

- 8. In accordance with the Food Act 2008, a food registration for the coffee/food van will be required prior to use. Please contact the Shire's Environmental Health Officer on 9641 2233 for further information.**
- 9. This approval does not remove any responsibility of the applicant to ensure that all relevant approvals are in place prior to operation. Notwithstanding any other approvals that may be required the Shire notes that it is likely that a Work Safe approval for an amusement structure will be required from the Department of Commerce.**
- 10. The applicants attention is drawn to the need for adequate Public Liability particularly with respect to the amusement device (merry-go-round).**

CARRIED: 6/1

SY010-02/16 – 2016 Review of Council Policies

FILE REFERENCE:

APPLICANT OR PROPONENT(S):

AUTHORS NAME & POSITION: Dr Gael Ferguson - Advisor

PREVIOUSLY BEFORE COUNCIL: No

DISCLOSURE OF INTEREST: Nil

APPENDICES: Draft Policies

Nature of Council's Role in the Matter:

A key mechanism for the Council to direct the Shire organisation and provide guidance to the community is through the adoption of policies which set out courses or principles of action.

Purpose of the Report:

This report presents a further group of policies that are either new or have been reviewed, for consideration and adoption by Council.

Background:

One of the key roles of the Council under the Local Government Act 1995 (S2.7) is to determine the policies of the Local Government.

Some policies are required by statute and some are discretionary, representing good governance practices in guiding decision-making and operational matters for any area that the Council wishes to address. The Department of Local Government and Communities has also identified a number of policies which it considers highly desirable for local government to adopt in order to satisfy general guidelines and standards in relation to governance and probity.

The Council is progressively reviewing its Policy Manual updating policies as it considers appropriate and developing new policies where needed.

Comments and details:

The further group of policies presented in this report focuses on some detailed matters relating to statutory processes and requirements, further policies relating to democratic processes and the Integrated Planning and Reporting Process and a range of policies under the 'community' heading. The latter are concerned with such things as use of facilities, donations, sponsorships and waiver of fees.

There is a further tranche of policies which require review but these may be relevant to the matters raised in the wider strategic review. They will be reviewed once there has been more detailed discussion through that process.

The policies presented here for consideration are:

- Councillors:
 - G 1.5 Councillors: Induction
 - G 1.6 Governance Services
 - G 1.11 Organisation Structure and Senior Employees
 - G 1.12 Civic Functions, Entertainment and Hospitality
- Democratic Processes
 - G 2.5 Reference Groups
 - G 2.10 State Administrative Tribunal

- Integrated Planning and Reporting
 - G 4.1 Integrated Planning and Reporting: Planning
 - G.4.2 Integrated Planning and Reporting: Reporting
 - G 4.3 Financial Planning and Sustainability
 - G 4.4 External Funding: Priorities and Impacts
- Community
 - C 1.1 Freedom of the Shire
 - C 1.2 Australia Day Awards
 - C 1.3 Community Funding: Donations, Grants, Sponsorships and Waiver of Fees
- Corporate
 - CP 1.1 Execution of Documents and Use of the Common Seal
 - CP 1.2 Use of Shire Crest and Logo
 - CP 1.3 Commissioning of Legal Advice
 - CP 1.4 Local Government Resource Sharing
 - CP 1.5 Compliance and Enforcement

Implications to Consider:

Consultative

These draft policies have not been developed with an external consultation process other than reference to the Department of Local Government and Communities for a high level review. Many of them are required by statute and have been shaped by external standards and guidelines. A number of policies developed by other local government authorities were reviewed to ensure that these new policies are consistent with the wider sector.

Strategic

These policies have been developed, where relevant, to take account of the Council's desire for:

- inclusive, open, accountable and transparent democratic processes.
- a responsive Council and organisation
- processes that, while discharging responsibilities, are empathetic to the circumstances of people affected by the policies
- structured probity management
- a structured approach to managing risk, including associated asset management

Overall, the new policies have a greater focus than previously on principles. These principles are intended to be the touchstones for decisions made under the policies and they are as important as the provisions themselves. The focus of the policies is very much shaped around the above considerations.

The Community Funding: Donations, Grants, Sponsorships and Waiver of Fees Policy sets out a new process for applications and acquittal, and it is proposed that this policy is approved with the provision for it being implemented at the start of the new financial year. This gives the Council time to communicate the changes and to provide the necessary budgets through its deliberations via the Major Strategic Review and the setting of the Annual Budget.

Financial

There are no direct financial implications arising from the adoption of these policies.

Legal and Statutory

Adoption of many of the new policies bring Council to closer compliance with statutory requirements and/or Department of Local Government and Communities indicated requirements.

Voting Requirements:
Absolute Majority Required: Yes

**RESOLUTION
050216**

Moved: Cr Randell

Seconded: Cr Ferro

“That Council:

Adopts the following policies for inclusion in the Shire of York Policy Manual incorporating any changes directed by Council, with the policies to take effect from 22 February 2016, with the exception of Policy C 1.3 requires additional work before adoption:

***G 1.5 Councillors: Induction
G 1.6 Governance Services
G 1.11 Organisation Structure and Senior Employees
G 1.12 Civic Functions, Entertainment and Hospitality***

***G 2.5 Reference Groups
G 2.10 State Administrative Tribunal***

***G 4.1 Integrated Planning and Reporting: Planning
G.4.2 Integrated Planning and Reporting: Reporting
G 4.3 Financial Planning and Sustainability
G 4.4 External Funding: Priorities and Impacts***

***C 1.1 Freedom of the Shire
C 1.2 Australia Day Awards***

***CP 1.1 Execution of Documents
CP 1.2 Use of Shire Crest and Logo
CP 1.3 Commissioning of Legal Advice
CP 1.4 Local Government Resource Sharing
CP 1.5 Compliance and Enforcement***

and that the Acting Chief Executive Officer be authorised to correct minor typographical errors and advise all Councillors accordingly.”

CARRIED: 6/1

SY011-02/16 - Promotion of York – Book of Pencil Drawings of Historical York Buildings

FILE REFERENCE:

APPLICANT OR PROPONENT(S): N/A
AUTHORS NAME & POSITION: Mark Dacombe, Acting CEO
PREVIOUSLY BEFORE COUNCIL: No
DISCLOSURE OF INTEREST: Nil
APPENDICES: Samples from Book

Nature of Council's Role in the Matter:

Executive

Purpose of the Report:

To enable the Council to give consideration to supporting a quality publication of drawings and explanatory text and receiving appropriate recognition.

Background:

Ms Arlene Puddy/Beatty and Mr Kenneth Irwin have previously published a book of pencil drawings of historical buildings in the town of Gwalia. Since that project they have been working on a book of pencil drawings of York. Some samples from the book are attached as an appendix. This is now ready for publication.

Comments and details:

The book is being self-published by Ms Puddy/Beatty and Mr Irwin. They have offered the Council the opportunity to be acknowledged in the front of the book and to include some text of our choosing to promote York. They have not requested a specific sum to include the promotion statement and have indicated that a modest contribution would be gratefully accepted.

Implications to Consider:

- Consultative

The authors have communicated with the Visitor Centre Manager during the production of the material and she has given support and encouragement for the project.

- Strategic and financial

Provide a cost effective means of promoting York to the heritage tourism market.

Voting Requirements:

Absolute Majority Required: No

RESOLUTION

060216

Moved: Cr Randell

Seconded: Cr Heaton

"That Council:

Purchase a small space in the publication of pencil drawings by Ms Arlene Puddy/Beatty and Mr Kenneth Irwin for the sum of \$1,000 to be accommodated from the promotions budget."

CARRIED: 7/0

SY012-02/16 – Financial Report for January 2016

FILE REFERENCE:	FI.FRP
APPLICANT OR PROPONENT(S):	Not Applicable
AUTHORS NAME & POSITION:	Tabitha Bateman, Financial Controller
PREVIOUSLY BEFORE COUNCIL:	No
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Monthly Statements
	List of Creditors Payments
	Corporate Credit Card Transaction Listing

Purpose of the Report:

The purpose of financial reporting and the preparation of monthly financial statements, is to communicate information about the financial position and operating results of the Shire of York to Councillors and the community and monitors the local government's performance against budgets.

Background:

Local governments are required to prepare general purpose financial reports in accordance with the Local Government Act 1995, the Local Government (Financial Management) Regulations 1996 and the Australian Accounting Standards.

Comments and details:

The Financial Report for the period ending 31 January 2016 is presented for consideration and includes the following;

- Monthly Statements for the period ended 31 January 2016
- List of Creditors Payments
- Corporate Credit Card Transaction Listing

The following information provides balances for key financial areas for the Shire of York's financial position as at 31 January 2016;

Outstanding Rates and Services

Total outstanding rates as at 31 January 2016 are \$1,476,698 compared to \$1,589,678 as at 31 December 2015.

3 Years & over	\$ 156,084	10.57% of rates outstanding
2 Years & over	\$ 62,524	4.23% of rates outstanding
1 Years & over	<u>\$ 173,340</u>	11.74% of rates outstanding
<i>Total Prior Years</i>	<i>\$ 391,948</i>	<i>26.54% of rates outstanding</i>

Current rates	\$ 1,084,750	73.46% of rates outstanding
---------------	--------------	-----------------------------

Outstanding Sundry Debtors

Total outstanding sundry debtors as at 31 January 2016 are \$318,680 compared to \$318,873 as at 31 December 2015.

90 days & over	\$ 299,949	94.12% of sundry debtors outstanding
60 days & over	\$ 2,744	0.86% of sundry debtors outstanding
30 days & over	\$ 5,886	1.85% of sundry debtors outstanding
Current	\$ 10,101	3.17% of sundry debtors outstanding

Voting Requirements:

Absolute Majority Required: **No**

**RESOLUTION
070216**

Moved: Cr Heaton

Seconded: Cr Ferro

“That Council:

Receive the Monthly Financial Report and the list of payments drawn from the Municipal and Trust accounts for the period ending 31 January 2016 as summarised below:

MUNICIPAL FUND	AMOUNT
Cheque Payments	16,189.29
Electronic Funds Payments	290,820.31
Payroll Debits	191,186.63
Bank Fees	1,116.76
Corporate Cards	339.10
Viva Energy - Fuel Cards	12.50
Fire Messaging Service	0.00
TOTAL	499,664.59
TRUST FUND	
Electronic Funds Payments	2,184.06
Cheque Payments	41.00
Direct Debits Licensing	116,068.60
TOTAL	118,293.66
TOTAL DISBURSEMENTS	617,958.25

CARRIED: 7/0

SY013-02/16 – Investments – January 2016

FILE REFERENCE: FI.FRP
APPLICANT OR PROPONENT(S): Not Applicable
AUTHORS NAME & POSITION: Tabitha Bateman, Financial Controller
PREVIOUSLY BEFORE COUNCIL: No
DISCLOSURE OF INTEREST: Nil
APPENDICES:

Purpose of the Report:

To report to Council the balance of investments held by the Shire of York as at 31 January 2016.

Background:

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

Comments and details:

The Shire of York Investment Portfolio includes the following items that highlight Council's investment portfolio performance:

- a) Council's Investments as at 31 January 2016
- b) Application of Investment Funds
- c) Investment Performance

Voting Requirements:

Absolute Majority Required: No

RESOLUTION 080216

Moved: Cr Smythe

Seconded: Cr Saint

“That Council:

Receive the Shire of York Investment Portfolio attached to this report.”

CARRIED: 7/0

SY014-02/16 – Mid Year Review 2015/16

FILE REFERENCE:	FI.FRP
APPLICANT OR PROPONENT(S):	Not Applicable
AUTHORS NAME & POSITION:	Tabitha Bateman, Financial Controller
PREVIOUSLY BEFORE COUNCIL:	No
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Mid Year Review 2015/16

Purpose of the Report:

To consider and adopt the Budget Review as presented for the period 1 July 2015 to 31 January 2016.

Background:

The Local Government Act 1995 requires the Council to undertake a review of the Annual Budget each year.

The 2015/16 annual budget was adopted by the Commissioner on 27 June 2015. At the time of adopting the budget, the following was also resolved:

“That the Commissioner:

- 1. In accordance with Regulation 34(5) of the Local Government (Financial Management) Regulations 1996 and Australian Accounting Standard Number 5, adopt the percentage of 10% or \$10,000 whichever is the greater for reporting material variances in the Statement of Financial Activity.”***

Whilst it was determined that only major variances be reported on, where it is considered appropriate to provide additional comments this has occurred. Comments are however mostly restricted to those areas mentioned within the Council resolution above.

Statutory Environment:

Local Government (Financial Management) Regulation 33A states the following:

“33A. Review of budget

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must —
 - (a) consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
 - (b) consider the local government’s financial position as at the date of the review; and
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.

- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.
**Absolute majority required.*
- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

Local Government Act 1995 states the following:

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government;
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.
 * *Absolute majority required.*
- (1a) In subsection (1) —
additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.
- (2) Where expenditure has been incurred by a local government —
 - (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
 - (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council."

Comments and details:

The purpose of the review is to ensure that the Council is informed of the likely financial position of the Shire at 30th June 2016 in terms of its adopted budget. For purposes of annual reporting, Council is required to report against the adopted budget.

Voting Requirements:

Absolute Majority Required: Yes

OFFICER RECOMMENDATION

"That Council in accordance with section 6.8 of the Local Government Act:

1. *authorise the following unbudgeted items, which have been provided for in the mid year review;*

Exp – Account 42150 – \$11,813 – Parental Leave Payments
Inc – Account 42250 - \$11,813 – Parental Leave Reimbursements

Exp – Account 113177 – \$8,000 – Kidsport Grant Expenditure
Inc – Account 113229 – \$8,000 – Kidsport Grant Income

Exp – Account 132159 – \$32,500 – Regional Visitors' Centres Grant Expenditure
Inc – Account 132269 – \$16,250 – Regional Visitors' Centres Grant Income

Exp – Account 41352 – \$12,000 – Chambers Audio Equipment

Exp – Account 122411 - \$20,000 – Townsite Drainage Construction
2. *endorse the projections and variations to 30 June 2016 for the 2015/16 Annual Budget Mid Year Review, noting the comments; and*
3. *that a copy of the review be forwarded to the Department of Local Government within 30 days of Council having given consideration."*

RESOLUTION 090216

Moved: Cr Ferro

Seconded: Cr Smythe

"That Council:

Defer the acceptance of the Mid Year Review until the March meeting to enable consideration through the Workshop process."

CARRIED: 7/0

SY015-02/16 - Closing The Meeting To The Public & Press

FILE REFERENCE:

APPLICANT OR PROPOENT(S): Mark Dacombe, A/CEO

AUTHORS NAME & POSITION: Mark Dacombe, A/CEO

PREVIOUSLY BEFORE COUNCIL: No

DISCLOSURE OF INTEREST: Nil

Statutory Environment:

Local Government Act 1995 – Part 5 – Division 2 – Section 5.23:

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
- (b) *the personal affairs of any person; and*
 - (e) *a matter that if disclosed, would reveal —*
 - (iii) *information about the business, professional, commercial or financial affairs of a person,*

Voting Requirements:

Absolute Majority Required: No

RESOLUTON

100216

Moved: Cr Ferro

Seconded: Cr Walters

“That Council:

That the meeting be closed in accordance with Section 5.23(2)(b) and € of the Local Government Act 1995 to members of the public and the press to deal with:

2(b) “the personal affairs of any person”; and

2(e) “a matter that if disclosed, would reveal –

iii) information about the business, professional, commercial or financial affairs of a person.”

CARRIED: 7/0

Note to this Item:

Staff and Gallery members left the meeting at 5.42pm.

SY016-02/16 – Confidential Item - Appointment Of Chief Executive Officer

RESOLUTION

110216

Moved: Cr Randell

Seconded: Cr Ferro

“That Council:

- 1. Appoints Mr Paul Geoffrey Martin to the position of Chief Executive Officer with the Shire of York for a period of five (5) years commencing on 26 April 2016 and concluding 25 April 2021;***
- 2. Is of the belief that Mr Paul Geoffrey Martin is suitably qualified for the position of Chief Executive Officer; and***
- 3. Is satisfied with the provisions of the proposed employment contract to be entered into with Mr Paul Geoffrey Martin with a total reward package in accordance with the Salaries and Allowances Tribunal Band 3.***
- 4. Authorises the affixing of the common seal of the Shire of York to the Employment Contract in the presence of the President and CEO in accordance with section 9.49A of the Local Government Act 1995.***
- 5. Appoints Mark Dacombe, the Acting Chief Executive Officer of the Shire of York until 25 April 2016.”***

CARRIED: 7/0

SY017-02/16 – Opening The Meeting To The Public & Press

FILE REFERENCE:

APPLICANT OR PROPOENT(S): Mark Dacombe, A/CEO
AUTHORS NAME & POSITION: Mark Dacombe, A/CEO
PREVIOUSLY BEFORE COUNCIL: No
DISCLOSURE OF INTEREST: Nil

Statutory Environment:

Local Government Act 1995 – Part 5 – Division 2 – Section 5.23:

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
- (b) *the personal affairs of any person; and*
 - (e) *a matter that if disclosed, would reveal —*
 - (iii) *information about the business, professional, commercial or financial affairs of a person,*

Voting Requirements:

Absolute Majority Required: No

RESOLUTION

120216

Moved: Cr Saint

Seconded: Cr Heaton

“That Council:

Open the meeting in accordance with Section 5.23(2)(b) and (e) of the Local Government Act 1995 to members of the public and the press.”

CARRIED: 7/0

Note to this Item:

The doors were Opened at 5.50pm and Staff and Gallery Members returned to the meeting.

The Shire President read the Confidential Item Motion.

10.NEXT MEETING

RESOLUTION

130216

Moved: Cr Smythe

Seconded: Cr Saint

“That Council:

holds the next Ordinary Meeting of the Council on Monday, 21st March, 2016 at 5.00pm in Council Chambers, York Town Hall, York.”

CARRIED: 7/0

11.CLOSURE

The Shire President thanked everyone for their attendance and closed the meeting at 5.53pm.