



# SHIRE OF YORK

**MINUTES OF THE ORDINARY  
MEETING OF THE COUNCIL  
HELD ON 18 JULY, 2011  
COMMENCING AT 3.02pm  
IN THE LESSER HALL, YORK**



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RAY HOOPER  
CHIEF EXECUTIVE OFFICER



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## SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL  
HELD ON MONDAY, 18 JULY 2011, COMMENCING AT  
3.02PM IN THE LESSER HALL, YORK.

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

### 1. OPENING

- 1.1 Declaration of Opening  
*Cr Pat Hooper, Shire President, declared the meeting open at 3.02pm*
- 1.2 Chief Executive Officer to read the disclaimer  
*Ray Hooper, Chief Executive Officer, read the disclaimer*
- 1.3 Announcement of Visitors  
*Nil*
- 1.4 Announcement of any Declared Financial Interests  
*Cr Tony Boyle – Item 9.1.4 – Proximity - Financial*  
*Cr Tony Boyle – Item 9.2.3 – Proximity - Financial*

### 2. ATTENDANCE

- 2.1 Members  
*Cr Pat Hooper, Shire President;*  
*Cr Brian Lawrance; Cr Roy Scott; Cr Tony Boyle; Cr Tricia Walters*
- 2.2 Staff  
*Ray Hooper, Chief Executive Officer, Tyhscha Cochrane, Deputy Chief Executive Officer; Gordon Tester; Manager of Health and Building Services; Jacky Jurmann, Manager Planning Services; Kristy Robinson, Planning Assistant*
- 2.3 Apologies  
*Nil*
- 2.4 Leave of Absence Previously Approved  
*Cr Trevor Randell*
- 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

#### 3.1 Previous Public Questions Taken on Notice

Tanya Richardson  
113 Newcastle Street  
YORK WA 6302

#### **PUBLIC QUESTION TIME - 20 JUNE 2011**

Further to your question submitted to the above meeting and which was taken on notice please find set out below the relevant response:

#### **Question:**

The York Tourist Bureau wishes to finalise its accounts, and consequently requests:

- (a) A summary of all payments (date, amount, recipient information, relevant invoice number) made by the Shire on its behalf.
- (b) A summary of goods sold and payment received by the Shire with respect to the retail products belonging to the York Tourist Bureau.
- (c) A list of remaining retail stock.
- (d) A summary of the value of the assets transferred to the Shire from the York Tourist Bureau.

#### **Response:**

- (a) A list of payments is attached for your information 2009/10 and 2010/11 financial years.

I refer you to an extract of the resolution of the Ordinary Council Meeting held on the 19<sup>th</sup> April 2010:

***“...Meet the identified financial shortfall of up to \$85,000 through the 2009/10 budget to cover the designated current debts of the York Visitor Centre Inc and to recover these funds during reduced tourism funding over the next two financial years...”***

- (b) A report on stock has been provided by the Information Services, which is attached for your information. Income relevant to stock is entered through Council's system, however this does not take into account the various stock items that Council has purchased primarily relating to York eg. tea towels, jumpers etc.
- (c) As above.
- (d) A list of assets is attached for your information. I refer you to an extract of the resolution of the Ordinary Council Meeting held on the 19<sup>th</sup> April 2010:

***“...The York Tourist Bureau and the Shire of York agree that from 1 July 2010 all the assets of the Bureau are to be transferred to the Shire...”***



**Question**

For the President – why did you allow the CEO to cancel my commercial booking at Avon Park for this weekend when I was working with the Chamber of Commerce to use this area for a free kids corner?

- (a) The resolution past in the special council meeting in April did not request Councillors to vote on the cancellation of my booking. So why was the CEO allowed to cancel a booking which is a legally binding agreement with a tax invoice issued?
- (b) Why is the other commercial operator allowed to run an event on Shire property at no cost when I have been asked to pay full fees?

**Response:**

Cr Brian Lawrance responded at the Ordinary Council Meeting: I cannot answer on behalf of the Shire President, however the CEO is delegated powers from time to time so that not every single item needs to be presented to Council.

No information has been provided to the Shire of York on any proposal by Avon Events Management or the York Chamber of Commerce to use Council property for a “free kids corner”.

- (a) The claimed tax invoice was for a bond for use of Shire property only and not a hire fee. A local government has a sovereign right to manage the use of community property.

The CEO acted directly in accordance with the clear instruction of Council in resolution 040411 that Avon Park was to be made available for a Handicraft & Gift Bazaar at Avon Park as the designated use.

**Resolution  
040411****Moved: Cr Lawrance****Seconded: Cr Scott*****“That Council:***

- 1. Approve the holding of a Handicraft & Gift Bazaar on Shire property on the 25<sup>th</sup> June, 2011***
- 2. Advise the applicant that Avon Park is the venue for the event***
- 3. As a specific one-off concession not charge a venue fee provided that the bond and power use fee (if applicable) are paid***
- 4. Establish hire fees for all commercial operations on Shire land such as Peace Park and Avon Park to be included in the 2011/12 and future budgets.***

***Advise Note:******Applicant for Avon Park to be responsible for Traffic Management.”******CARRIED: 3/2******Reason to Change Officer Recommendation:***

***To specifically designate Avon Park as the venue to ensure no conflict and in the interest of traffic management and pedestrian flow.***

- (b) Council resolution 040411 authorised that no venue fee other than the bond and power use fees (if applicable) would apply for the use of Avon Park for the Handicraft & Gift Bazaar.

There were no hire fees for Avon or Peace parks in the 2010/11 budget and the only fees listed and requested from applicants were the bond and power use fees.

Council had indicated that if Avon Events Management were prepared to relocate their booking to Peace Park only the bond and power fees would apply.

**Question 4:**

Why did the CEO and Shire staff assure me my booking at Avon Park was confirmed after the resolution passed at the April meeting only then to send me a refund in the mail less than a week later?

- (a) Have you Mr President condoned this sort of personal vendetta and unfair trading restrictions?
- (b) Do you Mr President ever bother to research the legal implications for the SOY when allowing the CEO to make such decisions without consulting you, or were you privy to this decision before it was sent to me?

**Response:**

The CEO and staff could not and did not override a Council decision on the use of Avon Park and Staff acted as expeditiously as possible after the Council decision to refund the relevant funds paid.

- (a) No. the council made a decision at the April meeting which staff acted on appropriately in accordance with the requirements of the Local Government Act.

There was no personal vendetta involved in any decision making or subsequent actions as Council acted in the interests of the community as a whole in determining the use of Community facilities.

There were no unfair trading restrictions as Avon Events Management could have had use of another community facility being Peace Park if extra area was required for your event.

- (b) The Shire of York followed due process and acted on a majority decision by Council that Avon Park be used for the Handicraft & Gift Bazaar and not the Gourmet Food & Wine Festival.

**Question 5:**

Does Council have any plans to deliver the York Jazz Festival this year?

- (a) Do you understand that the YTB cannot deliver a Festival without a wash up from the Shire of its financial position?
- (b) The YTB asked me to assist but the CEO said the Shire would not assist financially if I were involved. So what is the counter plan if not me?

**Response:**

No.

- (a) Financial data now provided to the York Tourist Bureau.
- (b) Not relevant as no business plan presented by York Tourist Bureau for justification for use of community funds to subsidise a 2011 Jazz Festival. The CEO does not determine or control expenditure allocations as these are solely made by Council through absolute majority decisions by elected members only.

3.2 Written Questions

*Nil*

**4. PUBLIC QUESTION TIME**

Mr Peter McInnes on behalf of The Advocate  
PO Box 364  
YORK WA 6302

**Question 1:**

Is it the belief of your Councillors and administration that SAT automatically overrules Council decision on appeal?

**Response:**

No, I don't believe that SAT will overturn all decisions, however decisions have been overturned. The CEO has advised of precedence in other cases and has always used the word 'could' and not 'would' be overturned.

**Question 2:**

Are your Councillors encouraged by the administration to agree to staff recommendations because SAT would overrule their decision on appeal and control of the project by the shire would be lost or watered down?

**Response:**

No – Councillors have asked for opinions on previous precedence, or similar kind of applications that have been overruled but Councillors make up their own mind.

Mr A Fraser  
17 Pelham Street  
YORK WA 6302

**Question 1a:**

What is the estimated cost of lift? When will the project commence?

**Response:**

Estimated cost is \$108,000. Advice received today of a LotteryWest grant of \$54,000. Construction will commence when lift arrives in early August.

**Question 1b:**

Previously the quotations were \$120,000 and more, why the variation for the Town Hall celebrations?

**Response:**

Variations are due to technology changes, the lift will do more for less money.

**Question 2:**

- (a) Co-Location Centre - Estimated Cost? When will project commence?
- (b) Agenda 2009 all costings had been done.

**Response:**

- (a) We have not received the full application for the Co-Location Centre which is being managed by the CRC and plans have changed considerably.
- (b) The project is being managed by the Community Resource Centre and not the Shire of York.

**Question 3:**

Where will Council meetings be held once they above two (2) projects have been completed?

**Response:**

This will depend on what will happen with the RTG.

**Question 4:**

Veranda posts in C.B.D. Is it fair to put cost onto landowners because Council raised pavers?

**Response:**

Taken on Notice

**Question 5:**

Planning approval, reference is made to the Local Government Act (Miscellaneous Provisions) 1960.

**Response:**

Miscellaneous Provisions Act is in place, it includes building permits, gate permits etc. It is a statutory part of the Local Government Act 1995.

**Question 6:**

Financial report electronic payments page 5 – Legal advice improper use of information \$2,849.00.

**Response:**

Council requested legal advice on how to deal with improper use of information.

Ms D Barratt  
PO Box 797  
YORK WA 6302

**Question 1:**

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

**Response:**

Taken on Notice

**Question 2:**

Why have Council planted trees that are from the same family of the ones that were originally hacked out.

**Response:**

Taken on Notice

**Question 3:**

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

**Response:**

Taken on Notice

**Question 4:**

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

**Response:**

Taken on Notice

Ms D Robinson  
208 Avon Terrace  
YORK WA 6302

**Question 1:**

Did Councillors get my email this afternoon?

**Response:**

Received a hard copy of your email this afternoon.

**Question 2:**

Why am I getting an infringement notice for living in a caravan this week after this was OK in the last meeting?

**Response:**

Gordon Tester, Manager of Health and Building advised that Item 6 of the previous resolution was that you can live in a caravan for set periods.

**Question 3:**

I don't understand why I'm getting an infringement notice.

**Response:**

Gordon Tester, Manager of Health and Building advised that last meeting there was permission granted for 21 days to comply or next Council meeting the infringement would be issued. There was permission granted in a timeframe.

**Question 4:**

Can Council tell me why fencing is an issue. The fencing was damaged in the storm by Shire trees.

**Response:**

The area you are talking about is in a floodplain and bordering the river. The regulations are post and rail fencing requirements to prevent water back up.

**Question 5:**

Why has Shire not responded to me?

**Response:**

You need to comply with certain conditions within a set timeframe. Correspondence has been provided.

Ms T Richardson  
113 Newcastle Street  
YORK WA 6302

**Question 1:**

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

**Response:**

Taken on Notice

**Question 2:**

Is there any reason why we the ratepayers are not being notified that our item is on the Agenda and receiving Minutes?

**Response:**

This will be followed up.

**Question 3:**

Does the Shire have the ability to provide emergency housing to ratepayers after a natural disaster?

**Response:**

Will certainly be looked at in the Emergency Plan with communication and other issues.

Mr S Saint  
87 Avon Terrace  
YORK WA 6302

**Question 1:**

We appreciate the Shire has finally admitted there were errors in the planning system with reference to the development at 89 Avon Terrace. So with hindsight will the Shire then concede it was despotic to threaten us with prosecution for unauthorized hoarding even though Worksafe had informed us the building should be made safe?

**Response:**

Will check with the Senior Planner at Department of Planning and will respond.

**Question 2(a)**

Does the Shire understand the importance of tourism for York?

**Response:**

Yes

**Question 2(b)**

Does the Shire appreciate the iconic value of the Town Hall?

**Response:**

Yes

**Question 2(c)**

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

**Response:**

Taken on Notice

**Question 3(a)**

When will the Forrest Oval Committee be appointed?

**Response:**

One week tomorrow on the 26<sup>th</sup> July

**Question 3(b)**

How many committee members will be appointed?

**Response:**

Board of Management rather than committee and members which are yet to be determined.

**Question 3(c)**

Which sections of the community will represent on the committee?

**Response:**

Will be dealt with as a Board of Management not a committee and with clubs as all do not have the same impact and all have varying needs.

**Question 3(d)**

Has the Shire any idea of the annual running cost of the Oval Complex?

**Response:**

In the business plan \$129,000 deficit for the first year and then \$134,000 for the second year.

**Question 3(e)**

Does the Shire intend to hire out the facility for private functions?

**Response:**

Yes

**Question 3(f)**

Is this in competition with businesses?

**Response:**

This is in the business plan if there is no other place to hire for a large function yes the Shire will hire it out.

**Question 4:**

Why can a Councillors son have a tree removed from private property at ratepayers expense while I have to pay nearly \$700 for the same service?

**Response:**

The Contractor went onto site without approval first during the storm clean up.

Mr A Fraser  
17 Pelham Street  
YORK WA 6302

**Question 1**

Does the Council have current white ant certificates on all Community buildings?

**Response:**

A Licensed contractor inspects annually and problems are addressed.

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

*Cr Tricia Walters*

**RESOLUTION**

**010711**

**Moved: Cr Scott**

**Seconded: Cr Boyle**

***“That Council grant a leave of absence to Cr Tricia Walters for the Council Meetings scheduled for 15 August 2011 and 19 September 2011.”***

***CARRIED: 5/0***

**6. PETITIONS / PRESENTATIONS / DEPUTATIONS**

*Nil*

**7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

7.1 Minutes of the Ordinary Council Meeting held June 20, 2011

Confirmation

**RESOLUTION**

**020711**

**Moved: Cr Scott**

**Seconded: Cr Lawrance**

***“That the Minutes of the Ordinary Council Meeting held June 20, 2011 be confirmed as a correct record of proceedings.***

***CARRIED: 4/1***

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

*Cr Hooper congratulated the Hockey Club which was outstandingly successful and the Veteran Car Club event which was also very successful.*

**9. OFFICER’S REPORTS**



## **9.1 Development Services**



## **9. OFFICER'S REPORTS**

### **9.1 DEVELOPMENT REPORTS**

#### **9.1.1 Scheme Amendment No. 44 – Lots 4, 5, 6 & 7 Great Southern Highway, Balladong (Gwambygine Estate)**

*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.*

<b>FILE NO:</b>	<b>PS-TPS-39</b>
<b>COUNCIL DATE:</b>	<b>18 July 2011</b>
<b>REPORT DATE:</b>	<b>5 July 2011</b>
<b>LOCATION/ADDRESS:</b>	<b>Lots 4, 5, 6 &amp; 7 Great Southern Highway, Balladong</b>
<b>APPLICANT:</b>	<b>Greg Rowe &amp; Associates</b>
<b>SENIOR OFFICER:</b>	<b>R Hooper, CEO</b>
<b>REPORTING OFFICER:</b>	<b>J Jurmann, MPS</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>APPENDICES:</b>	<b>Scheme Amendment Map</b>
<b>DOCUMENTS TABLED:</b>	<b>Nil</b>

#### **Summary:**

Scheme Amendment No. 44 (Gwambygine Estate) to the York Town Planning Scheme No. 2 was approved by the Minister for Planning on 1 June 2011 and gazetted on 14 June 2011.

The Scheme Amendment has rezoned the site from 'General Agriculture' to 'Rural Residential'.

An Outline Development Plan will need to be prepared by the proponent for approval by the Shire and the Western Australian Planning Commission to ensure orderly and sustainable development of the precinct.

#### **Background:**

Council first resolved to initiate Scheme Amendment No. 29 for rezoning of the Gwambygine Estate on 20 August 2009.

The rezoned area consists of four (4) lots and an area of 342.95 hectares. The lot sizes will vary from 1 to 4 hectares and will be subject to the preparation and approval of an Outline Development Plan.

On 16 August 2010, Council resolved to approve the scheme amendment and the documentation was forwarded to the Western Australian Planning Commission for the Minister's final approval.

#### **Consultation:**

The Scheme Amendment has been through an extensive consultation process in accordance with the requirements for scheme amendments outlined in the Planning and Development Regulations.

All land owners within the mapped areas of Scheme Amendment No. 44 have been notified in writing of the gazettal. Additionally, an advertisement has been placed in the Avon Valley Gazette.

#### **Statutory Environment:**

The gazettal of the rezoning amends the provisions of the York Town Planning Scheme No. 2 to incorporate a 'development zone' specifically relating to the subject lots.

#### **Policy Implications:**

The York Town Planning Scheme No. 2 is amended by the gazettal of this scheme amendment.

**Financial Implications:**

Fees are applicable for scheme amendments. Developer contributions may be an appropriate cost sharing mechanism for the provision of infrastructure and community facilities associated with this development.

**Strategic Implications:**

This Scheme Amendment is consistent with the York Local Planning Strategy.

**Voting Requirements:**

**Absolute Majority Required: No**

**Site Inspection:**

**Site Inspection Undertaken: Not applicable**

**Triple bottom Line Assessment:**

**Economic Implications:**

Large developments may have longer term economic implications for Council resources. Developer contribution policies are required to enable appropriate cost sharing mechanisms to be adopted. Contributions can be levied for infrastructure, such as roads and community facilities. Scheme Amendment No. 26 has been approved by the Minister and policies are currently being developed and will be presented to Council for consideration in the near future.

**Social Implications:**

This development will provide a greater variety of housing options to current and future residents and is likely to have positive social impacts on the York community. Construction of the development may also provide employment opportunities.

**Environmental Implications:**

Environmental issues associated with the development, and any larger housing developments, can be managed through research and preventative measures. Erosion and sediment controls will be required during construction. The site will have access to reticulated sewerage and water. Telecommunication and power is available. The draft Outline Development Plan has been designed taking into consideration the topography of the site, including existing creek lines and remnant vegetation. It is considered that the environmental implications of this development can be satisfactorily managed.

**Comment:**

This report is for information purposes.

**RESOLUTION  
030711**

**Moved: Cr Lawrance**

**Seconded: Cr Boyle**

***“That Council:***

***This report be noted for information purposes.”***

***CARRIED: 5/0***

**Item 9.1.1 – Appendices**



**9. OFFICER'S REPORTS**  
**9.1 DEVELOPMENT REPORTS**  
**9.1.2 Proposed Policy For Retrospective Planning Applications**

*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.*

<b>FILE NO:</b>	<b>PS.TPS.2</b>
<b>COUNCIL DATE:</b>	<b>18 July 2011</b>
<b>REPORT DATE:</b>	<b>5 July 2011</b>
<b>LOCATION/ADDRESS:</b>	<b>Shire of York</b>
<b>APPLICANT:</b>	<b>N/A</b>
<b>SENIOR OFFICER:</b>	<b>R Hooper, CEO</b>
<b>REPORTING OFFICER:</b>	<b>J Jurmann, MPS</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>APPENDICES:</b>	<b>Draft Policy and Information Sheet</b>
<b>DOCUMENTS TABLED:</b>	<b>Nil</b>

**Summary:**

Council at its Ordinary Meeting held on 27 April 2011 resolved to advertise the draft Planning Policy and accompanying Information Sheet in accordance with Clause 8.8.2 of the York Town Planning Scheme No. 2.

The draft Policy and Information Sheet was advertised for a period of 42 days in the Avon Valley Gazette, at Council's Offices and website. No submissions were received during the advertising period.

It is recommended that the draft Local Planning Policy – Retrospective Planning Applications and Information Sheet be adopted by Council and becomes effective from the date of adoption.

**Background:**

Retrospective planning applications are applied for developments within the Shire that have been commenced or completed without first obtaining approval for a variety of reasons.

There are an increasing number of applications being received by Council for retrospective development and land use on land within the Shire. These applications are either initiated by the landowner or as a result of Council compliance investigation.

Clause 7.14 of the York Town Planning Scheme No. 2 states that Council may grant planning consent to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.

The adoption of a Local Planning Policy and Information Sheet will enable Council Officers to deal with retrospective planning applications more fairly and efficiently. It will also provide landowners with guidance when submitting an application.

The adoption of the Policy does not guarantee that all retrospective planning applications will be approved as a matter of course and will not affect any legal action that may be instigated by Council on landowners who fail to gain planning approval whether or not Council grants planning consent.

**Consultation:**

The draft Planning Policy and Information Sheet was advertised in accordance with the requirements of the York Town Planning Scheme No. 2 and Council’s resolution on 27 April 2011.

No submissions from the public were received during the advertising period.

**Statutory Environment:**

Planning and Development Act 2005  
Planning and Development Regulations 2009 – Schedule 2  
York Town Planning Scheme No. 2

**Policy Implications:**

The adoption of a Local Planning Policy for Retrospective Planning Applications is in accordance with the provisions of the Planning and Development Act, Regulations and the Town Planning Scheme. It will provide Council staff and landowners a consistent manner for dealing with applications.

**Financial Implications:**

Costs involved with the advertising process in relation to circulating advertisements.

Income will be obtained from the retrospective application and advertising fees.

**Strategic Implications:**

*“To develop a framework to facilitate planning and decision-making in order to identify and meet community needs, develop opportunities and implement change.”*

The adoption of a Local Planning Policy for Retrospective Planning Applications is directly related to creating a framework to enable Shire staff to meet community expectations of a fair and consistent assessment process.

**Voting Requirements:**

**Absolute Majority Required:           No**

**Site Inspection:**

**Site Inspection Undertaken:           Not applicable**

**Triple bottom Line Assessment:**

**Economic Implications:**

The application fees for retrospective planning applications are stipulated in Schedule 2 of the *Planning and Development Regulations 2009*. The fees are set at twice the normal application fee. Application fees, together with the advertising fee, are paid upfront by the applicant.

**Social Implications:**

The adoption of this Policy will enable Council staff to assess retrospective planning applications, and therefore all landowners, in a fair and consistent manner to meet community expectations.

**Environmental Implications:**

Nil



**Comment:**

The adoption of a Local Planning Policy for Retrospective Planning Applications will enable retrospective planning applications to be dealt with in a fair and consistent manner. There are no guarantees that a retrospective planning application will be approved by Council.

It should also be noted that the adoption of the Policy will not affect any current or future legal action that may or has been instigated by Council on landowners or developers that commence development or a use without first obtaining planning approval.

**RESOLUTION  
040711**

**Moved: Cr Boyle**

**Seconded: Cr Scott**

***“That Council resolve to:***

- 1. ADOPT the Local Planning Policy – Retrospective Planning Applications and accompanying Information Sheet under the provisions of Clause 8.8 of the York Town Planning Scheme No. 2.***
- 2. ADVERTISE the final adoption of the Local Planning Policy – Retrospective Planning Applications.”***

***CARRIED: 5/0***



## Item 9.1.2 – Appendices



## 9. OFFICER'S REPORTS

### 9.1 DEVELOPMENT REPORTS

#### 9.1.3 Proposed Shed For Home Business – 58 Roe Street, York

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

**FILE NO:** RO1.11570, P657  
**COUNCIL DATE:** 18 July 2011  
**REPORT DATE:** 6 July 2011  
**LOCATION/ADDRESS:** Lot 272 (58) Roe Street, York  
**APPLICANT:** J & E Higginson  
**SENIOR OFFICER:** R Hooper, CEO  
**REPORTING OFFICER:** J Jurmann, MPS  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** 1 – Locality Plan  
2 – Architectural Plan  
3 – Assessment Report  
**DOCUMENTS TABLED:** Nil

#### **Summary:**

Council is in receipt of an application to construct an outbuilding for use in conjunction with an approved home business at Lot 272 (58) Roe Street, York.

The application was advertised in accordance with the provisions of Clause 7.3 of the York Town Planning Scheme No. 2. One submission was received objecting to the proposal.

Following consideration of the issues raised in the submission, it is recommended that the application be approved subject to the conditions recommended in this report.

#### **Background:**

Council at its Ordinary Meeting on 21 April 2008 approved the operation of a home business. The home business is concreting and involves administration, storage of materials and vehicles.

The planning application currently under consideration is for the construction of a shed in the rear yard of the property to enable to operate the office for the home business. Currently the office is contained within the existing dwelling. The application does not propose the expansion or intensification of the home business activities or the amendment of the conditions of planning approval.

The site is located in Roe Street in the North West Residential Precinct and is 5,320m<sup>2</sup> in area. The adjoining sites contain residential dwellings or are vacant lots.

#### **Consultation:**

The application was advertised in accordance with the provisions of Clause 7.3 of the York Town Planning Scheme No. 2.

One submission was received objecting to the proposal and the operation of a home business from the premises. The submitter states that the business belongs in the industrial area and that a large sheds lends permanency to the operation that would be obtrusive and unfair to nearby ratepayers.

The application does not propose to expand or intensify the home business that has already been granted approval by Council. The construction of a shed to be used as an office will enable a local business to operate more effectively and efficiently.

It should also be noted that the proposed shed itself is not considered large in isolation, however the cumulative total of floor area of all outbuildings, including the proposed, exceeds the allowable floor area under the Residential Design Codes.

**Statutory Environment:**

York Town Planning Scheme No. 2

The subject property is zoned Residential (R2.5) under the provisions of the York Town Planning Scheme No. 2. The use of a property for a home business is permissible with consent. Council granted consent on 21 April 2008 to conduct a home business.

The construction of a shed is considered ancillary development and is permissible with consent.

The relocation of the office from within the dwelling to the proposed shed will not result in an intensification or expansion of the home business as approved by Council.

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

Residential Design Codes

The Residential Design Codes (R-Codes) apply to all residential zoned land in the state. The acceptable design criteria applicable to outbuildings stipulates a maximum of 60m<sup>2</sup> total floor area of all outbuildings or 10% of the site area, whichever is the lesser. The total area of all outbuildings, including the one proposed, exceeds 60m<sup>2</sup> and therefore a variation to the R-Codes must be sought.

Clause 4.2 of the York Town Planning Scheme requires that planning approval be sought for variation of the provisions of the R-Codes.

**Policy Implications:**

There are no Policy implications associated with this proposal. The proposal is consistent with the provisions and zone objectives of the York Town Planning Scheme No. 2.

**Financial Implications:**

There are no financial implications associated with this proposal. All relevant application fees have been paid by the applicant.

**Strategic Implications:**

There are no strategic implications associated with this proposal. The proposal is consistent with the provisions and zone objectives of the York Town Planning Scheme No. 2.

**Voting Requirements:**

**Absolute Majority Required:           No**

**Site Inspection:**

**Site Inspection Undertaken:           Yes**

**Triple bottom Line Assessment:**

**Economic Implications:**

There are no financial implications associated with this proposal. All relevant application fees have been paid by the applicant. Local businesses are an important contributor to the economy of York.

**Social Implications:**

There are no social implications associated with this proposal as shown in the assessment contained in this report.

**Environmental Implications:**

There are no environmental implications associated with this proposal.

**Comment:**

The construction of an outbuilding for use as an office in conjunction with an approved home business will not result in the expansion or intensification of the home business. No complaints have been received by Council regarding the operation of the home business and the owner is complying with the conditions of the planning consent.

**RESOLUTION  
050711**

**Moved: Cr Lawrance**

**Seconded: Cr Scott**

***“That Council:***

***APPROVE the planning application to construct an outbuilding for use as an office in conjunction with the operation of a home business on Lot 272 (58) Roe Street, York, subject to the following conditions:***

- 1. Development must substantially commence within two (2) years from the date of this decision.***
- 2. Development must take place in accordance with the stamped approved plans.***
- 3. The outbuilding may only be used as an office in conjunction with the approval home business (concreting). Should the home business use cease, the outbuilding may only be used for residential purposes. The outbuilding must not be used for habitation.***

***Advice Notes to Consent:***

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

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

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

***Note 4: The home business must continue to operate in accordance with the conditions contained in the Notice of Determination dated 1 May 2008. It is the applicant’s responsibility to ensure that the home business approval is renewed annually and is current at all times.***

***Note 5: This approval is not a building licence. In accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1960, an application for a building licence must be submitted to, and approval granted by the local government prior to any change of classification or prior to the commencement of any structural works within the development hereby permitted.”***

**CARRIED: 5/0**





### **Item 9.1.3 – Appendices**



## 9. OFFICER'S REPORTS

### 9.1 DEVELOPMENT REPORTS

#### 9.1.4 Outline Development Plan – Lots 800 & 801 Mount Hardey Road, Mount Hardey

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

<b>FILE NO:</b>	<b>PS-TPS-23</b>
<b>COUNCIL DATE:</b>	<b>18 July 2011</b>
<b>REPORT DATE:</b>	<b>6 July 2011</b>
<b>LOCATION/ADDRESS:</b>	<b>Lots 800 &amp; 801 Mount Hardey Rd, Mt Hardey</b>
<b>APPLICANT:</b>	<b>David Lawn</b>
<b>SENIOR OFFICER:</b>	<b>R Hooper, CEO</b>
<b>REPORTING OFFICER:</b>	<b>J Jurmann, MPS</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Cr Boyle – Proximity / Financial</b>
<b>APPENDICES:</b>	<b>Location Plan &amp; Excerpt from TPS 2</b>
<b>DOCUMENTS TABLED:</b>	<b>Proposed Outline Development Plan</b>

#### **Summary:**

Council at its Ordinary Meeting held on 27 April 2011 resolved to advertise the proposed Outline Development Plan for the subdivision of part of Lots 800 and 801 Mount Hardey Road, Mount Hardey, for a period of 21 days.

The proposal has been advertised in accordance with Council's resolution and no submissions were received during the exhibition period.

It is recommended that the Outline Development Plan be approved by Council and forwarded to the Minister of Planning for approval.

#### **Background:**

The Shire of York Local Planning Strategy (LPS) identifies the Mount Hardey Rural Residential area in clause 2.4.7 and Map 4.

Council initiated Scheme Amendment No. 28 in November 2007 and was approved for gazettal by the Minister on 25 November 2010 to rezone properties subject to the amendment from "General Agriculture" to "Rural Residential". Additionally, Schedule 6 of the Scheme was amended requiring the approval of a Development Plan prior to the subdivision of Lots 76 to 78 and 81 Mount Hardey Road and Lot 79 Mount Hardey Road. The lots subject to this proposal were formerly known as Lots 80 and 81, and therefore prior to the consideration of an application for subdivision, a Development Plan must be approved by Council and the Western Australian Planning Commission.

#### **Consultation:**

The Outline Development Plan was advertised in accordance with the Council resolution. No submissions were received regarding the proposal.

#### **Statutory Environment:**

The Planning and Development Act 2005, York Local Planning Strategy, York Town Planning Scheme No. 2 apply to the proposal. Refer to the Council report of 17 April 2011 for an assessment.

#### **Policy Implications:**

The proposed subdivision is in accordance with the provisions of the York Town Planning Scheme No. 2.

**Financial Implications:**

The subdivision of the subject lots will be economically positive for the Shire through the creation of additional rateable lots. There are no negative financial implications associated with this development. The developer will be required to meet all costs for services and road construction and any need to contribute to the upgrading of Mount Hardey Road.

**Strategic Implications:**

**Key Result Area 1: Strategic Planning**

**Objective 1:** *To develop a framework to facilitate planning and decision-making in order to identify and meet community needs, develop opportunities and implement change.*

The Development Plan has been prepared in accordance with the requirements of the York Town Planning Scheme No. 2 and particularly the conditions of Scheme Amendment No. 28.

**Key Result Area 6: The Environment**

**Objective 1:** *To promote and ensure ecologically sustainable development.*

The Development Plan and proposed subdivision layout has been prepared taking into consideration natural features, land capability and environmental constraints to enable the development to be carried out in a sustainable way.

**Voting Requirements:**

**Absolute Majority Required:**           **No**

**Site Inspection:**

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

**Triple bottom Line Assessment:**

**Economic Implications:**

The provision of additional rural-residential lots is likely to have a positive impact on the York economy.

**Social Implications:**

There are no adverse social implications associated with the proposed subdivision.

**Environmental Implications:**

It is unlikely that the subdivision will result in any adverse impacts on the environment if undertaken in accordance with the proposed Development Plan and conditions of subdivision approval.

**Comment:**

The proposed Development Plan meets the requirements of Schedule 6 of the York Town Planning Scheme No. 2.

*Cr Boyle declared an Interest Affecting Impartiality and left the meeting 3.59pm*

**RESOLUTION  
060711**

**Moved: Cr Scott**

**Seconded: Cr Lawrance**

***“That Council:***

- 1. Endorse the Outline Development Plan for the development of Lots 800 and 801 Mount Hardey Road, Mount Hardey.***
- 2. Request that the Western Australian Planning Commission also endorse the Outline Development Plan.”***

**CARRIED: 4/0**

*Cr Boyle returned to the room at 4.00pm*



**Item 9.1.4 – Appendices**





9. OFFICER'S REPORTS  
9.1 DEVELOPMENT REPORTS  
9.1.5 Proposed Youth Centre

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

FILE NO: CCP.45  
COUNCIL DATE: 18 July 2011  
REPORT DATE: 7 July 2011  
LOCATION/ADDRESS: Lot 618 Bird Street, York  
APPLICANT: Shire of York  
SENIOR OFFICER: R Hooper, CEO  
REPORTING OFFICER: J Jurmann, MPS  
DISCLOSURE OF INTEREST: Nil  
APPENDICES: 1 – Locality Plan  
2 – Architectural Plan  
DOCUMENTS TABLED: Nil

**Summary:**

This report is to provide Council with an update on the progress of the construction of the Youth Centre in York.

**Background:**

The site is located on Lot 618 Bird Street on the corner of Gilford and Bird Street and the Youth Centre will be of framed construction clad with colorbond metal sheeting positioned on Lot 618 Bird Street adjacent to the existing Scout Hall and swimming pool on the adjacent lot.

Lot 618 Bird Street is zoned Recreation / Open Space and is 4,143 metres square in area.

This project has been considered by Council over several years and is now ready for construction.

**Consultation:**

York youth have been consulted during the preceding years and on all occasions have received this concept in a positive manner.

**Statutory Environment:**

Planning and Development Act 2005

Section 6 of the *Planning and Development Act 2005* exempts public works from the provisions of the Act, including any planning scheme made under the Act. The *Public Works Act 1902* defines works carried out by government, including local government, for a public purpose as a 'public work'.

The proposed youth centre is defined as a public work. Therefore, the provisions of the Act and York Town Planning Scheme No. 2 do not apply and a planning application is not required.

Notwithstanding the exemption granted under the Act, Council must have regard to the intent and purpose of the planning scheme, proper and orderly planning, and the preservation of the amenity of that locality.

York Town Planning Scheme No. 2

The land is reserved for 'Public Purpose' under the provisions of the Scheme. The proposed Youth Centre is considered consistent with the reserved use.

The objectives of the Scheme are:

- (a) *to zone the Scheme Area for the purposes described in the Scheme;*
- (b) *to secure the amenity health and convenience of the Scheme Area and the residents thereof;*
- (c) *to make provisions as to the nature and location of buildings and the size of lots when used for certain purposes;*
- (d) *the preservation of places of natural beauty, of historic buildings, and objects of historical and scientific interest;*
- (e) *to make provision for other matters necessary or incidental to Town Planning and housing;*
- (f) *to make provision for the protection and management of the natural environment within the Scheme area; and*
- (g) *to recognise the special historic significance of the town of York to Western Australia and to preserve this through the implementation of Design Guidelines.*

The proposal is consistent with the objectives of the Scheme and is unlikely to detrimentally impact on the amenity of the locality. The proposed building is in context and scale to the surrounding built environment and will not impact on any sites of heritage significance.

Building work undertaken by a Local Authority is work that is not bound by the provisions of the Builders Registration Board Regulations.

**Policy Implications:**

There are no Policy implications associated with this development.

**Financial Implications:**

The project is financed by a combination of grant and Council Reserve funds.

**Strategic Implications:**

**Key Result Area 1: Strategic Planning**

**Objectives:**

1. *To develop a framework to facilitate planning and decision-making in order to identify and meet community needs, develop opportunities and implement change.*
2. *To provide leadership for the long term benefit of the York community, and to develop leadership in the community.*
3. *To achieve community involvement and partnership in achieving the vision for the Shire.*
4. *To achieve effective two-way communication between council and community.*
5. *To pursue involvement in regional cooperation with other local authorities.*

The proposal meets the objectives for Strategic Planning in that the construction of the Youth Centre is a partnership between government and the community and will have long-term benefits for the youth of York.

**Key Result Area 3: Community Development**

**Objectives:**

1. *To have in place the infrastructure to enable the community to develop.*

2. *To foster community leadership and a mutually supportive and inclusive community.*
3. *To assist and encourage community groups and volunteerism.*
4. *To develop community pride.*
5. *To celebrate community achievements.*

The development of a youth centre will foster community development and leadership for the youth of York.

#### **Key Result Area 4: Youth**

##### **Objectives:**

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

The Youth Centre will provide recreational, educational and cultural opportunities for the youth of York.

#### **Key Result Area 7: Community Services**

##### **Objectives:**

1. *To meet community needs in terms of physical infrastructure and overall community services.*
2. *To provide and maintain high quality services and infrastructure in an efficient and cost effective way.*
3. *To ensure a safe community environment.*
4. *To align the Town Planning Scheme with the strategic plan.*

The construction of a Youth Centre will enhance community infrastructure and provide a safe environment to meet the needs of youth in York.

##### **Voting Requirements:**

**Absolute Majority Required:           No**

##### **Site Inspection:**

**Site Inspection Undertaken:           Yes**

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

###### **Economic Implications:**

This building type is considered to be a cost effective form of construction that is able to be completed quickly in order to comply with any grant time constraints that may be applied by a grant funding body in relation to this project.

###### **Social Implications:**

The Youth Centre is a positive step in meeting the social needs of the youth of York. It will provide a place to for physical and educational development.

**Environmental Implications:**

This project will result in both the existing scout hall and the proposed youth building being connected to the reticulated sewer scheme and the decommissioning of the onsite effluent disposal system.

Noise and light issues will be monitored by the youth officer supervising the activities at the proposed youth centre when it is in operation in order to minimise the impact on surrounding properties.

**Comment:**

As indicated above Council has no formal obligation under any legislation to advertise this project or to liaise with occupiers of surrounding properties.

Also as indicated under environmental implications there should be minimum impact on surrounding properties as there will be supervision of activities while the centre is open.

There is also the potential for the scouts to benefit from this project with additional facilities being made easily accessible in the proposed youth centre.

The installation of accessible toilets on this site further enhances the inclusiveness of the facility for members of the community that may have chosen not to attend the centre without them.

**RESOLUTION**

**070711**

**Moved: Cr Lawrance**

**Seconded: Cr Walters**

***“That Council:***

- 1. Adopt this report for information purposes.***
- 2. Receive a progress report in 3 months.”***

***CARRIED: 5/0***

**Item 9.1.5 - Appendices**



## 9. OFFICER'S REPORTS

### 9.1 DEVELOPMENT REPORTS

#### 9.1.6 Proposed Scheme Amendment No. 45 – Balladong Farm

*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.*

<b>FILE NO:</b>	<b>PS.TPS.45</b>
<b>COUNCIL DATE:</b>	<b>18 July 2011</b>
<b>REPORT DATE:</b>	<b>8 July 2011</b>
<b>LOCATION/ADDRESS:</b>	<b>Lot 12 Great Southern Highway, Balladong</b>
<b>APPLICANT:</b>	<b>Urban Plan on behalf of York Land Holdings</b>
<b>SENIOR OFFICER:</b>	<b>R Hooper, CEO</b>
<b>REPORTING OFFICER:</b>	<b>J Jurmann, MPS</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>APPENDICES:</b>	<b>Zoning Maps</b>
<b>DOCUMENTS TABLED:</b>	<b>Scheme Amendment Documents &amp; Supporting Documentation</b>

#### **Summary:**

On 15 November 2010, Council at its Ordinary Meeting resolved to initiate Scheme Amendment No. 45 to rezone Lot 12 Great Southern Highway, Balladong (known as Balladong Farm) from 'General Agriculture' to 'Special Use Zone'.

However, the Scheme Amendment was not further progressed due to outstanding flood and acoustic information requirements prior to being granted approval for advertising.

This additional information has now been prepared and the applicant is requesting Council to re-initiate the Scheme Amendment.

The Special Use zone would enable development for Aged or Dependent Persons' Dwelling, Residential Uses (inclusive of densities from R5 to R40) Short Stay Accommodation, Consulting Rooms, Convenience Store, Community Facilities, Heritage Conservation and Enhancement in accordance with the Outline Development Plan.

#### **Background:**

Lot 12 Great South Highway, Balladong is an area of 34.148 hectares and is known as Balladong Farm, Western Australia's oldest inland farm.

Balladong Farm Group comprises farm site (1831) and associated fencing, farm gates, timber and iron milking shed, stockyards, timber and thatch animal shelters and piggery, stone and shingle stables (1850s), brick and shingle granary (1850s), timber and shingle shearing shed and rendered brick and shingle butchers shop (1850s, 1885), site of the slaughter house, mill ruins, ruined building, Heal's cottage (original footings and floor), orchard, site of the hay shed, and site of the chaff shed. It was the first inland farm in the Swan River Colony, following settlement of the Avon Valley in 1831. (Description obtained from the Heritage Council website).

In accordance with the Conservation Plan, the aim of the Balladong Project proposal is to assist conservation of Heritage Place through a viable, mixed, residential living proposition.

The key objectives of the proposal are:

- to protect and enhance the heritage character of Balladong;
- provide the ability for people to reside adjacent the historical and present rural setting;
- secure the ongoing financial viability of the heritage establishment through a compatible, residential and multi-purpose development on Balladong Farm;
- provide alternative housing opportunities for York's ageing population; and,
- strive to balance triple bottom line consideration and secure an economic base that conserves the environment and enhances social amenity and integration.

The site has been subject to a previous Scheme Amendment (No. 30) that was refused by the Minister for Planning for the following reasons:

1. *"The proposal is contrary to State Planning Policy 4.1 'State Industrial Buffer Policy'. The site is not suitable for housing purposes, which would not be afforded an adequate level of amenity given the proximity of the site to an industrial land use. The introduction of sensitive land uses in proximity to an employment generating industrial land use could also compromise the ongoing operation and expansion of this land use.*
2. *The proposal is contrary to State Planning Policy 3.5 'Historic Heritage Conservation', on the basis that the proposed amendment fails to adequately preserve the historic fabric and setting of Balladong Farm.*
3. *The proposed amendment is not consistent with the intent of the Shire of York's Local Planning Strategy to protect the heritage values of the site.*
4. *The proposal is also undesirable given the flood constraints of the site."*

The applicant has responded to the reasons for refusal in the Scheme Amendment documentation. The following is an Executive Summary of the response:

***"1. The proposal is contrary to State Policy 4.1 Noise etc....***

*To address the Department's request, Lloyd George Acoustics has concluded its noise assessment, and in liaison with the DEC Offices Acoustic Section, a suggestion was made to create an outdoor screened area to facilitate noise buffering for those who sought to use the outdoors at Night. Details comprise:*

*In May 2010, Lloyd George Acoustics undertook noise measurements of grain loading in York, adjacent to the proposed Balladong Farm residential development. As detailed in that report dated 27 May 2010, measurements were undertaken over a period of one week using an Ngara statistical noise data logger. Details of the complete acoustic overview are given in Annex 4 attached to **urbanplan's** report.*

*There is no legislated noise criteria relating to freight railway loading facilities, however the State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning (SPP 5.4) does provide some guidance. It states that any new planning applications involving freight handling facilities, such as land-based freight storage and freight interchanges, are subject to this policy and should be assessed for transport noise impacts on adjoining noise-sensitive land uses and with regard to section 5.9 of this policy. It should be noted that section 5.9 of the policy relates to the acceptable location of freight handling facilities and is not relevant, in our opinion, to existing freight handling facilities.*



*From Lloyd George Acoustic's conversations with the Department of Environment and Conservation, the Department's opinion is that SPP 5.4 criteria is not applicable. The Department does, however, accept the following criteria with outside levels based on the LAeq (4 hour) 53 dB.*

- *Sleeping Area = LAeq 30 dB*
- *Living Areas = LAeq 35 dB*
- *Outdoor Areas = LAeq 45 dB*

*In our opinion, adopting the Department of Environment and Conservation criteria should allow the development to proceed, providing that the dwellings are designed to achieve these criteria. The required internal noise levels can easily be achieved with facade protection to windows and ceilings (a 23 dB reduction is required for the bedrooms). A suitable facade design was presented the May 2010 report 8121139-02.*

*Secondly, an outdoor area would need to be incorporated into the dwelling design, such that it is well shielded from the loading facility by the house itself. This may require a courtyard design or something similar.*

*This design philosophy is similar to the State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning where transportation noise is above the criteria however the limits are more stringent in this case. These design and amelioration requirements are evidenced in Lloyd George's full acoustic assessment of May 2010 attached. This documentation will be reissued and lodge as part of the Scheme Amendment documentation for referral and conformation of the Department of Environment and Conservation.*

*It should be noted that these controls may only be required for the first row of dwellings, as the second row may be shielded by the first, however, this would depend on lot spacing.*

## **2. The proposal is contrary to Policy 3.5 Historic Heritage etc...**

*The refusal wording refers to the amendment failing to adequately preserve the historic fabric and setting of Balladong Farm.*

*The 1996 Heritage Conservation undertaken for Balladong was considered outdated and not fully responding to more recent Heritage Guidance. This has been completely readdressed through the 2010 Conservation Plan as lodged with the Shire, NTA and HCWA.*

*Policies extensively defined in the newly revised Conservation Plan and associated Policy created by Palassis Architects illustrates the way forward. An extract from Balladong Farm, York, Conservation Plan, July 2010 states:*

*This conservation plan has been prepared to guide the care and future use of the place and includes an assessment of cultural heritage significance, a determination of the nature and extent of the cultural heritage significance of the place, an appropriate conservation policy for the place and a schedule of prioritised maintenance and conservation works.*

*The intentions of the conservation policy are to guide the future development of Balladong Farm by retaining and revealing significance, identifying feasible and compatible uses, meeting statutory requirements, working within procurable resources, and anticipating threats and opportunities. The conservation policy provides guidelines and implementation strategies for the Balladong Farm.*

*The policies have been developed with a clear understanding of the cultural heritage significance of the place, as well as the requirements of the owners and their vision for ongoing and future uses for the place.*

*With the completion of the Heritage Conservation Study and notification form NTA and HCWA, all is in order for an approval to issue and the Scheme Amendment to be Initiated.*

### **3. The proposed Amendment is not consistent with the Local Planning Strategy**

*The Planning Strategy encourages a number of things:*

- *Variety of housing types,*
- *Provision of aged persons accommodation, particularly in the vicinity of but not exclusively at Balladong Farm; and*
- *Conservation of Heritage significance.*

*The Balladong Farm Scheme Amendment achieves these strategic objectives.*

*Further the Balladong proposal achieves the Planning Scheme's specific heritage requirements, far more stringent in law than a Strategy document.*

### **4. The proposal is also undesirable given the flood constraints**

*There are no absolute flood constraints within the Flood Fringe on the site. The Department of Water's requirements are that development in the Flood Fringe can occur; it is simply required to construct floor plates 500 millimetres above the estimated 1:100 ARI flood level. The Balladong proposal responds to the Department of Water's requirement for constructing floor plates to be 500 millimetres above the Flood Fringe.*

*To quote from RPS's letter 29 April 2011 to the Department of Water (attached):*

*Specifically, the Balladong Farm site is partially located within the floodplain of the Avon River. The flood prone areas of the site are flood fringe areas, and are not located in the river's floodway (the river channel and portion of the floodplain which forms the main flow path for floodwaters once the main channel overflows). As such any development on the site would not be obstructive to major river flows and would not increase flood levels upstream.*

*In accordance with the guidelines, a minimum habitable floor level of 0.50 metre above the adjacent 100 year flood level would be maintained to ensure adequate flood protection.*

*These development requirements can be met."*

The updated Scheme Amendment documents provide a sufficient level of detail to address the issues raised in the Minister of Planning's refusal and are more detailed than the original documents presented to Council on 15 November 2010, particularly with regards to heritage, flooding and noise impacts.

It is considered that the site constraints can be addressed in further detail during the preparation of the Outline Development Plan for the subdivision of the site.

**Consultation:**

If Council resolves to initiate the proposed scheme amendment it will be referred to the Environmental Protection Authority (EPA) for a period of 30 days as per the requirement of the *Planning and Development Act 2005*.

Once the advice of the EPA has been received the City will commence public advertising of the proposed amendment for a period of 42 days as per the requirement of the *Town Planning Regulations 1967* (as amended). The advertising process will include consultation with other government agencies.

**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.

State Planning Strategy

The SPS seeks to give West Australians a greater level of residential and lifestyle amenity particularly in regional areas.

York is located within the Wheatbelt Region that has a regional strategy that seeks to:

- promote nodal urban settlement patterns in agricultural areas separated by agricultural/green belts;
- review planning responses to areas of low or declining population;
- develop a range of rural and urban living environments in the Avon Arc;
- address the concerns arising from the decline of small rural settlements leading to the loss of services;
- improved service delivery;
- protect natural resources and prime agricultural land from incompatible development; and,
- protect landscape and cultural heritage value.

This ODP reaffirms these overriding principles by providing greater portion of residents an opportunity to live near high amenity areas. Aged care accommodation close to town facilitates improved service delivery particularly in relation to medical, recreational facilities and various other goods and services difficult to access in other areas of the Shire.

## State Planning Policy 3.6 – Urban Growth and Settlement

The proposal is consistent with the intent of the WAPC State Planning Policy 3.6 - Urban Growth and Settlement:

Draft SPP 3.6 sets out principles and considerations applying to planning for urban growth and settlements in Western Australia. The principle aim is to facilitate sustainability patterns of urban growth. To remain consistent with this policy, the ODP is based on a sustainable, triple bottom line agenda (Ref: ODP Annex F sustainability Checklist).

The Balladong proposal provides for a mixed density residential development, including Aged Persons in proximity to the York townsite and adjacent high amenity areas. As a consolidated development within walking distance of the Town centre, the Balladong proposal represents a true urban development rather than a Rural Residential proposal. Balladong Farm is consistent with the objectives of the SPP 3.6 that seeks to consolidate rural settlement growth.

## York Local Planning Strategy

Balladong Farm is identified in the York Local Planning Strategy as a 'Heritage and Retirement Living Precinct'.

The objectives of the Precinct are to:

- *“Facilitate the development of an integrated Heritage and Retirement Living Precinct that accommodates a wide variety of retirement household needs and which is centred around the significant historic values of Balladong Farm and the Avon River.*
- *Provide a balance between protecting the significant heritage values of Balladong Farm whilst allowing development that is consistent with, and which enables, these values to be enhanced and maintained.”*

The proposed Scheme Amendment is consistent with the objectives of the Precinct by proposing a variety of retirement living opportunities whilst protecting the heritage significance of Balladong Farm and the environmental importance of the Avon River.

Additionally, the provisions of the Heritage must be considered. The objective for heritage is:

- Recognise the opportunity to protect and preserve the significant heritage values of York and promote new development that integrates and enhances these values.

The proposed Outline Development Plan aims to conserve the ongoing viability of the Balladong Farm Heritage Place, by proposing a comprehensively planned mixed density residential development responsive to the heritage values of Balladong. In the development of the Outline Development Plan, opportunities, constraints and site heritage assessment has led to detailed master planning of the Balladong Farm. This has guided the planning of the site to achieve the Objectives, Strategies and Actions as required by the York Local Planning Strategy.

## York Town Planning Scheme No. 2

The site is currently zoned 'General Agriculture' under the provisions of the Scheme.

### **Policy Implications:**

The proposal is consistent objectives, strategies and actions of the York Local Planning Strategy.

**Financial Implications:**

The appropriate fees have been paid by the applicant. Additionally, developer contributions may be applicable for costs towards infrastructure and community needs.

**Strategic Implications:****Key Result Area 1: Strategic Planning****Objectives:**

6. *To develop a framework to facilitate planning and decision-making in order to identify and meet community needs, develop opportunities and implement change.*
7. *To provide leadership for the long term benefit of the York community, and to develop leadership in the community.*
8. *To achieve community involvement and partnership in achieving the vision for the Shire.*
9. *To achieve effective two-way communication between council and community.*
10. *To pursue involvement in regional cooperation with other local authorities.*

**Key Result Area 5: History and Heritage****Objectives:**

1. *To safeguard York's history and heritage.*
2. *To promote an increased rate of preservation of heritage buildings, including Council's own heritage buildings.*
3. *To raise awareness of the economic and cultural value of York's history and heritage.*
4. *To encourage development which is appropriate to York's history and heritage.*

The proposed Scheme Amendment meets the objectives for both Key Result Areas in that the plan provides strategic direction for the development and protection of the historic Balladong Farm.

**Voting Requirements:**

**Absolute Majority Required:           No**

**Site Inspection:**

**Site Inspection Undertaken:           Yes**

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

The development of Balladong Farm will provide additional choice in housing in York centred around residential and aged care/health related uses. The proposed development will add to the attractiveness of York as a place to live and work.

**Social Implications:**

The proposed development will result in the preservation of Balladong Farm that has state and local significance is a positive result for the community. Additionally, the provision of a mix of residential and aged accommodation close to the township of York will have positive implications for the community.

**Environmental Implications:**

Flooding and noise are the main environmental constraints that affect the development of the site. These issues have been subject to specific studies that show the constraints can be addressed through subdivision and building design.

**Comment:**

The proposed development of Balladong Farm will have positive heritage and economic outcomes for the community.

The re-initiation of Scheme Amendment No. 45 with the additional supporting information will provide the community and referral agencies with more certainty that the heritage and environmental objectives can be achieved.

**RESOLUTION  
080711**

**Moved: Cr Boyle**

**Seconded: Cr Scott**

*“That Council resolve to:*

**1. Re-initiate Scheme Amendment No. 45 to the York Local Planning Scheme No. 2 by:**

**(a) Rezoning Lot 12 Great Southern Highway, Balladong, from General Agriculture Zone to Special Use Zone.**

**(b) Amending the Scheme Map accordingly; and**

**(c) Inserting the following Special Use Zone 4 into Schedule 3:**

**SCHEDULE 3  
SPECIAL USE ZONES**

	No.	PARTICULARS OF LAND	SPECIAL USE	CONDITIONS
SU 4	4	Lot 12 and Lot 9 Great Southern Highway	Aged or Dependent Persons' Dwelling, Residential Uses (inclusive of residential densities from R5 to R40), Short Stay Accommodation, Consulting Rooms, Convenience Store, Community facilities, Heritage Conservation and Enhancement.	Prior to Council considering any application for subdivision and/or development on the site, an Heritage Agreement shall be completed to the satisfaction of the Heritage Council of Western Australia and the National Trust of Australia (WA).  Prior to Council considering any application for subdivision and/or development on the site, the applicant shall submit an Outline Development Plan for the approval of Council, which shall have due regard to the Conservation Management Plan and demonstrate conservation of cultural heritage values of the site, to the satisfaction of the Heritage Council of Western Australia and the National Trust of Australia (WA).  Subdivision and development shall be in accordance with the Outline Development Plan approved by the Local Government and the Western Australian Planning Commission.

- 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: 5/0**





**Item 9.1.6 – Appendices**



**9. OFFICER'S REPORTS**

**9.1 DEVELOPMENT REPORTS**

**9.1.7 Lot 39, 208 Avon Terrace – Progress Report Repair of Dwelling House and Planning Direction Notice – Removal of Fencing Materials in Floodway**

*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:** AV1 .6560  
**COUNCIL DATE:** 18 July 2011  
**REPORT DATE:** 11 July 2011  
**LOCATION/ADDRESS:** Lot 208 Avon Terrace  
**APPLICANT:** Denise Robinson  
**SENIOR OFFICER:** R Hooper  
**REPORTING OFFICER:** G Tester, MHB  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** Nil  
**DOCUMENTS TABLED:** Nil

**Summary:**

This report is a follow up report from Item 9.1.7 Building, Health, Accumulation of Disused Materials and Request to Reside in a Caravan Report considered by Council at their Ordinary Meeting held on 20 June 2011.

It is reported that no satisfactory progress has been made in regards to making application to Council for Planning Approval, Building Licence or Engineers report on required maintenance of the house within the allocated time limit of (21) days.

A planning direction from Council is required in regards to the requirement to remove recently constructed obstructive fencing in the floodway on this property.

**Background:**

At Councils ordinary meeting held on 20 June 2011 Council considered a report on various building, health, accumulation of disused materials matters and a request to reside in a caravan on Lot 208 Avon Terrace.

After due consideration of these matters, Council resolved as follows:

**RESOLUTION**

**090611**

**Moved: Cr Boyle**

**Seconded: Cr Scott**

***“That Council:***

**(A) *Issue the following notices to Ms Denise Robinson owner of Lot 39, 208 Avon Terrace in regards to required works on this property and the continued unauthorised occupation of a caravan on this property.***

- 1. *Notice declaring the house dangerous and requiring various works under Section 403 of the Local Government (Miscellaneous Provisions Act) 1960.***
- 2. *Notice requiring maintenance of the house under Councils Health Local Laws 2001.***

3. ***Notice declaring the sheds at the rear of the property dilapidated buildings under section 408 of the Local Government (Miscellaneous Provisions Act) 1960 requiring that the sheds be taken down.***
4. ***Notice under Schedule 3.1 of the Local Government Act requiring that disused material as specified is removed from the land.***
5. ***Notice under Shire of York Local Laws Relating to Fencing requiring the owner to maintain all fencing in good condition so as to prevent it from becoming dangerous, dilapidated or unsightly.***
6. ***Infringement Notice under the Caravan Parks and Camping Grounds Regulations 1997 for camping without written permission.***

***(B) Council authorises staff to make a complaint to the Local Magistrates Court if any person continues to inhabit this residence while it is subject to a Dangerous Building Notice under section 403 of the Local Government (Miscellaneous Provisions) Act 1960.***

***Advice Note:***

***The owner of Lot 39, 208 Avon Terrace will be advised of her rights of appeal where applicable.”***

**AMENDMENT**

**Moved: Cr Walters**

**Seconded: Cr Randell**

***“That Council:***

- (A) Issue the following notices to Ms Denise Robinson owner of Lot 39, 208 Avon Terrace in regards to required works on this property and the occupation of a caravan on this property.***
1. ***Notice declaring the house dangerous and requiring various works under Section 403 of the Local Government (Miscellaneous Provisions Act) 1960.***
  2. ***Notice requiring maintenance of the house under Councils Health Local Laws 2001.***
  3. ***Notice declaring the sheds at the rear of the property dilapidated buildings under section 408 of the Local Government (Miscellaneous Provisions Act) 1960 requiring that the sheds be taken down.***
  4. ***Notice under Schedule 3.1 of the Local Government Act requiring that disused material as specified is removed from the land.***
  5. ***Notice under Shire of York Local Laws Relating to Fencing requiring the owner to maintain all fencing in good condition so as to prevent it from becoming dangerous, dilapidated or unsightly.***

**6. Defer for 21 days or the next Council meeting Infringement Notice under the Caravan Parks and Camping Grounds Regulations 1997 for camping without written permission pending satisfactory progress including a provision of an application for planning approval and a building licence for the necessary repairs for the house, including a structural engineers report.**

**(B) Council authorises staff to make a complaint to the Local Magistrates Court if any person continues to inhabit this residence while it is subject to a Dangerous Building Notice under section 403 of the Local Government (Miscellaneous Provisions) Act 1960.**

**C) Council authorise staff to liaise with Council Solicitors on this matter.**

**Advice Note:**

**The owner of Lot 39, 208 Avon Terrace will be advised of her rights of appeal where applicable.”**

**CARRIED: 5/0**

**RESOLUTION  
100611**

**The amendment became the motion.**

**CARRIED: 5/0**

**Consultation:**

Nil

**Statutory Environment:**

Caravan Parks and Camping Ground Regulations 1997

Shire of York Town Planning Scheme No 2

Section 5.4 Avon River Flood Fringe Sub Section (f) states the following:

The erection of a fence within the floodway is permitted providing it is of a non obstructive nature to flood flows, such as post and rail fencing, so that it does not alter the direction of natural water flows nor retain surface water that may affect adjoining properties.

**Policy Implications:**

Nil

**Financial Implications:**

Nil

**Strategic Implications:**

Nil

**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:**

Obstructing the flow of flood water and potentially polluting the river with damaged fencing and building materials is now a very real possibility with the construction of second hand metal sheeted fences and poorly constructed sheds in the floodway on this property.

**Comment:**

At the time of writing this report no correspondence or verbal advice has been received from the owner of lot 208 Avon Terrace indicating any progress or intent to commence house repairs or to attend to any other matter outlined in the June Agenda.

The fencing constructed of obstructive material in the floodway should be required to be removed under a Town Planning Direction.

**RESOLUTION**

**090711**

**Moved: Cr Lawrance**

**Seconded: Cr Scott**

***“That Council:***

- 1. Issue an infringement notice under the Caravan Parks and Camping Grounds Regulations to Ms Denise Robinson for camping without written permission on Lot 39, 208 Avon Terrace and in the event that the infringement notice not be paid within the prescribed time limit, the matter be referred to Councils Solicitors for prosecution.***
- 2. That a Town Planning Direction be issued to Ms Denise Robinson to remove all obstructive fences constructed in the floodway on Lot 39, 208 Avon Terrace.***
- 3. Defer action on Items 1 and 2 to allow the owner to meet the following timeframes:***
  - (a) Written application for approval to reside in a caravan on the site by 5.00pm on 20<sup>th</sup> July, 2011***
  - (b) Written submission of a full development plan for the land and buildings by 5.00pm on 25<sup>th</sup> July, 2011.***

***Advice Note:***

***Should no plans be in place by the 25 July 2011, Officers are to proceed with Items 1 and 2.”***

***CARRIED: 5/0***

## 9. OFFICER'S REPORTS

### 9.1 DEVELOPMENT REPORTS

#### 9.1.8 Resited Housing Policy No 10.4 – Amendment Of Bond

*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:	OR.CMA.4
COUNCIL DATE:	18 July 2011
REPORT DATE:	12 July 2011
LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
SENIOR OFFICER:	Ray Hooper CEO
REPORTING OFFICER:	Gordon Tester MHB
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Nil
DOCUMENTS TABLED:	Nil

#### **Summary:**

This report recommends that Council amend the Bond of \$5,000.00 to \$30,000 in regards to Councils Resited Housing Policy Bond to reflect current financial conditions.

#### **Background:**

The resited housing industry deals with houses that are many years old and are quite often purchased by individuals that can barely afford them.

This combination of factors has the potential to have resited houses placed on blocks and left in an unfinished state for an unreasonable length of time potentially devaluing neighbouring properties.

The amount of \$30,000.00 has been adopted by a neighbouring shire that at one stage was experiencing significant problems with this type of housing.

#### **Consultation:**

Nil, as this report is simply seeking Councils endorsement of the amendment to the bond not a complete review of the policy for fees and charges purposes in the 2011/2012 financial year.

#### **Statutory Environment:**

Town Planning Scheme No2

#### **Policy Implications:**

The graduated return of the bond will be in three stages, \$ 6000, \$12,000 and \$12000.

#### **Financial Implications:**

This revised level of bond will cover any financial shortfall likely to be incurred by Council due to failure to adequately complete the resited house and will cover removal costs if necessary.

#### **Strategic Implications:**

May act as a disincentive to resite houses in the Shire of York.

#### **Voting Requirements:**

**Absolute Majority Required: No**

#### **Site Inspection:**

**Site Inspection Undertaken: Not applicable**

**Triple bottom Line Assessment:**

**Economic Implications:**

Reflects modern financial circumstances.

**Social Implications:**

Nil

**Environmental Implications:**

Nil

**Comment:**

It is recommended that Council amend its fees and charges for the 2011/2012 financial year by amending the resited housing bond from \$5000.00 to \$30000.00

This will bring this level of bond in line with a neighbouring shire creating a level playing field for persons considering resiting houses within the Shire of York.

**RESOLUTION**

**100711**

**Moved: Cr Boyle**

**Seconded: Cr Scott**

***“That Council:***

***Amend its fees and charges in relation to Council Policy No 4 Resited Houses, amending the bond from \$5000.00 to \$30,000.00 and further amending section 10.1 from \$1,000.00 to \$6000.00 and amending section 10.2 from \$1000.00 to \$12000.00 and amending section 10.3 from \$3000.00 to \$12000.00 in relation to the graduated return of the bond.”***

***CARRIED: 5/0***



## 9.2 Administration Reports



**9. OFFICER'S REPORTS**  
**9.2 ADMINISTRATION REPORTS**  
**9.2.1 Sponsorship Request – York Events**

<b>FILE NO:</b>	<b>FI.DON</b>
<b>COUNCIL DATE:</b>	<b>18 July 2011</b>
<b>REPORT DATE:</b>	<b>6 July 2011</b>
<b>LOCATION/ADDRESS:</b>	<b>York</b>
<b>APPLICANT:</b>	<b>Avon Events &amp; Marketing</b>
<b>SENIOR OFFICER:</b>	<b>R Hooper, CEO</b>
<b>REPORTING OFFICER:</b>	<b>R Hooper, CEO</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>APPENDICES:</b>	<b>Sponsorship Proposal</b>
<b>DOCUMENTS TABLED:</b>	<b>Nil</b>

**Summary:**

Avon Events & Marketing have requested Shire of York sponsorship for two large scale events in York being the Antique Fair and Gourmet Food and Wine Festival.

**Background:**

Avon Events & Marketing is a pro-active private enterprise providing and marketing large scale events in York annually. The Antique Fair was previously run by the community through the York Tourist Bureau and the York Gourmet Food & Wine Festival is an extension of the previous York Olive Festival and a private enterprise Food Festival.

**Consultation:**

Avon Events & Marketing

**Statutory Environment:**

Not applicable except for statutory budget adoption processes.

**Policy Implications:**

*That the council supports the concept of York being included in events and is prepared to provide assistance in the following areas:*

- 1. Facility Provision:  
(A) Funding Support  
(B) Promotion*
- 2. Assist with liaison subject to staff availability.*
- 3. Resources:  
Rubbish bins  
Cleaning of amenities buildings  
Signage  
Road closures  
Access to council owned/controlled land  
Road grading (at the discretion of the Chief Executive Officer)*

**Financial Implications:**

A contribution can be made from existing Avon Promotion allocations without any adverse effect on the budget or any requirement for new funds to be found.

**Strategic Implications:**

**Key Result Area 2 – Economic Development & Tourism**

**Objectives:**

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

**Voting Requirements:**

**Absolute Majority Required:            Yes**

**Site Inspection:**

**Site Inspection Undertaken:            Not Applicable**

**Triple bottom Line Assessment:**

**Economic Implications:**

Large scale events held in York do benefit the local economy through visitor spending and enhance York as an events centre.

**Social Implications:**

Events in York are generally beneficial to the community despite occasional issues over parking.

**Environmental Implications:**

Nil associated with this required.

**Comment:**

The sponsorship levels requested of Council for the two designated events are set out below:

- Sponsor Avon Events & Marketing dollar for dollar
- 32 amp power point installed on outside of Town Hall
- Provide cleaner to attend toilets up to 3 times daily and floors overnight
- Improve lighting in the Lesser Hall
- Assistance to display Town Hall signage
- Assistance with parking signage
- Events placed on Shire of York website
- Use of Shire bins for events
- Block all other commercial events on Avon Events & Marketing event dates
- Use of community bus for transfers
- Use of temporary fencing, road closure signage and witches hats on hand if applicable

The requested items are responded to below:

**Matching Sponsorship**

As no maximum value is stated and no financial information is to be provided this would be better dealt with by a designated grant or contribution to specify the level of use of community funds.

It is suggested that an offer of \$1,000 per event be made for the 2012 events with future contributions to be on an annual application basis.

**32 amp Power Point**

This will be considered in an appropriate location for all York events and to ensure that the energy system for the Town Hall is adequate for future upgrading.

**Improve Lighting – Lesser Hall**

Include in the 2011/12 budget as it is of benefit to the community.

**Display Signage**

This is already done for events and this will continue.

**Parking Signage**

Same as Display Signage.

**Shire Website**

Events Information can be placed on the website. Hyperlinks to be subject to discussions with Linking Councils & Communities being the website platform.

**Rubbish Bins**

A set number are available at Hall and if more are needed for a specific event it should be the proponents responsibility.

**Block All Other Commercial Events**

This cannot and should not be done as an open guarantee as it may place Council in a position of challenge e.g. competition policies and there may be opportunities for compatible or supportive commercial activities on public property at the time of the two designated events.

Council may request commercial proponents to discuss their events with AEM prior to making bookings for public property.

**Use of Community Bus**

This is not supported at this stage as a free service may only assist the event promoter and not the wider community.

If it is to be a fare paying service there are specific requirements to be met for the vehicle and the driver.

The Community bus replacement is largely funded by operating surpluses for its use to match grant funds and free use for commercial events is not considered appropriate.

**Temporary Fencing, Signs, etc**

These are and will continue to be available for events in York.

**RESOLUTION  
110711**

**Moved: Cr Scott**

**Seconded: Cr Boyle**

***“That Council:***

- 1. Offer to support Avon Events & Marketing in holding the Antique Fair and Gourmet Food & Wine Festival in York by contributing a maximum of \$1,000 per event in 2011/12.***
- 2. Include a 32 amp power outlet in proximity to the York Town Hall.***
- 3. Upgrade lighting in the Lesser Hall.***
- 4. Authorise York events to be included on the Shire of York website.***
- 5. Continue to provide operational assistance for York events through erecting display signage, parking signage and the use of signs and traffic cones.”***

***CARRIED: 5/0***

*Tyhscha Cochrane, Deputy Chief Executive Officer left the room at 4.20pm*

**Item 9.2.1 – Appendices**





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

**FILE NO:** CS.LCS.6  
**COUNCIL DATE:** 18 July, 2011  
**REPORT DATE:** 6 July, 2011  
**LOCATION/ADDRESS:** N/A  
**APPLICANT:** Shire of York  
**SENIOR OFFICER:** R Hooper, CEO  
**REPORTING OFFICER:** Lyn Kay, YDO  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** Appendix A  
**DOCUMENTS TABLED:** Nil

**Summary:**

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

**Active After School Program:**

Term 2 has now finished with all 40 children receiving a Certificate of Completion, stickers and we also had a colouring in competition with the 16 who entered all receiving prizes donated by AASC and water bottles donated LDAG.

**School Holiday Programme:**

The Youth Development Officer will be running the Hang Out Centre on Thursday's 3pm-6pm, playing games of Floorball, basketball, Frisbee, soccer and rugby.

The Youth Development Officer will be taking a group of interested Youth to Fremantle for Movies, Timezone, lunch and weather permitting walk on beach on Tuesday 19<sup>th</sup> July. The cost will be \$14 to cover the movies and bus with Youth paying for Timezone (\$12) and lunch.

**Youth Centre:**

The Shire is waiting for Quotes from The Shed Company, 3 Electricians and 2 Air Conditioning Companies at the moment.

Gates have been installed off Bird Street and installation of sewer connections to both Scout Hall and proposed Youth Centre will begin this week.

Youth Development Officer has also spoken to John Muller from the York Volunteers Workers Inc. and will follow up with a letter asking if they could assist with the internal fit-out. The Youth Development Officer is also following up with the York District High School to see if the Cadets would be available to also assist.

**Hang Out Centre:**

There is a steady number of Youth attending on Thursdays, 3pm-6pm, and Youth Development Officer has discussed with Sergeant Steve Evans if the Police could call in at different times to meet the Youth.

**Karaoke/Dance Party:**

The Disco was held on the 1<sup>st</sup> July at the Town Hall with approximately 75- Kindy-Years 2, 100 - Years 3, 4, & 5, 80-Years 6-Youth.

Fantastic day and night with lots of prizes given out with the Youth Development Officer having to ask one of the parents to go and get more lollies, chips etc. as we had run out by 6pm.

The Youth Development Officer had organised a sausage sizzle as well which sold well with the 4.30pm-6pm group - dinner!

#### **Banners in the Terrace:**

The Youth Development Officer, Mrs Manning (School Art teacher) and 5 Youth got together on a Saturday afternoon and worked on the winning design by Connor Smith.

We all met several times with the main focus of the artwork being York since 1831, parachutist, windmill and the Town Hall-very bright and colourful.

The Banner will be on display in St. Georges Terrace from Sunday 31<sup>st</sup> July – Saturday 13<sup>th</sup> August.

#### **Youth Forum-Roadwise Gift Voucher**

The Youth Development Officer went to York District High School to present a \$500 Gift Voucher, donated by Roadwise to Matt Reynolds for his "Comic Strip" on Drink/driving. Second prize went to Nicole Davis who received a gift bag filled with goodies!

#### **Background:**

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

#### **Consultation:**

Youth  
School  
Police  
Health  
Councillors  
Council Staff  
Community Members

#### **Statutory Environment:**

Nil

#### **Policy Implications:**

Not Applicable

#### **Financial Implications:**

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

#### **Strategic Implications:**

##### **Key Result Area 4 - Youth - Objectives:**

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

**Voting Requirements:**  
**Absolute Majority Required: No**

**Site Inspection:**  
**Site Inspection Undertaken: Not applicable**

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

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

**Environmental Implications:**  
Not applicable

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

**RESOLUTION**  
**120711**

**Moved: Cr Scott**

**Seconded: Cr Boyle**

***“That Council:***

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

***CARRIED: 5/0***



## Item 9.2.2 – Appendices



**9. OFFICER'S REPORTS**  
**9.2 ADMINISTRATION REPORTS**  
**9.2.3 York Racecourse – Land Titles**

**FILE NO:** CCP.10  
**COUNCIL DATE:** 18 July 2011  
**REPORT DATE:** 8 July 2011  
**LOCATION/ADDRESS:** York Racecourse  
**APPLICANT:** Department of Lands  
**SENIOR OFFICER:** R Hooper, CEO  
**REPORTING OFFICER:** R Hooper, CEO  
**DISCLOSURE OF INTEREST:** Cr Boyle – Proximity / Financial  
**APPENDICES:** Department of Lands  
Transfer of Land  
**DOCUMENTS TABLED:** Nil

**Summary:**

The Department of Regional Development and Lands requires the signing of the transfer documents to finalise the process for the Shire of York to be included on the Land Titles as a tenant in common.

**Background:**

The inclusion of the Shire of York on the Land Titles as joint tenant in return for the write-off of rate arrears and future rates was a condition to obtain Wheatbelt Development Commission funding for track upgrading and to ensure that in the event of the demise of racing in York the land would remain in community ownership for equine uses.

**Consultation:**

York Racing Inc  
Racing & Wagering WA  
Wheatbelt Development Commission  
Heritage Council of WA  
Department of Regional Development & Lands  
Political Representatives

**Statutory Environment:**

Transfer of Land Act 1893 (as amended)

**Policy Implications:**

Not Applicable

**Financial Implications:**

No financial cost over and above the commitments given in the Council Resolution 011110 of the Special Council Meeting held on 29<sup>th</sup> November, 2010.

It is not expected that State Stamp Duty will be payable on the land transfer.

**Strategic Implications:**

Not Applicable

**Voting Requirements:**

**Absolute Majority Required:** No

**Site Inspection:**

**Site Inspection Undertaken:** Numerous

**Triple bottom Line Assessment:**

**Economic Implications:**

A viable racing and pacing industry is beneficial to the community from an economic perspective.

The development of the equine precinct, as defined in the Local Planning Strategy and the Scheme Amendment will have a high economic impact and benefit for York into the future.

**Social Implications:**

Retention of racing in York is supported by the community and it provides a social venue for community use.

**Environmental Implications:**

Nil at this stage as no development is associated with the land transfer.

**Comment:**

The completion of the land transfer to include the Shire of York on land titles will provide long term protection for the site for use for community purposes and benefit for the equine industry.

Under the conditions of the title if any land surplus to racecourse requirements is sold or leased the income must and can only be used for development and facilities on the site.

*Cr Boyle declared an Interest Affecting Impartiality and left the room at 4.21pm*

**RESOLUTION**

**130711**

**Moved: Cr Lawrance**

**Seconded: Cr Scott**

***"That Council:***

***Authorise the signing under seal of the Land Transfer Document and the completion of the Stamp Duty Statement subject to the following:***

- (a) The Shire of York does not accept any liability or responsibility for the trading or financial position of York Racing Inc.***
- (b) The public is advised that the Shire of York is not and has not been a party to the financial and management decisions made by York Racing Inc as an independent corporate entity.***
- (c) As part of the Shire of York being included on the title the Shire of York and York Racing Inc are to enter into a binding operation and management agreement."***

**CARRIED: 4/0**

*Tyhscha Cochrane, Deputy Chief Executive Officer returned to the room 4.27pm*

*Cr Boyle returned to the room 4.29pm*



### **Item 9.2.3 – Appendices**



**9. OFFICER'S REPORTS**  
**9.2 ADMINISTRATION REPORTS**  
**9.2.4 Emergency Services Levy – Agreement – Option B**

<b>FILE NO:</b>	<b>FI.RTS.6/RS.FES.7</b>
<b>COUNCIL DATE:</b>	<b>18 July 2011</b>
<b>REPORT DATE:</b>	<b>9 July 2011</b>
<b>LOCATION/ADDRESS:</b>	<b>Not Applicable</b>
<b>APPLICANT:</b>	<b>Fire &amp; Emergency Services Authority of WA</b>
<b>SENIOR OFFICER:</b>	<b>R Hooper, CEO</b>
<b>REPORTING OFFICER:</b>	<b>T Cochrane, DCEO</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Not Applicable</b>
<b>APPENDICES:</b>	<b>Appendix A – Agreement</b>
<b>DOCUMENTS TABLED:</b>	<b>Nil</b>

**Summary:**

That Council authorise the Shire President and the Chief Executive Officer to affix the common seal of the Shire to the amended Deed of Agreement between Council and the Fire and Emergency Services Authority relating to the collection and payment arrangements.

**Background:**

When the Emergency Services Levy (ESL) was introduced in the 2003/04 financial year, Western Australian local authorities were given two options to forward the monies collected on behalf of the State these being:

Option A – Collect and remit monies on a monthly basis, as it is paid by the property owner.

Option B – Pay the total amount of ESL raised to the Fire and Emergency Services Authority (FESA) as a lump sum annually when invoiced to the property owner.

Option A requires a significant amount of staff time to reconcile and prepare monthly returns to FESA and as such Option B was entered into for the administration of the levy for a further period until the 30<sup>th</sup> June 2011.

85% of Councils administer the ESL under Option B as it is simpler and it is a more efficient administrative arrangement. FESA is keen to standardise the arrangements and documentation associated with the Option B ESL administrative process.

**Consultation:**

Staff.

**Statutory Environment:**

Fire and Emergency Services Act.

**Policy Implications:**

Not applicable.

**Financial Implications:**

There will be a minor impact on Council's cashflow for the financial year. Payments are required by the 21<sup>st</sup> day of September, December, March and June.

**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:**  
It is recommended that the Agreement – Option B be signed and the Shire seal be affixed.

**RESOLUTION  
140711**

**Moved: Cr Lawrance**

**Seconded: Cr Boyle**

***“That Council:***

- 1. endorse “Option B” payment arrangement for the Emergency Services Levy, collected on behalf of the State, in the interests of operational efficiency; and***
- 2. authorise the Shire President and the Chief Executive Officer to affix the common seal of the Shire to the Deed of Agreement between Council and the Fire and Emergency Services Authority, relating to the collection and payment arrangements.”***

***CARRIED: 5/0***

## Item 9.2.4 – Appendices



### **9.3 Works Reports**





## 9.4 Financial Reports



## 9. OFFICER'S REPORTS

### 9.4 FINANCE REPORTS

#### 9.4.1 Monthly Financial Reports – Interim Audit June 2011

<b>FILE NO:</b>	<b>FI.FRP</b>
<b>COUNCIL DATE:</b>	<b>18 July 2011</b>
<b>REPORT DATE:</b>	<b>9 July 2011</b>
<b>LOCATION/ADDRESS:</b>	<b>Not Applicable</b>
<b>APPLICANT:</b>	<b>Not Applicable</b>
<b>SENIOR OFFICER:</b>	<b>Ray Hooper, CEO</b>
<b>REPORTING OFFICER:</b>	<b>Tabitha Bateman, Administration Officer</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>APPENDICES:</b>	<b>Yes – Appendix A as detailed in Summary</b>
<b>DOCUMENTS TABLED:</b>	<b>No</b>

#### **Summary:**

The Interim Financial Report for the period ending 30 June 2011 is hereby presented for the consideration of the Council.

Appendix A includes the following:

- Interim Bank Account Reconciliations
- Cheque drawings on the Municipal Account
- EFT drawings on the Municipal Account
- Cheque drawings on the Trust Account
- Payroll Direct Debits Summary
- Corporate Credit Card Summary
- Fuel Card Summary

#### **Consultation:**

Dominic Carbone

#### **Statutory Environment:**

Local Government Act 1995 (As Amended).

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

#### **Policy Implications:**

Nil.

#### **Financial Implications:**

The following information provides balances for key financial areas for the Shire of York's financial position as at 30 June 2011;

Sundry Creditors as per General Ledger	\$	<b>179,379.97</b>
Sundry Debtors as per General Ledger	\$	<b>516,209.73</b>
Unpaid rates and services current year (paid in advance inc. ESL)	\$	<b>298,957.28</b>
Unpaid rates and services previous years (inc. ESL)	\$	<b>254,757.47</b>

#### **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  
150711**

**Moved: Cr Scott**

**Seconded: Cr Boyle**

***“That Council:***

***Receive the Interim Monthly Financial Report for June and ratify payments drawn from the Municipal and Trust accounts for the period ending 30 June 2011:***

	<u><b>VOUCHER</b></u>	<u><b>AMOUNT</b></u>
<b>MUNICIPAL FUND</b>		
<b>Cheque Payments</b>	<b>29510-29582</b>	<b>\$ 188,461.11</b>
<b>Electronic Funds Payments</b>	<b>8122-8300</b>	<b>\$ 1,343,081.95</b>
<b>Direct Debits Payroll</b>		<b>\$ 202,922.12</b>
<b>Bank Fees</b>		<b>\$ 510.78</b>
<b>Corporate Cards</b>		<b>\$ 2,238.03</b>
<b>Shell Cards</b>		<b>\$ 144.46</b>
<b>TOTAL</b>		<b><u>\$ 1,737,358.45</u></b>
<b>TRUST FUND</b>		
<b>Cheque Payments</b>	<b>3827-3841</b>	<b>\$ 16,090.55</b>
<b>Direct Debits Licensing</b>		<b>\$ 175,521.90</b>
<b>TOTAL</b>		<b><u>\$ 191,612.45</u></b>
<b>TOTAL DISBURSEMENTS</b>		<b><u>\$ 1,928,970.90</u></b>

**CARRIED: 5/0**

**Note to this item**

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

**Item 9.4.1 – Appendices**



## **9.5 Late Reports**

### 9.5.1 York Men's Shed





**9. OFFICER'S REPORTS**  
**9.5 LATE REPORTS**  
**9.5.1 York Men's Shed**

**FILE NO:** CS.CCS.6; Ca3.11960  
**COUNCIL DATE:** 18 July 2011  
**REPORT DATE:** 14 July 2011  
**LOCATION/ADDRESS:** N/A  
**APPLICANT:** York Men's Shed Inc  
**SENIOR OFFICER:** R Hooper, CEO  
**REPORTING OFFICER:** R Hooper, CEO  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** Men's Shed  
Vesting Order  
**DOCUMENTS TABLED:** Nil

**Summary:**

The York Men's Shed makes application for the lease/use of Pt. Reserve 9203 (Sub Lot 85) on the Corner of Ninth & Carter Roads for the development of facilities for this community organisation.

**Background:**

The York Men's Shed was incorporated in 2010 and it has been operating from a building on Balladong Farm with the consent of the landowner but now needs security of tenure to support grant applications and the development of facilities.

**Consultation:**

York Men's Shed Inc

**Statutory Environment:**

The Vesting Order grants Council the power to lease all or part of the land for periods not exceeding 21 years. The Vesting Order was issued in April 1904.

**Policy Implications:**

Not Applicable

**Financial Implications:**

Nil outside of community grant funds already allocated to the York Men's Shed in 2011/12.

**Strategic Implications:**

Not Applicable

**Voting Requirements:**

**Absolute Majority Required:** Yes

**Site Inspection:**

**Site Inspection Undertaken:** Yes

**Triple bottom Line Assessment:**

**Economic Implications:**

Nil

**Social Implications:**

Men's Shed are an important component of the social fabric of this community as they provide opportunities for interaction and communication which may not be otherwise available.

**Environmental Implications:**

The land is basically cleared and any development of facilities will need to meet environmental requirements.

**Comment:**

Men's health is a real issue in modern day living and the provision of a home site will strongly support this pro-active and innovative group.

The land reserve has been under utilised for a significant period and it is ideally situated from a noise impact on neighbours perspective.

It is reasonably accessible and services are in place or in close proximity. Issues of security may need to be addressed by the Men's Shed group.

The use of the land for this purpose is considered to be compatible with the equine precinct development plan.

The York Men's Shed Inc has researched and investigated alternative locations and this land best suits their requirements.

**RESOLUTION  
160711**

**Moved: Cr Boyle**

**Seconded: Cr Walters**

***“That Council:***

- 1. *Lease Sub Lot 85, Reserve 9203 to the York Men’s Shed Inc for a period of 21 years from the date of any lease agreement subject to the following conditions:***
  - (a) The Shire of York to approve any development plans***
  - (b) Appropriate planning approvals and building licences being in place for any development***
  - (c) The Shire of York not being responsible for any service connections or operating expenses for water, power or telecommunications***
  - (d) In the event that the York Men’s Shed Inc cease to exist any infrastructure in place on the land to become the property of a similar organisation or to become the property of the local government***
  - (e) The lease agreement does not commit the Shire of York to financial contributions for capital or operating expenditure by the York Men’s Shed Inc.***
  - (f) Appropriate insurances being held by the York Men’s Shed Inc.***
  - (g) The Shire of York retaining the right to enter into and use part of the land for community benefit purposes e.g. access roads, storage of storm debris***
  - (h) York Men’s Shed Inc being responsible for the management of the land including fire breaks and fire hazards.***
- 2. *Amend the purpose of funding approval for the York Men’s Shed Inc to ‘development of Sub Lot 85’.***
- 3. *Set an annual lease of \$1.00 for the next 21 years.”***

**CARRIED: 5/0**



**Item 9.5.1 - Appendices**



## 9.6 Confidential Reports





## 10. NEXT MEETING

RESOLUTION  
170711

Moved: Cr Scott

Seconded: Cr Lawrance

*“That Council:*

*hold the next Ordinary Meeting of the Council on August 15, 2011 at 3.00pm in the Lesser Hall, York.”*

**CARRIED: 5/0**

## 11. CLOSURE

*Cr Hooper thanked everyone for their attendance and declared the meeting closed at 4.34pm.*