



# SHIRE OF YORK

**MINUTES OF THE ORDINARY  
MEETING OF THE COUNCIL  
HELD ON 11 JUNE, 2012  
COMMENCING AT 3.00pm  
IN COUNCIL CHAMBERS,  
YORK TOWN HALL, YORK**



## **SHIRE OF YORK**

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The Shire of York notifies that anyone who has any application lodged with the Shire of York must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of York in respect of the application.

RAY HOOPER  
CHIEF EXECUTIVE OFFICER



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## SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL  
HELD ON MONDAY, 11 JUNE 2012, COMMENCING AT  
3.00PM IN COUNCIL CHAMBERS, YORK TOWN HALL, YORK

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

### 1. OPENING

- 1.1 Declaration of Opening  
*Cr Tony Boyle, Shire President, declared the meeting open at 3.00pm*
- 1.2 Chief Executive Officer to read the disclaimer  
*Ray Hooper, Chief Executive Officer, read the disclaimer*
- 1.3 Announcement of Visitors  
*Nil*
- 1.4 Announcement of any Declared Financial Interests  
*Nil*

### 2. ATTENDANCE

- 2.1 Members  
*Cr Tony Boyle, Shire President Cr Roy Scott;  
Cr Brian Lawrance; Cr Pat Hooper; Cr Mark Duperouzel, Cr Denese Smythe*
- 2.2 Staff  
*Ray Hooper, Chief Executive Officer; Tyhscha Cochrane, Chief Executive Officer;  
Gordon Tester; Manager of Health and Building Services; Jacky Jurmann, Manager  
Planning Services; Glen I Jones – Manager Works & Projects; Allison Brown –  
Manager Recreation & Convention Centre; Helen D'Arcy-Walker, Executive Support  
Officer*
- 2.3 Apologies  
*Nil*
- 2.4 Leave of Absence Previously Approved  
*Nil*
- 2.5 Number of People in Gallery at Commencement of Meeting  
*There were 5 people in the Gallery at the commencement of the meeting.*

### **3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

#### **3.1 Previous Public Questions Taken on Notice**

Mr Simon Saint  
87 Avon Terrace  
York WA 6302

#### **QUESTION TIME - ORDINARY COUNCIL MEETING 21 MAY 2012**

Further to the above arising from the May 2012 Council Meeting please find set out below the relevant responses:

##### **Question 1:**

Why have I not been given the documents I requested in my Freedom of Information application lodged on the 14<sup>th</sup> March, those documents being engineered drawings and sub-soil drainage specifications to include – Engineers certification (registration number) by a chartered professional engineer; drawing number; drawing title, which clearly identifies the project and location of the project; drawing description; any reference to Australian Standards.

##### **Response:**

Your FOI application requested “Engineered drawings and specifications for all retaining walls at the Forrest Oval Complex.” Sub-soil drainage was not mentioned as part of your FOI request. The plans had all personal information deleted as per Council’s advice on the 16<sup>th</sup> May, 2012.

It is noted that plans for the tennis court have a reference to retaining walls and therefore this is provided in addition to the plan sent with Council’s correspondence on 16<sup>th</sup> May, 2012, this includes information that is not personal.

##### **Question 2:**

Who, on behalf of the Council, certified the drawings reference the construction of the tennis courts?

##### **Response:**

Council accepted tender. Tenderer responsible to complete works in accordance with plans.

#### **3.2 Written Questions – Current Agenda**

### **4. PUBLIC QUESTION TIME**

Mr Simon Saint  
87 Avon Terrace  
York WA 6302

Reference the Dogs Bollocks Emporium:

##### **Question 1:**

Has Council received any complaints over signage?

##### **Response:**

Yes

##### **Question 2:**

How many?

##### **Response:**

One



**Question 3:**

Written or verbal?

**Response:**

Verbal

**Question 4:**

On the 24<sup>th</sup> May, 2012, I wrote to the Shire of York requesting an internal review of their notice of decision dated 18<sup>th</sup> May, 2012. According to the provisions contained within the Freedom of Information Act 1992 the permitted period for an agency to review a decision is 15 days, why have I received no revised notice of decision after the permitted period has expired?

**Response:**

Taken on Notice

**Question 5:**

With reference to my Freedom of Information application lodged on the 30<sup>th</sup> May, 2012 the Shire of York wrote to me on the 5<sup>th</sup> June, 2012 advising that the information requested was non-personal, stating, quote “application fee is only non-payable for applications that are 100% personal information.” Which provision contained in the FOI Act 1992 states that an application made under the FOI Act to access personal information is able to be assessed on percentage values? What mathematical formula does the Shire of York use to determine whether or not an application is of a personal nature?

**Response:**

Taken on Notice

Mr Saint tabled documents Ref No: FOI 1 – Letter from the Shire of York and Ref No: FOI 2 – Australian Government, Office of the Australian Information Commissioner – Fact Sheet 5.

Mr Saint requested that a copy of the above be signed and dated as received by the Shire President, Cr Tony Boyle.

**Question 6:**

Would Council agree after reading Fact Sheet 5 paragraph 2 any information whereby I could be identified, falls within the parameters of personal information according to Federal and State law? I would like it noted, I am only seeking Councils opinion and not a decision.

**Response:**

Shire President read out paragraph 2 - Fact Sheet 5 of tabled document.

**Question 7:**

Has Council changed its policies regarding the acknowledgement of correspondence and responding to correspondence from ratepayers?

**Response:**

No

**Question 8:**

I find it unacceptable the only way I am able to receive an acknowledgement for correspondence is to hand deliver and request the Shire of York date stamp and receipt a duplicate copy of my correspondence. Will the Shire of York undertake to acknowledge my correspondence whether sent electronically or by post?

**Response:**

Taken on Notice

Ms Tanya Richardson  
Avon Events & Marketing  
113 Newcastle Street  
York WA 6302

**Question 1:**

When will the Draft Events Policy be finalised?

**Response:**

Will be tabled at the Ordinary Council Meeting in July.

Mr Ken Emberson  
13 William Street  
York WA 6302

**Statement:**

Made a statement requesting lenience and support from the Council in regards to repairs to his home that was storm damaged in January 2011 as funds are now with the Bank.

**Response:**

Council will defer Item 9.1.4 today pending a Planning Application assessment.

Mr Bevan Meredith  
41 Suburban Road  
York WA 6302

**Question 1:**

Mr Meredith stated he had received a letter from the Shire of York notifying him of an inspection of his property. Would like to know the nature of the complaint and who made the complaint to the Shire.

**Response:**

After discussion the Shire President stated that the site visit would not go ahead and a meeting with Deputy Shire President Cr Roy Scott and Cr Denese Smythe would be held at the Shire office on Friday, 22<sup>nd</sup> June, 2012 at 9.00am.

Cr Roy Scott  
45 Eleventh Road  
York WA 6302

Read a letter sent to the Community Matters newspaper.

**Question 1:**

Why was Balladong Farm sold?

**Response:**

It was sold in approximately 1998 to raise funds for Council projects.

**Question 2:**

Why do we not have Ashton Circus come to town?

**Response:**

A previous Council cancelled it.

**Question 3:**

Can this be overturned.

**Response:**

To be placed in the next Agenda.

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

*Nil*

**6. PETITIONS / PRESENTATIONS / DEPUTATIONS**

*Nil*

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

**7.1 Minutes of the Ordinary Council Meeting held May 21, 2012**

Corrections

Confirmation

**RESOLUTION  
010612**

**Moved: Cr Scott**

**Seconded: Cr Lawrance**

***“That the minutes of the Ordinary Council Meeting held on May 21, 2012 be confirmed as a correct record of proceedings.”***

***CARRIED: 6/0***

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

**AVON TERRACE STREETScape – NEXT STAGE**

The section from South Street to Henrietta Street will be upgraded with the project programmed for completion by 31<sup>st</sup> December, 2012.

Project components such as street trees, tree grates and guards and seating are ordered and are waiting on delivery.

Project works such as kerbing, footpaths, drains and re-surfacing will commence between the 1<sup>st</sup> July and 30<sup>th</sup> September, 2012 subject to weather conditions.

**EVENTS IN YORK**

To alleviate concerns that private enterprise events are leaving York it is pleasing to report that the following events are arranged or are being negotiated and finalized.

**Booked Events**

18 or 25 November 2012 - Triathlon

**2013**

April 20 & 21 – Motorcycle Festival - Organiser – Wheels for Hope

May 18 & 19 – Muscle Cars & Hotrods - Organiser – Wheels for Hope

October 26 & 27 – Exotic Cars (Euro, German, Italian etc) – Organiser – Wheels for Hope

**2014**

Regional Swimming Championships

**Under Negotiation**

Cyclewest – 5 town, 3 day racing tour for York, Beverley, Quairading, Cunderdin, Tammin

Junior motorcycle training facility

Return of racing to York Racecourse

Arrangements are also in place for replacement events for the York Antiques & Collectors Fair and the York Gourmet Food & Wine Fair with venues booked for these dates in 2013.

**YORK INFORMATION SERVICES**

Council is extremely pleased with the positive acknowledgements from visitors and tourism operators of the high quality service provided by the dedicated staff to all visitors.

**2012 RURAL PRODUCTION**

Good to see some rain last week to give farmers hope for this harvest – hopefully the rain will continue to give a bumper yield.

**VEXATIOUS ISSUES**

It is disappointing that some individuals force high costs onto the community by continually raising matters where nothing will change as the cost of researching and responding is an extremely high burden on the community and it prevents other more important community benefit work being done.

A lot of issues cause staff and Councilors to allocate a lot of time and money to cover issues. From now on if an issue is considered vexation it will be ignored.

**9. OFFICER'S REPORTS**

## **9.1 Development Services**



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

### **9.1 DEVELOPMENT REPORTS**

#### **9.1.1 Scheme Amendment No. 48 – Old Lawn Tennis 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.*

|                                |   |
|--------------------------------|---|
| <b>FILE NO:</b>                | <b>PS.TPS.48, CCP.39</b>  |
| <b>COUNCIL DATE:</b>           | <b>11 June 2012</b>   |
| <b>REPORT DATE:</b>            | <b>24 May 2012</b>  |
| <b>LOCATION/ADDRESS:</b>       | <b>Lot 31 Clifford St &amp; Lots 150 &amp; 151 Glebe St, York</b> |
| <b>APPLICANT:</b>              | <b>Shire of York</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>1 – Scheme Amendment Documentation</b>                         |
| <b>DOCUMENTS TABLED:</b>       | <b>Nil</b>  |

#### **Summary:**

Council at its Ordinary Meeting held on 20 February 2012 resolved:

*“That Council:*

- 1. Approve the preparation and submission of a Regional Development Assistance Program application for the 2012 funding round for Springbett Reserve at Lots 497 and 606 Spencers-Brook Road, Lots 37-42 Thorn Street and the old lawn tennis centre at Lot 31 Clifford Street and Lots 150 and 151 South Street, York.*
- 2. Initiate a scheme amendment to rezone Springbett Reserve at Lots 607 and 608 Spencers-Brook Road, York from ‘Open Space and Recreation’ to ‘Development’.*
- 3. Initiate a scheme amendment to rezone Lot 31 Clifford Street and Lots 150 and 151 South Street, York from ‘Open Space and Recreation’ to ‘Residential R40’.*

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

This report is to recommend formal initiation of the scheme amendment to rezone the old tennis centre from ‘Open Space and Recreation’ to ‘Residential R40’.

#### **Background:**

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

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

An appropriate zoning is considered Residential R40, which is consistent with the LPS and compatible with the existing development. The R40 coding would enable theoretically a maximum of 19 lots at 400m<sup>2</sup> in area to be created, or for theoretically a maximum of 34 dwellings to be constructed at an average area of 220m<sup>2</sup>. (Note: these figures have been calculated without the exclusion of the flood affected area of the site.)

It is not considered that a commercial use would be suitable for the site for the following reasons:

- The site is surrounded by residential development and would possibly result in land use conflict; and
- The site would result in fragmentation of the existing town centre and would be an illogical expansion due to the division by the Avon River. Any expansion should be north and south to utilise existing car parking areas and other services, and emphasise the historical significance of the Town Centre and specifically Avon Terrace and which would include such buildings as the Town Hall, The Mill and Sandalwood Yards.

Notwithstanding the above, a tourist use, such as a motel could be considered compatible. Although this unlikely considered the number of accommodation places currently for sale in York. Motels are permissible within the residential zone.

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

**Consultation:**

The Scheme Amendment must be publicly advertising in accordance with the Town Planning Regulations 1967 for a minimum period of 42 days.

During the advertising period notification in writing will be given to adjoining landowners, a notice will be placed in the Avon Valley Gazette and on Council's website. The documentation will be available at the Council Administration Office for viewing and on Council's website. Appropriate government agencies will also be invited to comment.

Comments received during the exhibition period will be considered prior to finalising the scheme amendment.

**Statutory Environment:**

Planning and Development Act 2005

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

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

Town Planning Regulations 1967

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

York Local Planning Strategy

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

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



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

#### York Town Planning Scheme No. 2

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

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

#### **Policy Implications:**

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

#### **Financial Implications:**

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

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

#### **Strategic Implications:**

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

#### **Voting Requirements:**

**Absolute Majority Required:** Yes

#### **Site Inspection:**

**Site Inspection Undertaken:** Yes

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

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

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

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

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

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

##### **Environmental Implications:**

Flooding and protection of the river will need to be considered carefully in the development. Both issues are management will good design.

**Comment:**

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

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

**RESOLUTION  
020612****Moved: Cr Hooper****Seconded: Cr Lawrance**

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

- 1. Initiate Scheme Amendment No. 48 to the York Local Planning Scheme No. 2 by:  
(a) Rezoning Lot 31 Glebe Street and Lots 150 and 151 Clifford Street, York from Reserve (Open Space and Recreation) to Residential R40; and  
(b) Amending the Scheme Map accordingly.***
- 2. Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation;***
- 3. Forward the Scheme Amendment to the Environmental Protection Authority and request permission to advertise;***
- 4. Upon receipt of consent to advertise from the Environmental Protection Authority, advertise the Scheme amendment for public comment for a period of 42 days in accordance with the Town Planning Regulations 1967.”***

**CARRIED: 6/0**

### **Item 9.1.1 Appendices**



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

### **9.1 DEVELOPMENT REPORTS**

#### **9.1.2 Scheme Amendment No. 49 – Springbett Reserve**

*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.49</b>  |
| <b>COUNCIL DATE:</b>           | <b>11 June 2012</b>                                     |
| <b>REPORT DATE:</b>            | <b>24 May 2012</b>                                      |
| <b>LOCATION/ADDRESS:</b>       | <b>Lots 497 &amp; 606 (pt) Spencer's Brook Rd, York</b> |
| <b>APPLICANT:</b>              | <b>Shire of York</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>1 – Scheme Amendment documentation</b>               |
| <b>DOCUMENTS TABLED:</b>       | <b>Nil</b>  |

#### **Summary:**

Council at its Ordinary Meeting held on 20 February 2012 resolved:

*"That Council:*

- 1. Approve the preparation and submission of a Regional Development Assistance Program application for the 2012 funding round for Springbett Reserve at Lots 497 and 606 Spencers-Brook Road, Lots 37-42 Thorn Street and the old lawn tennis centre at Lot 31 Clifford Street and Lots 150 and 151 South Street, York.*
- 2. Initiate a scheme amendment to rezone Springbett Reserve at Lots 607 and 608 Spencers-Brook Road, York from 'Public Purposes' to 'Development'.*
- 3. Initiate a scheme amendment to rezone Lot 31 Clifford Street and Lots 150 and 151 South Street, York from 'Public Purposes' to 'Residential R40'."*

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

This report is to recommend formal initiation of the scheme amendment to rezone a portion of Springbett Reserve from 'Public Purposes' to 'Development'.

#### **Background:**

The need for additional suitable industrial land is well recognised in the York community. There are businesses operating in the existing industrial area that are constrained by the lot sizes and there are businesses operating in residential and rural-residential areas under home business approvals that can impact on the residential amenity of the area.

Research shows that the current industrial area is at capacity and a number of informal conversations with existing business owners have indicated that they would relocate to grow their businesses if suitable industrial land was available. Additionally, new businesses could locate in York providing local employment opportunities, for example Hutchison Builders who are relocating to the Avon Valley Industrial Park in Grass Valley. Companies such as Komatsu have also expressed an interest in utilising the land for demonstrating and training purposes, which may also involve sales.

A survey indicates that 95% of the industrial properties have buildings constructed and are occupied. At the time of writing, there were less than 5 industrial properties available for sale/lease. These properties were less than 5000m<sup>2</sup> in area, generally vacant, and priced for sale between \$260,000 and \$320,000.

It is proposed to develop Lots 497 and 606 Spencer's Brook Road, York known Springbett Reserve (No. 121) from north of the existing waste transfer station for light and service industrial uses.

The site area is approximately 54.62 hectares. A portion of the site is currently subject to a scheme amendment to excise 5974m<sup>2</sup> for Rural Residential purposes.

The current zoning is Public Purposes and it is proposed to rezone the site to a 'Development' zone to provide maximum flexibility in use.

The area is likely to cater for light industry, service industry, manufacturing and small depot-type uses requiring a variety of size allotments from 2000m<sup>2</sup> to 1-5 hectares. Based on 5000m<sup>2</sup>, the lot yield could be approximately 80 lots. It is not considered that heavy industries would be appropriate for York or the location. The Shire may consider providing a seed project by relocating its existing depot to the new industrial area.

It is envisaged that the development would be staged commencing from the land closest to the town centre.

A buffer would be required from the Avon River and may include a reserve to maintain public access to the river in the form of a cycle/multi-use pathway, and may also link to existing trails from York to Northam and within the equine precinct.

#### **Consultation:**

The Scheme Amendment must be publicly advertising in accordance with the Town Planning Regulations 1967 for a minimum period of 42 days.

During the advertising period notification in writing will be given to adjoining landowners, a notice will be placed in the Avon Valley Gazette and on Council's website. The documentation will be available at the Council Administration Office for viewing and on Council's website. Appropriate government agencies will also be invited to comment.

Comments received during the exhibition period will be considered prior to finalising the scheme amendment.

Additionally, the residents of the portion of the reserve that is currently proposed for excision will be consulted individually to discuss their options.

#### **Statutory Environment:**

##### Planning and Development Act 2005

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

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

##### Town Planning Regulations 1967

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

## York Local Planning Strategy

The York Local Planning Strategy identifies the need for suitably zoned and serviced industrial land to attract new industries to the Shire and to allow future industrial and rural industry expansion.

The proposed scheme amendment is consistent with the objectives and actions of the York Local Planning Strategy, particularly as it will result in the provision of suitably located, serviced and zoned land that will have the capacity to meet the future business and employment needs of York.

Refer to the scheme amendment documentation for further discussion.

## York Town Planning Scheme No. 2

The site is currently zoned Public Purposes under the provisions of the Scheme and contains a disused airfield that is currently cropped as a community fundraiser.

It is proposed to rezone the portion of the site north of the Waste Transfer Station to enable light and service industrial development. A list of appropriate land uses will be developed as part of the Outline Development (Structure) Plan process. It is not envisaged that any heavy industrial or manufacturing industries will be appropriate for the site.

### **Policy Implications:**

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

### **Financial Implications:**

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

### **Strategic Implications:**

#### Key Result Area 1: Strategic Planning

- 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 will provide long term benefit to the community, involve regional cooperation and involve community consultation.

#### Key Result Area 2: Economic Development & Tourism

- 1. To encourage a sustainable community by increasing employment opportunities in York, attracting investment and businesses to the town, and achieving diversification of industries.*

The proposal will provide much needed industrial land in York for new and existing business to grow, which will increase employment opportunities and support the local economy.

## Key Result Area 6: The Environment

1. *To promote and ensure ecologically sustainable development.*
2. *To encourage buildings which are ecologically sound and energy efficient.*
3. *To encourage and support community involvement in environmental protection.*
4. *To assist landowners, conservation and catchment groups to undertake sustainable land management practices and projects.*
5. *To work with the community and other stakeholders to protect the Shire's natural resources and redress degradation and other environmental issues.*
6. *To improve the health of the Avon River.*

The development of the sites will be carried out sustainably. Buffers will be required to the river and in the case of the industrial development, pollution prevention and control measures will be incorporated.

### **Voting Requirements:**

**Absolute Majority Required:**            **Yes**

### **Site Inspection:**

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

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

#### **Economic Implications:**

The provision of sufficient and suitable industrial land is integral to the economic growth of the York economy. The opportunity the involvement of Landcorp will provide assistance in the development of the site through design and provision of infrastructure.

#### **Social Implications:**

There is an expectation within the community that suitable industrial land is available for local businesses and that the Council will support economic development of York.

The creation of additional business and employment opportunities will have a positive impact socially and economically on the York community.

There may be some opposition from the residents of the adjacent Equine Precinct with concerns about impacts on lifestyle and property values.

If the proposal is managed with sufficient community consultation and sufficient protection is provided within the provisions of the local planning scheme, any objections should be minimised.

#### **Environmental Implications:**

The site is bounded by the Avon River to the east and the Rural Residential area of the Equine Precinct. Both could be considered sensitive areas that may require buffers. Buffers can be provided on and off the site through the location of low impact businesses, open space and the like. A Local Water Management Plan will also be required to ensure that any surface or storm waters cannot impact on the river.



**Comment:**

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

Research shows that the current industrial area is at capacity and a number of informal conversations with existing business owners have indicated that they would relocate to grow their businesses if suitable industrial land was available. Additionally, new businesses could locate in York providing local employment opportunities, for example Hutchison Builders who are relocating to the Avon Valley Industrial Park in Grass Valley. Companies such as Komatsu have also expressed an interest in utilising the land for demonstrating and training purposes, which may also involve sales.

If successful, the RDAP grant will enable development to progress more expediently and more economically for the community than if the land was development by Council or a private developer. The progression and approval would be subject to the proposal being development ready, and in the case for both residential and light industrial projects Landcorp has recommended that Council initiate scheme amendments to rezone both sites for development. Landcorp has advised that a response will be provided to Council in August.

**RESOLUTION****030612****Moved: Cr Hooper****Seconded: Cr Duperouzel**

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

***1. Initiate Scheme Amendment No. 48 to the York Local Planning Scheme No. 2 by:***

***(a) Rezoning Lots 497 and a portion of Lot 606 Spencer’s Brook Road, York known Springbett Reserve (No. 121), York from Reserve (Public Purposes) to Development; and***

***(b) Amending the Scheme Map accordingly.***

***2. Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation;***

***3. Forward the Scheme Amendment to the Environmental Protection Authority and request permission to advertise;***

***4. Upon receipt of consent to advertise from the Environmental Protection Authority, advertise the Scheme amendment for public comment for a period of 42 days in accordance with the Town Planning Regulations 1967.”***

**CARRIED: 6/0**



## **Item 9.1.2 Appendices**



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

### **9.1 DEVELOPMENT REPORTS**

#### **9.1.3 Demolition of Former Avon Valley Tyre Service at 59 Avon Terrace, York**

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

|                                |  |
|--------------------------------|--|
| <b>FILE NO:</b>                | <b>AV1.8931, P777</b>                    |
| <b>COUNCIL DATE:</b>           | <b>11 June 2012</b>                      |
| <b>REPORT DATE:</b>            | <b>29 May 2012</b>                       |
| <b>LOCATION/ADDRESS:</b>       | <b>Lots 35-37, 59 Avon Terrace, York</b> |
| <b>APPLICANT:</b>              | <b>L Jowett Consulting Pty Ltd</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>Plans and photos</b>                  |
| <b>DOCUMENTS TABLED:</b>       | <b>Nil</b>                               |

#### **Summary:**

Council is in receipt of a planning application to demolish the former Avon Valley Tyre Service and associated structures at 59 Avon Terrace, York.

The application was advertised to the public in accordance with the provisions of the York Town Planning Scheme No. 2 and no submissions were received.

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

#### **Background:**

The Council of the Shire of York have identified a number of buildings, particularly in the town centre, that are derelict and beyond repair that are unsightly and detracting from the streetscape and character of the town.

The subject property was identified as one of these buildings and the Manager of Health and Building was requested to liaise with the landowner to demolish the building.

Although the property is not listed on the Municipal Heritage Inventory, it is located in the Blandstown Heritage Precinct and therefore in accordance with the Local Planning Policy – Heritage Precincts and Places, a planning application is required for any development, including demolition.

The building has been vacant since 2008 and is unsightly and in disrepair. Council wrote to the landowner on 14 April 2008 regarding the conditions of the premises and the issue of potential site contamination.

On 15 September 2009, the Shire received notification from the Department of Environment and Conservation advising that the subject property has been classified as a known or suspected contaminated site under the *Contaminated Sites Act 2003* due to the historical use of the site as a fuel depot. Therefore, any demolition works involving disturbance of the soil will be required to comply with the provisions of the Act.

Again on 23 November 2010, the owner was contacted requesting immediate action to make safe the building and surrounds and suggested demolition as an appropriate course of action. Further letters were sent of 4 February 2011 and 8 December 2011 reiterating the request.

In response to the latest letter, an on site meeting was held with a company representative on 21 December 2011 and it was agreed that demolition was the appropriate course of action to resolve the matter.

Further discussions were held and the planning application for demolition was received by the Shire on 7 May 2012. The main building is constructed straddling the boundaries of Lots 36 and 37 and an associated outbuilding is constructed on Lots 35. It is proposed to demolish all of the buildings on the site.

**Consultation:**

The proposal was advertised in accordance with the York Town Planning Scheme No. 2 in writing directly to adjoining landowners, The York Society and the Department of Environment and Conservation, on Council's website and in the Avon Valley Gazette.

No submissions were received in response to the advertising.

Consultation with the property owner has also occurred between the Shire's Health and Building Manager to facilitate the demolition of the property as requested by the Council due to the unsightly nature of the property.

**Statutory Environment:**

York Town Planning Scheme No. 2

The property is zoned Mixed Business under the provisions of the Scheme and is currently disused.

Clause 4.2 of the Scheme permits demolition of any building except where the building is included on the Heritage List under clause 5.1.2 of the Scheme or is located within a heritage precinct designated under the Scheme.

The site is not on the heritage list, but is located within the Blandstown Heritage Precinct designated in the Local Planning Policy – Heritage Precincts and Places.

Local Planning Policy – Heritage Precincts and Places

Clause 2.4.3 of the Policy relates to demolition of heritage places or in a heritage precinct and states that demolition of a heritage place should be avoided wherever possible. An application to demolish a heritage place must include clear justifications for the demolition and should be based upon the following:

- a) The significance of the building or place;
- b) The feasibility of restoring or adapting it or incorporating it into new development;
- c) The extent to which the community would benefit from the proposed development; and
- d) The provisions of this Local Planning Policy.

Council is unlikely to support the demolition of a heritage place based solely on the economic viability of redeveloping a site or because a building has been neglected.

Accordingly, it was requested that written justification for demolition accompany the planning application. The owner's representative has justified the demolition as follows:

*"The property has been vacant for a number of years and due to its age and poor construction has fallen into disrepair.*

*The owners have been encouraged by the Shire of York to demolish the property as in its current state the buildings represent both an attraction to vandals and a poor entry statement to the Town of York.*

*As the buildings are well beyond their economically serviceable life the owner now wishes to demolish the premises and clear the land of debris.*

*As such, please find enclosed a duly executed "Schedule 9 – Form of Application for Planning Consent", form for the consideration of Council."*

The demolition of the buildings on the subject property will not detrimentally impact on any heritage significance of the Blandstown Heritage Precinct and is a positive outcome for the town and community, particularly as it is located on the entrance to town.

**Policy Implications:**

The proposed demolition is consistent with the relevant policies. There are no adverse policy implications relating to this proposal.

**Financial Implications:**

The applicant has paid the planning application fee and will pay the demolition application fee and costs of demolition and removal of wastes.

**Strategic Implications:**

Demolition of heritage listed buildings or buildings within a heritage precinct should not be undertaken lightly and should be considered within a strategic context for the benefit of the town.

**Voting Requirements:**

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

**Site Inspection:**

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

**Triple bottom Line Assessment:**

**Economic Implications:**

The physical appearance of the town affects the character of the town and therefore potential for economic investment. It is important that the town appears positive and vibrant to attract future businesses and investors to York.

**Social Implications:**

Unightly buildings give a negative appearance and can affect community attitude and sense of place.

**Environmental Implications:**

Due to the age of the building and various alterations and additions, it could be assumed that the building contains asbestos. Any asbestos will need specific handling and disposal to minimise any environmental impacts. The demolition permit issued, following planning approval, will contain conditions relating to asbestos and leaving the site clear of debris.

Additionally, as indicated earlier in this report, the site is classified as contaminated (or potentially contaminated) and any disturbance of the soil will require treatment or disposal in accordance with the relevant legislation.

The drain traversing the property is currently partially covered by the outbuilding and following demolition should be returned to its natural state to ensure that the flow of stormwater is not affected.

**Comment:**

The demolition of the buildings is a positive outcome for the community.

**RESOLUTION  
040612**

**Moved: Cr Scott**

**Seconded: Cr Smythe**

***“That Council resolve to:***

- 1. *APPROVE the planning application to demolish the disused tyre service building at Lots 35-37, No. 59 Avon Terrace, York, subject to the following conditions:***
  - a. *Condition 1: The Development must substantially commence within twelve (12) months from the date of this decision.***
  - b. *Condition 2: Development must take place in accordance with the stamped approved plans.***
  - c. *Condition 3: All structures shall be removed and the site shall be left free of debris.***
  - d. *Condition 4: All demolition waste shall be disposed of at an approved waste management facility.***
  - e. *Condition 5: Demolition works shall not impact on the amenity of the neighbourhood. Dust suppression shall be employed if dust emissions can impact on neighbouring properties.***
  - f. *Condition 6: Any soil disturbed as part of the demolition activities shall be treated or disposed in accordance with the requirements of the Contaminated Sites Act 2003.***
  - g. *Condition 7: Following demolition of the structures, the watercourse traversing the property shall be returned to its natural state to enable unobstructed flow of stormwater.***
  - h. *Advice Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval will lapse and be of no further effect.***
  - i. *Advice Note 2: Where an approval has so lapsed, no development is to be carried out without the further approval of the local government having first been sought and obtained.***
  - j. *Advice Note 3: If an applicant is aggrieved by this determination there is a right of appeal under the Planning & Development Act 2005. An appeal must be lodged within 28 days of the determination.***
  - k. *Advice Note 4: This approval is not a demolition permit. In accordance with the provisions of the Building Act 2011, an application for a demolition permit must be submitted to, and approval granted by the local government prior to the commencement of any works within the development hereby permitted.”***
- 2. *Continue discussions with the landowner regarding any future redevelopment of the property, including interim use and beautification works.”***

**CARRIED: 6/0**



### **Item 9.1.3 Appendices**



**9. OFFICER'S REPORTS**  
**9.1 DEVELOPMENT REPORTS**  
**9.1.4 Demolition of Storm Damaged House**

*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:** W13.5261  
**COUNCIL DATE:** 11 June 2012  
**REPORT DATE:** 31 May 2012  
**LOCATION/ADDRESS:** Lots 36 – 37 13/15 William Street  
**APPLICANT:** K P Emberson  
**SENIOR OFFICER:** R Hooper, CEO  
**REPORTING OFFICER:** G Tester, MHB  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** Photographs  
**DOCUMENTS TABLED:** Nil

**Summary:**

Council is requested to refer all matters relating to the storm damaged house, defective fencing, unsightly yard and connection of house to sewer to its Solicitors with view to commencing legal proceedings to demolish the house and defective fencing and to have the surrounding yard cleaned up.

**Background:**

On January 29, 2011 the York town site was subjected to winds of up to 150 kilometres per hour that resulted in numerous buildings being severely damaged with several houses having to be demolished.

The storm damaged, brick walled, galvanised iron roofed house is situated on a parcel of land with an area of 675 metres and is zoned Residential R40 and is not yet connected to sewer.

On 7 April 2011 the owner of the property Mr Ken Emberson was forwarded correspondence requesting Mr Emberson to make arrangements to have the building demolished or to supply Council with evidence that the house could be restored to a satisfactory state of repair.

Mr Emberson was also requested to advise Council as to whether or not he was awaiting the outcome of an insurance settlement.

On 31 May 2011 Council Officers inspected the property and advised Mr Emberson in writing on 16 June 2011 of the following matters requiring his attention.

- Obtain a structural engineers report to determine the extent of repairs necessary to render the building safe and suitable for habitation.
- Rear fence adjacent railway line required repair.
- Remove all unsightly and disused materials from the property.
- Advice that the building in its present state of disrepair was considered to be unfit for human habitation and seeking the owner's cooperation to not reside in the house until repaired to Councils satisfaction.
- Connect the house to sewer.
- Advised that all repairs should be completed within 6 months of date of correspondence.
- All relevant application forms sent to Mr Emberson.

On 5 September 2011 correspondence was forwarded to Mr Emberson advising Mr Emberson of the urgent need to attend to the matters outstanding from previous correspondence dated 16 June 2011.

On 9 December 2011 Mr Emberson was advised that as he had done nothing the matter would be referred to Council for their consideration.

On 22 December 2011 Mr Emberson met with Council Officers and a strategy to attend to Councils administrative requirements and a staged progress to the works was discussed

On 29 February 2012 Mr Emberson met with Council Officers with view to extending the deadline for obtaining planning approval for the required works on his house. An agreed deadline of 15 March 2012 was not complied with.

As of the date of this correspondence all required works remain outstanding.

**Consultation:**

Numerous meetings have been conducted between the owner and Council Officers both onsite and in Councils Administration building.

**Statutory Environment:**

York Town Planning Scheme No. 2

Clause 4.2 of the Scheme permits demolition of any building except where the building is included on the Heritage List under clause 5.1.2 of the Scheme or is located within a heritage precinct designated under the Scheme.

The site is on the heritage list, designated in the Local Planning Policy – Heritage Precincts and Places.

The House is rated at category 1B/2 as of considerable significance. Very important to the heritage of the locality with a high degree of integrity and authenticity. Conservation of the place is highly desirable and any alterations or extensions should reinforce the significance of the place.

Without the consent of the owner on a planning application to demolish the building it is a legal question as to what implications if any, arise by issuing a demolition order under the Building act 2011 without first obtaining planning permission for the demolition.

Health Act 2011 – requirement to connect to sewer.

Local Laws Fencing – requirement to maintain fencing.

Building Act and Regulations 2011

**Policy Implications:**

Nil

**Financial Implications:**

Legal fees will be incurred by referring this matter to Councils Solicitors.

**Strategic Implications:**

Demolition of heritage listed buildings or within a heritage precinct should not be undertaken lightly and should be considered within a strategic context for the benefit of the town.

**Voting Requirements:**

**Absolute Majority Required:** No

**Site Inspection:**

**Site Inspection Undertaken:** Yes

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

The physical appearance of the town affects the character of the town and therefore the potential for economic investment. It is important that the town appears positive and vibrant to attract future businesses and investors to York.

**Social Implications:**

Unightly buildings give a negative appearance and can negatively affect community attitude and sense of place.

**Environmental Implications:**

This building needs to be connected to the sewer and the onsite effluent disposal system needs to be decommissioned.

**Comment:**

As no cooperation has been forthcoming from the owner of the house the current continuing outcome is a ruinous building and its surrounds being presented to townspeople and passersby on the main highway passing through York.

It is highly recommended that this matter be referred to Councils Solicitors with an instruction that legal processes be implemented to have the house demolished and the land cleared of all improvements

**OFFICER RECOMMENDATION**

*"That Council:*

*Issue instructions to its solicitors to implement all required legal processes to have the brick walled galvanised iron roofed house and associated structures owned by Mr Ken Emberson situated on Lot 37 and Lot 36 13/15 William Street York demolished and the land returned to a clean and tidy state to Councils satisfaction."*

**RESOLUTION****050612****Moved: Cr Hooper****Seconded: Cr Duperouzel**

*"That Council:*

*Defer this item pending Planning Application assessment."*

**CARRIED: 6/0**



#### **Item 9.1.4 Appendices**





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

### **9.1 DEVELOPMENT REPORTS**

#### **9.1.5 Compliance Action – 12-14 Redmile Road, 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.*

|                                |   |
|--------------------------------|---|
| <b>FILE NO:</b>                | <b>RE1.60014</b>  |
| <b>COUNCIL DATE:</b>           | <b>11 June 2012</b>   |
| <b>REPORT DATE:</b>            | <b>5 June 2012</b>  |
| <b>LOCATION/ADDRESS:</b>       | <b>Lots 9 &amp; 10 (12-14) Redmile Rd, York</b>                     |
| <b>APPLICANT:</b>              | <b>V De Vis</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>1 – Approved Plans<br/>2 – Flood Mapping<br/>3 – Photographs</b> |
| <b>DOCUMENTS TABLED:</b>       | <b>Nil</b>  |

#### **Summary:**

A dwelling is currently under construction on Lots 9 and 10 Redmile Road, York. The Shire has issued a number of planning approvals relating to filling and the dwelling, some retrospectively.

The most recent application was approved by Council at its Ordinary Meeting held on 26 March 2012 to retrospectively approve fill on Lot 9, construction of a front fence across the frontage of both lots and amend the planning approval to increase the sand pad and to add a landing and steps to the rear of the dwelling under construction, subject to conditions.

Since the commencement of the construction works, a number of complaints have been received from, and on behalf of, the adjoining landowner raising concerns about the quality of construction, amount of fill on the property, and retaining works with the most recent complaint being received on 1 June 2012.

In response, numerous site inspections have been carried out by Council Officers. Each inspection revealed that the concerns were justified and that works had been carried out without approval or not in accordance with the approval.

It is recommended that action be instigated under the *Planning and Development Act 2005* and the *Building Act 2011* to address the situation.

#### **Background:**

The subject property is described as Lots 9 and 10 Redmile Road York and is located adjacent to the Balladong Country Estate and opposite Bridge and Redmile Houses.

On 8 October 2009, the Western Australian Planning Commission issued a conditional approval for amalgamation of the lots. Clearance of conditions has been granted, but the amalgamation has not been finalised to date. Crossovers constructed as required by the subdivision approval are substandard and the landowner has been requested to remove and reconstruct them. A bond has been lodged to clear the conditions and can be used if Council reconstructs the crossovers.

The property is wholly located within the 1 in 100 year flood fringe (refer to Appendix 2) and on 20 August 2010 an approval was issued under delegated authority to fill Lot 10 for preparation of the construction of a future dwelling to a level 500mm above the flood fringe.

A planning application was received by Council on 24 November 2011 for the construction of a dwelling and was approved under delegation on 23 December 2011.

Concerns were raised by the adjoining landowner regarding the construction of the dwelling, quality of construction, structural capability retaining works and that some of the works were on his property.

An inspection of the property was carried out on 13 January 2012 in the presence of the landowner that revealed the concerns were justified and the landowner was requested to provide a site survey indicating the site boundaries, the sand pad for the dwelling and location of all retaining and other works, and structural engineer's certificate for the sand pad and retaining works. An amended planning application was also requested to gain approval for the retrospective fill and construction.

It was explained to the owner during discussions on site that all works on site required planning and building approval prior to the commencement of those works.

The amended planning application was received on 27 January 2012 and was advertised to the adjoining landowners, on the Council website, in the Avon Valley Gazette and at Council's Administration Office. One submission was received from the adjoining landowner again raising concerns about the development and objecting to the approval of the amendments.

Council at its Ordinary Meeting held on 26 March 2012 resolved to approve the amended planning application subject to a number of conditions of consent, including submission of structural engineer's certification, removal of structures straddling the lot boundaries and amendment of the drainage plan.

On 1 June 2012, a complaint was received on behalf of the adjoining landowner regarding the development, alleging the importation of large amounts of fill and again raising concerns regarding the quality of workmanship and that new works are crossing the boundary onto his lot.

An inspection by Council's Senior Building Surveyor on 1 June 2012 in the presence of the landowner revealed that the concerns were justified. When the landowner was advised that numerous works on site and the filling were not in accordance with the existing approvals and that she required approval for these works. Ms De Vis advised that she realised she needed approval. Ms De Vis was advised a further inspection would be carried out on 5 June 2012 and that legal action may be instigated.

The inspection was carried out by Council's Planning Manager, Health and Building Manager and Senior Building Surveyor on 5 June 2012, as the landowner was advised, where photographs were taken of the site. The inspection confirmed that:

1. A significant amount of fill had been imported onto Lot 9, that is not in accordance with the approved plans up to 1-1.5 metres in depth and that was encroaching onto the road reserve (footpath);
2. Retaining works, using a variety of materials, exceeding 500mm in height had been constructed in various locations on the site that appeared structurally unsound, including near or possibly over the boundary;
3. A 10,000 litre rainwater tank had been positioned on walls approximately 1.5 metres high that may be structurally inadequate; and
4. Concrete (that appears to be the end of a load) had been dumped haphazardly onto the bank of the sand pad for the dwelling that was previously battered and contained stone pitching.

It was again noted that the crossovers appeared to be failing due to the substandard construction and could become a hazard to footpath users.

Refer to the photographs taken on site at Appendix 3.

**Consultation:**

Numerous discussions have been held with the property owner regarding the development, including planning and building approval requirements and the standard of workmanship.

Each application has been advertised in accordance with the provisions of the York Town Planning Scheme No. 2.

The complainant has been kept informed throughout the process.

**Statutory Environment:**Planning and Development Act 2005

Section 162 of the Act states that a person must not commence or carry out development on land to which the planning scheme applies unless:

- (a) *the approval has been obtained and is in force under the planning scheme or interim development order; and*
- (b) *the development is carried out in accordance with the conditions subject to which the approval was granted.*
- (c) *Nothing in this section limits or otherwise affects a right or entitlement under any other written law.*

Section 164 of the Act enables development to be approved if it has commenced or carried out.

Section 214 of the Act enables the Shire to give a written direction to the owner or any other person undertaking that development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme. Additionally, the written direction may direct to the owner or any other person who undertook the development to remove, pull down, take up, or alter the development; and to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority. The time period for compliance must be a minimum of 60 days in accordance with the Act. Failure to comply with the direction is an offence against the Act.

Section 218 of the Act states that a person who contravenes the provisions of a planning scheme; or commences, continues or carries out any development any part of an area the subject of a local planning scheme or otherwise than in accordance with the provisions of the planning scheme or commences, continues or carries out any such development which is required to comply with a planning scheme otherwise than in accordance with any condition imposed under this Act or the scheme with respect to the development, or otherwise fails to comply with any such condition, commits an offence.

Section 223 provides a general penalty, unless otherwise provided, that a person who commits an offence under this Act is liable to a fine of \$200 000 and, in the case of a continuing offence, a further fine of \$25 000 for each day during which the offence continues.

Section 224 states that a person may be prosecuted for an offence under this Division irrespective of whether or not a direction has been given under section 214.

Section 227 of the Act enables an Infringement Notice to be issued for prescribed offences as outlined in the Regulations. Offences against Sections 214 and 218 are prescribed offences under the *Planning and Development Regulations 2009* and therefore an Infringement Notice for a prescribed amount of \$500.00 could be issued for each offence.

The landowner has contravened the Act. Council has the choice of instituting legal action, issuing an infringement notice and/or issuing a Planning Direction in regards to the offences committed.

## York Town Planning Scheme No. 2

Section 4.1 of the Scheme requires the prior approval of the local government for all development on land zoned and reserved under the Scheme.

The land is zoned Residential R40 under the scheme. Therefore all development requires prior approval.

Section 4.2 of the Scheme outlines development that does not require the planning consent of the local government. This section does not apply to the subject property as it is located in the Avon River Flood Fringe and in the Blandstown Heritage Precinct.

Section 4.3 states that development shall generally conform to the provisions of the Residential Design Codes. The Scheme enables discretion to modify the development standards with respect to the R-Codes upon application.

Section 5.1 of the Scheme outlines the requirements with regards to heritage. The property is not heritage listed but is located within the designated Blandstown Heritage Precinct under the provisions of the Local Planning Policy – Heritage Precincts and Places. The LPP was adopted in accordance with the provisions of Section 8.8 of the Scheme. Prior planning approval is required for all development under the provisions of this section.

Section 5.4 of the Scheme sets out the provisions for assessing and constructing development in the Avon River Flood Fringe. The Department of Water mapping identifies both lots being located almost entirely within the flood fringe (i.e. the 1 in 100 year zone). Prior planning approval is required for all development, including fencing or other development potentially obstructive to the nature of water flows, under the provisions of this section. A copy of the mapping is attached at Appendix 2.

Section 8.3 of the Scheme states that a person must not contravene or fail to comply with the provisions of the Scheme; use any land or commence or continue to carry out any development within the Scheme area, otherwise than in accordance with the Scheme, approvals and any approval conditions.

### Offences – Act and Scheme

1. Section 218 of the Act and Section 4.1 of the Scheme “Carrying out development without approval” –
  - a. Filling of Lot 9 – additional fill outside and above planning approval;
  - b. Unapproved retaining walls:
    - i. Southern boundary (potentially over boundary)
    - ii. Internal on lot boundaries
    - iii. Along Northern boundary
  - c. Works in flood fringe that could obstruct nature of water flows and impact on downstream properties.
2. Section 218 of the Act and Section 8.3 of the Scheme “Carrying out development not in accordance with approval” –
  - a. Condition 2 – Works not in accordance with stamped approved plans.
  - b. Condition 3 – Works not in accordance with the Local Planning Policy – Heritage Precincts and Places.

## Compliance Options

The following compliance options are available under the provisions of the Act:

1. Instigate legal action under the provisions of Section 218 of the Act for commencing development without approval and carrying out development not in accordance with the approval.
2. Issue a Planning Direction under the provisions of Section 214 of the Act to stop, not to recommence, remove and to restore the land.
3. Issue an Infringement Notice for a prescribed offence against the Act in accordance with the provisions of Section 227 of the Act.
4. Approve conditionally, upon application, the works carried out retrospectively if assessed to be consistent with the provisions of the Scheme and the R-Codes.

### **Policy Implications:**

Due to the number of retrospective applications being received by Council, both voluntarily and as a result of compliance action, a Local Planning Policy to deal with retrospective applications was introduced by Council on 18 July 2011 to provide guidance on the assessment and determination of applications and fees.

The Policy also states that although Council may approve a retrospective application, it may also resolve to instigate legal action.

### **Financial Implications:**

Retrospective applications fees will be charged if Council resolves to accept a retrospective planning and/or building application.

### **Strategic Implications:**

This site is located in the flood fringe and a heritage precinct. Developments in both areas need to be considered carefully to ensure that there are no detrimental impacts to neighbouring properties or the broader York community.

Of significant concern is the numerous retaining walls and large amounts of fill that have been placed and constructed on the property that have the potential to impact considerably on the area and in particular, the downstream properties in a storm event. This type of development is not acceptable in flood affected areas.

The development also has the potential to detrimentally impact the heritage area due to the haphazard and erratic way the development is taking place. The fact that the development is continued to be carried out either unapproved or by way of amendments does not allow Council to consider and assess the development in its entirety. Blandstown is a significant heritage area and is valued by the community for its high degree of intactness and authenticity. The nearby Bridge House and Redmile House are examples of the high quality of the Blandstown area and the adjoining Balladong Country Estate is an example of good new residential development. The quality of the work and appearance of the work is not considered suitable for a heritage precinct and should not be acceptable to the York community.

### **Voting Requirements:**

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

### **Site Inspection:**

**Site Inspection Undertaken:**                      **Numerous**

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

Although the *Planning and Development Act 2005* gives Council the power to rectify the situation, however it is not recommended due to the high costs involved and similarly, the instigation of court action, which may only result in fines and not resolution.

It is therefore considered preferable from a financial point of view to issue Planning Directions to rectify the situation and is also considered appropriate, due to the number of warnings, that an Infringement Notice or legal action is instigated for the offences.

**Social Implications:**

As discussed in this report, the impact on the Blandstown heritage precinct by inappropriate and substandard development is considered a significant impact. Blandstown is an area that has high quality, well preserved and intact examples of colonial settlement in York dating from the 1850's and is highly valued by the community.

**Environmental Implications:**

The site is located in the Avon River Flood Fringe and the entire property (both lots) would be affected by flooding during major river flows. The amount of filling and numerous retaining walls will affect water flows during flood events. It is recommended that further investigation regarding flood impact and drainage is undertaken by a suitably qualified person.

**Comment:**

The landowner, Ms de Vis is aware of the planning and building regulations and has been reasonably cooperative to date with the requests of Council Officers. However, she has a nonchalant attitude regarding the approvals and conditions, and any potential repercussions, and continues to carry out works without approval or not in accordance with approvals.

Considerable amounts of Shire resources have already been spent on this issue, and if the development is permitted to continue as it is currently, substantial resources will be expended on compliance activities. It does not appear that any amount of consultation, discussions and warnings are having any affect on the landowner as she continues to carry out works unapproved and not in accordance with approvals.

It is not proper or orderly planning to assess a development in various and incomplete stages or retrospectively.

Following resolution of the planning issues, the structural adequacy of the retaining walls will need to be assessed and if appropriate, retrospective building approvals issued.

**RESOLUTION  
060612**

**Moved: Cr Hooper**

**Seconded: Cr Lawrance**

***“That Council:***

- 1. Issue a Planning Direction under the provisions of Section 214 of the Planning and Development Act 2005 to stop, and not to recommence, any works on Lots 9 and 10 Redmile Road, York, until such time as a planning application is received and determined for the unapproved works in accordance with point 2 of this resolution.***
- 2. Require the submission of a planning application to obtain approval for the unapproved works. The planning application must be accompanied by:***
  - (a) Plans to scale showing the location of all existing and proposed works, including heights and levels referenced to the Australian Height Datum.***
  - (b) An updated survey showing the lot boundaries and location of all works prepared by a suitably qualified person.***
  - (c) A Drainage and Flood Study prepared by a suitably qualified person. The study is to consider existing and proposed filling of both lots.***
  - (d) A Heritage Impact Assessment prepared by a suitably qualified person.***
- 3. Issue an Infringement Notice under the provisions of Section 227 for an offence against Section 218 of the Planning and Development Act 2005 for carrying out work, namely filling of Lot 9, without approval.***
- 4. Issue an Infringement Notice under the provisions of Section 227 for an offence against Section 218 of the Planning and Development Act 2005 for carrying out work, namely construction of various retaining walls, without approval.***
- 5. Authorise the Chief Executive Officer to issue Infringement Notices for breaches of the Planning Direction and/or any further breaches of the Planning and Development Act 2005.***
- 6. That Council receives a further report following the receipt and assessment of the planning application required in point 2 of this resolution and that Council determines such planning application.”***

**CARRIED: 6/0**





### **Item 9.1.5 Appendices**



## **9.2 Administration Reports**



**9. OFFICER'S REPORTS**  
**9.2 ADMINISTRATION REPORTS**  
**9.2.1 Gazettal Notices - Various**

|                                |   |
|--------------------------------|---|
| <b>FILE NO:</b>                | <b>LE.ACT</b>                                 |
| <b>COUNCIL DATE:</b>           | <b>11 June 2012</b>                           |
| <b>REPORT DATE:</b>            | <b>31 May 2012</b>                            |
| <b>LOCATION/ADDRESS:</b>       | <b>Not Applicable</b>                         |
| <b>APPLICANT:</b>              | <b>Shire of York</b>                          |
| <b>SENIOR OFFICER:</b>         | <b>R Hooper, CEO</b>                          |
| <b>REPORTING OFFICER:</b>      | <b>Gail Maziuk, Senior Admin Officer</b>      |
| <b>DISCLOSURE OF INTEREST:</b> | <b>Nil</b>                                    |
| <b>APPENDICES:</b>             | <b>Gazettal Notices (existing) Appendix A</b> |
| <b>DOCUMENTS TABLED:</b>       | <b>Nil</b>                                    |

**Summary:**

Shire staff have reviewed the gazettal and authorisations for staff to operate effectively under the listed legislation.

Gazettals under the following Acts require updating to allow the authorised persons to carry out the procedures delegated under each Act:

Caravan Parks & Camping Grounds Act 1995  
Control of Vehicles (Off-Road Areas) Act 1978  
Litter Act 1979  
Local Government (Miscellaneous Provisions) Act 1960  
Dog Act 1976  
Bush Fires Act 1954

**Background:**

A review was carried out on the appointment of authorised persons to carry out the administration duties of the various Government Acts at a Council meeting held in September 2011, and revised in May 2012 for Council to consider at the June Council meeting.

**Consultation:**

Not Applicable

**Statutory Environment:**

Nil

**Policy Implications:**

Nil

**Financial Implications:**

There will be a cost associated with advertising the gazettal notices in the Government Gazette.

**Strategic Implications:**

Nil

**Voting Requirements:**

**Absolute Majority Required:** Yes

**Site Inspection:**

**Site Inspection Undertaken:** Not Applicable

**Triple bottom Line Assessment:**

**Economic Implications:**

Not Applicable

**Social Implications:**

Potential improved customer service through the extended delegations of Authorised Officers.

**Environmental Implications:**

Not Applicable

**Comment:**

It is recommended that the Officers recommendation be accepted.

**RESOLUTION****070612****Moved: Cr Scott****Seconded: Cr Duperouzel*****“That Council:***

- (1) *Delete the current names from the Appointment of Authorised Persons (as referred to in Attachment A:***

***Caravan Parks & Camping Grounds Act 1995***

- ***Angela Plichota***
- ***Phil Gough***
- ***Sacha Akesson-Werth***

***Control of Vehicles (Off-Road Areas) Act 1978***

- ***Angela Plichota***
- ***Phil Gough***

***Litter Act 1979***

- ***Angela Plichota***
- ***Sacha Akesson-Werth***
- ***Phil Gough***

***Local Government (Miscellaneous Provisions) Act 1960***

- ***Angela Plichota***

***Dog Act 1976***

- ***Angela Plichota***
- ***Phil Gough***

***Dog Act 1976 - Registration Officers***

- ***Hayley McNamara***
- ***Kate Emin***
- ***Jody Lilleyman***

***Bush Fires Act 1954***

- ***Angela Plichota***
- ***Alan Milson***

- (2) Add the following names to the list of Authorised Persons under the following Acts:**

***Caravan Parks & Camping Grounds Act 1995***

- ***Daniel Birleson***

***Control of Vehicles (Off-Road Areas) Act 1978***

- ***Daniel Birleson***

***Litter Act 1979***

- ***Daniel Birleson***

***Local Government (Miscellaneous Provisions) Act 1960***

- ***Daniel Birleson***

***Dog Act 1976***

- ***Daniel Birleson***

***Dog Act 1976 - Registration Officers***

- ***Pam Law***
- ***Sharla Fythe***

***Bush Fires Act 1954***

- ***Daniel Birleson***
- ***Justin Corrigan***

- (3) Undertake all statutory procedures for the amendment of the “Authorised Persons.”**

**CARRIED: 6/0**





## **Item 9.2.1 Appendices**



**9. OFFICER'S REPORTS**  
**9.2 ADMINISTRATION REPORTS**  
**9.2.2 Burges Siding Brigade - Shed**

|                                |                                  |
|--------------------------------|----------------------------------|
| <b>FILE NO:</b>                | <b>RS.BFC.3</b>                  |
| <b>COUNCIL DATE:</b>           | <b>11<sup>th</sup> June 2012</b> |
| <b>REPORT DATE:</b>            | <b>31<sup>st</sup> May 2012</b>  |
| <b>LOCATION/ADDRESS:</b>       | <b>Reserve 28083</b>             |
| <b>APPLICANT:</b>              | <b>Shire of York</b>             |
| <b>SENIOR OFFICER:</b>         | <b>Mr Ray Hooper, CEO</b>        |
| <b>REPORTING OFFICER:</b>      | <b>Justin Corrigan, CESM</b>     |
| <b>DISCLOSURE OF INTEREST:</b> | <b>Nil</b>                       |
| <b>APPENDICES:</b>             | <b>Nil</b>                       |
| <b>DOCUMENTS TABLED:</b>       | <b>Nil</b>                       |

**Summary:**

Council is to receive this information pertaining to the location for the Burges Siding fire shed on Boyercutty Rd.

**Background:**

On 26<sup>th</sup> March 2012 it was discussed at the local Burges Bush Fire Brigades meeting a number of locations for the new Burges Siding fire shed. There were 2 sites chosen from this meeting 1 being on the corner of Boyercutty Rd and Wambyn Rd within the road reserve the next possible spot being the gravel pit on Boyercutty Rd. It was determined the best site would be the reserve being currently used as a gravel pit on Boyercutty Rd. On 10<sup>th</sup> May 2012 at the local Bush Fire Advisory committee (BFAC) meeting it was agreed that the Burges Fire shed would be built on Boyercutty Rd - gravel pit reserve site.

**Consultation:**

Burges Siding Bush Fire Brigade  
Mark Bowen FESA  
Justin Corrigan CESM  
Fire Control Offices  
Shire of York

**Statutory Environment:**

Not applicable.

**Policy Implications:**

Nil.

**Financial Implications:**

Funding for the Burges Siding Fire shed is through FESA's capital grants scheme.

Council are responsible for the site works, which are approximately \$15,000.

**Strategic Implications:**

Placement of the shed on Boyercutty Rd gives the Burges community a central point to manage any emergency should it occur also offering a backup role for Talbot Bush Fire Brigade.

**Voting Requirements:**

**Absolute Majority Required:** Yes

**Site Inspection:**

**Site Inspection Undertaken:**

On 14<sup>th</sup> May 2012 a site inspection was undertaken with the Shire of York's Works Manager to find an appropriate spot for the shed to be located within the gravel reserve.

**Triple bottom Line Assessment:**

**Economic Implications:**

Not applicable.

**Social Implications:**

There is a community need for this asset to house the fire tender.

**Environmental Implications:**

The reserve is vested in Council for the purposes of gravel.

All environmental implications will be assessed prior to site works.

**Comment:**

The Community Emergency Services Manager is of the view that placement of the new fire shed on Boyercutty Rd would give the community in the northwest section of the Shire a central resource to deal with in case of an emergency and also giving backup to surrounding brigades should assistance be required.

**RESOLUTION**

**080612**

**Moved: Cr Lawrance**

**Seconded: Cr Hooper**

***“That Council:***

- 1. endorse the use of the gravel pit on Boyercutty Rd – Reserve 28083 for the purpose of placing the Burges Bush Fire Brigade fire shed.***
- 2. apply to the Department for Regional Development and Lands to have the purpose of the management order changed.”***

***CARRIED: 6/0***

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

FILE NO: CS.LCS.8.1  
COUNCIL DATE: 11 June, 2012  
REPORT DATE: 29 May, 2012  
LOCATION/ADDRESS: N/A  
APPLICANT: Shire of York  
SENIOR OFFICER: R Hooper, CEO  
REPORTING OFFICER: Information Services Officer  
DISCLOSURE OF INTEREST: Nil  
APPENDICES: Appendix A and B  
DOCUMENTS TABLED: Nil

**Summary:**

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

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

The number of visitors coming through the doors in May 2012 was **1047** as compared to 1469 in 2011.

- **Product Sales-** (Appendix B) Net sales for the month of May 2012 were **\$649.30** compared to **\$881.30** for the same period 2011.

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

Sale figures for the month of May are down from last year due to the lack of stock that the Information Services has on hand.

- **Request for Services-**

There are certain services that visitors ask for (verbally) on a regular basis, these include:

- Lack of Tourist attractions to see early in the week 7
- No ATM at the Town Hall end of town 5
- Taxi Service 3
- No Alpaca shop in York 4
- Balladong Farm or Farm to visit 2
- Motor Museum not opened 5

- **Display Board -**

We are in the process of organising a display board for the accommodation on one side and food services/businesses on the other side. This will show the visitors exactly what each provider offers for them also the prices will be included and it's the provider's responsibility to update any changes.

The businesses seem to be enthusiastic about us promoting their services.

- **Complaints-**

These are usually received by way of verbal feedback, with the occasional Council Action Request form, letter or email received. The most common over the month of April were:

- Lack of attractions and businesses available Monday and Tuesday
- Lack of places to eat of Monday and Tuesday nights
- Lack of places to get lunch after 2pm

**Background:**

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

**Consultation:**

Shire of York and local business proprietors

**Statutory Environment:**

Nil

**Policy Implications:**

Not Applicable

**Financial Implications:**

Nil

**Strategic Implications:**

Not Applicable

**Voting Requirements:**

**Absolute Majority Required:** No

**Site Inspection:**

**Site Inspection Undertaken:** Not applicable

**Triple bottom Line Assessment:**

**Economic Implications:**

Nil

**Social Implications:**

Nil

**Environmental Implications:**

Nil

**Comment:**

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

**RESOLUTION**

**090612**

**Moved: Cr Smythe**

**Seconded: Cr Boyle**

***“That Council:***

***Receive the May report prepared by York Information Services”.***

***CARRIED: 6/0***

### **Item 9.2.3 Appendices**





**9. OFFICER'S REPORTS**  
**9.2 ADMINISTRATION REPORTS**  
**9.2.4 Use of Residency Museum Photographs**

|                                |   |
|--------------------------------|---|
| <b>FILE NO:</b>                | <b>CCP.11</b>   |
| <b>COUNCIL DATE:</b>           | <b>11 June, 2012</b>                                    |
| <b>REPORT DATE:</b>            | <b>5 June 2011</b>                                      |
| <b>LOCATION/ADDRESS:</b>       | <b>N/A</b>  |
| <b>APPLICANT:</b>              | <b>J James</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>Correspondence 3<sup>rd</sup> June, 2012 J James</b> |
| <b>DOCUMENTS TABLED:</b>       | <b>Nil</b>  |

**Summary:**

Ms James has requested access to and use of 500 photographs held by the Residency Museum for her new book on the history of burials/graves in the Avon area.

The Shire of York has been requested to provide the photographs free of cost or that the Shire of York meet the cost of charges for copying the photographs.

**Background:**

The application was referred to the Museum Curator who thoroughly researched the procedures and costs for the use of historical records held by the museum.

The Australian Libraries Copyright Committee recommends the use of low resolution thumbnails for historic images for which copyright is not held and watermarking for those with copyright e.g. photos of museum objects as possible options for mass publication use. [often used for websites]

When images are supplied to the public, reasonable cost recovery fees are generally charged by institutions in order to offset the expenses involved in conservation and care of photographic collections. Most photographs taken before 1955 are considered 'in the public domain'. Once published, they are available to all and sundry and subsequent cost recovery fees are generally not able to be recouped

Authors/publishers will generally attribute the photograph to the source but are not compelled to do so.

If high resolution photographs are released without watermarking or some other control they can be sold or have use charge fees applied.

**Consultation:**

J James  
Crs Boyle, Scott  
Museum Curator

**Statutory Environment:**

Not applicable

**Policy Implications:**

Nil

**Financial Implications:**

Cost estimate of all costs associated with Jan James photographic request including standard charges, research time, copying etc.

- SLWA currently charges \$25 per image for tiff @300ppi [original under A3 size] publication quality. This charge is that which the Museum Committee have recommended the Shire adopt in the 2012/13 Fees and Charges review. It is regarded as a reasonable cost recovery fee for offsetting the expenses involved in conservation of the photographs, preservation to archival standards, maintenance of a database to archival standards by professional curatorial staff and volunteers [in grant applications volunteer time for such work is costed at a theoretical \$25 per hour].
- 500 images would therefore cost \$12,500 if supplied as reproduction quality.
- Research time is \$25 per half hour or part thereof as per Shire of York standard fees and charges 2011/12, which will remain unchanged.

I estimate approximately 41 hours research time to undertake all processes to point of delivery, [5 mins per record] say \$2050

Jan James has requested 500 photographs. The process of supply will involve:

- Search MOSAIC by Person/with copyright, make list, disregarding all post 1946. [The database is not yet sophisticated enough to automatically cut out dates, so this has to be done by visual checks]
- Transfer each photograph to disc [s] or memory stick say \$10-20 for a memory stick
- Print out written MOSAIC record for associated information for each photograph [.60cents per page as per Shire of York standard fees and charges 2011/12, x 500] \$300

Total \$14,860 – the theoretical contribution to her book if normal cost recovery fees were waived [ie loss of income to the Shire].

If, however, the Council pass the recommendation in the Fees and Charges review that all image requests from the public may be fulfilled by supply of low resolution/watermarked images free of charge, the only theoretical costs would be the administrative costs of \$2360.

**Strategic Implications:**

Nil

**Voting Requirements:**

**Absolute Majority Required:** Yes

**Site Inspection:**

**Site Inspection Undertaken:** Not applicable

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

Not associated with this report.

**Social Implications:**

A history of burials in the Avon Region with associated photographs may be of social and historical benefit to the community.

**Environmental Implications:**

Nil associated with this report.

**Comment:**

Council has adopted fees and charges for access to information held by the Residency Museum which need to be upheld. Additionally there are copyright procedures and processes which need to be addressed.

**RESOLUTION  
100612****Moved: Cr Smythe****Seconded: Cr Hooper*****“That Council:******Advise J James that the Shire of York will contribute up to \$2,500 to the York Residency Museum costs for producing low resolution watermarked images for her publication.”******CARRIED: 6/0***



#### **Item 9.2.4 Appendices**



**9. OFFICER'S REPORTS**  
**9.2 ADMINISTRATION REPORTS**  
**9.2.5 Operation And Maintenance Of Solid Waste Transfer Station**

**FILE NO:** CCP.23  
**COUNCIL DATE:** 11 June 2012  
**REPORT DATE:** 5 June 2012  
**LOCATION/ADDRESS:** Lot 606 Spencers Brook Road  
**APPLICANT:** Avon Waste  
**SENIOR OFFICER:** Ray Hooper CEO  
**REPORTING OFFICER:** Gordon Tester MHB  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** Copy of letter from Avon Waste  
**DOCUMENTS TABLED:** Nil

**Summary:**

Council is presented with this report to confirm Councils previous resolution held on 17 September 2007, authorising the Chief Executive to negotiate a further 5 year option for the operation and maintenance of the Shire of York Solid Waste Transfer Station by Avon Waste as the current tenure expires on 17 September 2012.

**Background:**

At Councils Ordinary meeting held on 17 September 2007, Council resolved as follows:

*That Council :*

- 1. accept the tender submitted by Avon Waste for the operation and maintenance of the Shire of York Solid Waste Transfer Station (RFT 01-0708), subject to Avon Waste removing item 2 in the pricing schedule detailing operation of the green waste area including mulching; and*
- 2. authorise the Chief Executive Officer to negotiate a contract for 5 years plus a 5 year option for the operation and maintenance of the Shire of York Solid Waste Transfer Station with Avon Waste based on the submitted tender.*

On 17 May 2012 , Council received correspondence from Mr Ashley Fisher ( Director of Avon Waste) formally requesting that Council extend the contract for a further 5 years from 17 September 2012, with rates remaining at the current prices , subject to CPI adjustments at the commencement of each year.

**Consultation:**

Nil

**Statutory Environment:**

The Shire of York Waste Transfer Station is operated subject to an annual license being issued to the Shire of York by the Department of Conservation and the Environment .

The Local Government (Functions and General) Regulations refer to Tenders.

**Policy Implications:**

The Councils local purchasing policy applies to this contract.

**Financial Implications:**

The cost of operating the transfer station for the 2011 / 2012 financial year is \$93,365 plus \$8,812.20 for managing green waste.

CPI increase is expected to be approximately 1.9% with a possibility of being up to 5% if there is carbon tax implications involved.

**Strategic Implications:**

Nil

**Voting Requirements:**

**Absolute Majority Required:** No

**Site Inspection:**

**Site Inspection Undertaken:** Not applicable

**Triple bottom Line Assessment:**

**Economic Implications:**

The current charges are considered to be reasonable for the service offered.

**Social Implications:**

Avon Waste are a locally based company which provide employment opportunities for local people.

**Environmental Implications:**

Careful efficient management of community waste protects the environment.

**Officers Comment:**

Avon Waste have been successfully operating the Shire of York Waste Transfer Station for the last 14 years with very few complaints being received regarding this service.

It is recommended that Council confirm part 2 of their resolution number 150907 and extend the existing contract for a further 5 years commencing from 17 September 2012 .

**RESOLUTION**

**110612**

**Moved: Cr Duperouzel**

**Seconded: Cr Scott**

***"That Council:***

***That Council approve the extension of the contract for the operation and maintenance of the Shire of York Solid Waste Transfer Station to Avon Waste for a further period of 5 years commencing from 17 September 2012."***

***CARRIED: 6/0***



## **Item 9.2.5 Appendices**



### **9.3 Works Reports**



## **9.4 Financial Reports**



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

### **9.4 FINANCE REPORTS**

#### **9.4.1 Monthly Financial Reports – May 2012**

|                                |  |
|--------------------------------|--|
| <b>FILE NO:</b>                | <b>FI.FRP</b>                                  |
| <b>COUNCIL DATE:</b>           | <b>11 June 2012</b>                            |
| <b>REPORT DATE:</b>            | <b>5 June 2012</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>Nil</b>                                     |

#### **Summary:**

The Financial Report for the period ending 31 May 2012 is hereby presented for the consideration of the Council.

Appendix A includes the following:

- Monthly Statements for the period ended 31 May 2012
- 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 31 May 2012;

|   |                     |
|---|---------------------|
| Sundry Creditors as per General Ledger                            | <b>\$213,320.03</b> |
| Sundry Debtors as per General Ledger                              | <b>\$554,197.24</b> |
| Unpaid rates and services current year (paid in advance inc. ESL) | <b>\$401,943.48</b> |
| Unpaid rates and services previous years (inc. ESL)               | <b>\$362,819.53</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****120612****Moved: Cr Hooper****Seconded: Cr Scott*****“That Council:***

***Receive the Monthly Financial Report for May and ratify payments drawn from the Municipal and Trust accounts for the period ending 31 May 2012:***

|   | <b><u>VOUCHER</u></b>       | <b><u>AMOUNT</u></b>                 |
|---|-----------------------------|--------------------------------------|
| <b><i>MUNICIPAL FUND</i></b>            |                             |                                      |
| <b><i>Cheque Payments</i></b>           | <b><i>30107 - 30147</i></b> | <b><i>\$ 63,051.53</i></b>           |
| <b><i>Electronic Funds Payments</i></b> | <b><i>9364 - 9459</i></b>   | <b><i>\$ 607,483.14</i></b>          |
| <b><i>Direct Debits Payroll</i></b>     |                             | <b><i>\$ 223,711.37</i></b>          |
| <b><i>Bank Fees</i></b>                 |                             | <b><i>\$ 721.64</i></b>              |
| <b><i>Corporate Cards</i></b>           |                             | <b><i>\$ 443.21</i></b>              |
| <b><i>Shell Cards</i></b>               |                             | <b><i>\$ 110.95</i></b>              |
| <b><i>TOTAL</i></b>                     |                             | <b><i><u>\$ 895,521.84</u></i></b>   |
| <b><i>TRUST FUND</i></b>                |                             |                                      |
| <b><i>Cheque Payments</i></b>           | <b><i>3990 - 3998</i></b>   | <b><i>\$ 5,740.58</i></b>            |
| <b><i>Direct Debits Licensing</i></b>   |                             | <b><i>\$ 111,894.45</i></b>          |
| <b><i>TOTAL</i></b>                     |                             | <b><i><u>\$ 117,635.03</u></i></b>   |
| <b><i>TOTAL DISBURSEMENTS</i></b>       |                             | <b><i><u>\$1,013,156.87”</u></i></b> |

***CARRIED: 6/0*****Note to this item**

The Chief Executive Officer has delegated authority under Delegation DE1 (Council Meeting 19 September 2011) to make payments from the Municipal and Trust accounts.



#### **Item 9.4.1 Appendices**



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

### **9.4 FINANCE REPORTS**

#### **9.4.2 Non-Rates Debtor Write Off – Various**

|                                |  |
|--------------------------------|--|
| <b>FILE NO:</b>                | <b>FI.DRS</b>                          |
| <b>COUNCIL DATE:</b>           | <b>11 June 2012</b>                    |
| <b>REPORT DATE:</b>            | <b>29 May 2012</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>Matthew Davies, Finance Officer</b> |
| <b>DISCLOSURE OF INTEREST:</b> | <b>Nil</b>                             |
| <b>APPENDICES:</b>             | <b>Nil</b>                             |
| <b>DOCUMENTS TABLED:</b>       | <b>Nil</b>                             |

#### **Summary:**

A review of Council's sundry debtor's revealed outstanding debts relating to standpipe water and private works. Debtors were sent overdue notices and letters requesting the prompt payment of these items.

Council proceeded with debt collection through Austral Mercantile and this action proved unsuccessful. It would be uneconomical to pursue this matter further through debt collection than to write off the charges.

A resolution of Council is required in order to write off the combined balances owing, being \$1,120.24 in order to satisfy the requirements of the Local Government Act 1995 (as amended).

#### **Background:**

Following up of these debts has consumed many hours of Council officers' time, although to no advantage. Accordingly, Council deems it necessary to write these debts off as all attempts to recover these debts have been made and failed. These attempts have included reminders, phone calls and letters from Council's debt collector.

#### **Consultation:**

Austral Mercantile  
Council's Officers

#### **Statutory Environment:**

Local Government Act, 1995 (as amended) – Section 6.12 Power to Write off Debts.

#### **Policy Implications:**

Not Applicable.

#### **Financial Implications:**

Given the amount of \$1,120.24 that is requested to be written off, there will be no material impact on Council's financial position.

#### **Strategic Implications:**

Nil

#### **Voting Requirements:**

**Absolute Majority Required:** Yes

#### **Site Inspection:**

**Site Inspection Undertaken:** Not Applicable

**Triple Bottom Line Assessment:****Economic Implications:**

Council must be seen to be pro-active in debt recovery action as the ultimate burden rests with the ratepayers.

**Social Implications:**

Nil

**Environmental Implications:**

Nil

**Comment:**

Debtor 624 is for the cleanup of a fire at 56 North Road. Advice was received that this debt can not be placed on the property assessment for recovery in the event that the property is sold. The debt is in the name of a company.

Debtor 605 is for water usage and the company has gone into receivership.

Write off is therefore recommended due to the above information provided.

**RESOLUTION****130612****Moved: Cr Smythe****Seconded: Cr Duperouzel**

***“That Council, by an absolute majority, resolve to write off \$1,120.24 from the debts as per the following:***

***Debtor: 624  
Invoice Date: 8 September 2009  
Description: Bulldozer hire  
Value: \$528.00***

***Debtor: 605  
Invoice Date: 3 May 2011  
Description: Standpipe water usage Jul - Dec 10  
Value: \$592.24”***

**CARRIED: 6/0**

9. OFFICER'S REPORTS  
9.4 FINANCE REPORTS  
9.4.3 Agreement - Doctors

FILE NO: CS.CCS.7  
COUNCIL DATE: 11 June 2012  
REPORT DATE: 3 June 2012  
LOCATION/ADDRESS: N/A  
APPLICANT: Independent Practitioner Network Pty Ltd  
SENIOR OFFICER: R Hooper, CEO  
REPORTING OFFICER: T Cochrane, DCEO  
DISCLOSURE OF INTEREST: Nil  
APPENDICES: Nil  
DOCUMENTS TABLED: Current Agreement

**Summary:**

Council need to re-negotiate and renew the current agreement with Independent Practitioner Network Pty Limited (IPN) and formally resolve tenant responsibilities in Shire provided houses.

**Background:**

The Council, at its special Council meeting held on 12 April 2001, resolved to:

**"1. THAT COUNCIL, BY AN ABSOLUTE MAJORITY, RESOLVE TO:**

**1.1 APPROVE TO OFFER THE FOLLOWING REMUNERATION PACKAGE TO ASSIST IN ATTRACTING MEDICAL PRACTITIONERS TO PROVIDE MEDICAL SERVICES TO YORK, COMMENCING 1 JULY 2001:**

**A. MOTOR VEHICLES**

**THAT THE COUNCIL SUPPLY UP TO TWO (2) FULLY MAINTAINED VEHICLES AT A STATION WAGON STANDARD OR CASH IN LIEU UP TO \$6,000 PER ANNUM PER VEHICLE (PAYABLE ON A MONTHLY IN ARREARS BASIS), WITH NO MORE THAN ONE VEHICLE TO BE SUPPLIED TO ANY ONE DOCTOR, AND ALL OTHER COSTS INCLUDING FUEL WILL BE THE RESPONSIBILITY OF THE MEDICAL PRACTITIONERS.**

**B. HOUSING**

**THAT THE COUNCIL MAKE AVAILABLE TWO (2) DWELLINGS OR CASH IN LIEU UP TO \$5,200 PER ANNUM PER DWELLING (PAYABLE ON A MONTHLY IN ARREARS BASIS). THE COUNCIL SHALL BE RESPONSIBLE FOR INSURANCE OF THE DWELLINGS AND CONTENTS SUPPLIED BY THE COUNCIL. THE MEDICAL PRACTITIONERS SHALL BE RESPONSIBLE FOR ALL OUTGOINGS INCLUDING WATER, ELECTRICITY, TELEPHONE ETC. REPAIRS TO THE DWELLING SHALL ONLY BE UNDERTAKEN WITH THE APPROVAL OF THE COUNCIL.**

**C. RE-LOCATION/FURNITURE**

**THAT THE COUNCIL CONSIDER THE PROVISION OF FURNISHING FOR THE COUNCIL PROVIDED DWELLINGS, OR RELOCATION ASSISTANCE TO ATTRACT A MEDICAL PRACTITIONER WHO HAS HIS/HER OWN FURNITURE, ON A CASE BY CASE BASIS WHEN THE APPOINTMENT OF SPECIFIC MEDICAL PRACTITIONERS HAS BEEN RESOLVED;**

**AND**

- 1.2 MAKE BUDGET ALLOCATIONS IN THE 2001/2002 ANNUAL BUDGET FOR THE EXPENSES RELATING TO THE PACKAGE APPROVED IN ITEM 1, INCLUDING AN ALLOWANCE OF \$12,000 FOR MOTOR VEHICLES, \$10,400 FOR HOUSING ASSISTANCE (EQUIVALENT TO \$100 PER HOUSE PER WEEK), AND UP TO \$25,000 FOR FURNITURE OR RELOCATION ASSISTANCE (TO BE A ONCE ONLY EXPENSE).**
- 2. THAT THE COUNCIL:**
  - 2.1 INVITE RIVER MEDICAL SERVICES (RMS) TO PROVIDE MEDICAL SERVICES TO THE YORK COMMUNITY, EFFECTIVE FROM 1 JULY 2001, SUBJECT TO:**
    - \* APPROVAL OF CLINICAL PRIVILEGES FROM THE AVON HEALTH SERVICES (AHS) CLINICAL PRIVILEGES ADVISORY COMMITTEE;**
    - \* RMS ENTERING A MEDICAL SERVICES AGREEMENT (MSA) WITH THE AHS BOARD.**
  - 2.2 SUBJECT TO THE ATTAINMENT OF THE CONDITION OUTLINED IN POINT 1, THE CHIEF EXECUTIVE OFFICER TO ENTER INTO A FIVE (5) YEAR AGREEMENT (EFFECTIVE FROM 1 JULY 2001) WITH RMS TO PROVIDE MEDICAL SERVICES TO THE YORK COMMUNITY.**
    - 2.2.1 THE REMUNERATION PACKAGE TO COMPRISE:**
      - \* MOTOR VEHICLE**
      - \* HOUSING**
      - \* FURNITURE AND**
    - 2.2.2 IN EXCHANGE FOR THE PACKAGE, RMS TO PROVIDE SERVICE LEVELS TO INCLUDE:**
      - \* 24 HOUR ON-CALL TO THE YORK HOSPITAL**
      - \* MINIMUM OF TEN HALF DAY CONSULTING SESSIONS IN ANY ONE WEEK WITH AN ANNUAL AVERAGE OF AT LEAST SIXTEEN (16) SESSIONS PER WEEK."**

Council at its Ordinary Council meeting held on the 19 April 2004 resolved as follows:

***“THAT:***

1. ***THE COUNCIL AUTHORISE THE SHIRE PRESIDENT AND CHIEF EXECUTIVE OFFICER TO AFFIX THE COUNCIL’S SEAL AND SIGN A NEW AGREEMENT WITH SILVERSPoon HOLDINGS PTY LTD, TRADING AS RIVER MEDICAL SERVICES. USING APPENDIX “C” AS THE BASE UNDERSTANDING OF THE AGREEMENT SUBJECT TO THE FOLLOWING CHANGES:***
1. ***TERM FOR AN INITIAL TERM OF FIVE (5) YEARS WITH AN OPTION OF A FURTHER FIVE (5) YEARS, SUBJECT TO PERFORMANCE;***
2. ***TERMINATE THE CURRENT AGREEMENT EXPIRING ON 30 JUNE 2006 ON THE SIGNING OF THE NEW AGREEMENT;***
3. ***AT THE COMPLETION OF THE INITIAL FIVE (5) YEAR TERM THE COUNCIL AND RIVER MEDICAL SERVICES AGREE TO REVIEW THE LEVEL OF SUPPORT PROVIDED BY THE COUNCIL, WITH A VIEW OF REDUCING THE LEVEL OF SUPPORT AS THE BUSINESS GROWS;***
4. ***THE DRAWING UP OF THE NEW AGREEMENT TO BE AT NO COST TO THE COUNCIL.***
5. ***ADD TO SCHEDULE 1 THAT ALL COSTS ASSOCIATED WITH CLAIMS (i.e. DAMAGE TO VEHICLES AND EXCESS FURNITURE CAUSED BY THE DOCTORS) BE BORNE BY RIVER MEDICAL SERVICES.”***

An agreement to support medical services in York by the provision of two (2) residences and two (2) vehicles was entered into on the 21 March 2005 and this agreement expired on the 30 June 2011.

Gemini Medical Services provided further advice July 2009 stating that in order to increase the level of coverage to three full time doctors including 24 hours on call plus an additional 0.5 doctor further funding was required by way of housing and vehicle this could be done by a cash in lieu payment.

In simple terms, the agreement was provided to ensure medical services, including 24 hour on call service to the York Hospital were to stay in place.

Currently Council provides two (2) fully furnished houses and 1 vehicle and two cash in lieu payments for 2 vehicles.

**Consultation:**

York Medical Centre;  
Councillors; and  
Independent Practitioners Network Pty Limited.

**Statutory Environment:**

The renewal of the agreement would fall within the scope of Section 3.1 of the Local Government Act 1995:

***“The general function of a local government is to provide for the good government of persons in its district.”***

The provision of essential services.

**Policy Implications:**

Not applicable.

**Financial Implications:**

GL 79158 – Medical Practitioner Vehicle Expenses

2010/11

\$13,346.20

2011/12 to 31/5/12

\$8,840.69

GL 79160 - Housing

2010/11

\$2,923.92

2011/12 to 31/5/12

\$12,710.56

GL 79161- Housing

2010/11

\$4,475.31

2011/12 to 31/5/12

\$3,020.12

GL 79301 - Capital

2010/11

\$24,869.60

2011/12 to 31/5/12

\$3000.00

The following is proposed:

- 2 Vehicles \$500 per month each payment \$12,000.00
- Loss of Rental income 2 houses \$15,600.00

Through a review of the upgrade works Council is not considering building a further residence, which was proposed to fund through a loan of \$350,000 over 10 years and will cost approximately \$49,252.76 per year.

Rental income 2 houses – subsidised \$150 per week \$15,600.00

**Strategic Implications:**

*Key Result Area 7: Community Services*

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.*

**Voting Requirements:**

**Absolute Majority Required: YES**

**Site Inspection:**

**Site Inspection Undertaken: Not applicable**

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

Additional doctors at the York Medical Centre will increase the viability of the practice and assist local businesses by making York a place of choice to live.

Financial viability has not been disclosed, however in all Council dealings it was Council's intent to reduce the level of support when the medical business could support themselves.



**Social Implications:**

The community benefits from having more doctors in town to meet the health needs of York.

In the current climate, where some towns are struggling for medical services, the level of service provided serves the community well and makes the York community an attractive one for people looking at settling in York.

It would appear from recent discussions and advice that York doctors assist in other towns and that a guarantee for 24 hour on call availability to the York District Hospital could not be provided, as these arrangements are now made through the doctors and Western Australian Country Health Service.

**Environmental Implications:**

Not applicable.

**Comment:**

Independent Practitioner Network Pty Ltd requests continued commitment from Council to support the attraction and retention of doctors in York.

**RESOLUTION****140612****Moved: Cr Hooper****Seconded: Cr Lawrance*****“That Council:***

- 1. enter into a new agreement with Independent Practitioner Network Pty Limited for an initial term of five years;***
- 2. provide a cash contribution of up to \$1,000 per month to Independent Practitioner Network Pty Limited for the provision of two vehicles;***
- 3. provide for two Council houses at a subsidised rent and enter into a tenancy agreement with the Doctors residing at 24 Ford Street and 2 Dinsdale Street at a cost of \$150.00 per week for each dwelling;***
- 4. advise Independent Practitioner Network Pty Limited that a new agreement be drawn up at no cost to the Council;***
- 5. authorise the furniture from 24 Ford Street and 2 Dinsdale Street to be written off the Assets Register and furniture and fittings to be the responsibility of Independent Practitioner Network Pty Limited to negotiate with current and future doctors.”***

***Advice Note:***

***Council reserves the right to review the agreement entered into with Independent Practitioner Network Pty Limited (IPN) subject to the Southern Inland Health Initiative (SIHI) arrangements being developed by the State Government.***

***CARRIED: 6/0***

*The Officer Recommendation was varied by the inclusion of an Advice Note.*



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

### **9.4 FINANCE REPORTS**

#### **9.4.4 Imposition of Fees and Charges – Inclusive of Rubbish Removal – Annual Budget 2012/13**

|                                |                         |
|--------------------------------|-------------------------|
| <b>FILE NO:</b>                | <b>FI.BUD12/13</b>      |
| <b>COUNCIL DATE:</b>           | <b>11 June 2012</b>     |
| <b>REPORT DATE:</b>            | <b>31 May 2012</b>      |
| <b>LOCATION/ADDRESS:</b>       | <b>N/A</b>              |
| <b>APPLICANT:</b>              | <b>Shire of York</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>Nil</b>              |
| <b>APPENDICES:</b>             | <b>Nil</b>              |
| <b>DOCUMENTS TABLED:</b>       | <b>Fees and Charges</b> |

#### **Summary:**

The purpose of this report is for Council to consider the Schedule of Fees and Charges for the 2012/2013 financial year, inclusive of the Rubbish Removal Charge.

#### **Background:**

A review of the 2011/12 charges have occurred.

#### **Consultation:**

Avon Waste Contractors.  
Councillors.  
Staff.

#### **Statutory Environment:**

Pursuant to Section 6.16 of the Local Government Act 1995 and Financial Management Regulation 25, a Local Government may impose and recover a fee or a charge for any goods or services it provides or proposes to provide other than a service for which a service charge is imposed.

#### **Policy Implications:**

N/A

#### **Financial Implications:**

Notes to the Annual Budget No 16 - Fees and Charges Information will detail the total Revenue for fees and charges for each program as required by Financial Management Regulation 25.

#### **Strategic Implications:**

N/A

#### **Voting Requirements:**

|                                    |            |
|------------------------------------|------------|
| <b>Absolute Majority Required:</b> | <b>Yes</b> |
|------------------------------------|------------|

#### **Site Inspection:**

|                                    |                       |
|------------------------------------|-----------------------|
| <b>Site Inspection Undertaken:</b> | <b>Not applicable</b> |
|------------------------------------|-----------------------|

#### **Comment:**

That Council adopts the Fees and Charges as outlined in the Attachment Appendix A for the 2012/2013 financial year.

As part of the Annual Budget other areas such as rates will be adopted as part of the budget process.

**RESOLUTION  
150612**

**Moved: Cr Hooper**

**Seconded: Cr Scott**

***“That Council, by an absolute majority, pursuant to Section 6.16 of the Local Government Act 1995, resolves to adopt the:***

- 1. Fees and Charges detailed in the “Schedule of Fees and Charges”, as tabled; and***
- 2. Rubbish removal charges and waste management levy as detailed in the “Schedule of Fees and Charges”, as tabled.***

***Advice Note:***

***Council will advertise the Fees and Charges that will come into effect on the 1<sup>st</sup> July 2012. A copy will be provided at the administration office and on the Council’s website for a minimum of 7 days.***

**AMENDMENT**

**Moved: Cr Hooper**

**Seconded: Cr Smythe**

***That Council Amend the Officer Recommendation to read:***

***“That Council, by an absolute majority, pursuant to Section 6.16 of the Local Government Act 1995, resolves to adopt the:***

- 1. Fees and Charges detailed in the “Schedule of Fees and Charges”, as tabled; and***
- 2. Rubbish removal charges and waste management levy as detailed in the “Schedule of Fees and Charges”, as tabled.***

***Advice Note:***

- 1. Council will advertise the Fees and Charges that will come into effect on the 1<sup>st</sup> July 2012. A copy will be provided at the administration office and on the Council’s website for a minimum of 7 days.***
- 2. Add into Fees and Charges in accordance with State Library WA charges costs associated with the reproduction of photos.”***

***CARRIED: 6/0***

**RESOLUTION  
160612**

***The amendment became the motion.***

***CARRIED: 6/0***

*The Officer Recommendation was amended to include Advice Note 2.*

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

### **9.4 FINANCE REPORTS**

#### **9.4.5 Contribution Request – Detailed Road Costing Study Grain Freight Network Routes**

|                                |  |
|--------------------------------|--|
| <b>FILE NO:</b>                | <b>TR.RAI</b>  |
| <b>COUNCIL DATE:</b>           | <b>11 June 2012</b>  |
| <b>REPORT DATE:</b>            | <b>5 June 2012</b>   |
| <b>LOCATION/ADDRESS:</b>       | <b>Not Applicable</b>  |
| <b>APPLICANT:</b>              | <b>Max Trenorden MLC &amp; Phillip Gardiner MLC</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>Correspondence -<br/>M Trenorden MLC &amp; P Gardiner MLC</b> |
| <b>DOCUMENTS TABLED:</b>       | <b>Nil</b>   |

#### **Summary:**

Correspondence received from Philip Gardner MLC, and Max Trenorden MLC, both Members for the Agriculture Region, seeking Council consideration to help fund a detailed road costing study as an alternative to the Strategic Grain Network Report (SGNR) to confirm to Government that the SGNR is a flawed report.

This report recommends that Council considers the funding request as part of budget deliberations for the 2012/2013 financial year.

#### **Background:**

Council deferred at its Ordinary Council meeting held on the 21<sup>st</sup> May 2012.

Extract of the correspondence from Mr Gardner & Mr Trenorden follows:

*"The Meeting of the Railway Retention Alliance held at York on Friday 30/3/2012 discussed the need for an alternative report to the Strategic Grain Network Report (SGNR) to be prepared to confirm to Government that the SGNR is a flawed report. Although no formal motion was passed by the meeting there was general consensus that this was the necessary pathway forward.*

*Max Trenorden addressed the meeting and informed members that an indicative quote for the preparation of a road specific report for roads which would be affected by the closure of the Tier 3 Network had been obtained from Cardno Eppell Olsen ('Cardno'). Cardno had prepared the "Local Government Grain Freight Network Heavy Vehicle Strategic Pathway Mapping and Access Policy. June 2011" for WALGA. The indicative quote is \$250,000 inclusive of GST.*

*In a discussion with Bill Cowan subsequent to the meeting, Bill was comfortable for Max and I to co-ordinate preparation of the report.*

*We believe that a road specific report is necessary to demonstrate that the SGNR, which was a desktop analysis, is a flawed document. The decision by the Government to close the Tier 3 Network was based on the choice of expenditure between road or rail. The desktop analysis of expenditure required on the upgrade of roads which will be affected by the closure of the Tier 3 network is flawed. It will require a road specific report to prove the extent of the flaw. What is required is information which will provide the realistic best outcome for both rail and road, which is not contained within the SGNR.*

*We have already sourced an indicative \$50,000 towards the cost of the report and hope to access a further \$50,000. A \$5,000 contribution by each of the Shires within the Alliance will provide the balance. Cardno have informed us that the \$250,000 is at the top end of the price range. The terms of reference, roads to be covered and information which they already possess in compiling the WALGA Report may reduce the quote of \$250,000. Should this be the case a proportional rebate would be made to the Shires. However the standing of the report will be determined by the accuracy of the costing of upgrading of the roads. This in turn requires a road specific analysis.*

*The extension which the Government's 2011 small bridging facility, consistent with the SGNR recommendation to keep Tier 3 usable until roads were completed, provided Brookfield Rail to carry out sufficient repairs to allow use of Tier 3 until 31/10/2012. It is essential if a report is to be prepared prior to this deadline that it be completed by 30/9/2012 to allow the required time for deliberation of it's findings. We ask that the Shires consider this proposal as a matter of urgency.*

*On reaching a decision could you notify Brian Christie; email [brian.christie@mp.wa.gov.au](mailto:brian.christie@mp.wa.gov.au) or telephone 0416 275 888.*

*We would suggest the formation of a small working party."*

Brian Christie is the Research Officer to the Hon Phillip Gardiner MLC Member for the Agriculture Region and has followed up with Local Governments to coincide with their May round of Ordinary Meetings and to coincide with Budgets being prepared.

It is problematical as to the amount requested should be the full contribution amount in regards to the detailed road cost study to prove that local government is receiving inadequate funding for the Grain Freight Network. In summary, the Government has "capped" its allocation of Grain Freight Route Funding as one dollar over this amount will tip back the economic argument that Rail will be cheaper to invest in ie \$120m vs a potential \$250m for the road upgrades. At the moment the State Government has allocated \$118.9m (or \$105m whichever is the actual figure for dedicated grain freight roads).

Cr Stephen Strange Bruce Rock Shire President and Cr Sam Wainwright City of Fremantle have recently and successfully been nominated to serve on the Local Government Grain Infrastructure Group (coordinated by WALGA)

The Wheatbelt Railway Retention Alliance (WRRRA) has now twenty five (25) Local Government Members with the Shires of Dalwallinu and Gnowangerup showing increased support to the Alliance in recent times.

This is a very important matter for Council to consider, the impact on rural roads should the Tier 3 Railway Lines be closed, from both a construction and maintenance perspective, will be extremely costly and time consuming, not to mention the road safety impact it will also have on local traffic, both rural and urban, the Cunderdin District High School, and the Cunderdin District Hospital.

The unfortunate scenario is that the amount of funding that is being allocated to all of the reports/studies being done could have been directly allocated to the railway lines and/or roads and had a substantial effect on the quality of the services being provided.

In addition to the above comment, the Wheatbelt Councils, Wheatbelt Railway Retention Alliance, and some Government representation have spent considerable time and resources in an attempt to keep the Tier 3 Railways Lines open. It is difficult to recommend that Council allocate additional resources and funding to the preparation of another report/study without any guarantees or commitment from Cooperative Bulk Handling or Government that should the railway lines remain open grain will be carted by rail and not on road.

**Consultation:**

Political Representatives  
Brian Christie  
Wheatbelt Railway Retention Alliance

**Statutory Environment:**

**Local Government Act 1995 (as amended)**

**Section 2.7. The role of the council**

- (1) The council —
  - (a) directs and controls the local government's affairs; and
  - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to —
  - (a) oversee the allocation of the local government's finances and resources; and
  - (b) determine the local government's policies.

**Section 3.1. General function**

- (1) The general function of a local government is to provide for the good government of persons in its district.
- (2) The scope of the general function of a local government is to be construed in the context of its other functions under this Act or any other written law and any constraints imposed by this Act or any other written law on the performance of its functions.

**Policy Implications:**

Nil

**Financial Implications:**

2012/2013 Budget Document

– general operating expense; Donations and Contributions

- **Local Government Act 1995 (as amended)**

**Section 6.2. Local government to prepare annual budget**

- (1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt\*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

\* *Absolute majority required.*

**Strategic Implications:**

**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.

**Voting Requirements:**  
**Absolute Majority Required:** Yes

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

**Triple bottom Line Assessment:**

**Economic Implications:**

Transport costs and networks are vital for rural production and they will rapidly increase in importance as the projected transport requirements come into play over the next 5-10 years.

**Social Implications:**

The community expects and requires a safe and effective transport system and the current government process of diverting grain freight from rail to road may have severe community wellbeing impacts.

**Environmental Implications:**

Nil at this stage.

**Comment:**

The issue of grain freight on roads is of great importance to York as while there is only one section of rail under threat, being the York-Quairading railway, it is certain that grain from the east and south east will be directed to or through York.

Issues such as the Greenhills Road and bin, the Knotts Road access to the CBH facility, the need for a southern bypass, planned storage expansion and the effect on Blandstown need to be considered.

In the initial roads need study the Shire of York made submissions for a number of road upgrades and in particular Greenhills and Knotts Roads however these were ignored in the funding arrangements committed to by the Government.

A more realistic study and quantitative analysis may be of high overall benefit and in particular for York.

25 Councils were requested to put in for the further study, at the time of writing the report 4 had responded. 2 pledged support, 1 a reduced amount and one could not do anything but will revisit.

The group is trying all other funding avenues and advised that funds under the \$250,000 will be returned to Council on a proportion basis.



**RESOLUTION  
170612**

**Moved: Cr Smythe**

**Seconded: Cr Boyle**

***“That Council:***

- 1. Agree that a revised transport study is required to assess the long term suitability and sustainability of the current road/rail funding programme.***
- 2. Approve a maximum amount of \$5,000 being included in the 2012/13 budget as a contribution to a detailed Road Cost Study associated with the grain freight task.”***

**AMENDMENT**

**Moved: Cr Hooper**

**Seconded: Cr Smythe**

***That Council Amend the Officer Recommendation to read:***

***“That Council:***

***Subject to Government and other funding and 75% of Road/Rail Alliance members making a financial contribution:***

- 1. Agree that a revised transport study is required to assess the long term suitability and sustainability of the current road/rail funding programme.***
- 2. Approve a maximum amount of \$5,000 being included in the 2012/13 budget as a contribution to a detailed Road Cost Study associated with the grain freight task.”***

***CARRIED: 5/1***

**RESOLUTION  
180612**

***The amendment became the motion.***

***CARRIED: 5/1***



#### **Item 9.4.5 Appendices**



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

### **9.4 FINANCE REPORTS**

#### **9.4.6 Budget Variation – Forrest Oval Drainage**

|                                |                      |
|--------------------------------|----------------------|
| <b>FILE NO:</b>                | <b>CCP.7</b>         |
| <b>COUNCIL DATE:</b>           | <b>21 May 2012</b>   |
| <b>REPORT DATE:</b>            | <b>2 May 2012</b>    |
| <b>LOCATION/ADDRESS:</b>       | <b>Forrest Oval</b>  |
| <b>APPLICANT:</b>              | <b>N/A</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>Nil</b>           |
| <b>DOCUMENTS TABLED:</b>       | <b>Nil</b>           |

#### **Summary:**

Proposal to re-allocate budget funds of \$80,000 from Municipal Road Construction Projects – 124402 to Forrest Oval drainage.

#### **Background:**

Council allocated \$80,000 in the 2011/12 budget for street upgrading, including drainage, however there is a need to upgrade drainage associated with the oval, tennis courts, bowling greens, existing buildings and the future carpark at Forrest Oval which takes precedence over the street works at this stage.

Council considered a report at its Ordinary Council meeting held on the 21<sup>st</sup> May 2012 at which time the report was deferred, as there was a concern that the money was coming from money that was to be used for the Streetscape.

#### **Consultation:**

Council  
Consultants  
Contractors

#### **Statutory Environment:**

Local Government Act 1995  
Local Government (Financial Management) Regulations.

#### **Policy Implications:**

Nil

#### **Financial Implications:**

Nil in the overall budget as the proposal is for a re-allocation and not new funding.

#### **Strategic Implications:**

Nil

#### **Voting Requirements:**

**Absolute Majority Required:** Yes

#### **Site Inspection:**

**Site Inspection Undertaken:** Yes - Various

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

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

Nil

**Social Implications:**

Development of the co-located recreation facilities is of benefit to the community.

**Environmental Implications:**

Water flow will be controlled as an environmental benefit.

**Officers Comment:**

The linked and correctly sized drainage system will replace a disjointed unconnected system and provide capacity for future connections.

The funds are to be used from surplus funds due to works not being completed in the 2011/12 financial year.

**RESOLUTION****190612****Moved: Cr Hooper****Seconded: Cr Lawrance*****“That Council:******Endorse the re-allocation of \$80,000 in the 2011/12 budget funds from Municipal Road Construction Projects – to Forrest Oval Drainage.”******CARRIED: 5/1***

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

### **9.4 FINANCE REPORTS**

#### **9.4.7 Investment Policy**

|                                |                               |
|--------------------------------|-------------------------------|
| <b>FILE:</b>                   | <b>FI.FRP.PPO</b>             |
| <b>COUNCIL DATE:</b>           | <b>11 June 2012</b>           |
| <b>REPORT DATE:</b>            | <b>6 June 2012</b>            |
| <b>LOCATION/ADDRESS:</b>       | <b>N/A</b>                    |
| <b>APPLICANT:</b>              | <b>Shire of York</b>          |
| <b>SENIOR OFFICER:</b>         | <b>Ray Hooper CEO</b>         |
| <b>REPORTING OFFICER:</b>      | <b>Tyhscha Cochrane, DCEO</b> |
| <b>DISCLOSURE OF INTEREST:</b> | <b>Nil</b>                    |
| <b>APPENDICES:</b>             | <b>Nil</b>                    |
| <b>DOCUMENTS TABLED:</b>       | <b>Investment Policy</b>      |

#### **Summary:**

That Council make no changes to the adopted Investment Funds Policy at this time with a view to completing a financial management review in the 2012/13 financial year including all policies and delegations in accordance with the Local Government (Financial Management) Regulations 1996.

#### **Background:**

Council adopted the Investment Policy at its Ordinary Council meeting held on the 15<sup>th</sup> February 2010.

Council's Auditors questioned Council's Investment Policy on the 19<sup>th</sup> May 2010 – in particular the maximum limit and length of investments. In regards to the investment of funds the following was recommended by Macri Partners:

*"Even though your current policy states you can have a maximum of 100% in a AAA institution it doesn't state anything in regards to maximum direct investment, basically meaning what's the maximum the Shire can place with one bank. I have attached the WA Local Government's Investment Guidelines and you will see on pg15 that the suggested maximum is 45%. This is a good policy to have as it diversifies your portfolio and reduces your risk." Please note that the Investment Guidelines are tabled.*

Interim Audit – findings:

#### **INVESTMENT OF FUNDS**

*We conducted a review of the investment of funds by the Shire of York at the time of our audit visit.*

*An investment policy exists, which provides general guidelines as to the levels of risk and exposure for the various types of investments that can be placed. Our review of the Council's policy indicates that the policy has been prepared to ensure that all investments are made in accordance with:*

- *Local Government Act 1995 - Section 6.14;*
- *The Trustees Act 1962 – Part III Investments;*
- *Local Government (Financial Management) Regulations 1996 – Regulation 19, 28 and 49*
- *Australian Accounting Standards.*

*The Council manages its own investments. All investments placed appear to be appropriately documented, authorised and correctly recorded in the Council's Investment Register.*

*The following matter was noted and is brought to your attention.*

*The current investment policy of the Council is silent on the maximum surplus funds it can invest with any one institution at a time.*

*The Council may wish to consider adopting the Department of Local Government Investment Guidelines limit of 45% as the maximum level of funds that can be invested with any one financial institution at a time. This will ensure a diversified portfolio and spread the risk cross a number of financial institutions.*

**Management Comments:**

***Note audit comments. Management will address this issue and if required changes to the present policy will be presented to the Council for approval.”***

The investment guidelines were under scrutiny by the Minister for Local Government and Council held off reviewing the policy, however held meetings with various representatives regarding the policy and Council's Audit Committee.

On the 7<sup>th</sup> December 2011 Bendigo Bank officers advised that the credit rating upgrade by Standard & Poors to A - from BBB + with long term credit rating. This does not really concern Council, as it does not utilise long term investments (over 12 months).

**Consultation:**

Macri Partners – Auditors  
Audit Committee  
Council

**Statutory Environment:**

Local Government (Financial Management) Regulations 1996.

5 (2) The CEO is to —

- (c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews.

**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:**

Not Applicable

**Social Implications:**

Not Applicable

**Environmental Implications:**

Not Applicable

**Comment:**

That Council resolve to review the Investment of Funds Policy further whilst Council is undertaking the Financial Management Review in accordance with the Local Government (Financial Management) Regulations 1996.

The Shire of York splits short term investments between the two banks operating from premises in York to support these institutions subject to their rates being competitive. Recently investments have been lodged with Suncorp to get better rates and to spread the risk as advised in the investment policy.

**RESOLUTION**

**200612**

**Moved: Cr Scott**

**Seconded: Cr Duperouzel**

***“That Council:***

- 1. obtain quotations to undertake a Financial Management Review in the 2012/13 financial year in accordance with the Local Government (Financial Management) Regulations 1996, which will include a review of the Shire of York Investment Policy.”***

***CARRIED: 6/0***



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

### **9.4 FINANCE REPORT**

#### **9.4.8 WA Farmers Federation – Application To Waive Hire Fees For The Hire Of The York Town Hall.**

|                                |  |
|--------------------------------|--|
| <b>FILE NO:</b>                | <b>CS.CEV.1</b>  |
| <b>COUNCIL DATE:</b>           | <b>11 June 2012</b>  |
| <b>REPORT DATE:</b>            | <b>25 May 2012</b>   |
| <b>LOCATION/ADDRESS:</b>       | <b>York Town Hall</b>  |
| <b>APPLICANT:</b>              | <b>Verity Morgan-Schmidt,<br/>Secretary, WA Farmers Federation</b> |
| <b>SENIOR OFFICER:</b>         | <b>Ray Hooper, CEO</b>   |
| <b>REPORTING OFFICER:</b>      | <b>Judith Anderson</b>   |
| <b>DISCLOSURE OF INTEREST:</b> | <b>Nil</b>   |
| <b>APPENDICES:</b>             | <b>Nil</b>   |
| <b>DOCUMENTS TABLED:</b>       | <b>Nil</b>   |

#### **Summary:**

It is a requirement that WA Farmers Federation makes application to Council in order to have hire fees waived for the use of Shire of York Town Hall when conducting not for profit fund raising activities.

#### **Background:**

On 11 May 2012 Council received an application from Verity Morgan-Schmidt, Secretary of the WA Farmers Federation seeking Council to waive hire fees for the hire of the York Town Hall for their celebratory ball on Saturday 27<sup>th</sup> October 2012.

The celebratory ball on Saturday 27<sup>th</sup> October 2012 is to celebrate the Year of the Farmer and the 100<sup>th</sup> anniversary of the formation of the WA Farmers Federation.

WA Farmers Federation is a not-for-profit organization that is run solely to benefit Western Australian farmers and rural communities. Income derived from this ball will be used to support the continuation of advocacy for farmers and rural communities at local, state and federal levels.

Certificate of Incorporation and Public Liability Insurance of \$10,000,000 is required for Community groups to qualify as being recognized as a York Community Group.

#### **Consultation:**

Nil

#### **Statutory Environment:**

Nil

#### **Policy Implications:**

Nil

#### **Financial Implications:**

Council's fees waived – Loss of revenue of \$1,100 for the event to be held on Saturday 27<sup>th</sup> October 2012.

#### **Strategic Implications:**

Nil

#### **Voting Requirements:**

|                                    |           |
|------------------------------------|-----------|
| <b>Absolute Majority Required:</b> | <b>No</b> |
|------------------------------------|-----------|

**Site Inspection:**

**Site Inspection Undertaken:** Not applicable

**Triple bottom Line Assessment:**

**Economic Implications:**

Nil

**Social Implications:**

Funds raised will be used to support the continuation of advocacy for farmers and rural communities at local, state and federal levels.

**Environmental Implications:**

Nil

**Comment:**

The WA Farmers Federation is the state's largest and most influential agricultural political lobby and rural service organization and represents approximately 3,500 members from a range of agricultural industries.

The WA Farmers Federation has a long and proud history in the York area, with the WAFarmers Avon Zone remaining a strong force assisting farmers within the region.

It is expected that the ball will attract between 250-300 attendees, all of whom will be encouraged to spend time in the York community.

The WA Farmers Federation state in their letter dated 11 May 2012 that they plan to work with the York Country Women's Association and other groups to ensure the success of this event, will take full responsibility for the cleaning of the hall after the event and would be pleased to publicly recognize the sponsorship of the York Shire for providing the Town Hall free of charge.

Current copies of Certificates of Incorporation and Public Liability Insurance of \$10,000,000 have been provided.

**RESOLUTION**

**210612**

**Moved: Cr Scott**

**Seconded: Cr Duperouzel**

***That Council:***

***"Waive the York Town Hall hire fee for the fundraising Celebratory ball to be held on Saturday 27<sup>th</sup> October 2012."***

***CARRIED: 6/0***

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

### **9.4 FINANCE REPORT**

#### **9.4.9 Southern Cross Austereo – Application To Waiver Fees For Fundraising Concert**

**FILE NO:** CS.CEV.1  
**COUNCIL DATE:** 18 June 2012  
**REPORT DATE:** 1 June 2012  
**LOCATION/ADDRESS:** York Town Hall  
**APPLICANT:** Justin Baxter  
General Manager – Southern Cross Austereo  
**SENIOR OFFICER:** Ray Hooper, CEO  
**REPORTING OFFICER:** Judith Anderson  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** Nil  
**DOCUMENTS TABLED:** Nil

#### **Summary:**

It is a requirement that Southern Cross Austereo makes application to Council for the purpose of running a once off music concert to raise funds for a local York boy called Jordon who suffers from the neurological disorder Microcephaly. The requested event date is Saturday 25<sup>th</sup> August 2012.

#### **Background:**

On the 18<sup>th</sup> May 2012, Council received an application from Justin Baxter seeking Council approval to run the music concert at the York Town Hall. Justin Baxter has requested that the fee for the hire of the Town Hall be waived for this event.

Mr Justin Baxter is the General Manager of Radio West & Hot FM for Northam and in his application he has stated that he will personally see that this event gets full radio exposure and marketing to ensure its success.

Certificate of Incorporation and Public Liability Insurance of \$10,000,000 is required when running public events.

#### **Consultation:**

Nil

#### **Statutory Environment:**

Nil

#### **Policy Implications:**

Nil

#### **Financial Implications:**

Council's fees waived – loss of revenue of \$1,100.

#### **Strategic Implications:**

This event will give positive publicity to the Shire of York.

#### **Voting Requirements:**

**Absolute Majority Required:** No

#### **Site Inspection**

**Site Inspection Undertaken:** Not applicable

**Triple bottom Line Assessment:**

**Economic Implications:**

**Social Implications:**

Funds raised will go to a worthy cause.

**Environmental Implications:**

Nil

**Comment:**

This event will raise funds for a Local York boy and promote awareness of this condition.

The event will appeal to young people and will contribute to creating good relations with the youth of York.

The Shire of York will receive positive media coverage for this event.

Current copies of Certificates of Incorporation and Public Liability Insurance of \$10,000,000 are to be supplied.

**RESOLUTION**

**220612**

**Moved: Cr Hooper**

**Seconded: Cr Duperouzel**

***“That Council:***

***Waive the York Town Hall hire fee for the fundraising music concert that will be held on Saturday 25<sup>th</sup> August 2012.”***

***CARRIED: 6/0***

## **9.5 Late Reports**





## **9.6 Confidential Reports**



## 10. NEXT MEETING

### RESOLUTION 230612

Moved: Cr Smythe

Seconded: Cr Hooper

*“That Council:*

*hold the next Ordinary Meeting of the Council on July 16, 2012 at 3.00pm in the Council Chambers, York Town Hall, York.”*

**CARRIED: 6/0**

## 11. CLOSURE

*Cr Boyle thanked everyone for their attendance and declared the meeting closed at 4.25pm.*