



# SHIRE OF YORK

**MINUTES OF THE ORDINARY  
MEETING OF THE COUNCIL  
HELD ON 18 MARCH, 2013  
COMMENCING AT 3.00pm  
IN COUNCIL CHAMBERS,  
YORK TOWN HALL, YORK**



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RAY HOOPER  
CHIEF EXECUTIVE OFFICER



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## SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL  
HELD ON MONDAY, 18 MARCH, 2013, 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  
*Wilfred & Moira Luff*
- 1.4 Announcement of any Declared Financial Interests  
*Nil*

### 2. ATTENDANCE

- 2.1 Members  
*Cr Tony Boyle, Shire President; Cr Roy Scott, Deputy Shire President;  
Cr Brian Lawrance; Cr Pat Hooper; Cr Mark Duperouzel, Cr Denese Smythe*
- 2.2 Staff  
*Ray Hooper, Chief Executive Officer; Tyhscha Cochrane, Deputy Chief Executive Officer; Jacky Jurmann, Manager Planning Services; Gordon Tester – Manager Environmental Health & Building Services; Helen D’Arcy-Walker, Executive Support Officer*
- 2.3 Apologies  
*Nil*
- 2.4 Leave of Absence Previously Approved  
*Nil*
- 2.5 Number of People in Gallery at Commencement of Meeting  
*There were 14 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 – Ordinary Council Meeting February 18, 2013**

**Mr Bill Roy**

#### **Public Question Time - Questions Taken On Notice**

##### ***Agenda Item 9.2.7 – Regional Transition Group – Transition Costs***

*I note that in the Officer's Report on this agenda item the estimated total transitional cost is valued at \$3,234,342 including a 10% contingency of \$294,000.*

*In the Appendix which is a copy of the Transitional Considerations and Costs section of the Revised Regional Business Plan – Future State, the total transitional costs are estimated to be \$3,835,278 including a 10% contingency of \$294,000.*

*This appears to be a discrepancy of \$600,936 and would be of significance in considering the Department offer of \$2.95m.*

#### **Question:**

What is the explanation for this apparent difference?

#### **Response:**

The initial transition costs identified did amount to \$3,835,278 however in the Findings published in the Agenda (11.2 of the Transitional Considerations and Costs) a cost of \$479,736 for optic fibre between centres will not be required and \$121,000 for Commissioners costs have to be met by the participating Local Governments, giving a new net transitional cost of \$3,234,342 as stated in the officers report.

As stated in the Council Resolution the Local Governments have agreed to a transition funding commitment by the State Government of \$2.95 million and the agreement that additional funds can be applied for.

**Ms Tricia Walters**

#### **Public Question Time - Questions Taken On Notice**

#### **Question 1:**

Were all Councillors advised of the date, time and place for the evaluation of the CEO?

#### **Response:**

Yes, process commenced 24<sup>th</sup> August, 2012 all Councillors were notified by way of memorandum and further KPI's set.

#### **Question 2:**

Were all Councillors provided with a copy of the CEO's KPI's at least one week prior to evaluation?

#### **Response:**

Yes, KPI's discussed at Forward Planning meeting on the 26<sup>th</sup> November, 2012.

#### **Question 3:**

Did each Councillor provide written answers to the KPI's being measured?



**Response:**

No.

**Question 4:**

How many Councillors made up the majority on which the consensus was based?

**Response:**

Five.

**Question 5:**

The renewal date is 8<sup>th</sup> August, 2013, why are Council considering any renewal before the end of the financial year, which would support the CEO's achieving any financial KPI's?

**Response:**

Under the standard Local Government contract of employment there is a requirement to determine if a contract is to be extended or terminated within six months of a termination date.

**Question 6:**

In the current economic climate surely Council should seek the opinions of rate payers in regard to performance.

**Response:**

Council sets employment conditions and performance indicators for the Chief Executive Officer and Council has the responsibility to assess performance and to determine suitability and this cannot be abrogated to community members.

**Preamble:**

..."Should amalgamation occur the clause that is recommended to be inserted into the contract should alleviate any fears regarding costs to the Council"...

**Question 7:**

This clause only protects the interest of the CEO.

**Response:**

The clause is inserted to clearly demonstrate to the communities that any payouts for a CEO of the four Shires (not only York) is covered in the transition costs and it would not impact on the individual communities if it is triggered.

**Question 8:**

No indication of the cost involved?

**Response:**

That is correct as no redundancies of any CEO have occurred and it is a cost to be borne by the Government.

**Question 9:**

Where does the payment to the CEO come from Shire of Services?

**Response:**

Any payment to a CEO for termination of service by any new entity will be funded by the State Government as part of the transition costs.

All staff except for the Chief Executive Officer have the protection of a minimum period of employment of two years following an amalgamation.

**Question 10:**

If amalgamation occurs before 8<sup>th</sup> August, 2013 there will be minimal cost to ratepayers, therefore it is in the interest of ratepayers that the contract for the CEO is not considered or negotiated before 8 August, 2013.

**Response:**

It is impossible for a Local Government Advisory Board Inquiry, poll provisions and Governor's Orders to be completed by the 8<sup>th</sup> August, 2013 and the election date for a new Council, if an amalgamation proceeds, is October 2014.

**Ms Julie Rowe**

**Public Question Time - Questions Taken On Notice****Scheme Amendment No. 49 – Springbett Reserve****Question 1:**

Considering that the Department of Environment & Conservation has stated that the Avon River is designated as an Environmentally Sensitive Area and that the Department of Water is the most appropriate authority for advice on a local integrated water management strategy, why has Council opted to ignore the advice of Department of Water that the proposed rezoning should be supported by a District Water Management Strategy prior to rezoning?

**Response:**

As indicated in the Schedule of Submissions attached to the report, the advice of all government agencies received was considered in the finalisation of the scheme amendment. As with all scheme amendments, the Shire of York as the authority responsible for administering the town planning scheme, must make decisions in the best interest of York and its community. Through its partnership with Landcorp, a Local Water Management Plan will be produced to support the Structure Plan for the site, which will be supported by comprehensive technical studies. When considering the submission from the Department of Water, and following discussions with the Department of Planning, it was decided that a LWMP would sufficiently address this issue.

**Question 2:**

Has Council taken into account that Department of Water may be going outside of the usual process due to the sensitive nature of the location for this proposed development?

**Response:**

The Shire of York acknowledges that this site is located in an environmentally sensitive area. The Department of Water originally advised the Shire that a Local Water Management Strategy would be appropriate, but changed their approach to rezoning in general requiring District Water Management Strategy's to be developed. This approach is not considered appropriate for this proposal considering that the proposed zone 'Development' is a facilitative zone and following rezoning, a comprehensive Structure Plan will be developed.

**Question 3:**

As this is a long term project and there would appear to be no imperative for the rezoning amendment to be rushed through today and if Council is confident about the safety and efficacy of this rezoning and the intended industrial development, what would they have to lose by following the most appropriate and expert advice and allowing this water management strategy to be completed prior to rezoning as requested by the Department of Water?

**Response:**

The scheme amendment has followed all statutory time requirements, including advertising for a minimum period of 42 days. As previously explained, it is considered most appropriate for 'Development' zones that the more extensive studies occur as part of the development of the Structure Plan that will inform and determine future land uses. This is a similar approach that is being used for the Daliak Precinct.

3.2 Previous Public Questions Taken on Notice –  
Special Council Meeting February 27, 2013

**Ms Tanya Richardson**

**Questions Taken On Notice - Special Council Meeting**

**Question 1:**

When were the community and Councillors asked if this statement should and could be made on their behalf?

**Response:**

Section 2.8 (d) of the Local Government Act empowers the Shire President to speak on behalf of the Local Government.

**Question 2:**

Can Council please explain how these comments were in our interests?

**Response:**

An extraordinary amount of time and resources have been utilised in dealing with specific complainants and any action which reduced the use of community based resources is considered to be in the interests of the community as a whole.

**Question 3:**

Is it correct that the CEO after all this time still does not know whether this item would be covered under the Shires insurance policy but has recommended Council approve this application regardless?

**Response:**

At the time of preparing the report there was no guarantee of cover under the insurance covers in place as the claim had not been assessed and the proposal before Council was to provide support if the insurance cover did not come into effect.

**Question 4:**

Do Councillors think it is fair to use up to \$30,000 of our money to represent a Councillors who made comments?

**Response:**

Yes. The Local Government Act provides protection through the ability to approve financial support for elected members while carrying out their roles and functions.

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

*Public Question Time commenced at 3.05pm*

##### **4.1 Written Questions – Current Agenda**

**Ms Jane Ferro**

##### **Public Question Time - 18th March, 2013**

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

Who determines the KPI's that comprise the CEO's contract?

###### **Response:**

All Councillors have an opportunity to be part of the CEO's annual appraisal and the setting of Key Performance Indicators.

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

What are the KPI's on which the currently running contract for the CEO has been evaluated for his contract to have been renewed.

###### **Response:**

The CEO KPI's for 2012/13 are Structural Reform, Works/Infrastructure Program, Recreation Facilities, Residential & Industrial Land Use Strategy and were set on 27<sup>th</sup> August, 2012.

###### **Question 3:**

What are the KPI's set for the new 2 year contract recently approved.

###### **Response:**

These will be set at the annual appraisal for the 2013/14 year.

###### **Question 4:**

Do all Councillors agree to these new KPI's? If not, why not?

###### **Response:**

All decisions by a Local Government are by a majority under the democratic system in place and there is no statutory requirement for unanimous decisions on any matter.

##### **4.2 Public Question Time**

**Ms Jane Ferro**

Statements and questions provided by Ms Ferro based on claims and hearsay from a third party and attributed to an individual elected member not acting on behalf of Council were not recorded nor responded to.

**Ms Tanya Richardson**

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

Does this Council have any sort of cap on the amount of our money they are prepared to spend on prosecutions or to defend Councillors?

###### **Response:**

There is a budgeted amount under each category.

**Question 2 (a)**

Your events policy clearly states that event holders must submit TMP, Business Plans, Risk Management Plans, Budgets P/L, COC, etc. Why then did the recent CRC Women's Day event go ahead in the Town Hall without any of the above?

**Response:**

Taken on Notice

**Question 2 (b):**

Why have I not been supplied with a copy of the traffic management plan for the York Fair after repeated requests?

**Response:**

Taken on Notice

**Question 3:**

Further to a letter to the Presiding Judge in a recent court case by an elected member acting in a private capacity I want to know if he or any other Councillor ever read the YTB Manager's reports for the last twelve months of operations of the Visitor's Centre?

**Response:**

Taken on Notice

**Question 4:**

Why are my questions being censored and providing no context in the Minutes?

**Response:**

Taken on Notice

**Question 5:**

Why are my February general meeting questions not published?

**Response:**

Will be investigated.

Note: This matter was investigated and in fact the questions and responses were published on page 9 of the February Minutes.

**Ms Patricia Walters****Special Council Meeting held 27<sup>th</sup> February, 2013****Question 1:**

Will the Shire's insurers cover the defamation action?

**Response:**

Yes

**Question 2:**

Deputy Shire President Roy Scott declared a financial interest. Why did he vote?

**Response:**

Will be investigated.

Note: This matter was investigated and Cr Scott declared an impartiality interest and not a financial interest and was entitled to vote on this matter.

**Mrs Robyn Davies**

**Question 1:**

How much money has the Shire of York budgeted for this financial year for legal fees and how much has been spent.

**Response:**

Taken on Notice

**Question 2:**

How come SITA was allowed to put a display in the Shire Office? Why aren't ratepayers/residents allowed to put a display in the Shire Office? Why aren't ratepayers/residents allowed to put a petition next to the SITA display?

**Response:**

Taken on Notice

**Question 3:**

Are there any rules or laws to prevent the Shire of York to say No to this landfill?

**Response:**

Cr Boyle stated that the Shire of York did not want to go down the same path as Toodyay. The Council have not seen any submissions from SITA.

**Ms Lynley Bashford**

**Question 1:**

Would it not seem bias to have a SITA display in the Shire Office?

**Response:**

The display is for public information only.

*Public Question Time concluded at 3.20pm*

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

*Nil*

**6. PETITIONS / PRESENTATIONS / DEPUTATIONS**

*A presentation to Council was made by Wilfred and Moira Luff regarding the home they propose to build at 104 Georgiana Street, York. Mr Luff stated that when they were looking at buying the block of land in Georgiana Street they came into the Shire to see if it was a brick only area. They have now submitted their plans for a kit home to be built by The Shed Company. Mr Luff also stated that he has a 'Beneficiary Block' and the Water Corporation propose a large fee for connecting the water to his home.*

*Cr Boyle stated that the Planner could look further into the 'Beneficiary Block' and the fees the Water Corporation would be charging.*

*Talbot Brook Land Management Association Inc – Information presentation in relation to environmental and land and water management in the Shire of York. Presentation has been transferred to the April meeting.*

## 7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### 7.1 Minutes of the Ordinary Council Meeting held February 18, 2013

Corrections

Confirmation

**RESOLUTION  
010313**

**Moved: Cr Scott**

**Seconded: Cr Hooper**

***“That the minutes of the Ordinary Council Meeting held on February 18, 2013 be confirmed as a correct record of proceedings.”***

**CARRIED: 6/0**

*On reviewing the 18 February Minutes it was established that Ms Richardson’s questions were published in the February Minutes of the Ordinary Council Meeting, therefore no corrections to the February Minutes will be made and they will remain as published.*

### 7.2 Minutes of the Special Council Meeting held February 27, 2013

Corrections

Confirmation

**RESOLUTION  
020313**

**Moved: Cr Hooper**

**Seconded: Cr Lawrance**

***“That the minutes of the Special Council Meeting held February 27, 2013 be confirmed as a correct record of proceedings.”***

**CARRIED: 6/0**

*On reviewing the Special Council Meeting Minutes it was established that Ms Walters statement that Cr Scott had declared a Financial Interest to Item 9.4.1 of the Special Council Meeting was incorrect as Cr Scott had declared an Impartial interest therefore no corrections to the Minutes will be made and they will remain as published.*

## 8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

*Cr Boyle announced that the York Bowling Club ‘A’ & ‘B’ Grade and Ladies Pennant teams won their respective competitions. York Tennis Club won the pennants and the York Cricket Club won the finals against Tammin.*

## 9. OFFICER’S REPORTS





## **9.1 Development Services**



**9. OFFICER'S REPORTS**  
**9.1 DEVELOPMENT REPORTS**  
**9.1.1 Scheme Amendment No. 51 – Avon Terrace**

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

**FILE NO:** PS.TPS.51  
**COUNCIL DATE:** 18 March 2013  
**REPORT DATE:** 8 March 2013  
**LOCATION/ADDRESS:** Lots 103-107, 800-801 Avon Terrace & Lot 46 Christie Retreat, York  
**APPLICANT:** Whelans Town Planning  
**SENIOR OFFICER:** R Hooper, CEO  
**REPORTING OFFICER:** J Jurmann, MPS  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** 1 – Scheme Amendment Documentation  
2 – Schedule of Submissions  
3 – Flood Mapping  
4 – Water Corporation Map  
**DOCUMENTS TABLED:** Nil

**Summary:**

Council at its Ordinary Meeting held on 19 November 2012 resolved:

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

1. *Initiate Scheme Amendment No. 51 to the York Local Planning Scheme No. 2 by:*
  - a) *Rezoning Lots 103-107 (inclusive) and Lots 800-801 Avon Terrace and Lot 46 Christie Retreat, York from “Residential R2.5” and “Special Use 3” to “Town Centre”; 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.”*

The scheme amendment has been advertised for a minimum of 42 days in accordance with the *Town Planning Regulations 1967*. Nine (9) submissions were received.

It is recommended that Council finally adopt the scheme amendment and forward it to the Minister for Planning for final approval.

**Background:**

Whelans Town Planning has submitted a request to rezone the subject properties on behalf of the owner of Lot 107 Avon Terrace, York. The application has support of the other landowners the subject of this rezoning proposal.

The subject properties are located at the northern end of the existing zoned Town Centre and consists of an area approximately 2.118 hectares. Land uses currently include residential housing, the local RSL hall, sheds and office space. Lots 107 and 46 back adjoin the Avon River foreshore and are affected by the flood plain and flood fringe.

Preliminary investigations have indicated that connection to the reticulated sewerage system is feasible and is necessary to facilitate the rezoning.

Surrounding uses include the Uniting Church, the Sandalwood Yards and Monger's Store. Any future development, use and built form, will need to carefully consider the heritage significance of the area and environmental constraints.

**Consultation:**

Following Council's resolution, the scheme amendment was referred to the Environmental Protection Authority. The EPA issued a decision on 17 December 2012 under Section 48A(1)(a) of the *Environmental Protection Act 1986* of 'not assessed'.

The Scheme Amendment was then publicly advertised in accordance with the *Town Planning Regulations 1967* for a minimum period of 42 days. All adjoining landowners were advised in writing, a notice was placed in the Avon Valley Gazette and on Council's website. The documentation was also available at the Council Administration Office for viewing and on Council's website. Appropriate government agencies were also invited to comment.

There were nine (9) comments received during the exhibition period that have been considered prior to finalising the scheme amendment documentation. It should be noted that none of the submissions were objecting to the proposal. For details of the submissions, refer to Appendix 2 of the report for the Schedule of Submissions.

**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.

**Policy Implications:**

York Local Planning Strategy

The objective of the Strategy for the York Town Centre is to develop a cohesive and vibrant town centre through the preparation of a planning framework to guide future development and service provision.

Rezoning of this area is consistent with the actions of the Strategy that aim to establish a town centre precinct boundary that seeks to consolidate, rather than expand the town centre and will provide for future retail, mixed use and tourist developments that will complement the existing town centre.

Although the area is not within the York Town Centre precinct identified on the Strategy mapping, the western side of the road has already been rezoned to Town Centre and this proposal will facilitate a logical town centre boundary.

It is proposed in the near future to review the Town Centre precinct boundary with a view of creating a defined and logical boundary. At present the boundary is irregular and has been created through the rezoning of individual properties over an extended period of time.

This proposal is consistent with the future strategic direction and actions relating to the Town Centre.

**Financial Implications:**

The proponent will be responsible for the costs associated with the scheme amendment, including assessment, advertising and gazettal. In addition, the proponent(s) will be responsible for the upgrading of any infrastructure, including extension of the reticulated sewerage system.

**Strategic Implications:**

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

Social

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

Environmental

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

Economic

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

This proposal is consistent with the goals of the Plan, particularly as it will grow the economic base and manage population growth through the planned provision of services and infrastructure.

**Voting Requirements:**

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

**Site Inspection:**

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

**Triple bottom Line Assessment:**

**Economic Implications:**

The rezoning will facilitate future development within the Town Centre.

**Social Implications:**

There are no social implications associated with this proposal.

**Environmental Implications:**

As indicated earlier in this report, the connection to the reticulated sewerage system is essential for this proposal, not only to enable density of development, but for the protection of the river.

Similarly, the potential impacts of flooding will need to be carefully considered in any future development.

The Department of Water, Environment Protection Authority and the Department of Environment and Conservation were consulted as part of the assessment process. No objections were raised by any of the agencies. All agencies acknowledged the importance of the connection to deep sewerage to protect the river.

**Comment:**

Presently the site is made up of two land uses that conflict with surrounding land use zones. To the west and south exists land that is currently zoned Town Centre. This is a land use zone that is best supported by surrounding land that is zoned to accommodate a higher density residential zone.

Changing the land use will provide the opportunity to create commercial or residential development at a R40 coding which more consistent and complementary with the surrounding land.

As indicated by the Department of Water in their submission, no development will be permitted in the floodway and any development in the flood fringe must have a habitable floor level of 500mm above the 1 in 100 year ARI flood zone.

**RESOLUTION**

**030313**

**Moved: Cr Hooper**

**Seconded: Cr Scott**

***“That Council resolve:***

- 1. Pursuant to Section 75 of the Planning and Development Act 2005 to adopt, with or without modification, Scheme Amendment No. 51 of the Shire of York Town Planning Scheme No. 2 by:**
  - (a) Rezoning Lots 103-107 (inclusive) and Lots 800-801 Avon Terrace and Lot 46 Christie Retreat, York from “Residential R2.5” and “Special Use 3” to “Town Centre”; and**
  - (b) Amend the Scheme Map accordingly.**
- 2. Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation; and**
- 3. Forward the Scheme Amendment No. 51 to the Western Australian Planning Commission and the Minister for Planning requesting final approval.”**

**CARRIED: 6/0**

## **Item 9.1.1 – Appendices**





**9. OFFICER'S REPORTS**  
**9.1 DEVELOPMENT REPORTS**  
**9.1.2 New Dwelling – 104 Georgiana Street, York**

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

<b>FILE NO:</b>	<b>GE2.7070, P824</b>
<b>COUNCIL DATE:</b>	<b>18 March 2013</b>
<b>REPORT DATE:</b>	<b>11 March 2013</b>
<b>LOCATION/ADDRESS:</b>	<b>Lot 45, 104 Georgiana Street, York</b>
<b>APPLICANT:</b>	<b>W &amp; M Luff</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 – Location Plan 2 – Architectural Plans</b>
<b>DOCUMENTS TABLED:</b>	<b>Nil</b>

**Summary:**

Council is in receipt of a planning application to construct a new dwelling at Lot 45 (104) Georgiana Street, York. The application proposes a variation to the Restricted Building Materials Policy.

The application was advertised 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 subject property is 1014m<sup>2</sup> in area and is currently vacant. It is located in Georgiana Street near the corner of Brunswick Road and is located in the western Restricted Building Materials area. Refer to location plan at Appendix 1.

It is proposed to construct a new dwelling that is based on a rectangular shed design. Through negotiations with the owners, the appearance of the building has been amended to ensure that it does not appear as a shed or barn that has been recently prohibited in the townsite through the adoption of a local planning policy. Refer to the architectural plans at Appendix 2.

**Consultation:**

As indicated above, a number of conversations and meetings have been held with the proponent to reach a satisfactory design outcome.

The application was advertised in accordance with the provisions of the York Town Planning Scheme No. 2. Letters were sent to adjoining landowners, advertisements were placed in the Avon Valley Gazette and on Council's website. The plans were available for viewing at the Council Administration Office and on Council's website.

No submissions were received in response to the exhibition of this proposal.

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

The matters for consideration listed in Clause 7.5 of the Scheme have been considered as follows:

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

The property is zoned Residential R10/30 under the provisions of the Scheme. Dwellings are permitted in the zone except as otherwise provided in the Scheme. There are two (2) Local Planning Policies that apply to the proposal – firstly, the Restricted Building Materials Policy and secondly, the Barn-Style Shed Houses Policy. The proposal does not meet the provisions of either policy and therefore requires Council to exercise its discretion in considering the application. The provisions of the Residential Design Codes must also be considered in the assessment of this application.

Clause 4.8 sets out the provisions for the Residential zone. These provisions have been considered as follows:

4.8.1 Objectives

- a) to encourage single houses as the predominant form of residential development. *Complies.*
- b) to require infill residential development in Heritage Precincts to be in accordance with Design Guidelines adopted by the local government. *Not applicable. The property is not located within a heritage precinct.*
- c) to achieve a high standard of development and residential amenity. *Does not comply. This objective is assessed throughout the report.*

4.8.2 Site Requirements

In accordance with the R Codes.

4.8.3 Development Requirements

In the Residential zone the local government may require preparation of an ODP in accordance with Clause 5.10 before granting and/or recommending approval to any development which involves subdivision and the ODP shall form the basis for subdivision. *Not applicable. No subdivision proposed.*

4.8.4 Additional requirements for subdivision and/or development which the local government may apply in the residential zone shall be as laid down in Schedule 5. *There are no additional requirements applicable to this property or proposal.*

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

There are no new schemes or amendments that are applicable to this proposal.

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

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

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

There are no policies applicable to this proposal.

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

### State Planning Policy 3.1 – Residential Design Codes

The property has a dual coding of R10/30. The higher density code may only be utilised if the property is connected (or can be connected) to deep sewerage. Deep sewerage is not available to the property and therefore the R10 coding is applicable.

#### *6.2.1 & 6.3.1 Setbacks*

<b>Setback</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Complies</b>
Front	7.5 metres	10 metres	Yes
Side	1.5 metres	2 metres & > 2 metres	Yes
Rear	6 metres	>6 metres	Yes

#### *6.6.1 Excavation or Fill*

The plans indicate that the dwelling will be constructed using slab-on-ground construction. However, the majority of dwellings constructed in York are constructed using a sand pad. A condition should be imposed of any approval restricting excavation or fill to a maximum of 500mm.

#### *6.7.1 Building Height*

The proposal is for a single storey dwelling that complies with the height requirements.

#### *6.8.1 Visual Privacy*

Buildings that have a floor level more than 0.5m above natural ground must be setback from the boundary:

- 4.5 metres for bedrooms – Bedroom 3 (setback 2m)
- 6 metres for habitable rooms other than bedrooms - Nil
- 7.5 metres for unenclosed active habitable spaces – Front and rear verandahs are within 7.5m of both side boundaries.

As indicated in 6.6.1, permanent screening may be required if the floor level is raised if the construction method is changed to include a sand pad. A condition should be imposed on an approval.

#### *6.9.2 Stormwater disposal*

There are no details of stormwater disposal. Details should be required prior to the commencement of construction.

#### *Conclusion*

The proposal complies with the provisions of the R-Codes.

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

### Local Planning Policy – Restricted Building Materials

The property is located in the designated western area subject to this Policy. It is proposed to contradict the provisions of the Policy and construct a shed-style dwelling clad with vinyl horizontal (weatherboard) style cladding with a stone feature on the front façade.

The provisions of the policy require that dwellings are constructed of brick or other like substance, such as render.

This policy is currently under review as it has been varied numerous times to allow clad-style dwellings. Therefore, as there were no objections received, it is considered satisfactory to vary this policy as it will not impact on any significant/heritage dwellings in the area.

### Local Planning Policy – Barn Style Houses

The original plans proposed a barn style shed house and through negotiations, the upper floor has been deleted and front and rear verandahs have been incorporated into the design.

The intent of this policy is to ensure that residential development is of a high quality to meet the objectives of the zone. The provisions of the Policy state that the development of “barn style” dwellings and any other type of dwelling based on a shed design or frame will not be permitted in the York town site.

It is considered that the design of the dwelling has been altered sufficiently to ensure that its appearance does not resemble a shed through the inclusion of windows, verandahs, stone feature on the façade and vinyl cladding, and therefore meets the objectives of the policy.

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

The land is not reserved.

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

The place is not heritage listed, and does not adjoin or have the potential to affect a heritage listed place or building.

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

The construction of a single dwelling is compatible with its setting.

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

There are no social issues associated with this proposal.

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

There is no cultural significance associated with this proposal.

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

The natural environment will not be impacted by this proposal.

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

There are no natural constraints that would affect this proposal.

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

The amenity of the locality will not be affected by this proposal. As indicated earlier in this report, the design of the proposal dwelling is unlikely to resemble a shed and therefore will not impact the amenity of the locality.

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

As indicated in this report, the property is located within the York townsite and one of the two restricted building materials area. The nearby dwellings are primarily constructed of brick or brick veneer in accordance with this policy. However within the area there is older style weatherboard dwellings intermingled with brick dwellings. The construction of this dwelling is consistent with the bulk and scale of other dwellings, but will have a different appearance. There were no objections to the proposal and it is considered that the different appearance will not be detrimental to the locality.

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

A crossover will be required to service the property.

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

The road system is capable of catering for traffic generated from a single dwelling.

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

Not applicable.

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

Water, telecommunications and power services are available. Sewerage will be managed using an on-site sewerage management system. As the lot size is less than 2000m<sup>2</sup>, an Alternative Treatment Unit will be required by Council's Environmental Health Officer in accordance with Council Policy.

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

Not applicable.

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

Not applicable.

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

There is no significant vegetation on site.

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

The proposal is unlikely to cause soil erosion or degradation.

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

No community service or benefit will be affected.

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

There were no submissions on the proposal.

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

Not applicable. Residential use proposed.

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

No comments were sought or required.

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

Nil.

The proposed is consistent with the aims, objectives and provisions of the Scheme.

**Policy Implications:**

There are no adverse policy implications, as assessed in this report, that will result from the approval of this proposal.

**Financial Implications:**

There are no financial implications associated with this proposal.

**Strategic Implications:**

There are no strategic implications associated with this proposal.

**Voting Requirements:**

**Absolute Majority Required:           No**

**Site Inspection:**

**Site Inspection Undertaken:           Yes**

**Triple bottom Line Assessment:**

**Economic Implications:**

There are no economic implications for the Shire associated with this proposal. This style of construction provides affordable housing options for members of the community.

**Social Implications:**

The Restricted Building Materials policy requires construction in brick, which is not always affordable for the whole community. This type of construction provides affordable housing option whilst achieving a quality design outcome.

**Environmental Implications:**

There are no environmental implications associated with this proposal. As indicated in the report, an Alternative Treatment Unit will be required to service the dwelling in accordance with Council Policy due to the land size.

**Comment:**

Due to the continual approval and requests for variation of the Restricted Building Materials Policy, Council at its Ordinary Meeting held on 21 May 2012 resolved to initiate a review of the Local Planning Policy – Heritage Precincts and Places with a view of incorporating the provisions of the Restricted Building Materials Policy into the Heritage Policy possibly as Design Guidelines for these areas to achieve an improved conservation outcome. The review has commenced and currently Council's Heritage Consultant, Laura Gray, is reviewing both policies.

## OFFICER RECOMMENDATION

*"That Council:*

*APPROVE the planning application to construct a new dwelling at Lot 45 (104) Georgiana Street, York, subject to the following conditions:*

- 1. Development must substantially commence within two (2) years from the date of this decision.*
- 2. Development must take place in accordance with the stamped approved plans.*
- 3. Prior to the commencement of works, a stormwater management plan must be submitted for approval to Council.*
- 4. No excavation or filling is permitted that exceeds 0.5 metres in depth.*
- 5. A crossover shall be constructed to the satisfaction of the local government prior to occupation of the dwelling.*

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

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

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

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

**RESOLUTION  
040313**

**Moved: Cr Hooper**

**Seconded: Cr Duperouzel**

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

***APPROVE the planning application to construct a new dwelling at Lot 45 (104) Georgiana Street, York, subject to the following conditions:***

- 1. Development must substantially commence within two (2) years from the date of this decision.***
- 2. Development must take place in accordance with the stamped approved plans.***
- 3. Prior to the commencement of works, a stormwater management plan must be submitted for approval to Council.***
- 4. No excavation or filling is permitted that exceeds 0.5 metres in depth.***
- 5. A crossover shall be constructed to the satisfaction of the local government prior to occupation of the dwelling.***

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

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

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

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

***Note 5: The applicant to note that an Alternative Treatment Unit will be required for effluent management instead of a standard septic system on Lot 45 Georgiana Street, York.”***

***CARRIED: 6/0***

*The Officer Recommendation was changed to include Advice Note 5 to clarify effluent management.*



## **Item 9.1.2 – Appendices**



## **9.2 Administration Reports**



**9. OFFICER'S REPORTS**  
**9.2 ADMINISTRATION REPORTS**  
**9.2.1 Application to Keep Four (4) Dogs**

**FILE NO:** RS.ANC.1  
**COUNCIL DATE:** 18<sup>th</sup> March 2013  
**REPORT DATE:** 20<sup>th</sup> February 2013  
**LOCATION/ADDRESS:** Lot 2/2 Eighth Rd, York 6302  
**APPLICANT:** Annaliesa Van Der Putten  
**SENIOR OFFICER:** Mr Ray Hooper, CEO  
**REPORTING OFFICER:** Ranger Services  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** Nil  
**DOCUMENTS TABLED:** Notes from:  
Philip Stearman,  
Micheal Murphy,  
Diane Ogden,  
Roberta Garlick,  
Carol McCartan,  
Sharon Moseley.  
Photographs of property.

**Summary:**

An application has been received from Annaliesa Van Der Putten requesting permission to keep 4 dogs on their property at Lot 2/2 Eighth Rd. York

**Background:**

It is a requirement of the York Shire Council's Dogs Local Law (2000) that the maximum number of dogs that can be kept on a premise within a townsite is two unless an exemption is granted by Council under the provisions of section 26(3) of the Dog Act 1976 (as Amended).

Council has approved similar applications in the past where all adjoining neighbours have agreed to the request and the Shire Ranger or other authorised Council Officer has considered that there are no valid reasons for withholding such approval.

**Consultation:**

The Shire Ranger has liaised with Mrs Annaliesa Van Der Putten, occupier of the property Lot 2/2 Eighth Rd, who has provided letters from some of her adjoining neighbours.

- Dianne Ogden Lot 8/2 Eighth Rd
- Roberta Garlick Lot 7/2 Eighth Rd
- Carol MacCartan Lot 6/2 Eighth Rd
- Sharon Moseley Lot 3/2 Eighth Rd

Shire Rangers have also liaised with Mrs Van Der Putten's adjoining neighbours at the caravan park.

- Micheal Murphy 2 Eighth Rd (owner of the caravan park).
- Philip Stearman 2 Eighth Rd (resident of the caravan park, closest to Mrs Van Der Putten's property).

**Statutory Environment:**

Dog Act 1976 (As Amended)  
York Shire Council Dogs Local Law (2000)

**Policy Implications:**

Not Applicable

**Financial Implications:**

Not Applicable

**Strategic Implications:**

Not Applicable

**Voting Requirements:**

**Absolute Majority Required:** Yes

**Site Inspection:**

**Site Inspection Undertaken:** Yes

The property is adequately fenced to contain the dogs.

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

Nil

**Social Implications:**

Keeping of dogs in a townsite may impact on the social cohesion of a community if the dogs create a nuisance.

**Environmental Implications:**

Nil

**Comment:**

Mrs Van Der Putten has had more than 5 verbal complaints in relation to her dogs. These complaints relate to noise and have occurred at 3 different properties at which the dogs have resided. Rangers have attended to these complaints either in person or over the telephone, each time assurances have been made that the problem will cease.

The latest complaints have occurred at her current address Lot 2/2 Eighth Rd upon investigation by Ranger Services they still had not reduced the numbers as promised. After a final warning two of the dogs were sent to a boarding kennel for a short period of time. The dogs then returned to the property until noticed by Ranger Services following up on an unrelated matter and as per her application have now been returned to the boarding kennel.

We are also in receipt of letters from 2 separate neighbours who strongly oppose Mrs Van Der Putten having 4 dogs on her property.

It is recommended that Council not agree to the granting of an exemption for the keeping of four dogs at Lot 2/2 Eighth Rd York.

**RESOLUTION****050313****Moved: Cr Lawrance****Seconded: Cr Hooper*****“That Council:******Do not approve an exemption for the keeping of four dogs at Lot 2/2 Eighth Road, York.”******CARRIED: 6/0***

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

<b>FILE NO:</b>	<b>RS.ANC.1</b>
<b>COUNCIL DATE:</b>	<b>18<sup>th</sup> March 2013</b>
<b>REPORT DATE:</b>	<b>22<sup>nd</sup> February 2013</b>
<b>LOCATION/ADDRESS:</b>	<b>5 Lee Crescent York 6302</b>
<b>APPLICANT:</b>	<b>Amy Deacon</b>
<b>SENIOR OFFICER:</b>	<b>Mr Ray Hooper, CEO</b>
<b>REPORTING OFFICER:</b>	<b>Ranger Services</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>APPENDICES:</b>	<b>Nil</b>
<b>DOCUMENTS TABLED:</b>	<b>Letters –</b> <b>1. 31 Bland Rd – Grant Morrell</b> <b>2. 12 Ninth Rd – Shirley Humphrey</b> <b>3. 10 Ninth Rd – Natalie Reed</b> <b>Photographs of property.</b>

**Summary:**

An application has been received from Mrs Amy Deacon requesting permission to keep three dogs at her property at 5 Lee Cr. York.

**Background:**

It is a requirement of the York Shire Council's Dogs Local Law (2000) that the maximum number of dogs that can be kept on a premise within a townsite is two unless an exemption is granted by Council under the provisions of section 26(3) of the Dog Act 1976 (as Amended).

Council has approved similar applications in the past where all adjoining neighbours have agreed to the request and the Shire Ranger or other authorised Council Officer has considered that there are no valid reasons for withholding such approval.

**Consultation:**

The Shire Ranger has liased with:

1. Mrs Amy Deacon - 5 Lee Cr. York (applicant)
2. Mr Grant Morrell - 31 Bland Rd. York (property backs on to 5 Lee Cr.)
3. Mrs Shirley Humphrey – 12 Ninth Rd. York (property backs on to 5 Lee Cr.)
4. Mrs Natalie Reed – 10 Ninth Rd. York (property backs on to 5 Lee Cr.)

There are no other neighbours (property next to 5 Lee Cr. is vacant and unable to contact the owner of 33 Bland Rd. in order to consult)

**Statutory Environment:**

Dog Act 1976 (As Amended)  
York Shire Council Dogs Local Law (2000)

**Policy Implications:**

Not Applicable

**Financial Implications:**

Not Applicable

**Strategic Implications:**

Not Applicable

**Voting Requirements:**

**Absolute Majority Required:** Yes

**Site Inspection:**

**Site Inspection Undertaken:** Yes

The Shire Ranger inspected the property on the 14th February 2013 and has advised that there are no reasons to withhold the granting of an exemption to keep three dogs at the property.

A portion of the property is adequately fenced to contain the dogs. (As seen in photographs)

**Triple bottom Line Assessment:**

**Economic Implications:**

Nil

**Social Implications:**

Keeping of dogs in a townsite may impact on the social cohesion of a community if the dogs create a nuisance.

**Environmental Implications:**

Nil

**Comment:**

Mrs Deacon has had no complaints in relation to any dogs on her property. The dogs are kept inside the small portion of fencing (as shown in photographs) close to the front door. It is recommended that Council agree to the granting of an exemption for the keeping of three dogs at 5 Lee Cr. York subject to the following conditions:

- That the exemption be reviewed in twelve months to ensure that no adverse problems have been experienced as a result of the exemption, and
- That Council reserves the right to withdraw the exemption at anytime if any major or substantial problems are experienced prior to the review period.
- That the exemption applies only to the dogs nominated by the applicant.
- Each dog on the property must be registered with the Shire of York.
- Upon the death or permanent removal of any of the nominated dogs a maximum of two dogs only will be permitted to be kept on this property



**RESOLUTION  
060313**

**Moved: Cr Scott**

**Seconded: Cr Boyle**

***“That Council:***

***Approve an exemption for the keeping of three dogs at 5 Lee Cr. York subject to the following conditions:***

- That the exemption be reviewed in twelve months time to ensure that no adverse problems have been experienced as a result of the exemption.***
- That Council reserves the right to withdraw the exemption at any time if any major or substantial problems are experienced prior to the review period.***
- The exemption applies only to the dogs nominated by the applicant.***
- Each dog must be registered with the Shire of York.***
- Upon the death or permanent removal of any of the nominated dogs a maximum of two dogs only will be permitted to be kept on this property.”***

**CARRIED: 4/2**



**9. OFFICER'S REPORTS**  
**9.2 ADMINISTRATION REPORTS**  
**9.2.3 Million Paws Walk –Fees Waived**

<b>FILE NO:</b>	<b>CS.CEV</b>
<b>COUNCIL DATE:</b>	<b>18 March 2013</b>
<b>REPORT DATE:</b>	<b>7 March 2013</b>
<b>LOCATION/ADDRESS:</b>	<b>Peace Park / Avon Walk Trail</b>
<b>APPLICANT:</b>	<b>RSPCA (Amanda Bradford)</b>
<b>SENIOR OFFICER:</b>	<b>Ray Hooper (CEO)</b>
<b>REPORTING OFFICER:</b>	<b>Gordon Tester (MHB)</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>APPENDICES:</b>	<b>Request For Waiver of Fees</b>
<b>DOCUMENTS TABLED:</b>	<b>Nil</b>

**Summary:**

The RSPCA has applied to Council to conduct an event known as the Million Paws Walk in the York Town site on 19 May 2013 to raise funds for animals in need. As this is a charity event, the coordinator of the event respectfully requests that Council waive all fees associated with the hire of Peace Park.

**Background:**

On 20 February 2013 Council received an application from the RSPCA to hold an event at Peace Park known as the Million Paws Walk which is an event conducted Australia wide on 19 May 2013 to raise funds for animals in need.

The event commences with dogs and their owners assembling at Peace Park and then proceeding from Peace Park to the Avon Walk Trail and returning to Peace Park.

Several stalls associated with this event will be situated in Peace Park.

The application was accompanied by a request from the RSPCA volunteer coordinator that Council waive all fees associated with the hire of Peace Park.

**Consultation:**

Nil

**Statutory Environment:**

Dog Act 1976  
Health Act 1911  
Local Government Act 1995

**Policy Implications:**

Nil

**Financial Implications:**

Peace Park hire fee of \$500.00 is requested to be waived.

Associated fees including Peace Park bond and electricity charges should not be waived.

**Strategic Implications:**

It is a strategic priority to develop a plan to support cultural experiences, such as events, festivals, crafts and entertainment.

**Voting Requirements:**

**Absolute Majority Required:** No

**Site Inspection:**

**Site Inspection Undertaken:** No

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

Nil

**Social Implications:**

Events such as this promote social interaction and well being and are to be encouraged.

**Environmental Implications:**

It will be essential that dog owners attend to any dog waste in the approved manner.

**Officers Comment:**

This is an Australia wide event for charitable purposes.

It is recommended that Council waive the hire fees associated with Peace Park for the Million Paws Walk 2013.

Fees associated with the Peace Park bond and electricity use should not be waived as commercial stall holders will be using Peace Park on the day of the event.

**OFFICER RECOMMENDATION**

*"That Council:*

- 1. Waive the hire fee of \$500.00 for use of Peace Park on 19 May 2013 by the RSPCA for the Million Paws Walk 2013 and;*
- 2. Do not waive the \$500.00 bond and electricity charges for use of Peace Park by the RSPCA for the Million Paws Walk scheduled for 19 May 2013."*

**RESOLUTION**

**070313**

**Moved: Cr Hooper**

**Seconded: Cr Lawrance**

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

- 1. Waive the hire fee of \$500.00 for use of Peace Park on 19 May 2013 by the RSPCA for the Million Paws Walk 2013 and;***
- 3. Do not waive the \$500.00 bond, electricity charges and Commercial Stall Holders fees for use of Peace Park by the RSPCA for the Million Paws Walk scheduled for 19 May 2013."***

**CARRIED: 6/0**

*The Officer Recommendation was changed to include the non-waiver of Commercial Stall Holders fees.*

### **Item 9.2.3 – Appendices**



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

FILE NO:	CS.LCS.8.1
COUNCIL DATE:	18 March 2013
REPORT DATE:	8 March 2013
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 **February 2013**.

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

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

The number of visitors coming through the doors in February 2013 was **591** as compared to **673** in 2012.

The count of York maps outside the Information Office and the Town Hall sliding doors for The Month of February was **187**

The York maps outside the Town Hall sliding door and the Information Services Office do not go into the visitor count for the month and it is shown separate on the spreadsheet however these map and pamphlets are taken when the Information Services are closed and when there are other visitors in the office and visitors don't want to wait. This count is also visitors coming to York.

- **Product Sales-** (Appendix B) Net sales for the month of February 2013 were **\$320.90** compared to **\$522.15** for the same period 2012.

These figures are down due to the lack of stock the Information service now carries we provide Information more so than sale items.

- **The York Map-** Tamara and Vicki are in the process of updating and printing the York Map as supplies are getting low.

They have not gone to print yet but there are no more advertising spaces left on the map and we are receiving the artwork now. We have been set back a little as the Information Services computer was down for 2 and half weeks and we could not receive any artwork so we are running a few weeks behind in getting the map to the printer.

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

○ Souvenir Gold Coin Machine	2
○ Laundromat	3
○ Stamps	13

- **Souvenir Gold Coin Machine**

Please note that the Souvenir Gold Coin Machine is a highly recognizable vending machines which stamps a souvenir coin which is a high quality brass coin designed in WA and proudly manufactured in Australia. The Souvenir Gold Coin Machine can be seen in many visitors centre's and tourist spots around WA.

The Information Services officers have been in enquiring about the Souvenir Gold Coin Machine and are waiting for a reply.

- **Google Maps**

Google Maps have advertising for places of interest to see and do in most towns.

We looked up Google Maps and found very little of interest to see and do in York. A few things on Google Maps for York are in the wrong locations and the wrong Streets. As there are more and more visitors using this facility from their Iphones and I pads we think it would be a good idea to update and add our Attractions as we will getting more requests for this service.

Vicki and Tamara are looking into fixing up the Google Maps If we can and putting the attractions in the right locations because they are all wrong and visitors that come to York cannot find some of the attractions as some are not in the correct locations.

We have been unsuccessful at this stage getting some one from Google Maps to assist us as they don't answer their emails.

- **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 **February 2013** were:
  - Lack of attractions and businesses available through December to February
  - Lack of places to eat of Monday and Tuesday nights
  - Lack of places to get lunch after 2.30pm
  - Eating out Services that advertise they are open till 4pm but close the kitchen at around 2.30 or 3pm.
  - Places closing around the same time 3pm or 3.30pm over the weekends
  - Places closing early during the day when they are supposed to open

**Background:**

We have the Calendar of Event for the year of 2013. 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**

**080313**

**Moved: Cr Smythe**

**Seconded: Cr Lawrance**

***“That Council:***

***Receive the February 2013 report prepared by York Information Services.”***

***CARRIED: 6/0***



#### **Item 9.2.4 – Appendices**



**9. OFFICER'S REPORTS**  
**9.2 ADMINISTRATION REPORTS**  
**9.2.5 Talbot Brook – Observatory – Lease**

<b>FILE NO:</b>	<b>Ta 1.30560</b>
<b>COUNCIL DATE:</b>	<b>18 March 2013</b>
<b>REPORT DATE:</b>	<b>10 March 2013</b>
<b>LOCATION/ADDRESS:</b>	<b>Reserve 12190</b>
<b>APPLICANT:</b>	<b>Mr J Papas</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>Appendix A - Location</b>
<b>DOCUMENTS TABLED:</b>	<b>Nil</b>

**Summary:**

Mr John Papas who currently has the lease of the observatory in the Talbot Brook area wishes to relinquish his rights to the lease and transfer the observatory to the Talbot Community Group Inc. The Talbot Brook Community Group Inc have had consent from the Minister to lease Reserve 12191 being the Talbot Hall. Prior to final documentation being completed Council support for the combined lease is required.

**Background:**

Council at its September 2012 Council meeting agreed to a 21 year lease of the Talbot Hall, which provides the Talbot Community Group Inc the needed security of tenure to support grant applications.

**Consultation:**

Mr T Hughes and Mr L Fairclough – Talbot Community Group Inc.  
Mr J Papas.

Mr Papas wrote to Council on the 24<sup>th</sup> January 2013 the following:

*"As per our telephone conversation on 20th January 2013, I wish to confirm that I would like to donate the observatory building on the Talbot Hall Reserve to the Talbot Youth Group and relinquish our rights to the lease for the land on which the building is constructed."*

*Attached is a letter which states this request and explains the reason for this decision. Please let me know if and how you wish to proceed with the handover."*

As the letter contained other issues Council has extracted pieces of the correspondence relevant to this matter, as follows:

*"This letter is to confirm our telephone conversation on 20<sup>th</sup> January 2013 and the events which occurred recently that lead us to decide to donate the observatory building on the Talbot Hall Reserve to the local community and to relinquish our rights to the lease for the land on which the building is constructed."*

*...The building was erected on this site in about 1987 after been granted a long term lease by the York Shire. The building was been used by us for astronomical observations and astrophotography until it was first broken into in November 2011. The break-in was reported to the police back then. The contents, which included electronic and optical equipment, were extensively damaged and a large quantity of equipment that was stored in the building stolen. The police never recovered any of the stolen items and have been unable to find the culprits. We secured the premises after break-in and removed all the valuable equipment not damaged during the break-in including the main telescope. The building has not been used by us since the break-in."*

*... I also discussed with Roger the possibility of donating the building to the Talbot Youth group at no cost to use for any purpose they deemed suitable, as it was no longer possible for us to continue using as an observatory given the on-going vandalism, failure of any security measures undertaken by us to deter these vandals from breaking-in.... Roger said he would raise this matter at their next committee meeting and suggested that I should also contact yourself to advise of our intension to donate the building and discuss how best to proceed with this.*

*...Can you please advise on how you wish to proceed with the handover of the lease and the building to the York Shire and Talbot Youth Group."*

**Statutory Environment:**

Land Administration Act 1997.

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

**Policy Implications:**

Not Applicable.

**Financial Implications:**

No costs to Council.

**Strategic Implications:**

Social: Building a Sense of Community.

**Voting Requirements:**

**Absolute Majority Required:** Yes

**Site Inspection:**

**Site Inspection Undertaken:** No

**Triple bottom Line Assessment:**

**Economic Implications:**

Nil.

**Social Implications:**

Opportunities to work together with an active community group.

**Environmental Implications:**

The development or upgrade of facilities will need to meet environmental requirements.

**Comment:**

The land reserve has been utilised for a significant period.

The Department of Land Administration has given Council the powers to sub-lease for a period of 21 years.

The use of the land for this purpose is considered to be compatible.

## OFFICER RECOMMENDATION

*“That Council:*

1. *notes that Mr George Conto and Spiro Nanos relinquish rights to the Lease of Reserve 12190; and*
2. *grants a further lease to the Talbot Community Group Inc for a period of 21 years from the date of any lease agreement subject to the following conditions:*
  - (a) The Shire of York to be advised of all improvements.*
  - (b) Appropriate approvals and licences being in place prior to works.*
  - (c) The Shire of York not being responsible for any service connections or operating expenses for water, power or telecommunications.*
  - (d) In the event that the Talbot Community Group Inc cease to exist any infrastructure in place on the land to become the property of a similar organisation or to become the property of the local government.*
  - (e) The lease agreement does not commit the Shire of York to financial contributions for capital or operating expenditure by the Talbot Community Group Inc.*
  - (f) Appropriate insurances being held by the Talbot Community Group Inc.*
  - (g) The Shire of York retaining the right to enter into and use part of the land for community benefit purposes e.g. access roads, storage of storm debris.*
  - (h) Talbot Community Group Inc being responsible for the management of the land including fire breaks and fire hazards.*
  - (i) A peppercorn rental fee of \$1.00 per year is applicable.*
3. *Provide a standard Lease Agreement incorporating the above conditions and incorporating the lease of the Talbot Hall (if possible) being Reserve 12191 to the Minister for Lands for consent to sub-lease.”*

## RESOLUTION

**090313**

**Moved: Cr Smythe**

**Seconded: Cr Duperouzel**

*“That Council:*

***Defer this item until the April 15, 2013 Ordinary Council Meeting.”***

**CARRIED: 6/0**





**9. OFFICER'S REPORTS**  
**9.2 ADMINISTRATION REPORTS**  
**9.2.6 Road Rail Interface Agreement**

<b>FILE NO:</b>	<b>TR.RAI</b>
<b>COUNCIL DATE:</b>	<b>18 March 2013</b>
<b>REPORT DATE:</b>	<b>12 March 2013</b>
<b>LOCATION/ADDRESS:</b>	<b>Whole of Shire</b>
<b>APPLICANT:</b>	<b>Brookfield Rail</b>
<b>SENIOR OFFICER:</b>	<b>Ray Hooper, CEO</b>
<b>REPORTING OFFICER:</b>	<b>Ray Hooper, CEO</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>APPENDICES:</b>	<b>A. Correspondence from WALGA Road Safety B. Interface Agreement</b>
<b>DOCUMENTS TABLED:</b>	<b>Nil</b>

**Summary:**

Request for Council to enter into a Road Rail Interface Agreement between Brookfield Rail, Shire of York and Main Roads WA to facilitate an open and collaborative approach to identify, assess and manage risks and safety associated with road/rail crossings and to commit to co-operate in all aspects.

**Background:**

Currently work on or near individual rail crossings is subject to specific arrangements on an as needs basis.

**Consultation:**

WALGA Road Safety Section has consulted and liaised with all parties

**Statutory Environment:**

Rail Safety Act 2010

**Policy Implications:**

Nil

**Financial Implications:**

Nil at this stage.

**Strategic Implications:**

***The Shire of York's 2012 Strategic Community Plan –***

***Built Environment: Enhanced Lifestyle Choices***

***Our Vision***

- *Our lifestyle choices will be supported with improved transport solutions.*
- *Our assets, facilities, roads and parks are well maintained and meet our requirements.*

*Our objectives and priorities are built from our shared outcomes.*

*Outcomes: Improved Quality of Our Assets*

*Objectives: Upgrade and Maintain Our Infrastructure*

*Priorities: Work towards applying safe system principles to provide and maintain safe, efficient transport, including roads, footpaths and cycle ways.  
Develop and implement a road safety management or action plan incorporating the safe system approach.*

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

**Site Inspection:**  
**Site Inspection Undertaken:** Not Applicable

**Triple bottom Line Assessment:**  
**Economic Implications:**  
A safe and efficient road and rail system is of benefit across the transport task.

**Social Implications:**  
The community expects and requires a high level of safety at rail crossings.

**Environmental Implications:**  
Nil at this stage.

**Officers Comment:**  
The interface agreement identifies the responsibilities of the parties involved.

The agreement will be reviewed within 5 years of the date of signing and it can be amended with the consent of all parties.

Access arrangements are primarily:

- (1) Track access permits are required for all persons working in the rail corridor within 3 metres of the outside rail of the track
- (2) An accredited Brookfield Rail flag person is required where work is to be undertaken in the area up to 5 metres from the outside rail
- (3) Outside of the 5 metre rail corridor normal road safety work conditions apply

#### OFFICER RECOMMENDATION

*"That Council:*

*Authorise the entering into an agreement between Brookfield Rail Pty Ltd, the Shire of York and Main Roads WA under the provisions of the Rail Safety Act 2010 for an Interface Agreement for Public Road and Rail Crossings."*

#### RESOLUTION 100313

**Moved: Cr Scott**

**Seconded: Cr Hooper**

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

*Authorise the entering into an agreement between Brookfield Rail Pty Ltd, the Shire of York and Main Roads WA under the provisions of the Rail Safety Act 2010 for an Interface Agreement for Public Road and Rail Crossings subject to Items 21 & 22 in Schedule 1 being deleted."*

**CARRIED: 6/0**

*The Officer Recommendation was changed to remove rail lines which no longer exist.*

## **Item 9.2.6 – Appendices**



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

### **9.2 ADMINISTRATION REPORTS**

#### **9.2.7 Change of Road Name – Portion of Young Road to Cave Hill Road**

<b>FILE NO:</b>	<b>PS.NAM.2</b>
<b>COUNCIL DATE:</b>	<b>18 March 2013</b>
<b>REPORT DATE:</b>	<b>11 March 2013</b>
<b>LOCATION/ADDRESS:</b>	<b>Known as Young Road</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>Appendix A - Map</b>
<b>DOCUMENTS TABLED:</b>	<b>Nil</b>

#### **Summary:**

It is considered appropriate to change a section of Young Road due to it currently coming off two sections of the Great Southern Highway. This will allow for emergency services and the like to promptly arrive at a request. The portion of road to be changed is shown on Appendix A.

#### **Background:**

It is a requirement under the Geographic Names Committee that landowners are consulted regarding the proposed change.

#### **Consultation:**

A conversation with a local farmer in the area has been undertaken (Mr D Wallace) and he has been advised that the numbering system will change as a result of this action. Further notification will be provided as soon as Council has received an approval from the Geographic Names Committee.

Discussions have been held with Mr P Bateman who will speak with a local elder and provide confirmation as to the proposed name. However at this time he could not foresee any problems with the naming of this road Cave Hill Road.

Consultation was undertaken with Landgate – Geographic Names Committee to see whether Cave Hill Road could be used due to the location to Cave Hill, response provided below:

*"Thank you for your reply. As mentioned in my initial email, if Council wish to have the name Cave Hill Road approved, my advice is when making your submission state the relevance/importance of the name as well as its proximity to Cave Hill. This will assist Geographic Names in making an informed decision.*

*Please quote Job No: 961 (2012) in your submission."*

*"Thank you for your enquiry regarding the proposed name of Cave Hill Road. The GNC Guidelines (which are currently under review) discourage the use of double barrel names, so Cave Hill Road would be deemed unsuitable.*

*However if Council wish to request the proposed (Cave Hill Road) name due to the close proximity to Cave Hill or that the road actually leads to Cave Hill, then I would suggest that a formal application (either by email or letter) be sent to Geographic Names stating the relevance of the proposed name and its position.*

*I have also requested a file from archives as there is conflicting information regarding the current/approved name of the proposed road.*

*I will email you with my findings once I've viewed the file."*

**Statutory Environment:**

Land Administration Act.

The Geographic Names Committee – WA (Landgate) provides the following information:

***“Procedure for Naming and Renaming Roads***

***New Roads*** - Survey documents require approved road names before the survey can be approved. The developer or their agent should be prompt in lodging a concept plan and a proposal for road names conforming to the above guidelines with the relevant local government. It may also be helpful to supply a copy to the Secretary, Geographic Names Committee. Local governments then propose the names to LANDGATE for approval. Following agreement between the Department and the local government, the names will be approved and all interested parties advised.

*The selection of names is at local government discretion, and many local governments maintain lists of preferred names. There must be sound justification to propose alternative names, but some local governments allow developers discretion, particularly with larger developments. Short names are encouraged for short roads.*

***Existing Roads*** — Unnamed roads should be treated in a like manner to new roads. Proposals for renaming roads should follow the above guideline and be submitted through local government. Proposals should be accompanied by a map showing the extent of the name and full details on the name, including the reason for the selection.”

**Policy Implications:**

Nil.

**Financial Implications:**

Administration costs associated with staff time.

**Strategic Implications:**

Nil.

**Voting Requirements:**

**Absolute Majority Required:** No

**Site Inspection:**

**Site Inspection Undertaken:** No

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

There will be costs associated with the changing of addresses and legal documents etc, however it is deemed that the benefit of a quick service especially in times of near death experiences prevails over the financial impediment.

**Social Implications:**

The naming of roads should have a tangible connection to the community. Cave Hill is recognised by the Community and is referenced in a book produced by Sylvia J Hallam in her book titled ‘Aboriginals of the York Area’, as Dale’s Cave (Ensign Robert Dale).

**Environmental Implications:**

Nil.

**Comment:**

The portion of Young Road chosen to be renamed is the first part of Young Road (right hand side) to come along travelling south from York on the Great Southern Highway. The request whilst it is a double barrel name is believed to have great enough historical significance to be able to proceed with this request.

Two caves exist in this location of Cave Hill.

A ragged shaped cave about half way up the escarpment wall exists. The cave has aboriginal drawings and hand prints on the cave wall and a jagged hole in the roof of the cave. The legend is as follows:

*In the dreamtime the moon was a man on the earth and some warriors chased him in to the cave. He got tired of being confined there so he put his hand on the cave wall and used that leverage to burst out of the cave making the jagged hole in the roof and he escaped into the sky where he roams around still to this day.*

The reference to Cave Hill would provide a description and identification that has relevance to where the road is located.

Once Council endorses the name then the matter will be referred to the Geographic Names Committee for final approval.

**RESOLUTION****110313****Moved: Cr Boyle****Seconded: Cr Lawrance*****“That Council:***

- 1. advise the Geographic Names Committee that it recommends the use of the name Cave Hill Road to be used on a portion of Young Road, as per Appendix A; and***
- 2. notify landowners in the vicinity of the proposed change.”***

***CARRIED: 6/0***





## **Item 9.2.7 - Appendices**



**9. OFFICER'S REPORTS**  
**9.2 ADMINISTRATION REPORTS**  
**9.2.8 York VES – MOU Review/Renewal**

<b>FILE NO:</b>	<b>RS.FES.5</b>
<b>COUNCIL DATE:</b>	<b>18 March 2013</b>
<b>REPORT DATE:</b>	<b>10 March 2013</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>T Cochrane, DCEO</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>APPENDICES:</b>	<b>Memorandum of Understanding</b>
<b>DOCUMENTS TABLED:</b>	<b>Nil</b>

**Summary:**

The York VES Unit MOU is due for review and renewal prior to the 9<sup>th</sup> May 2013, there have been no major changes apart from the references to FESA, Shire President – name and the unit OIC name and addresses.

**Background:**

The MOU has been working effectively in the current form and other than some minor changes it is not considered that a major review should be undertaken.

**Consultation:**

Department of Fire and Emergency Services.

**Statutory Environment:**

Obligations under the Fire and Emergency Services Act 1998.

**Policy Implications:**

Not applicable.

**Financial Implications:**

Covered under the ESL.

**Strategic Implications:**

Not applicable.

**Voting Requirements:**

<b>Absolute Majority Required:</b>	<b>Yes</b>
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**Site Inspection:**

<b>Site Inspection Undertaken:</b>	<b>Not applicable</b>
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**Triple bottom Line Assessment:**

**Economic Implications:**

Not applicable.

**Social Implications:**

The MOU gives those involved and the community confidence, which is achieved through clear guidelines.

**Environmental Implications:**

N/A

**Comment:**

The MOU is for a five (5) year term with the ability to extend for a further five (5) years by agreement of all parties.

The MOU clearly defines the reporting structure and the responsibilities of the three agencies.

**RESOLUTION**

**120313**

**Moved: Cr Lawrance**

**Seconded: Cr Duperouzel**

***“That Council***

***Authorise the Chief Executive Officer and the Shire President to sign the Memorandum of Understanding for the maintenance and support of the Volunteer Emergency Service Unit.”***

***CARRIED: 6/0***

## **Item 9.2.8 – Appendices**



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

### **9.2 REPORT**

#### **9.2.9 CWA – Application to be Recognized as a Community Group**

<b>FILE NO:</b>	<b>FI.DON</b>
<b>COUNCIL DATE:</b>	<b>18 February 2013</b>
<b>REPORT DATE:</b>	<b>11 March 2013</b>
<b>APPLICANT:</b>	<b>CWA</b>
<b>SENIOR OFFICER:</b>	<b>Ray Hooper, CEO</b>
<b>REPORTING OFFICER:</b>	<b>Gordon Tester, MHB</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 the York Branch of the CWA makes application to Council to be recognized as a Community Group in order to qualify to have fees waived for fund raising activities in public places and thoroughfares.

#### **Background:**

On 5 March 2013 Council received an application from the York Branch of the CWA seeking Council recognition as a community group for the purpose of having Council fees waived for "Not for Profit" fund raising activities in public places and thoroughfares.

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:**

Shire of York, Local Law – Trading in Thoroughfares and Public Places.

#### **Policy Implications:**

Nil

#### **Financial Implications:**

Annual stallholder's fee is \$35.00.

Hall Hire is \$500.00 per day.

#### **Strategic Implications:**

Nil

#### **Voting Requirements:**

<b>Absolute Majority Required:</b>	<b>No</b>
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#### **Site Inspection:**

<b>Site Inspection Undertaken:</b>	<b>Not Applicable</b>
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#### **Triple bottom Line Assessment:**

##### **Economic Implications**

Nil

**Economic Implications:**

The cost of running the hall is almost entirely Councils responsibility with very little revenue being raised from hall users.

**Social Implications:**

It is of benefit to enhance relationships between Council and Community Groups by waiving the Stallholder's fee and Hall hire for "Not for Profit" fundraising events.

**Environmental Implications:**

Nil

**Comment:**

The CWA has been long established in York. They are a community group that can be relied upon to volunteer their time and resources during emergencies and community events.

It is planned to host the ninetieth anniversary State Conference for the CWA in York from 21 to 24 July 2014.

A current copy of the Certificate of Currency for Public Liability Insurance will be provided.

**OFFICER RECOMMENDATION**

*"That Council:*

*Recognize the CWA as a Community Group for the purpose of waiving the Stallholders fee and Hall Hire for "Not for Profit" fund raising activities in public places and thoroughfares."*

**RESOLUTION**

**130313**

**Moved: Cr Hooper**

**Seconded: Cr Duperouzel**

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

*Recognize the CWA as a Community Group for the purpose of waiving the Stallholders fee for "Not for Profit" fund raising activities in public places and thoroughfares."*

**CARRIED: 6/0**

*The Officer Recommendation was changed to remove the waiver for Hall Hire.*



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

### **9.2.10 REPORT**

#### **9.2.10 York Pony Club – Application to be Recognised as a Community Group**

<b>FILE NO:</b>	<b>FI.DON</b>
<b>COUNCIL DATE:</b>	<b>18 February 2013</b>
<b>REPORT DATE:</b>	<b>22 January 2013</b>
<b>APPLICANT:</b>	<b>York Pony Club</b>
<b>SENIOR OFFICER:</b>	<b>Ray Hooper, CEO</b>
<b>REPORTING OFFICER:</b>	<b>Gordon Tester, MHB</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 the York Pony Club makes application to Council to be recognised as a Community Group in order to qualify to have fees waived for fund raising activities in public places and thoroughfares.

#### **Background:**

On 7 March 2013 Council received an application from the York Pony Club seeking Council recognition as a community group for the purpose of having Council fees waived for "Not for Profit" fund raising activities in public places and thoroughfares.

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

#### **Consultation:**

Nil

#### **Statutory Environment:**

Shire of York, Local Law – Trading in Thoroughfares and Public Places.

#### **Policy Implications:**

Nil

#### **Financial Implications:**

Annual stallholder's fee is \$35.00.

#### **Strategic Implications:**

Nil

#### **Voting Requirements:**

<b>Absolute Majority Required:</b>	<b>No</b>
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#### **Site Inspection:**

<b>Site Inspection Undertaken:</b>	<b>Not Applicable</b>
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#### **Triple bottom Line Assessment:**

##### **Economic Implications**

Nil

**Economic Implications:**

Nil

**Social Implications:**

It is of benefit to enhance relationships between Council and Community Groups by waiving the Stallholder's fee for "Not for Profit" fundraising events.

**Environmental Implications:**

Nil

**Comment:**

The York Pony Club has been long established at their grounds in Dinsdale Street and provides equine activities for the youth of York. They are a member of the Pony Club of WA association and regularly conduct fundraising to improve the grounds and purchase equipment with their annual Mother's Day stall held in front of the IGA supermarket.

The Pony Club also hold the equestrian events at their grounds for the annual York Agricultural Show, which is attended by participants from all parts of the state.

A current copy of the Certificate of Currency for Public Liability Insurance for \$20,000,000 has been provided.

**RESOLUTION****140313****Moved: Cr Scott****Seconded: Cr Duperouzel*****"That Council:******Recognise the York Pony Club as a Community Group for the purpose of waiving the Stallholders fee for "Not for Profit" fund raising activities in public places and thoroughfares."******CARRIED: 6/0***

### **9.3 Works Reports**



## **9.4 Financial Reports**



**9. OFFICER'S REPORTS**  
**9.4 FINANCE REPORTS**  
**9.4.1 Net Ball Shade Shelter**

<b>FILE NO:</b>	<b>BF 50058</b>
<b>COUNCIL DATE:</b>	<b>18 March 2013</b>
<b>REPORT DATE:</b>	<b>11 March 2013</b>
<b>LOCATION/ADDRESS:</b>	<b>Lot 292 Cnr South and Forrest Street</b>
<b>APPLICANT:</b>	<b>Nil</b>
<b>SENIOR OFFICER:</b>	<b>Ray Hooper, CEO</b>
<b>REPORTING OFFICER:</b>	<b>Gordon Tester, MHB</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 requested to consider allocating an amount \$5000.00 from its 2013 / 2014 budget to the net ball shade shelter project to the original allocated amount of \$30,000.00 to enable this project to be completed.

**Background:**

The netball shade shelter and shed have been completed and require the installation of a concrete slab below the shaded area and associated drainage under the proposed slab to finalize this project and have the facility ready for the pending netball season.

**Consultation:**

Nil

**Statutory Environment:**

National construction Code of Australia.

Local Government Act 1995.

Local Government (Financial Management) Regulations 1996.

**Policy Implications:**

Nil

**Financial Implications:**

Councils Fraser Street Residence has been recently vacated by Councils former Environmental Health Officer.

An amount of \$11,000.00 was allocated in the 2012/2013 budget for renovations to the kitchen in this residence.

The renovations have not commenced and it is suggested that the required \$5000.00 be reallocated from the Fraser Street Residence to the Netball project.

**Strategic Implications:**

It is a priority to capture and develop community development opportunities such as recreation activities.

**Voting Requirements:**

**Absolute Majority Required:** Yes

**Site Inspection:**

**Site Inspection Undertaken:** Yes

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

It is suggested that there will be limited impact on the 2012 / 2013 budget with the proposed reallocation of \$5000.00 to the Netball Shade Shelter Project.

**Social Implications:**

Positive feed back has been received from potential users of the York netball shade shelter that have observed the shelter under construction.

**Environmental Implications:**

It is essential to provide stormwater drainage to this building that does not scour or damage the adjacent unsealed car park.

**Comment:**

The variations to this project which were outside the original scope of works consist of;

- Additional concrete.
- Stormwater Drainage.
- Additional site works.

It is essential that the above works be undertaken as a priority to cater for the pending netball season.

**RESOLUTION****150313****Moved: Cr Lawrance****Seconded: Cr Duperouzel*****“That Council:***

***Approves the additional expenditure of \$5000.00 to enable the completion of the Netball Shade Shelter reallocated from the Fraser Street House kitchen renovations.”***

***CARRIED: 6/0***



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

### **9.4 FINANCE REPORTS**

#### **9.4.2 Monthly Financial Reports – February 2013**

<b>FILE NO:</b>	<b>FI.FRP</b>
<b>COUNCIL DATE:</b>	<b>18 March 2013</b>
<b>REPORT DATE:</b>	<b>8 March 2013</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 28 February 2013 is hereby presented for the consideration of the Council.

Appendix A includes the following:

- Monthly Statements for the period ended 28 February 2013
- Bank Account Reconciliations
- List of Creditors Payments
- Payroll Direct Debits Summary
- Corporate Credit Card Summary
- Fuel Card Summary

#### **Consultation:**

Dominic Carbone

#### **Statutory Environment:**

Local Government Act 1995 (As Amended).

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

#### **Policy Implications:**

Nil.

#### **Financial Implications:**

The following information provides balances for key financial areas for the Shire of York's financial position as at 28 February 2013;

Sundry Creditors as per General Ledger	<b>\$101,368.88</b>
Sundry Debtors as per General Ledger	<b>\$481,307.35</b>
Unpaid rates and services current year (paid in advance inc. ESL)	<b>\$842,794.87</b>
Unpaid rates and services previous years (inc. ESL)	<b>\$498,165.87</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  
160313**

**Moved: Cr Scott**

**Seconded: Cr Boyle**

***“That Council:***

***Receive the Monthly Financial Report for February and ratify payments drawn from the Municipal and Trust accounts for the period ending 28 February 2013:***

	<u><b>VOUCHER</b></u>	<u><b>AMOUNT</b></u>
<b><i>MUNICIPAL FUND</i></b>		
<b><i>Cheque Payments</i></b>	<b><i>30518 - 30573</i></b>	<b><i>\$ 122,338.16</i></b>
<b><i>Electronic Funds Payments</i></b>	<b><i>10425 - 10562</i></b>	<b><i>\$ 556,027.91</i></b>
<b><i>Direct Debits Payroll</i></b>		<b><i>\$ 169,382.69</i></b>
<b><i>Bank Fees</i></b>		<b><i>\$ 1,076.63</i></b>
<b><i>Corporate Cards</i></b>		<b><i>\$ 4,017.54</i></b>
<b><i>Shell Cards</i></b>		<b><i>\$ 206.81</i></b>
<b><i>TOTAL</i></b>		<b><i>\$ 853,049.74</i></b>
<b><i>TRUST FUND</i></b>		
<b><i>Cheque Payments</i></b>	<b><i>4097 - 4106</i></b>	<b><i>\$ 5,314.69</i></b>
<b><i>Direct Debits Licensing</i></b>		<b><i>\$ 139,027.30</i></b>
<b><i>TOTAL</i></b>		<b><i>\$ 144,341.99</i></b>
<b><i>TOTAL DISBURSEMENTS</i></b>		<b><i>\$ 997,391.73”</i></b>

***CARRIED: 6/0***

## **Item 9.4.2 – Appendices**



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

### **9.4 FINANCE REPORTS**

#### **9.4.3 Investments – February 2013**

<b>FILE NO:</b>	<b>FI.FRP</b>
<b>COUNCIL DATE:</b>	<b>18 March 2013</b>
<b>REPORT DATE:</b>	<b>8 March 2013</b>
<b>LOCATION/ADDRESS:</b>	<b>Shire of York</b>
<b>APPLICANT:</b>	<b>N/A</b>
<b>SENIOR OFFICER:</b>	<b>Ray Hooper, CEO</b>
<b>REPORTING OFFICER:</b>	<b>Tabitha Bateman, FO</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>APPENDICES:</b>	<b>Shire of York Investment Portfolio</b>
<b>DOCUMENTS TABLED:</b>	<b>Nil</b>

#### **Summary:**

That Council consider the investment portfolio as attached.

#### **Background:**

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

#### **Consultation:**

Auditors; and  
Dominic Carbone.

#### **Statutory Environment:**

Not Applicable.

#### **Policy Implications:**

In accordance with the Financial Management Investment Policy.

#### **Financial Implications:**

Credit Ratings:

#### **Strategic Implications:**

Not applicable.

#### **Voting Requirements:**

<b>Absolute Majority Required:</b>	<b>No</b>
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#### **Site Inspection:**

<b>Site Inspection Undertaken:</b>	<b>Not applicable</b>
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#### **Triple bottom Line Assessment:**

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

Not applicable.

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

Not applicable.

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

Not applicable.

**Comment:**

In accordance with the policy, a report of investments is presented to Council to provide a summary of investments held by the Shire of York as at 28 February 2013.

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

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

**RESOLUTION****170313****Moved: Cr Duperouzel****Seconded: Cr Lawrance*****“That Council receive the Shire of York Investment Portfolio as attached to this report.”******CARRIED: 6/0***

### **Item 9.4.3 – Appendices**





## **9.5 Late Reports**



## **9.6 Confidential Reports**



## 10. NEXT MEETING

### RESOLUTION 180313

Moved: Cr Hooper

Seconded: Cr Scott

*“That Council:*

*hold the next Ordinary Meeting of the Council on April 15, 2013 at 3.00pm in the Council Chambers, York Town Hall, York.”*

**CARRIED: 6/0**

## 11. CLOSURE

*Cr Boyle thanked everyone for their attendance and declared the meeting closed at 3.55pm.*