



SHIRE OF YORK

**MINUTES OF THE ORDINARY
MEETING OF THE COUNCIL
HELD ON 21 MAY, 2012
COMMENCING AT 3.00pm
AT TALBOT HALL,
TALBOT**

SHIRE OF 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, 21 MAY 2012, COMMENCING AT
3.00PM AT TALBOT HALL, TALBOT

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 Boye, Shire President, declared the meeting open at 3.00pm
- 1.2 Chief Executive Officer to read the disclaimer
Tyhscha Cochrane, Acting Chief Executive Officer, read the disclaimer
- 1.3 Announcement of Visitors
Nil
- 1.4 Announcement of any Declared Financial Interests
Jacky Jurmann - Item 9.2.8 - Impartiality

2. ATTENDANCE

- 2.1 Members
*Cr Tony Boyle, Shire President Cr Roy Scott;
Cr Brian Lawrence; Cr Pat Hooper; Cr Mark Duperouzel*
- 2.2 Staff
*Tyhscha Cochrane, Acting Chief Executive Officer; Gordon Tester; Manager of Health and Building Services; Jacky Jurmann, Manager Planning Services;
Glen I Jones – Manager Works & Projects; Helen D'Arcy-Walker, Executive Support Officer*
- 2.3 Apologies
Nil
- 2.4 Leave of Absence Previously Approved
Cr Denese Smythe
- 2.5 Number of People in Gallery at Commencement of Meeting
There were 3 people in the Gallery at the commencement of the meeting.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

3.1 Previous Public Questions Taken on Notice

Mr Simon Saint
87 Avon Terrace
York WA 6302

QUESTIONS TAKEN ON NOTICE - 16 APRIL 2012 COUNCIL MEETING

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

Question 1:

Council spent nearly \$8,000 with Titanwood Holding Pty for heritage consultancy for the failed Town Hall centenary celebration, what was the advice? Can I have a copy?

Response:

The funds were paid to the Heritage Advisor and covered participation in meetings, travel costs, events co-ordination and other issues associated with planning for the hall centenary.

No copies of individual reports will be provided.

Question 2: - York Events Support Policy – Item 9.4.1

(a) Why is Council asking for a business plan?

Response:

If a person or company is requesting community funds to underwrite a private enterprise event they should be prepared to provide sufficient financial information to support and justify the request.

(b) Why is Council asking for a profit and loss statement?

Response:

If a person or company is requesting community funds to underwrite a private enterprise event they should be prepared to provide sufficient financial information to support and justify the request.

3.2 Written Questions – Current Agenda

Mr Simon Saint
87 Avon Terrace
York WA 6302

Public Question Time – Ordinary Council Meeting 21st May, 2012

Question:

What is the total cost to date, of the Forrest Oval Sports and Recreation Centre development, including the oval realignment?

Response:

Thank you for your question of the 17th May 2012 relating to the above.

Please be advised that the total cost to the 18th May 2012 for the Forrest Oval Development is \$6,687,736.87 please find attached a financial statement providing greater detail.

4. PUBLIC QUESTION TIME

Mr Peter McInnes
PO Box 364
York WA 6302

Question 1:

York Shire Council appears to have withdrawn support to the Community Matters newspaper. Why?

Response:

Cr Boyle - Council is in constant contact with the proprietor of the Community Matters newspaper and he has agreed to provide a list of monies owed by him to the Council, as yet it is not forthcoming. Until he is prepared to show why he should have use of a community building nothing will change, so far he has not done so.

Question 2:

So it is to do with a debt?

Response:

Cr Boyle - Yes

Question 3:

Were the letters to the Press Council just a co-incidence?

Response:

Cr Boyle - Yes

Question 4:

How do I find out which Councillors voted to withdraw support?

Response:

Acting CEO - Decision was by agreement.

Question 5:

I have a copy of a letter by the CEO stating that the decision to withdraw support was a majority decision by Council. This decision was made at a planning meeting. How do you get a majority vote?

Response:

Cr Boyle - I do not have a copy of the letter. General discussion, you need to take up concerns with the CEO.

Question 6:

Are Council Briefings and Planning meetings open to the public?

Response:

C Boyle - No

Question 7:

Is it legal for Council to vote 'in Camera'?

Response:

Acting CEO - Can hold discussions 'in Camera' but not vote 'in Camera'.

Mr Simon Saint
87 Avon Terrace
York WA 6302

Question 1:

What is the total cost of the Forrest Oval Sport and Recreation Centre in each annual budget year since its commencement? You can take on notice.

Response:

Acting CEO advised that information was on hand and will provide details as part of the written question.

Question 2:

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

Response:

Taken on Notice

Question 3:

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

Response:

Taken on Notice

Question 4:

Reference my FOI application correspondence with the WA State Ombudsman dated 3rd April, 2012. You provided me with a copy of a letter to the State Ombudsman dated 18th November, 2011. Is this the only written correspondence relating to the published report of 3rd August, 2011? You can take on notice.

Response:

Acting CEO - To the best of our knowledge, however an internal review can be undertaken.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS / PRESENTATIONS / DEPUTATIONS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Minutes of the Ordinary Council Meeting held April 16, 2012

Corrections

Confirmation

RESOLUTION
070512

Moved: Cr Scott

Seconded: Cr Duperouzel

"That the minutes of the Ordinary Council Meeting held on April 16, 2012 be confirmed as a correct record of proceedings."

CARRIED: 5/0

7.2 Minutes of the Special Council Meeting held May 9, 2012

Corrections

Confirmation

RESOLUTION
080512

Moved: Cr Lawrance

Seconded: Cr Duperouzel

"That the minutes of the Special Council Meeting held on May 9, 2012 be confirmed as a correct record of proceedings."

CARRIED: 5/0

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Cr Boyle congratulated the organisers of the Motorcycle Festival for an outstanding event.

9. OFFICER'S REPORTS

9.1 Development Services

9. OFFICER'S REPORTS

9.1 DEVELOPMENT REPORTS

9.1.1 Review of Restricted Building Materials Policy

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.1
COUNCIL DATE:	21 May 2012
REPORT DATE:	1 May 2012
LOCATION/ADDRESS:	Restricted Building Materials Areas
APPLICANT:	Shire
SENIOR OFFICER:	Ray Hooper, CEO
REPORTING OFFICER:	Jacky Jurmann, MPS
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	1 – Restricted Building Materials Policy
DOCUMENTS TABLED:	Nil

Summary:

Council at its Ordinary Meeting held on 19 December 2011 resolved:

“That Council:

Review the Restricted Building Materials Policy including consultation with landowners in the precincts.”

A survey was sent to all landowners within the designated Restriction Building Materials areas in February 2012. A total of 32% of the landowners responded to the survey.

This report will discuss the results overall and for each area, and provide recommendations for a way forward to appropriately resolving this issue.

Background:

The Local Planning Policy was adopted by Council on 21 August 2006 to provide guidelines addressing special conditions of planning, design, and development in certain areas of the York townsite. The Policy identifies two areas – the eastern area bounded by Panmure Road, Steere Street, Pioneer Road, Chandos Road, Mount Street, Cemetery Road and Herbert Road, and the western area bounded by Henry St, Grey St, Macartney St and Ulster Road. (Refer to the map in the attachments.)

The Policy requires that all classes of buildings, except Class 10 (outbuildings) be constructed of brick, stone or other like substance, whether finished in facework or render and to be a minimum of 110m² in floor area.

The weight of any Policy in a court of law is on the consistency of the application of the policy. This Policy has been varied by Council and under delegation a number of times, most recently to permit the construction of a weatherboard clad dwelling in Scarpia Street.

Additionally, a number of exemptions to the Policy have been granted if the dwelling is rendered/coated with a textured finished that have been deemed to meet the objectives of the Policy in accordance with Council's resolution and delegation.

Consultation:

In accordance with the Council's resolution, all landowners in the restricted building materials areas were consulted directly through a survey, advertisements were also placed in the newspaper and on Council's website.

Landowners were given three (3) options as follows:

- Option 1 – For Council to resolve to rescind the Restricted Building Materials Policy and allow landowners to construct dwellings, additions and alterations in any materials;
- Option 2 – For Council to resolve to rescind the Restricted Building Materials Policy and for the areas to be designated as heritage precincts and for development to be subject to the Local Planning Policy for Heritage Precincts and Places; and
- Option 3 – For Council to resolve to retain the Restricted Building Materials Policy as adopted and for the Policy to be enforced consistently i.e. for the provisions of the Policy not to be varied.

From a total of 347 surveys, 32% of landowners returned the survey, giving the results sufficient weight to be considered as a representative sample.

The results from the east and west areas were quite different as follows:

Area	% Response	Majority Vote	Statistics
East	39%	Option 1	Option 1 – 10 votes; Option 2 – 6 votes; Option 3 – 4 votes.
West	32%	Option 1	Option 1 – 48 votes; Option 2 – 17 votes; Option 3 – 29 votes.

Although in both areas the majority voted for Option 1 to rescind the Policy, when you add Options 2 and 3 together, that indicate the landowners want some kind of controls on the type of dwellings built in the areas, the votes are almost even. Therefore, it may be appropriate to consider different alternatives to reach the objectives of the current Policy.

Statutory Environment:

York Town Planning Scheme No. 2

Council may develop and adopted a Local Planning Policy under the provisions of Clause 8.8 of the York Town Planning Scheme No. 2.

A Local Planning Policy is not part of the Scheme and does not bind the Council in respect of any application for planning approval but the Council is to have due regard to the provisions of the policy.

A new local planning policy or an amendment to an existing local planning policies must be adopted and advertised in accordance with the provisions of the Scheme.

A policy may be rescinded by:

- a) final adoption of a new Policy pursuant to this clause, specifically worded to supersede an existing Policy; and
- b) publication of a formal notice of rescission by the local government twice in a newspaper circulating in the Scheme area.

Therefore, to rescind the Restricted Building Materials policy, a new Policy must be adopted to supersede the current policy, or a formal notice of rescission must be given.

Policy Implications:

As indicated earlier in this report, it is pointless adopting a policy that is then constantly varied. For policies to have credit within the community and for them to be upheld in a legal environment, policies must be applied and enforced consistently. Even though local planning policies as not part of the planning scheme, they should guide development where applicable.

The Restricted Building Materials Policy has been varied enough times by Council and under delegation, that it now has little or no standing within the community or if it was challenged in the State Administrative Tribunal.

A better approach to ensure that appropriate development is constructed in these areas may be to adopt the approach in the current Heritage Policy, where either individual properties or precincts are protected through a variety of provisions, including design and materials appropriate to York.

Recent decisions of the State Administrative Tribunal indicates that heritage or local planning policies based on character areas have been given more weight, than policies with a broad-brush approach. However, character areas must define the characteristics of the area, which then defines the precinct and guides development controls. In this situation, the existing areas defined under the Restricted Building Materials areas could be designated as character areas under a new policy, or preferably under the existing Heritage Policy.

The current Heritage Policy is due for review and it may be timely to consider incorporating the restricted building materials areas into the Policy as heritage precincts, or by other means, to ensure that future development in these areas is sympathetic to the area.

A review of the Heritage Policy will be done in consultation with land owners and local heritage interest groups, and in accordance with the provisions of the Local Planning Scheme. Planning policies should be reviewed regularly to ensure that they address current and future issues and thinking.

Financial Implications:

The review of the Local Planning Policy – Heritage Precincts and Places may require the use of a consultant to review the Municipal Inventory and Heritage List. A budget request has been made for the 2012/2013 Budget for this review.

Strategic Implications:

A less restrictive approach to this issue would result in a better strategic outcome, as it would significantly reduce the need for policy variation.

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Complying with the Restricted Building Materials Policy may place additional building costs on landowners.

For example, the most recent Cordell's Building Cost Guide for Western Australia (2011) estimates building costs for the construction of a 3 bedroom, 1 bathroom, slab on ground construction, 119m² dwelling as follows:

- Double brick @ \$1257 per square metre = \$149,583 total cost
- Brick veneer @ \$1134 per square metre = \$134,946 total cost
- Weatherboard @ \$1128 per square metre = \$134,232 total cost

It should be noted that these rates are based on city construction rates and may not be reflective of actual costs to building in York. (The subject application has an estimated cost of \$193,583.)

Less prescriptive provisions, for example within the Heritage Policy, should not impose any additional construction costs on landowners.

Social Implications:

The written submissions received accompanying some of the surveys provide strong views, both on rescinding and retaining the Policy. Landowners have continued to contact Council for updates on the review. The inclusion of some provisions within the Heritage Policy could achieve a positive social outcome for the community by upholding the character of the area.

Environmental Implications:

There are no direct environmental implications associated with this issue. However, it is worth noting that there are alternative building materials that will achieve thermal efficiency requirements.

Comment:

The objective of the Restricted Building Materials Policy to conserve and protect the character of the two identified areas remains a current and valuable objective. The community consultation confirms that half of the landowners agree with this. However, the consultation also showed that the Policy provisions are considered too restrictive and do not reflect current building design and technology.

The community consultation shows that half of the respondents want to keep the Policy or have the provisions incorporated in the Heritage Policy that will achieve the same objectives.

A possible approach is the development of 'special character areas or precincts'. An area or precinct would be defined by its context, character and unique functions and mapped to the particular location in the Shire. Specific policies, guidelines or plans could then be developed to manage development within the precinct. The current Heritage Policy approaches the York Central and Blandstown Heritage Precincts in a similar way with specific design guidelines for each precinct based on the character of the area.

It is recommended that the Local Planning Policy – Heritage Precincts and Places, Municipal Heritage Inventory and Heritage List be reviewed and as part of this process the areas identified in the Restricted Building Materials Policy be incorporated as special precincts into this Policy.

The current Restricted Building Materials Policy should remain in place until the completion of the review and the amendments to the Heritage Policy specifically supersede the provisions of the Restricted Building Materials Policy.

**RESOLUTION
090512**

Moved: Cr Hooper

Seconded: Cr Scott

“That Council:

RESOLVE TO:

- 1. Initiate a review of the Local Planning Policy – Heritage Precincts and Places, the Municipal Inventory of Heritage Places, the York Town Planning Scheme No. 2 Heritage List, in consultation with the community and peak community groups.***
- 2. The Local Planning Policy – Restricted Building Materials be superseded following adoption of the amended Local Planning Policy – Heritage Precincts and Places.***

CARRIED: 4/1

Item 9.1.1 Appendices

9. OFFICER'S REPORTS

9.1 DEVELOPMENT REPORTS

9.1.2 Demolition Of Flat Building At 170 Avon Terrace, York

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

FILE NO:	AV1.9420, P770
COUNCIL DATE:	21 May 2012
REPORT DATE:	9 May 2012
LOCATION/ADDRESS:	Lot 103 (pt), 170 Avon Terrace, York
APPLICANT:	Keybrook Holdings Pty Ltd
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	J Jurmann, MPS
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Plans and photos
DOCUMENTS TABLED:	Nil

Summary:

Council is in receipt of a planning application to demolish the old flat building at 170 Avon Terrace, York, known as the Ashworth Flats. It is proposed to keep the newer masonry addition.

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

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

Although this property is not listed on the Municipal Heritage Inventory, the building is part of York's early history and it may be worthwhile to erect an interpretation panel on the site.

Background:

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

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

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

The York Heritage Walk Trails booklet indicates that the property was known as the 'Old York Hotel and Stables' and was constructed around 1895 as a mirror image of Faversham House by Joseph Monger.

The building has been in disrepair for an extended period of time dating back to the closure of the men's club in 1962. It was then damaged in 1968 earthquake and resulted in the gabled roof being removed and replaced with a cheap, flat roof, destroying its likeness to Faversham House. It was again damaged in the January 2011 storm.

The stone extension on the south of the building was built to house a billiard table when the property was used as a club and it is proposed to retain this to be continued to be used as a dwelling.

Consultation:

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

No submissions were received in response to the advertising.

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

Statutory Environment:York Town Planning Scheme No. 2

The property is zoned Residential R2.5 under the provisions of the Scheme and is partially used for residential purposes.

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

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

Local Planning Policy – Heritage Precincts and Places

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

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

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

Although the place is not heritage listed, it has a well documented story in York's history and should be considered as a heritage place.

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

"As advised to you on 27 March this year, in consultation with Shire officers, it has been decided that the current structure is no longer suitable for restoration and reuse. It is now derelict and uninhabitable. In fact the application was precipitated by several letters to our client from the Shire regarding the poor state of the building. The officers concerned are Mr Johnson and Mr G Tester.

Our client agrees and would like to proceed with demolition. Our client is particularly concerned about the safety of visitors to the building following the damage in the recent storms. Among other things, the front first floor verandah is in a dangerous state and the roof has been partly removed. The electric wiring and plumbing are now out of date and potentially dangerous.

The building is of no heritage value, having been substantially modified over the years, externally and internally."

Where Council supports the demolition of a heritage place, the applicant may be required, as a condition of approval, to submit an archival record of the place prior to demolition occurring.

It is recommended in this instance that before and after photographs are submitted for archival record and that discussions take place with the owner with regards to the erection of interpretative signage on the site.

Policy Implications:

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

It is recommended that any future demolition of buildings, either listed or within a heritage precinct, that interpretative signage is a condition of approval.

Financial Implications:

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

Strategic Implications:

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

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Yes

Triple bottom Line Assessment:

Economic Implications:

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

Social Implications:

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

Environmental Implications:

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

Comment:

It is unfortunate to request the demolition of a building with such history. However as can be ascertained from the Background Section of this report, the owners of the building over a vast period have struggled with maintaining it in a reasonable condition.

The architectural integrity of the building as a place of heritage significance was lost following the demolition of the stables and the removal of the gable roof. Subsequent alterations and additions also changed the appearance where today it is extremely difficult to see the similarity to Faversham House.

The heritage significance of the place can be preserved through story telling, inclusion in historical records and publications, and even as a place of interest on the heritage trail. The erection of an interpretative sign will assist in the preservation.

**RESOLUTION
100512**

Moved: Cr Lawrance

Seconded: Cr Duperouzel

"That Council resolve to:

1. ***APPROVE the planning application to demolish the disused flat building at Lot 103 (pt), No. 170 Avon Terrace, York, subject to the following conditions:***
 - a. ***Condition 1: The Development must substantially commence within twelve (12) months from the date of this decision.***
 - b. ***Condition 2: Development must take place in accordance with the stamped approved plans.***
 - c. ***Condition 3: All structures with the exception of the stone building shall be removed and the site shall be left free of debris.***
 - d. ***Condition 4: All demolition waste shall be disposed of at an approved waste management facility.***
 - e. ***Condition 5: Demolition works shall not impact on the amenity of the neighbourhood. Dust suppression shall be employed if dust emissions can impact on neighbouring properties.***
 - f. ***Advice Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval will lapse and be of no further effect.***
 - g. ***Advice Note 2: Where an approval has so lapsed, no development is to be carried out without the further approval of the local government having first been sought and obtained.***
 - h. ***Advice Note 3: If an applicant is aggrieved by this determination there is a right of appeal under the Planning & Development Act 2005. An appeal must be lodged within 28 days of the determination.***
 - i. ***Advice Note 4: This approval is not a demolition permit. In accordance with the provisions of the Building Act 2011, an application for a demolition permit must be submitted to, and approval granted by the local government prior to the commencement of any works within the development hereby permitted."***
2. ***The owner to be required to place interpretative signage on the site to the satisfaction of the Shire of York.***
3. ***Continue discussions with the landowner regarding any future redevelopment of the property."***

CARRIED: 5/0

Item 9.1.2 Appendices

9. OFFICER'S REPORTS

9.1 DEVELOPMENT REPORTS

9.1.3 Amendment To Planning Approvals – Dog's Bollocks, 89 Avon Terrace, York

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

FILE NO:	AV1.6500, P575A, P517A
COUNCIL DATE:	21 May 2012
REPORT DATE:	9 May 2012
LOCATION/ADDRESS:	Lot 15 (89) Avon Terrace, York
APPLICANT:	S & H Saint
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	J Jurmann, MPS
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	1 – Council letter (11 January 2012) 2 – Council letter (18 January 2012) 3 – P517 planning approval 4 – P575 planning approval 5 – Amended application and photo's
DOCUMENTS TABLED:	Nil

Summary:

Council is in receipt of a retrospective application to amend previous planning approvals relating to the Dog's Bollocks Emporium located at 89 Avon Terrace, York.

The application proposes to amend the approved signage; include the bench seat along the front façade of the building; and to formalise the arrangements for provisions of on-site car parking.

These amendments are considered minor in nature and have resulted in substantially the same development being constructed, and therefore can be considered as an amendment to the original planning approvals.

It is recommended that the amendments be approved, subject to the original conditions of consent. Council may decide in accordance with the Local Planning Policy – Retrospective Planning Applications to approve the application with or without penalty.

Background:

As part of the Proactive Compliance Program, an audit of the planning approvals for the Dog's Bollocks and an external site inspection was carried out by Council's Compliance Officer on 23 December 2011.

It was identified that there were a number of outstanding conditions and anomalies with what is on site when compared to the planning approvals.

Correspondence was sent to the owners, Mr and Mrs Saint, advising of the outstanding issues and anomalies, and requesting that the Shire be advised in writing when the outstanding issues would be completed/rectified. A copy of the letter is at Appendix 1.

Mr Saint telephoned the Shire and requested a meeting with Council's Planning Manager regarding the letter, who advised that the relevant information would be compiled to meet him on site.

Council's Planning Manager met with Mr Saint on site on Friday, 13 January 2012 at approximately 9.00 am who provided him with the copies of the relevant planning approvals and plans. A summary was given to Mr Saint of the signage issues and the issue of the provision of car parking was discussed. During the meeting, Mr Saint also requested that the front bench and rear sign also be included in the amendments to gain approval, which he advised had not been sought.

At the meeting Council's Planning Manager and Mr Saint discussed the best way to finalise everything and he was advised that he would need to amend the plans that were approved for the signage to reflect what has actually been erected; advise how the car parking would be made accessible to business owners and customers; and to complete a planning application form and payment an amendment fee of \$77 for the front bench. This advice was confirmed in writing on 18 January 2012.

As at 27 April 2012, a check of Council's records and the site confirmed that the issues were still outstanding. A further letter was sent on 27 April 2012 advising that legal action may be instigated if the outstanding issues were not rectified.

An application to amend the relevant planning approvals, accompanied by the adopted fee, was received by Council on 8 May 2012.

Consultation:

There has been extensive consultation with the land owners (applicants) regarding this issue.

Due to the minor nature of the amendments, and the fact that the amendments will result in substantially the same development, it is considered that public consultation is not required.

Statutory Environment:

York Town Planning Scheme No. 2

The site is zoned Town Centre under the provisions of the Scheme. The proposed amendments do not affect the use or proposed to change the use of the premises.

The amendments propose:

1. To alter the design and location of advertising signage;
2. To add a bench seat to the approved plans relating to the front façade of the building;
3. To amend the condition relating to the provision of car parking.

Clause 7.13 states that the local government may, on written application from the owner of land in respect of which planning consent has been granted, revoke or amend the planning consent, prior to the commencement of the use or development subject of the planning consent.

Due to the use and development have been commenced, the application cannot be considered under Clause 7.13 and must be considered under Clause 7.14 which enables the local government to grant planning consent to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme. An assessment of the retrospective works show that the development conforms to the provisions of the Scheme, or can conform when conditions of approval are complied with.

Local Planning Policy – Heritage Precincts and Places

The site is located in the Central York Heritage Precinct and therefore, the provisions of the LPP apply. The original planning applications were assessed for compliance with the LPP. The proposed amendments are consistent with the original approvals and the LPP.

Local Planning Policy – Advertising Signage

The LPP for advertising signage was adopted in August 2011 following the approval of the planning application for the subject premises relating to signage. Notwithstanding this, the proposed amendments to the approved signage are consistent with the policy with the exception of the caricatures that do not relate to the use of the premises.

Local Planning Policy – Retrospective Planning Applications

Council adopted a policy in July 2011 on dealing with retrospective planning applications to provide consistency. The policy does not affect any current or future legal action that may or has been instigated by Council on landowners or developers that commence development or a use without first obtaining planning approval.

Assessment

The proposed amendments are assessed for compliance with the Scheme and relevant Policies as follows:

1. *Signage*

Clause 5.3 gives the local government the power to control advertising signage. When considering applications under 5.3, matters that must be taken into account when making a decision upon an application for consent to erect, place or display an advertisement, the local government shall examine each such application in light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed, including its historic or landscape significance and traffic safety, and the amenity of adjacent areas which may be affected.

The original planning approval granted approval, subject to compliance with the Local Planning Policy for Heritage, for the following signage:

- 1 general Dog's Bollocks (wording and dog graphic with leaf) flush wall sign on the left hand side of the front façade;
- 2 general Dog's Bollocks (wording no graphics) signs under either end of the verandah;
- 5 under verandah signs facing Avon Terrace for use by occupants of the individual tenancies. (Note: These signs have not been erected/displayed to date. The former Heritage Advisor, Kris Bizacca recommended that the content of these signs be permitted to be changed without approval. However, this condition was not included in the consent, and should be included in these amendments.)

The following non-compliances with the planning approval in relation to the signage have been identified:

- There are 2, not 1, flush wall signs displayed on the front façade. Both signs are not consistent with the approved design as they do not display the 'strategically positioned' leaf.
- The 2 signs under the ends of the verandah include graphics that are not on the approved plans. The graphics, including caricatures) are also inconsistent with the provisions of the LPP in that they include unrelated advertising.
- There are approximately 7-8 metals signs, similar to those sold within the Dog's Bollocks, also displayed on the front and sides of the building that are unapproved.
- On the rear elevation, a large 'Bushell's Coffee' sign is displayed.

The retrospective application to amend the planning approved proposes to keep all displayed advertising signage and to keep the approval for the tenancies to display under awning signs in the future.

The assessment of the original application makes note that the signage complies with the Scheme, however was considered contentious at the time. Four submissions were received regarding the proposed signage and the applicants at the time provided a petition in support of their application. It should be noted that only one of the four submissions were objecting to the content of the signage.

Shire's former Heritage Advisor made the following comments:

- The proposed signage is less than 10% of the total area of the building's principal frontage;
- The proposed signage is to be located on areas traditionally used for advertising purposes, including on the verandah;
- The proposed colour scheme with its natural tones meets the Shire's colour palette;
- The proposed signage content is as per the information detail on page 31 of the Shire's Local Planning Policy for Heritage signage guidelines;
- Further to the advice of the owner, the proposed lettering does not exceed the maximum 300mm height permitted; and
- Further to the advice of the owner, the proposed logo (comprising the dog image only) is less than 40% of the surface area of the sign and therefore meets the guidelines.
- It was noted that the applicant states in the proposal that five of the hanging signs on the road will be the same as the example shown in terms of size, colour scheme, size of lettering and font, but that the business names will be changed to reflect the tenancies within the building. It is suggested that this is be noted/include in the conditions of approval.

The proposed amendments do not substantially increase the amount of overall signage in area from originally approved for the front façade. The lettering is consistent with the approval and the logo is less than 40% of the surface area of each sign. The addition of the metal signs adds to the character of the building and advertises the signs sold within the emporium. In support of the amended design, the applicants have submitted a copy of the Copyright Registration of the 'Dog Bollock's Emporium' logo.

As required by Clause 5.3.3, an assessment of the impact on the character and amenity of the locality has been carried out as follows:

- Character – the site adjoins the Saint's Diner and the Imperial Hotel to the south; to the north is Sargeant's Pharmacy currently used as an embroidery shop; and opposite is Smith's Garage. The character of the area is defined by the Saint's properties and the Imperial Hotel. The subject site activates the area by attracting tourists, when open and closed, taking photographs of the building and signage. The amended signage will not detract from the character of the area; and
- Amenity – the area is zoned Town Centre and the uses are consistent with the zoning with a mix of commercial, retail and office uses. The signage, as erected, is consistent with the use and amenity of the area.

The above assessment demonstrates that the signage is consistent with the provisions of the Scheme and can be approved. It is recommended that conditions be imposed restricting any additional signage, enable the flexibility of wording for the tenancy under awning signs, and to require a planning application for any additional signs or changes to any approved signs and requiring signage displayed not related to advertising of the premises (e.g. caricatures) be removed from the existing signs.

2. *Bench Seat*

The timber bench seat constructed along the front façade of the building is not approved. The applicant did not apply to construct the bench seat in the original planning (or building) applications.

The addition of the bench seat provides architectural interest and articulation to the front façade of the building and does not impact on the amenity or character of the area.

It is recommended that the amendment to include the bench seat be approved.

3. *On-Site Car Parking*

Condition 7 of the planning approval issued on 3 September 2010 required the applicant to provide car parking for the development as follows:

- The parking areas, driveways and points of ingress/egress be designed, constructed and marked, and thereafter maintained to the specification and satisfaction of the local government. These works are to be done as part of the building program.
- The approved plans indicated that 5 spaces would be provided on the street in front of the premises and that 5 spaces would be provided in the rear yard behind the premises.

In accordance with the provisions of the Scheme, 6 spaces are to be provided, including 1 disabled space. It is unusual that on-street spaces are included in car parking calculations for a development. However it is considered appropriate that 1 space on the street for use by disabled persons could be included in the car parking provisions. There are no car parking calculations on file indicating the rationale behind the provisions of 10 spaces for the development.

Therefore, taking into consideration the above, 5 car parking spaces accessible to business operators and customers need to be provided by the applicant in the rear yard. There is ample space in the rear yard without the formalisation of car parking spaces, however the area is padlocked.

The applicants in their application have stated:

"The rear gate key is available to shop holders to use at their discretion, however, should they choose to use the car parking area next to Smith Shell, whilst available, that is beyond our control. Needless to say, the rear gate can remain unlocked during opening hours for discretionary use by shop holders."

The car parking is required to cater for parking needs generated by the development, including shop owners, employees and patrons/customers. Therefore, whilst it is agreed that there is ample space for 5 cars to park at the rear of the premises when the area is tidy, the car parking needs to be available for all users of the development. Accordingly, it is recommended that a condition be imposed requiring the car parking to be open and available during opening hours.

Policy Implications:

The retrospective application to amend the plans and conditions relating to the planning approvals issued for the Dog's Bollocks Emporium development is consistent with the Scheme and relevant policies, and therefore can be approved.

Council can approve the application with or without penalty for unapproved and/or non-compliant development.

Financial Implications:

The applicant has paid the appropriate amendment fee. Retrospective fees have not been charged. As indicated above, Council may also choose to impose a penalty by way of an infringement notice for carrying out development without approval and/or carrying out development not in accordance with the planning approval(s).

Strategic Implications:

It is important to ensure that all development is carried out with the appropriate approvals and in accordance with the approvals, including plans and conditions of consent to ensure that appropriate development occurs and does not impact on the character of York, particularly within the heritage precincts.

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.

Social Implications:

The approval of the signage without the leaf may offend some people. However, it must be kept in mind that only one objection was received during the exhibition of the original planning application and there have been no recorded complaints since the opening of the development implying that the signage is an accepted part of the York townscape.

Environmental Implications:

There are no environmental implications associated with this proposal.

Comment:

It is recommended that the retrospective application to gain approval for the signage as erected, the bench seat and to finalise the car parking arrangements is approved, with or without penalty, for the following reasons:

- The development, as carried out, is consistent with the York Town Planning Scheme No. 2 and applicable adopted policies as discussed in this report.
- The signage and bench seat are professionally presented and contribute positively to the streetscape.

As indicated earlier in the report, Council has the choice to approve or not to approve the retrospective application with or without penalty.

Should Council decide to impose a penalty, It is considered that the most appropriate penalty would be an infringement of \$500.00 for non-compliance with the planning approval under the provisions of Section 216(1)(b) of the *Planning and Development Act 2005* for development that has been commenced, continued or completed contrary to or otherwise than in accordance with any condition imposed by the responsible authority of an approval with respect to the development.

OFFICER RECOMMENDATION

"That Council:

APPROVE the retrospective planning application to amend the approvals granted under application numbers P517 dated 3 September 2010 and P575 dated 21 October 2010 relating to advertising signage, front bench seat and car parking, subject to the following conditions:

1. *Development must take place in accordance with the stamped amended plans approved under this approval and previous approvals, unless superseded by this approval.*
2. *The planning approvals (P517 and P575), including conditions and stamped plans, dated 3 September 2010 and 21 October 2010 are not superseded by this approval. This approval prevails in the event of any inconsistencies.*
3. *Any additional advertising or changes to existing advertising must not be carried out without the prior approval of the local government, with the exception of wording on the five (5) approved under awning signs to be used by the tenancies. The size and location of the signs cannot change without approval.*
4. *All signage or content, such as caricatures, that do not relate to the use of the premises is to be removed within twenty-eight (28) days from the date of the determination of this application.*
5. *A minimum of five (5) car parking spaces must be provided on site and be open and available for use by shop owners, employees and customers of the Dog's Bollocks Emporium during opening hours. The car parking does not require formal line marking but must be maintained so that it is accessible and safe for users.*
6. *The development is hereby permitted in accordance with the Local Planning Policy – Heritage Precincts and Places.*

Advice Notes:

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 the commencement of any works within the development hereby permitted.

Note 5: Council advises the applicant that any further breaches of the conditions of any planning approvals or provisions of the Planning and Development Act 2005 will result in legal proceedings being instigated without prior warning."

**RESOLUTION
110512**

Moved: Cr Scott

Seconded: Cr Duperouzel

That Council Amend the Officer Recommendation to read:

"That Council:

APPROVE the retrospective planning application to amend the approvals granted under application numbers P517 dated 3 September 2010 and P575 dated 21 October 2010 relating to advertising signage, front bench seat and car parking, subject to the following conditions:

1. *Development must take place in accordance with the stamped amended plans approved under this approval and previous approvals, unless superseded by this approval.*
2. *The planning approvals (P517 and P575), including conditions and stamped plans, dated 3 September 2010 and 21 October 2010 are not superseded by this approval. This approval prevails in the event of any inconsistencies.*
3. *Any additional advertising or changes to existing advertising must not be carried out without the prior approval of the local government, with the exception of wording on the five (5) approved under awning signs to be used by the tenancies. The size and location of the signs cannot change without approval.*
4. *All signage or content, such as caricatures, lewd or offensive wording or graphics is to be removed within twenty-eight (28) days from the date of the determination of this application.*
5. *A minimum of five (5) car parking spaces must be provided on site and be open and available for use by shop owners, employees and customers of the Dog's Bollocks Emporium during opening hours. The car parking does not require formal line marking but must be maintained so that it is accessible and safe for users.*
6. *The development is hereby permitted in accordance with the Local Planning Policy – Heritage Precincts and Places.*

Advice Notes:

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 the commencement of any works within the development hereby permitted.*

Note 5: Council advises the applicant that any further breaches of the conditions of any planning approvals or provisions of the Planning and Development Act 2005 will result in legal proceedings being instigated without prior warning.”

CARRIED: 5/0

The Officer Recommendation was amended in Item 4 to specify clearly what is to be removed from the building.

Item 9.1.3 Appendices

9. OFFICER'S REPORTS

9.1 DEVELOPMENT REPORTS

9.1.4 Proposed Scheme Amendment – Lots 46 & 49 Mt Hardey Rd, Mt Hardey

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

FILE NO:	MO1.2872 & MO1.2885
COUNCIL DATE:	21 May 2012
REPORT DATE:	10 May 2012
LOCATION/ADDRESS:	Lots 46 & 49 Mt Hardey Rd, Mt Hardey
APPLICANT:	Shire of York
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	J Jurmann, MPS
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	1 – Zoning Map 2 – Strategy Map
DOCUMENTS TABLED:	Nil

Summary:

On 19 April 2012 Council received a request from the owner of Lot 46 Mt Hardey Road, Mt Hardey to rezone the property from 'General Agriculture' to 'Rural-Residential' to enable subdivision of the property to lots with a minimum lot size of between 1 and 4 hectares.

The York Local Planning Strategy identifies the area in the Future Rural Residential Area and it is a logical expansion of the existing rural residential area and Osborn Road.

It is recommended that consultation also be carried out with other landowners who may be interested in becoming involved in the scheme amendment.

Council is requested to resolve to formally initiate a scheme amendment to rezone Lots 46 and 49 Mt Hardey Road, Mt Hardey and any other lots nominated by interested landowners in the immediate vicinity from 'General Agriculture' to 'Rural-Residential'.

Background:

It is proposed to rezone Lots 46 and 49 Mt Hardey Road, Mt Hardey from 'General Agriculture' to 'Rural Residential' with a combined area of 147.65 hectares and is approximately 5 kilometres from the York town centre as depicted on the location plan in the appendices.

The subject lots are identified in the York Local Planning Strategy as Stage 3 of the Future Rural Residential area in the Mt Hardey locality.

The staging in the Strategy and on the associated mapping was to be removed in the recent amendments of the Strategy. However, this did not occur in accordance with Council's resolution and may have been an administrative error when modifications occurred to the documentation.

Notwithstanding this, preliminary discussions with the Department of Planning have indicated that the rezoning will be supported, although the lots are within the area identified as Stage 3 of the Future Mt Hardey Rural Residential area.

The report compiled by the Department of Planning with regards to Scheme Amendment No. 44 – Mt Matilda identified the staging within the Local Planning Strategy as the key issue for consideration in the assessment of that amendment as it was a request to rezone the land out of sequence with what is recommended by the local planning strategy.

The majority of Stage 1 (to the east of the Avon River at Mt Hardey) as identified by the strategy was rezoned in Amendment No. 28.

Since the initiation of Scheme Amendment No. 44, Council have identified a number of limitations that restrict the number of lots that will be able to be developed in Stage 1. For example:

- Lot 76 Top Beverley Road has previously been used for illegal dumping, and the land owner has been prosecuted in regard to this activity. Until this matter is resolved, and the site cleaned up, it will not be available for development. This lot has an area of 26 ha.
- Lot 78 Top Beverley Road has an area of 79 ha. It has a number of constraints to its development including topography, significant granite outcrops and significant areas of vegetation.

The balance of the land in this area of Stage 1 is approximately 186 ha. Given the constraints that topography, remnant vegetation and adjoining agricultural properties will place on the subdivision of the land, it is anticipated that the average lot size in the area is more likely to be between 2 and 3 ha, rather than the 1 ha originally anticipated when the area was identified for rural residential development. Given the elevation of the land in this area (the majority of the land, with the exception of Lot 81 Top Beverley Road is above 220 AHD), there may also be additional expenses involved in the provision of reticulated potable water to these lots.

The part of the land in Stage 1 to the west of the Avon River, was subject to Amendment No. 31, which is currently being considered by the Department of Planning. Amendment No. 31 proposes to rezone approximately 43 ha of land, with the outline development plan submitted with the amendment indicating it could be subdivided into 10 lots. There is also an additional constraint to this site, being the location of the future river crossing proposed by Main Roads WA. The location of this crossing is yet to be determined, but is likely to impact on the northern portion of the site, due to its proximity to the rail bridge crossing the river. Four (4) alternative crossing sites have been identified on the draft ODP.

Amendment 44 rezoned a total area of 343 ha. Of this, Stage 2 at Mt Matilda identified in the strategy has a total area of 168 ha. The outline development plan (ODP) submitted with the amendment report divides the development of the land into 4 stages. Stage 1 proposes 28 lots and Stage 2 proposes 33 lots and would develop the majority of Stage 2 as shown in the LPS. Lot sizes vary between 1 and 4 ha with the majority being between 2 and 3 ha.

Given the above, the rezoning proposed by Amendment 44 was supported. The rezoning of Stage 2 of Mt Matilda will replace the areas in Stage 2 of Mt Hardey which are not available for development in the short term. Stage 2 of Mt Matilda is able to be serviced and is in a similar proximity to the York town centre as Stage 1 at Mt Hardey. The lot analysis recently undertaken for the Wheatbelt Regional Land Use Strategy indicates that there could be less than 50 vacant rural living lots available in York, with preliminary approval in place for an additional 6 lots. This could equate to meeting the demand for 2 – 3 years based on a 20 lot estimate stated in the adjoining landholders submission. Given the time involved in bringing land to market, it is reasonable that additional land be rezoned at this stage to allow rural living lots to be released in 2 – 3 years time.

The amendment rezoned the land identified in the strategy as Stages 2 and 3. While this will rezone a greater land area than has been removed from Stage 1 of Mt Hardey, it is considered prudent to take this approach, due to the linkages between the land contained in the two stages. There are a number of environmental issues (such as the management of the creek line) that are required to be addressed for the site as a whole. Rezoning all the lots will allow the local water management strategy to be prepared prior to the outline development plan for the land. It will also assist in ensuring issues such as the topography, agricultural buffers and appropriate road layout are considered for the site as a whole.

The Department of Planning have confirmed a similar approach will be taken with this proposed scheme amendment.

Consultation:

Following receipt of the request to initiate a scheme amendment for Lot 46 Mt Hardey Road, Mt Hardey, it was suggested that the proponent consult with other adjoining landowners that may be interested in participating. The proponent has advised that the owner of Lot 49 Mt Hardey Road is also interested in pursuing a rezoning.

Further consultation should be carried out by Council prior to formally initiating a scheme amendment to ascertain whether any other landowners in the immediate vicinity are interested in rezoning their properties to enable future subdivision.

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

Statutory Environment:

Planning and Development Act 2005

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

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

Town Planning Regulations 1967

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

York Local Planning Strategy

The Strategy identifies the area as Future Residential Development (east of the Avon River) to support the existing Low Density Residential Expansion Area to logically round off the existing residential area.

Issues such as urban water management and identification and retention of native vegetation will need to be considered in any application for subdivision, or for greater than 5 lots, any submitted Outline Development Plans.

York Town Planning Scheme No. 2

The lots are currently zoned 'General Agriculture' under the provisions of the Scheme and are generally not subdividable in accordance with the WA Department of Planning's policies.

Policy Implications:

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

Financial Implications:

The costs associated with the preparation of the scheme amendment will be borne by the landowners.

Strategic Implications:

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

Voting Requirements:
Absolute Majority Required: No

Site Inspection:
Site Inspection Undertaken: Yes

Triple bottom Line Assessment:

Economic Implications:

The rezoning will provide the landowners the opportunity to subdivide and sell all or part of their properties. Developer contributions, for road upgrading, open space and/or drainage management, may be imposed at the subdivision stage, but will need provisions incorporated in the scheme amendment documentation.

Social Implications:

The rezoning will provide an additional choice and stock of rural residential lots within close proximity to the town centre and will provide additional housing choice for residents of York.

Environmental Implications:

Bushfire management and retention of native vegetation will be environmental issues that will need to be considered and may constrain subdivision of some lots.

Comment:

It is unlikely that all of the lots will be able to be serviced by a reticulated potable water supply. This servicing constraint will result in larger lots. The Department of Planning's Policy for Rural Subdivision states:

"3.2 Water for rural-residential development When approving lots for rural-residential development (1-4 ha) the WAPC will generally require connection to a reticulated water supply where it is practical and reasonable to do so. Where it is not practical or reasonable for lots to connect to a reticulated water supply the WAPC may consider an alternative water supply. In determining whether provision of a reticulated water supply is reasonable, the WAPC may consider the cost differential between a reticulated and alternative water supply, and the reliability of an alternative water supply."

The proponent is aware of this constraint and has indicated that it is his intention to subdivide into larger rural-residential lots with private water supply.

**RESOLUTION
120512**

Moved: Cr Hooper

Seconded: Cr Lawrance

"That Council:

- 1. APPROVE the preparation of the scheme amendment documentation, including a developer contributions plan, with the intention to rezone Lots 46 and Lots 49 Mt Hardey Rd, Mt Hardey, and any other appropriate lots from 'General Agriculture' to 'Rural-Residential'.**
- 2. A further report to be received by Council to initiate the scheme amendment."**

CARRIED: 5/0

Item 9.1.4 Appendices

9.2 Administration Reports

9. OFFICER'S REPORTS

9.2 ADMINISTRATION REPORTS

9.2.1 Annual Performance Review – Mr R Hooper

FILE NO:	P1
COUNCIL DATE:	21 May 2012
REPORT DATE:	1 May 2012
LOCATION/ADDRESS:	N/A
APPLICANT:	Shire of York
SENIOR OFFICER:	Mr R Hooper, CEO
REPORTING OFFICER:	Mrs T Cochrane, DCEO
DISCLOSURE OF INTEREST:	Mr R Hooper, CEO
APPENDICES:	Appendix A – Annual Performance Review
DOCUMENTS TABLED:	Councillors Only – Confidential Remuneration Report - Chief Executive Officer Mr. Ray Hooper

Summary:

That Council accepts the Annual Performance Review, without modification, for Mr Ray Hooper, as attached and labelled 'Appendix A'.

Background:

Council considered a report at its Ordinary Council Meeting held on the 21st November 2012 and resolved as follows:

"That Council:

1. approves expenditure of \$3,300 (inc GST) from General Ledger Account No. 42169; and
2. engage the Western Australian Local Government Association to conduct the Chief Executive Officer's Performance in accordance with the Local Government Act – Sections 5.38 and 5.39 (3)(b) and Regulation 18D.

Advice Note:

Once the review is completed Council will consider the report in accordance with Regulation 18D."

Consultation:

WALGA - Local Government Workplace Solutions.

Statutory Environment:

Local Government Act – Section s 5.38 and 5.39 (3)(b) and Regulation 18D.

Local Government Act:

5.38. Annual review of certain employees' performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

5.39. Contracts for CEO's and senior employees

- (1) *Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.*

- (1a) *Despite subsection (1) —*
 - (a) *an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and*
 - (b) *a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.*
- (2) *A contract under this section —*
 - (a) *in the case of an acting or temporary position, cannot be for a term exceeding one year;*
 - (b) *in every other case, cannot be for a term exceeding 5 years.*
- (3) *A contract under this section is of no effect unless —*
 - (a) *the expiry date is specified in the contract;*
 - (b) *there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and*
 - (c) *any other matter that has been prescribed as a matter to be included in the contract has been included.*
- (4) *A contract under this section is to be renewable and subject to subsection (5), may be varied.*
- (5) *A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.*
- (6) *Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.*
- (7) *A report made by the Salaries and Allowances Tribunal, under section 7A of the Salaries and Allowances Act 1975, containing recommendations as to the remuneration to be paid or provided to a CEO is to be taken into account by the local government before entering into, or renewing, a contract of employment with a CEO.*

Local Government (Administration) Regulations 1996:

18D. Local government to consider performance review on CEO

A local government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.

Policy Implications:

Nil.

Financial Implications:

Expenditure approved at Council's Ordinary Council meeting held on the 21st November 2011. The cost of \$3300 was to engage a Consultant to conduct an external review.

The draft recommendation provided by WALGA was to implement Option 2: Increase base salary by Perth Wage Price Index (Public Sector). Total package for the Chief Executive Officer is \$200,783.

Strategic Implications:

Nil.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: N/A

Triple bottom Line Assessment:

Economic Implications:

Nil.

Social Implications:

Nil.

Environmental Implications:

Nil.

Officers Comment:

The annual appraisal process reviews the past year and sets the performance indicators for the next years and as such it is a powerful management and accountability tool.

RESOLUTION

130512

Moved: Cr Lawrance

Seconded: Cr Scott

“That Council:

a. endorse the recommendations of the Report prepared by WALGA – Local Government Workplace Solutions, as follows:

- 1. Council receive this Performance Review report and endorses the overall rating of ‘Satisfactory’ – meets the performance requirements of the position of Chief Executive Officer of the Shire of York;**
- 2. The next review of the CEO’s performance to be conducted by 31st August 2012 by way of an interim review of key performance indicators;**
- 3. The Key Result Areas for the March – August 2012 appraisal period be adopted;**
- 4. That the Council receive the Remuneration Report as tabled and labelled ‘Confidential’ and endorse the draft recommendations for a 3.2% increase effective from the 1st July 2012.”**

CARRIED: 5/0

Item 9.2.1 Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.2 Avon Tourism

FILE NO:	CS.CEV.6
COUNCIL DATE:	21 May 2012
REPORT DATE:	3 May 2012
LOCATION/ADDRESS:	Avon Valley
APPLICANT:	Avon Tourism
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	R Hooper, CEO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Minutes – Avon Tourism 13 March 2012
DOCUMENTS TABLED:	Nil

Summary:

The minutes of the Avon Tourism Committee meeting are provided for Council and Community information.

Background:

Consultation:

Not Applicable

Statutory Environment:

Not Applicable

Policy Implications:

Policy No. 13.1 - Events For York

Objective: *To ensure that York retains its status as an events centre in the Avon Valley*

Financial Implications:

Nil at this stage.

Strategic Implications:

Key Result Area 2: Economic Development & Tourism

Objectives:

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

Voting Requirements:

Absolute Majority Required: **No**

Site Inspection:

Site Inspection Undertaken: **Not Applicable**

Triple bottom Line Assessment:

Economic Implications:

Tourism is a high value industry in the Avon Valley with economic benefit to local and regional businesses.

Social Implications:

Regional and local tourism events, activities and businesses can benefit residents.

Environmental Implications:

Nil

Comment:

Avon Tourism is a regional tourism organisation endeavouring to co-ordinate regional events and area promotion to benefit businesses and communities.

RESOLUTION

140512

Moved: Cr Hooper

Seconded: Cr Scott

“That Council:

Receive the Minutes of the March 2012 Avon Tourism meeting.”

CARRIED: 5/0

Item 9.2.2 Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.3 York Men's Shed – Lease

FILE NO:	CS.CCS.6/Ca3.11960
COUNCIL DATE:	21 May 2012
REPORT DATE:	9 May 2012
LOCATION/ADDRESS:	N/A
APPLICANT:	York Men's Shed Inc/Shire of York
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	T Cochrane, DCEO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Appendix A – Lease Document with Proposed Amendments Incorporated
DOCUMENTS TABLED:	Nil

Summary:

Council to consider the proposed changes to the lease agreement between the Shire of York and the York Men's Shed.

Background:

The York Men's Shed was incorporated in 2010.

Council agreed for the York Men's Shed to lease/use a Pt. Reserve 9203 (Sub Lot 85) on the Corner of Ninth & Carter Roads, York.

A development application for the site has been approved.

Council forwarded a copy of the lease document to the Department of Regional Development and Lands for their comments and the following detail was provided:

"As advised by phone I suggest that the following changes be made to the lease agreement.

Clause 5.18 Indemnity Include 'and Minister for Lands' after Lessor

Clause 5.22 Assignment and Subletting Include 'and Minister for Lands after Lessor

Schedule Item 4 Term This will need to be 16 years if 5 year option included as maximum total term allowed under Vesting Order is 21 years

Subject to the above changes the draft lease as presented is approved."

Consultation:

York Men's Shed Inc

The Department of Regional Development and Lands

Statutory Environment:

Land Administration Act 1997

Policy Implications:

Not Applicable

Financial Implications:

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

Strategic Implications:

Not Applicable

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:
Site Inspection Undertaken: Yes

Triple bottom Line Assessment:

Economic Implications:

Nil

Social Implications:

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

Men's health is a real issue in modern day living and the lease will strongly support this proactive and innovative group and provide a guarantee for at least a 21 year term.

Environmental Implications:

Not applicable.

Comment:

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

RESOLUTION

150512

Moved: Cr Hooper

Seconded: Cr Boyle

"That Council:

1. *endorse the following amendments to the draft Lease Agreement between the Shire of York and the York Men's Shed:*
 - a. *Clause 5.18 Indemnity: Include 'and Minister for Lands' after Lessor*
 - b. *Clause 5.22 Assignment and Subletting: Include 'and Minister for Lands' after Lessor*
 - c. *Schedule - Item 4 – Term: Change 'twenty one (21)' to 'sixteen (16)' and expiry date change from '6 November 2032' to '6 November 2027'*
 - d. *Schedule – Item 5 – Term of Renewal – change the commencement date to '7 November 2027' expiry date to '6 November 2032'.*
2. *lodge the final lease documents in duplicate to Landgate for registration."*

CARRIED: 5/0

Item 9.2.3 Appendices

9. OFFICER'S REPORTS

9.2 ADMINISTRATION REPORTS

9.2.4 Strategic Community Plan – Adoption

FILE NO:	OR.CMA.2
COUNCIL DATE:	21 May 2012
REPORT DATE:	9 May 2012
LOCATION/ADDRESS:	N/A
APPLICANT:	N/A
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	T Cochrane, DCEO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Nil
DOCUMENTS TABLED:	York Strategic Community Plan

Summary:

The purpose of this report is to adopt The York Strategic Community Plan, with amendments, as per the Integrated Planning process.

Background:

On 26th August, 2010, the Minister for Local Government introduced regulations which establish new requirements for the Plan for the Future under the *Local Government Act 1995*. Under these regulations, all local governments in Western Australia are required to have developed and adopted two key documents by 30 June 2013: a Strategic Community Plan and a Corporate Business Plan – supported and informed by resourcing and delivery strategies. These plans will drive the development of each local government's 2013/2014 Annual Budget and will ultimately help local governments plan for the future of their communities.

Council at its Ordinary Council meeting held on the 20th February 2012 resolved the following:

"That Council:

Receive the York Strategic Community Plan and advertise that public submissions may be made within 28 days of the advertisement."

Consultation:

Community Focus Group Forum
Consultants

Council advertised the York Strategic Community Plan in the Avon Valley Gazette on the 10th March 2012, advertising closed on the 9th April 2012 and one submission was received.

The submission received requested inclusion of a road safety strategic direction by implementation of the Safe System Improvement Program developed under the State Government endorsed Road Safety Strategy – Towards Zero.

Statutory Environment:

Local Government Act 1995 – Local Government (Administration) Amendment Regulations (No. 2) 2011 –

Section 19C – Planning for the future: strategic community plans – s. 5.56

- (1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.

- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.
- (5) In making or reviewing a strategic community plan, a local government is to have regard to
 -
 - (a) the capacity of its current resources and the anticipated capacity of its future resources; and
 - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and
 - (c) demographic trends
- (6) Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.
- (7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.

*Absolute majority required.

- (8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.
- (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.
- (10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

Policy Implications:

Nil

Financial Implications:

The consultants costs for the community consultation, research and plan production was met through structural reform funding provided to the South East Avon Regional Transition Group.

The South East Avon Regional Transition Group has received high level financial support from the Department of Local Government to undertake the majority of the above plans for the Shires of York, Beverley, Quairading, Cunderdin and Tammin.

Strategic Implications:

Key Result Area 1: Strategic Planning

Objectives:

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

Key Result Area 3: Community Development

Objectives:

- To have in place the infrastructure to enable the community to develop.
- To foster community leadership and a mutually supportive and inclusive community.
- To assist and encourage community groups and volunteerism.
- To develop community pride.
- To celebrate community achievements.

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not Applicable

Triple bottom Line Assessment:

Economic Implications:

A clear and concise strategic plan supports economic development and investment potential by enunciating the purpose and intent in relation to economic development.

Social Implications:

The community will benefit from having a vision, objectives and outcomes as a direction and action setting guideline for the future.

Environmental Implications:

The built and natural environments are specifically dealt with in the Strategic Community Plan.

Officers Comment:

The Strategic Plan is an integral component of the overall planning for the future for local government which will include asset management plans, workforce plans, service delivery plans, 10 year financial plans, corporate business plans, annual budgets, forward capital plans and other specific strategies/plans such as road and plant to provide an overall projection into the future and to assess sustainability realities and to provide for bench marking provisions.

OFFICER RECOMMENDATION

"That Council:

1. *by an absolute majority adopts the York Strategic Community Plan with the following modification:*
 - a. *include Shire road data on Page 5 – The Shire in Profile, Our Area; and*
 - b. *Page 9 – Built Environment: Enhanced Lifestyle Choices – Objectives and Priorities Table – Dot Point 2 include the following:*
 - work towards applying safe system principles to provide and maintain safe efficient transport infrastructure including roads, footpaths and cycleways; and*
 - develop and implement a road safety action plan incorporating the safe system approach to road safety.*
2. *schedules a strategic review of the York Strategic Community Plan two (2) years from adopting the Plan;*
3. *completes a full review of the York Strategic Community Plan four (4) years from adopting the Plan.*

Advice Note:

Council's decision to be provided to the Consultants."

**RESOLUTION
160512**

Moved: Cr Hooper

Seconded: Cr Lawrance

That Council Amend the Officer Recommendation to read:

“That Council:

- 1. by an absolute majority adopts the York Strategic Community Plan with the following modification:***
 - a. include Shire road data on Page 5 – The Shire in Profile, Our Area; and***
 - b. Page 9 – Built Environment: Enhanced Lifestyle Choices – Objectives and Priorities Table – Dot Point 2 include the following:***
 - work towards applying safe system principles to provide and maintain safe efficient transport infrastructure including roads, footpaths and cycleways; and***
 - develop and implement a road safety action plan incorporating the safe system approach to road safety.***
- 2. schedules a strategic review of the York Strategic Community Plan by May 2014;***
- 3. completes a full review of the York Strategic Community Plan by May 2016.***

Advice Note:

Council’s decision to be provided to the Consultants.”

CARRIED: 5/0

The Officer Recommendation was Amended in Items 2 and 3 to give clarification of the timeframe.

9. OFFICER'S REPORTS

9.2 ADMINISTRATION REPORTS

9.2.5 Spring Garden Festival Committee – Donation to Council

FILE NO:	CS.CEV.9
COUNCIL DATE:	21 May 2012
REPORT DATE:	13 May 2012
LOCATION/ADDRESS:	Various
APPLICANT:	Spring Garden Festival Committee
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	T Cochrane, DCEO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Nil
DOCUMENTS TABLED:	Nil

Summary:

That Council accepts the donations from the York Spring Garden Festival Committee and commits to the ongoing maintenance of the items.

Background:

The Council has received similar donations from the York Spring Garden Festival in the past.

Consultation:

The York Spring Garden Festival advised by way of correspondence that it wished to donate equipment and plants subject to the following:

"The York Spring Garden Festival Committee is currently in the process of winding up and wishes to disperse accumulated funds in accordance with its charter of beautification of York.

To this end, the committee wishes to donate to the Shire of York the sums of \$16,734.00 to be utilised for specific programs, namely;

1. \$16,500.00

- a) *Installation of a water fountain (with dog dish) and seat adjacent to the York town hall possibly within the shaded area of the shire office precinct.*
- b) *Installation of a water fountain (with dog dish) and seat in an appropriate area within the proposed improvements to Avon Terrace between Macartney and Ford Streets.*

2. \$234.00

Replacement of roses in the existing rose area approaching the York town site (Great Southern Highway/Forrest Oval boundary) previously supported by the Spring Garden Festival.

3. *Any remaining funds after commitment to the programs above are to be utilised for the provision of permanent exercise equipment in Avon Park.*

The Committee in making this donation requests that plaques acknowledging the provision of funds from the York Spring Garden Festival are attached in a suitable position.

It should be noted that the committee in donating these funds does so with the caveat that the funds are quarantined specifically for the purposes mentioned and, if not utilised or formally allocated within 12 months of receipt of the funds the funds, or any remaining part of the funds, are to be returned to the York Spring Garden Festival Committee for disbursement elsewhere."

Council wrote to the York Spring Garden Festival:

"Thank you for your correspondence received on the 16th April 2012 relating to the above.

Council currently holds the funds in a trust account.

A report will need to be presented to Council for endorsement of the projects and the conditions. Prior to considering a report, could you please advise whether installation has been considered in the price and could we please have a copy of the items that you intend to purchase?"

Discussions were held with the manufacturer of the items that the York Spring Garden Festival had ordered from and the following details were provided:

"Thanks for the opportunity of talking this morning. Find summarised an overview of the Street Furniture order requested via Veronica Sherwood.

Approximately 6 weeks ago, Veronica contacted us via our website requesting some firm pricing on "Furphy" Street furniture to match the items supplied some 7 years ago.

These items are:

- 1. Furphy London Drinking Fountain FFSA009001 x 2
- 2. Furphy Custom Steel Slatted Council Seat with York logo on seat ends and backrests x 4
- 6 items in total.
- All items are Australian made and will be produced in our Furphy factory in Shepparton Victoria.
- Both model items would match current furniture taken from same moulds and would be matched in black. Photos were provided and are attached to verify.
- Stainless drinking bowl on drink fountain has been upgraded but pillar and design remains the same.
- One Drink fountain was specified after completion of quote with spring loaded tap and powder coated dog bowl to match. This was not provided in the attached quote but I can confirm that this will be provided at an additional \$300.00 including GST to bring the **total quote to \$13 995.00 inclusive of GST and freight.**
- The quote includes delivery and items will be cubed and sent to York Shire Depot.
- The quote does not include installation. A broad estimate on install for a concrete slab required for a seat would be in the vicinity of \$400 + GST. Drink Fountain install can vary greatly dependent upon location and proximity to water connection and grey water traps. Based upon past projects across WA, this can be in the region of \$1200 to \$2000 dependent upon the shire utilising their own contracted installers or an independent plumber. If a firm quote was required in addition please let me know.
- The lead time on this order including freight would be approx.. 7 to 8 weeks from confirmation of Purchase Order.
- Veronica had indicated that this money was held in trust with the shire and hence our involvement and personal approach to you. We generally will not order items of this scale and detailed specification without the shire issuing an approved Purchase Order.

Please let me know if you require any further follow up from us to help facilitate the successful outcome of the project."

The installation costs outside an area that can be connected to a water meter with ease is a concern as these can blow out a budget and approximate costings were obtained, detailed below:

“The costs are \$7000.00 seweraged area and \$5000.00 non seweraged area. (Water Corporation) costs.

This does not include plumbing installation, concreting drainage etc.

Suggest an existing metered shire property will be the most cost effective option.”

Comments were requested from the Council's Planner, in particular the Streetscape Plan and the following is provided for consideration:

“As discussed, it is my recommendation that as part of the Town Centre revitalisation and streetscape works that the pedestrian linkages to the Lowe Street and Howick Street car parks are strengthened to reduce the reliance on parking in the main street, and to direct visitors from Avon Park and the medical precinct.

Perth City and the City of Sydney are doing a lot of work in revitalising the laneways using public art and other methods, which we could use on the laneway between the Post Office and Court House and others. I have had a really initial talk to Lyn about a community art project.

This would also dovetail into the work Kristy is doing with the walk trails.

In conjunction with these works, we could install the seating and drinking fountains along the walk trails and between the parks and car parks and the town centre.”

Statutory Environment:

No statutory implications arise from this report.

Policy Implications:

No policy implications arise from this report.

Financial Implications:

The equipment will arrive in flat packs and some man power will be required to put the items together. Due to the installation costs in an unmetered section it is proposed to request the Committee to reconsider the location of one of the sites.

No financial provisions have been made in the 2011/12 budget for costs involved in the installation of the equipment above the donated amount. It is considered that a site where it has access to a water meter would be better.

Strategic Implications:

Not applicable.

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Various

Triple bottom Line Assessment:

Economic Implications:

These projects put forward by the York Spring Garden Festival will enhance York at minimal costs to the Shire.

Social Implications:

Council is appreciative of this Community Group and the consideration it has given for the benefit of the community.

Environmental Implications:

It is unlikely that the proposal will result in any detrimental environmental impacts.

Officers Comment:

The installation costs associated with putting the water fountains outside an area that has an existing water meter is extremely high, therefore written confirmation is requested from the Committee to change these locations.

The streetscape plan is currently being worked on and it is proposed to revitalise the laneways providing the links to the existing car parks. The installation of the equipment in these areas subject to a watered site being available is considered advantageous.

If there are not sufficient funds to install the equipment, then Council can budget for some of the installation in the 2012/13 financial budget.

RESOLUTION

170512

Moved: Cr Hooper

Seconded: Cr Scott

"That Council advise the York Spring Garden Festival Committee:

- 1. That it approves of the following items on Council owned land subject to any installation costs above the funds donated by the York Spring Garden Festival Committee being included in the 2012/13 financial budget:***

Furphy London Drinking Fountain FFSA009001 x 2

Furphy Custom Steel Slatted Council Seat with York logo on seat ends and backrests x 4

- 2. It requests written confirmation from the York Spring Garden Festival Committee that the location within the shaded area of the Shire Office Precinct can be changed to be located closer to the side entry point of the Town Hall next to the lift and near a water meter to reduce costs for installation.***
- 3. It requests written confirmation from the York Spring Garden Festival Committee that the location of the second drink fountain and seats can be changed to be located near a water meter to reduce costs for installation and to support the revitalisation and streetscape works that Council are proposing eg. pedestrian linkages to the Lowe Street and Howick Street car parks.***
- 4. That it supports the planting of roses in the existing rose area approaching the York townsite and that Council will be responsible for the ongoing maintenance and watering of these plants.***
- 5. That the Council is very appreciative of the Committees efforts and consideration in spending the monies raised."***

CARRIED: 5/0

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

FILE NO:	CS.LCS.8.1
COUNCIL DATE:	21 May, 2012
REPORT DATE:	9 May, 2012
LOCATION/ADDRESS:	N/A
APPLICANT:	Shire of York
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	Information Services Officer
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Appendix A and B
DOCUMENTS TABLED:	Nil

Summary:

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

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

The number of visitors coming through the doors in April 2012 was **1119** as compared to **2014** in 2011

During the Easter Weekend at the York Antique and Collectors Fair there were 5951 adults plus 1500 children that paid entrance to the York Town Hall.

Product Sales- (Appendix B) Net sales for the month of April 2012 were **\$1,009.60** compared to **\$1173.90** for the same period 2011.

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

Number of visitors coming through was lower than last year as we didn't do a count when the York Antique Festival was on as there were way too many people coming through the doors.

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

Request for services-

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

• Taxi Service	3
• ATM closer to Town Hall	8
• Ladies Toilet needs fan & open window	16
• Pictures to be brought back in to Town Hall	5
• Laundry Mat	10
• Shortage of rubbish bins around town with big events	6
• No backpacker accommodation in York	4
• Information Services to be opened through lunch break	8
• Return of the Healing Fayre	7

Retail -

We are in the process of ordering some more jumpers with the York Town Hall embroidered on them and souvenirs e.g. teaspoons, York pens, stubby holders and cloth badges.

Feedback forms-

Some Visitors are filling in Accommodation Feedback forms and Visitors Suggestion Forms for our information. These forms are being recorded at the Shire

Complaints-

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

- Lack of attractions and businesses available Monday and Tuesday
- Lack of places to eat of Monday and Tuesday nights
- Lack of places to get lunch after 2pm
- Lack of ATM access down this end of the town and also Commonwealth ATM has not been working a lot of the time and visitors are complaining about this service.
- Visitors complaining to other businesses that we shouldn't be closed for lunch and that the Information Services should be open all day. Most of the time we don't take our full lunch hour, especially when it's a weekend, Public Holiday or just very busy.

Background:

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

Consultation:

Shire of York and local business proprietors

Statutory Environment:

Nil

Policy Implications:

Not Applicable

Financial Implications:

Nil

Strategic Implications:

Not Applicable

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

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

Nil

Social Implications:

Nil

Environmental Implications:

Nil

Comment:

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

**RESOLUTION
180512**

Moved: Cr Scott

Seconded: Cr Lawrance

“That Council:

Receive the April report prepared by York Information Services”.

CARRIED: 5/0

Item 9.2.6 Appendices

9. OFFICER'S REPORTS

9.2 FINANCE REPORTS

9.2.7 Extension of Lease – York Croquet Club

FILE NO:	CCP.7
COUNCIL DATE:	21 May 2012
REPORT DATE:	9 May 2012
LOCATION/ADDRESS:	8 Glebe Street York
APPLICANT:	York Croquet Club
SENIOR OFFICER:	Ray Hooper, CEO
REPORTING OFFICER:	Gail Maziuk, Senior Admin Officer
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Nil
DOCUMENTS TABLED:	Nil

Summary:

York Croquet Club has requested a further four terms of 5 years to the existing lease at 8 Glebe Street York.

Background:

The York Croquet Club membership had considered relocating to the Forrest Oval Sports Precinct and potentially utilise the existing grass bowling greens when vacated by the York Bowling Club. The York Croquet Club and its membership have decided to remain at the current site – 8 Glebe Street, York. The York Croquet Club has a desire to build a new clubhouse in the next few years, and also have a desire to construct a third croquet court on land on the northern side of the pumping station. Consequently, the club is seeking long term tenure of the land already occupied and assurance there will be room available to construct the third court.

Consultation:

York Croquet Club

Statutory Environment:

Land Administration Act 1997

Policy Implications:

No Policy implications

Financial Implications:

The current arrangement is a peppercorn lease, and the requested extension would be on the same terms as the current lease

Strategic Implications:

Nil

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Nil

Social Implications:

York Croquet Club has a history dating back to 1909, and the membership is growing significantly. The sport contributes to the social diversity of the town.

Environmental Implications:

Although located close to the Avon River and the sewer pumping station, there are no obvious environmental implications arising from the ongoing use of this land.

Comment:

Granting of the lease extension will secure the ongoing development of the sporting and social benefits of croquet in York. A third croquet court is desired in the future on land on the northern side of the pumping station.

A deed of variation will be prepared for the four (4) further terms of 5 years if endorsed by council

RESOLUTION**190512****Moved: Cr Boyle****Seconded: Cr Hooper*****“That Council:***

1. ***Endorse the granting of four (4) further 5 year options on the existing lease for the York Croquet Club. The lease is currently in the second further term of 5 years – commencing 1 April 2012 and expiring 31 March 2017.***

This extension will see 4 further terms added to the existing lease by a deed of variation:

3rd further term: 1 April 2017 to 31 March 2022

4th further term: 1 April 2022 to 31 March 2027

5th further term: 1 April 2027 to 31 March 2032

6th further term: 1 April 2032 to 31 March 2037

2. ***Council will consider setting aside some land on the northern side of the sewer pumping station for development of a third croquet court at such time as plans are prepared and provided to council for approval.”***

CARRIED: 5/0

9. OFFICER'S REPORTS

9.2 ADMINISTRATION REPORTS

9.2.8 Continuation of Lease – York Pony Club

FILE NO:	CCP.29
COUNCIL DATE:	21 MAY 2012
REPORT DATE:	10 MAY 2012
LOCATION/ADDRESS:	Reserve 9202,9203,11515 Dinsdale St
APPLICANT:	York Pony Club
SENIOR OFFICER:	Ray Hooper, CEO
REPORTING OFFICER:	Gail Maziuk, Senior Admin Officer
DISCLOSURE OF INTEREST:	Jacky Jurmann
APPENDICES:	Nil
DOCUMENTS TABLED:	Nil

Summary:

The York Pony Club seeks confirmation of the renewal of their lease agreement for Reserve 9202,9203,11515 Dinsdale St York. The lease commenced on 1 April 2007 and expired on 31 March 2012. A further Term is offered from 1 April 2012 expiring 31 March 2017

Background:

The York Pony Club was established in 1964. The Pony Club offers a wide range of horse riding events and activities. The York Show successfully held the equestrian events at this location in 2011.

Consultation:

York Pony Club

Statutory Environment:

Land Administration Act 1997

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: No

Triple bottom Line Assessment:

Economic Implications:

Nil

Social Implications:

The York Pony Club provides a range of Horse and Pony Club Activities all year round. The York Show has confirmed they will hold the Equestrian Events at this location again in 2012

Environmental Implications:

Nil

Officers Comment:

Endorsing the further term of 5 years will provide the Pony Club with security to continue developing their sport and services.

**RESOLUTION
200512**

Moved: Cr Scott

Seconded: Cr Hooper

“That Council:

Endorse the further term of 5 years commencing on 1 April 2012 and expiring 31 March 2017 as per the existing lease agreement. Terms and conditions of the lease remain the same as for the initial term (refer clause 4 Option for Renewal and Holding Over).”

CARRIED: 5/0

9. OFFICER'S REPORTS

9.2 ADMINISTRATION REPORTS

9.2.9 Fire Control Officers – Minutes of 10th May 2012

FILE NO:	RS.BFC.1
COUNCIL DATE:	21 May 2012
REPORT DATE:	15 May 2012
LOCATION/ADDRESS:	Not Applicable
APPLICANT:	Fire Control Officers' Meeting
SENIOR OFFICER:	Ray Hooper, CEO
REPORTING OFFICER:	Justin Corrigan, CESM
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Appendix A - Minutes
DOCUMENTS TABLED:	Nil

Summary:

That Council receives the minutes of the Fire Control Officers meeting held on the 10th May 2012 and endorse the recommendation, as per the Officers Recommendation.

Background:

Not applicable.

Consultation:

Fire Control Officers;
Mark Bowen – FESA;
Council Staff; and
Councillors.

Statutory Environment:

Bush Fire Act 1954.

Policy Implications:

Not applicable.

Financial Implications:

Expenditure has been identified through the Minutes and expenditure will occur within budget allocations.

Strategic Implications:

Not applicable.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Not applicable.

Social Implications:

Decisions by a well-informed group will give the community confidence.

Environmental Implications:

Environmental implications to be dealt with by a strategic approach to issues raised.

Comment:

That the Minutes of the Fire Control Officers' meeting and its recommendations be received and acted upon.

**RESOLUTION
210512**

Moved: Cr Hooper

Seconded: Cr Boyle

"That Council:

1. *receive the Minutes of the Fire Control Officers' Meeting held on the 10th May 2012 labelled "Appendix A"; and*
2. *endorse the following, as detailed in the Minutes:*

The Extension of the Prohibited Burning period being moved from the 15th February each year to the 28th February of each year

Prohibited Burning period will be from the 1st December to the 28th February the following year.

Restricted Burning period to commence on the 1st March each year.

3. *shall update all firebreak notices, website and advertise changes."*

CARRIED: 5/0

Item 9.2.9 Appendices

9. OFFICER'S REPORTS

9.2 ADMINISTRATION REPORTS

9.2.10 Youth Report for May 2012

FILE NO:	CS.LCS.6
COUNCIL DATE:	May, 2012
REPORT DATE:	11 th May, 2012
LOCATION/ADDRESS:	N/A
APPLICANT:	Shire of York
SENIOR OFFICER:	R. Hooper, CEO
REPORTING OFFICER:	Lyn Kay, YDO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Nil
DOCUMENTS TABLED:	Nil

Summary:

The following is a summary of the activities undertaken by the Youth Development Officer since the last report submitted in April, 2012.

- **Youth Centre:**

Hang Out is on a Thursday from 3pm-6pm and a majority of the Town sports clubs have training on this night we are still averaging 6-10 children, playing X Box, Playstation, Wii, table tennis and Pool.

- **Holiday Programme:**

The Youth Development Officer organised the following:

Monday 16th April - Candle Making-18 attending and producing some lovely candles with really nice aromas, we also did some artwork and WIFSA brought along 12 children, with 3 helpers, great day.

Tuesday 17th April - Art with Jenny Broun-Beverley Station Gallery-12 children produced very colourful artwork on Canvases and they were in local Newspaper showing off their works.

Wednesday 18th April - Cooking with Vicki Valenti-10 youth made and cooked Beef Kofta Kebabs with Saffron Yogurt dressing and tossed salad followed by Mars Bar slice for dessert. We all cooked kebabs on the BBQ-definitely no leftovers we then proceeded to eat our delicious dessert.

Friday 20th April - The Youth Development Officer organised a grant from Department for Communities for \$1,000 and booked the Community Bus from Beverley to bring 15 Youth over along with 2 volunteers to celebrate with 25 youth from York at our Youth Centre.

Debbie from Fulafun Karaoke supplied the music and Youth Development Officer also booked 2 large Bouncy Castles and the youth had a fantastic night with free drinks and sausage sizzle cooked by the Salvation Army on their large bus which is used mainly for emergencies and travelled up especially for the evening.

- **Active after School Program:**

This program has just begun for Pre-Primary-Year 4 students playing Softcrosse and we have lots of fun and really enjoy just teaching the children to be involved and do the best they can. Judy Davies helps supervise the Programme and it is a very enjoyable 1 hour session

We always follow up with fresh fruit which is prepared by the children in Special Ed at the School.

- **Karaoke Disco:**

This next Disco is on Friday 15th June and I have requested help to continue this programme as I rarely get any volunteers on the day.

- **Banners in the Terrace:**

The Youth Development Officer attended the School Assembly to present Cassandra Thompson with a \$50 Gift Voucher as the winning entrant and will be working with Miss Rea from York District High School and the 6 artists selected to paint the Banner, ready to hang in St. Georges Terrace in August.

- **Wheatbelt Basketball Program:**

Youth Development Officer attended the first game in Northam with the "Wheatbelt Cops versus "Wheatbelt Youth. It was a fantastic night with 16 Youth attending along with parents and supporters joining together afterwards for a free sausage sizzle.

York/Beverley team will be playing on the 13th June, 8th August and October at the York Recreation Centre. The August game will be played in Wheelchairs and the YDO has booked accommodation for the representatives from Wheelchair Sports to stay at Swann Lodge

The Salvation Army has volunteered to do all the cooking with their emergency trailer.

- **KidSport:**

Youth Development Officer and Shire staff have been entering a large number of applications for this very successful program and the Department of Sport and Recreation said that 40% of the applications are new children playing sport.

KidSport will allow eligible children aged 5-18 years with parents/guardians on Pension/health care cards to apply for financial assistance towards club fees (\$200 per year).

- **Education Programme:**

The Youth Development Officer has been working with Robyn Williams from Directions and Sharon Bray from the Education Department to set up a Workforce Development Programme at the York Youth Centre.

This will be a place for Youth who don't go to School to help them organise resumes and all requirements needed to look for work. It will be a 10 week programme and we are negotiating a fee with them at the moment to cover costs for electricity etc.

If successful it will be starting on the 5th June with Youth from York and Beverley.

- **Quairading Youth Centre:**

Youth Officer has contacted the Youth Development Officer to participate in different events that are organised in York and vice versa. This is a great opportunity for another Town along with Beverley to get all the Youth mixing on a social level.

- **Local Drug Action Group:**

Youth Development Officer is on the Board of Management and is organising a Grant to obtain a Projector and Screen for the Youth Centre. The application will be presented in August.

Background:

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

Consultation:

Education
Police
Health
Council Staff and Youth.

Statutory Environment:

Nil

Policy Implications:

Not Applicable

Financial Implications:

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

Strategic Implications:**Key Result Area 4 - Youth - Objectives:**

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

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

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

Nil

Social Implications:

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

Environmental Implications:

Not applicable

Comment:

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

RESOLUTION

220512

Moved: Cr Duperouzel

Seconded: Cr Scott

"That Council:

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

CARRIED: 5/0

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.11 Closure of Barker Street

FILE NO:	Ba 3
COUNCIL DATE:	21 May 2012
REPORT DATE:	15 May 2012
LOCATION/ADDRESS:	Barker Street, York
APPLICANT:	Shire of York
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	T Cochrane, DCEO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Appendix A - Location
DOCUMENTS TABLED:	Nil

Summary:

To close portion of Barker Street, as shown on the attached map (Appendix A) in accordance with Section 58 of the Land Administration Act.

Background:

Council has developed the site extensively, however there are still a lot of works to be completed for the Forrest Oval project including internal roads and parking.

Consultation:

Council;
York Community Radio Inc.

Statutory Environment:

Land Administration Act, 1997 (as amended) Section 58.

"Closure of roads

58.

- (1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) *When a local government resolved to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*
- (4) *On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) -*
 - (a) *by order grant the request;*
 - (b) *direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
 - (c) *refuse the request.*

(5) If the Minister grants a result under subsection (4) -

- (a) the road concerned is closed on and from the day on which the relevant order is registered;
- (b) any rights suspended under section 55 (3) (a) cease to be so suspended; and
- (c) the Minister must cause notice of the registration of the relevant order to be published in a newspaper circulating in the district of the relevant local government.

(6) When a road is closed under this section, the land comprising the former road -

- (a) becomes unallocated Crown land; or
- (b) if a lease continues to subsist in that land by virtue of section 57 (2), remains Crown land."

Land Administration Regulations, 1998 (as amended), Part 2 – General, Regulation 9 – Preparation and Delivery by Local Government of Request to close a road permanently.

"9. Preparation and delivery by local government of request to close a road permanently

For the purposes of preparing and delivering under section 58(2) of the Act a request to the Minister to close a road permanently, a local government must include with the request;

- (a) *written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require;*
- (b) *sketch plans showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed;*
- (c) *copies of any submissions relating to the request that, after complying with the requirement to publish the relevant notice of motion under section 58(3) of the Act, the local government has received, and the local government's comments on those submissions;*
- (d) *a copy of the relevant notice of motion referred to in paragraph (c);*
- (e) *any other information the local government considers relevant to the Minister's consideration of the request; and*
- (f) *written confirmation that the local government has complied with section 58(2) and (3) of the Act."*

Policy Implications:

Nil.

Financial Implications:

Costs associated with the road closure will incur administration costs associated with staff time and advertising fees.

A determination of the land value is needed to enable input into the budget.

Strategic Implications:

Community Services – Key Result Area 7 – Objective 1 states:

"To meet community needs in terms of physical infrastructure and overall community services."

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

If the Minister agrees to the closure, the road reserve becomes Crown land. The Council then liaises with the Department for Regional Development and Lands to purchase the land or to acquire it as part of the recreation reserve.

Social Implications:

From a Council perspective this procedure would assist with future development of this area and an advertising period will flush out any concerns.

Environmental Implications:

Nil.

Comment:

This will assist with the design for traffic in and out to the site.

RESOLUTION

230512

Moved: Cr Lawrance

Seconded: Cr Boyle

“That Council:

1. *accede to the proposed road closure of Barker Street, as shown on the attached map labelled “Appendix A”, for the purpose of facilitating public advertising in accordance with Section 58 of the Land Administration Act 1997 (as amended);*
2. *in the event that no adverse submissions are received during the advertising period, delegate authority to the Chief Executive Officer to finalise the road closure;*
3. *make a budget allocation for the purchase of the land or acquisition as recreation reserve including any associated costs upon advice from the Department of Regional Development and Lands.”*

CARRIED: 5/0

Item 9.2.11 Appendices

9. OFFICER'S REPORTS

9.2 ADMINISTRATION REPORTS

9.2.12 Lease Of 26 Barker Street

FILE	Ba3.31700
COUNCIL DATE:	21 May 2012
REPORT DATE:	15 May 2012
LOCATION/ADDRESS:	26 Barker Street, York
APPLICANT:	York Community Radio Inc.
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	T Cochrane, DCEO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Appendix A - Current Lease Document
DOCUMENTS TABLED:	Nil

Summary:

Council notified York Community Radio Inc. (the body) that a review of the lease of 26 Barker Street was required as the current period expired on 31 March 2012 and they were requested to meet regarding modifications to the Lease or alternatively a MOU in reference to donations and conditions.

Consultation:

A meeting was held with Mr Chris Heaton on behalf of the Group and three of the Councillors.

Statutory Environment:

The Local Government Act 1995 (as amended)

Local Government (Administration) Regulations 1996 (as amended)

Policy Implications:

Nil.

Financial Implications:

The rent applicable to the lease between Council and the body has been fixed at \$1.00 (plus GST) per annum.

It is recommended that Council donates \$3,000 towards the outgoings, however in return the body will pay back the Council fees associated with rates, insurances and peppercorn rental. Outgoings are defined as the following in the lease.

“Outgoings where used in this Lease shall mean the total sum of all outgoings, costs and expenses properly and reasonably assessed, charged, imposed, levied or paid by the Lessor in relation to the Premises the Building and the Land and without limiting the generality of the foregoing shall include:

- (a) *all taxes (including any State or Federal land tax, on the basis that the Land is the only land owned by the Lessor, but excluding any income tax or capital gains tax), rates, assessments and charges, levies, impositions and fees imposed, levied or charged by any Authority upon the Land or Premises;*
- (b) *all rates, costs and charges payable in relation to the supply of water, sewerage and drainage to or from the Premises;*
- (c) *all charges incurred or paid by the Lessor for lighting, heating, air conditioning, ventilating the Building or providing electricity, gas or fuel to the Premises;*
- (d) *the cost of collecting and disposing of garbage and refuse from the Premises.”*

It is also proposed that while the body is getting back on its feet that an allocation be made for the next three financial years of \$1,000 per year to assist with promotion of the radio station as a business sponsor.

Strategic Implications:

Nil.

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

This will assist the Group economically and assist with providing a broadcast medium in the region for business advertising.

Social Implications:

York Community Radio Inc provides a valuable social and recreational outlet for both local residents, visitors to York and to the region.

Environmental Implications:

Nil.

Comment:

It is recommended that the lease be renewed with similar terms to the previous lease for a term of five (5) years until the expiry of the lease on the 31st March 2017 and that additional support be provided by way of a letter of understanding in relation to funding being attached to the lease.

There are some concerns with the age of the building and the body need to actively pursue alternative locations.

Council cannot provide a guarantee of support outside the next three years, due to the potential for structural reform.

**RESOLUTION
240512**

Moved: Cr Hooper

Seconded: Cr Boyle

“That Council

1. *agrees to renew the lease with York Community Radio Inc (the body) for the land and premises at 26 Barker St, York for a five (5) year period from 1 April 2012 – 31 March 2017, subject to the body actively looking for a permanent place to set up due to the age and deterioration of the current building and the potential for structural reform;*
2. *the Shire President and Chief Executive Officer be authorised to sign the lease documentation confirming this arrangement as per the terms and conditions of the previous lease and including the following additional benefits to the lease:*
 - a. *Council will commit to contributing towards the outgoings for the next three financial years an amount of \$3,000, which in return will be used to pay for rates, insurances, peppercorn lease etc;*
 - b. *Council will commit to providing business sponsorship of \$1,000 per year for the financial years 2012/13, 2013/14 and 2014/15 for radio station promotions and operations.”*

CARRIED: 5/0

Item 9.2.12 Appendices

9.3 Works Reports

9.4 Financial Reports

9. OFFICER'S REPORTS

9.4 FINANCE REPORTS

9.4.1 Monthly Financial Reports – April 2012

FILE NO:	FI.FRP
COUNCIL DATE:	21 May 2012
REPORT DATE:	7 May 2012
LOCATION/ADDRESS:	Not Applicable
APPLICANT:	Not Applicable
SENIOR OFFICER:	Ray Hooper, CEO
REPORTING OFFICER:	Tabitha Bateman, Administration Officer
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Yes – Appendix A as detailed in Summary
DOCUMENTS TABLED:	Nil

Summary:

The Financial Report for the period ending 30 April 2012 is hereby presented for the consideration of the Council.

Appendix A includes the following:

- Monthly Statements for the period ended 30 April 2012
- Bank Account Reconciliations
- Cheque drawings on the Municipal Account
- EFT drawings on the Municipal Account
- Cheque drawings on the Trust Account
- Payroll Direct Debits Summary
- Corporate Credit Card Summary
- Fuel Card Summary

Consultation:

Dominic Carbone

Statutory Environment:

Local Government Act 1995 (As Amended).

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

Policy Implications:

Nil.

Financial Implications:

The following information provides balances for key financial areas for the Shire of York's financial position as at 30 April 2012;

Sundry Creditors as per General Ledger	\$530.31
Sundry Debtors as per General Ledger	\$543,097.35
Unpaid rates and services current year (paid in advance inc. ESL)	\$455,877.49
Unpaid rates and services previous years (inc. ESL)	\$367,253.43

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

250512

Moved: Cr Lawrance

Seconded: Cr Hooper

"That Council:

Receive the Monthly Financial Report for April and ratify payments drawn from the Municipal and Trust accounts for the period ending 30 April 2012:

	<u>VOUCHER</u>	<u>AMOUNT</u>
<i>MUNICIPAL FUND</i>		
<i>Cheque Payments</i>	<i>30040 - 30106</i>	\$ 119,855.43
<i>Electronic Funds Payments</i>	<i>9218 - 9363</i>	\$ 868,310.99
<i>Direct Debits Payroll</i>		\$ 151,082.86
<i>Bank Fees</i>		\$ 1,114.51
<i>Corporate Cards</i>		\$ 13,954.35
<i>Shell Cards</i>		\$ 153.41
<i>TOTAL</i>		<u>\$ 1,154,471.55</u>

TRUST FUND

<i>Cheque Payments</i>	<i>3971 - 3989</i>	\$ 3,832.08
<i>Direct Debits Licensing</i>		\$ 104,916.85
<i>TOTAL</i>		<u>\$ 108,748.93</u>

TOTAL DISBURSEMENTS

\$1,263,220.48"

CARRIED: 5/0

Note to this item

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

Item 9.4.1 Appendices

9. OFFICER'S REPORTS
9.4 FINANCE REPORTS
9.4.2 Appointment of Auditors

FILE NO: FI.FRP.4
COUNCIL DATE: 21 May 2012
REPORT DATE: 7 May 2012
LOCATION/ADDRESS: Not applicable
APPLICANT: Not applicable
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: T Cochrane, DCEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Copy of Contract

Summary:

This report recommends extending the current terms of the contract between the Shire of York and Mr Anthony Macri of Macri Partners for the financial years 2011/12 and 2012/13.

Background:

The Audit Committee changed the Officer's Recommendation that proposed extending current contract for the next two years to granting extension for 2011/12 and obtaining quotes for the 2012/13 financial year.

Section 7.2 of the Local Government Act 1995 requires the accounts and annual financial report of a local government for each financial year to be audited by an auditor appointed by the local government. The appointment of a local government's auditor is to be for a term of not more than 5 years, but an auditor is eligible for re-appointment.

The previous appointment was for a term of 3 years.

Section 7.3 of the Act states that a local government is to, from time to time whenever such an appointment is necessary or expedient, appoint (by absolute majority) a person, on the recommendation of the audit committee, to be its auditor.

The local government may appoint one or more persons to be its auditor. The local government's auditor is to be a person who is:

- (a) a registered company auditor; or
- (b) an approved auditor.

Council's contract with its existing Auditors, Macri Partners, expired with the completion of the 2010/11 audit. Quotations to provide audit services for the next two years have been sought from Macri Partners.

Current Contract Fees and Charges:

Macri Partners					
Year Ended	Audit Fee	Travel	Sub Total	GST	Total Inc GST
30-Jun-09	9,500		9,500	950	10,450
30-Jun-10	10,000		10,000	1,000	11,000
30-Jun-11	10,500		10,500	1,050	11,550
Travel costs included in fee					

Macri Partners are recognised in the WALGA preferred suppliers list.

Consultation:

Macri Partners.

Statutory Environment:

Local Government Act 1995 Part 7, Division 2

Local Government (Audit) Regulations 1996 Regulation 7

Policy Implications:

Nil.

Financial Implications:

Expenditure will form part of the annual budget.

Quote to undertake audit:

2011/12 \$13,500 plus GST

2012/13 \$14,500 plus GST

Additional services will be charged out at an hourly rate.

Strategic Implications:

Nil.

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Forms part of the annual budget.

Social Implications:

Nil.

Environmental Implications:

Nil.

Comment:

Macri Partners, in their various forms, have been Council's auditors for many years. They have a stable audit team and they are familiar with our systems and have been good to work with in the past. Having completed Council's audits for many years Macri Partners are best placed to determine the requirements for York.

Previously quotations were only sought for a term of three years to tie in with a number of the other SEAVROC Councils.

Now with the RTG it is considered appropriate to extend the current contract and re-negotiate at a later date but within the 5 years that is permitted under the Local Government Act.

**RESOLUTION
260512**

Moved: Cr Lawrance

Seconded: Cr Hooper

"That the Audit Committee recommends to Council:

- 1. that it extends the current three year term for Mr Anthony Macri of the firm Macri Partners, to continue as the auditor for the Shire of York financial accounts and Annual Financial Report for the financial years 2011/12 with the following agreed fee structure:***

2011/12 \$13,500 plus GST

Advice Note:

To obtain three quotes for the 2012/13 financial year subject to consideration of what happens in future years with the RTG."

CARRIED: 5/0

9. OFFICER'S REPORTS

9.4 FINANCE REPORTS

9.4.3 Sponsorships and Donations

FILE NO:	FI.DON
COUNCIL DATE:	21 May 2012
REPORT DATE:	11 May 2012
LOCATION/ADDRESS:	Not Applicable
APPLICANT:	Various
SENIOR OFFICER:	Ray Hooper, CEO
REPORTING OFFICER:	Tyhscha Cochrane, DCEO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Appendix A - Schedule of Non-Recurrent Funding Appendix B - Schedule of Recurrent Contributions
DOCUMENTS TABLED:	Nil

Summary:

Each year Council makes a number of contributions by way of donations to various community groups that operate within the York Shire. Some contributions are for ongoing programs that the Shire contributes to each year and others are for "one-off" projects, which are known as non-recurrent projects. This report makes recommendations to Council for inclusion in the 2012/13 Budget. Note: any decisions made are recommendations to the budget only and Council has the ability to change those recommendations when adopting the budget.

Background:

As part of Council's Annual Budget process, submissions for financial assistance with projects that benefit the community are called for from local community groups and organisations. Those applying provide details about their organisation and the project they are seeking funding for including a budget and quotations for the project and details of any other funding sources. Council also provides funding for other projects on an on-going or recurrent basis. Organisations receiving this type of funding are not required to submit applications however all groups receiving either recurrent or non-recurrent funding are required to provide an acquittal report to Council outlining how the funds were spent and providing copies of receipts where appropriate.

Last year Council wrote to the majority of Community Groups and requested further advice that they had tried other funding avenues.

Consultation:

Council staff, Councillors and some applicants.

Statutory Environment:

Local Government Act 1995.

Policy Implications:

Not applicable.

Financial Implications:

If Council accepts the recommendation as it stands, the total expenditure for all funding will be \$58,061.00.

The recurrent contributions changed from 2011/12 to 2012/13 by \$2,470.00. Whilst there is not a significant change to the value the York Agricultural Show is deemed to be less this year, as no marquees are required and other allowances have been made to show a true record of what the Council actually donates through use of the town hall etc. The crosswalk attendant was deleted, as this is no longer the responsibility of the York District High School P & C Association.

Strategic Implications:

Council's support of local community organisations is of strategic importance to the District, as without this support these groups, who in many respects are the backbone of the community, become unviable from a financial perspective.

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not applicable

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

Local community organisations are a vital component of the local economy, as in many cases they provide the lifestyle type activities that attract individuals, families and businesses to a community, improving the overall diversification and market size of the local economy.

Social Implications:

Local community organisations provide the social framework of any community and without this type of financial support from the Council; many are not able to function effectively.

Environmental Implications:

Not applicable.

Comment:

The recommendations are put forward for Council's consideration.

The following assessments were made in relation to the Sponsorships and Donations:

The York District High School P & C Association requested fees to be donated towards their operating costs, these are costs that the Association should wear.

York Youthcare, as previously advised in the 2010/11 financial year consideration was given to the extra funding and it was provided as a one off payment and it is not supported this year.

**RESOLUTION
270512**

Moved: Cr Hooper

Seconded: Cr Boyle

“That Council:

1. ***approves the recommendations in the attached “Schedule of Non-Recurrent Funding Submissions” totalling \$6,000.00 for inclusion in the 2012/2013 draft Municipal Budget; and***
2. ***approves the “Schedule of Recurrent Funding Contributions” totalling \$52,061.00 for inclusion in the 2012/2013 draft Municipal Budget.***
3. ***advise all the successful and unsuccessful applicants that consideration has been given to their application and is subject to final adoption of the 2012/2013 Municipal Budget.”***

CARRIED: 5/0

A general discussion was held with representatives from the Talbot Brook Community Group regarding the lease on the Talbot Hall and surrounds. Talbot currently use 30 acres of area, however only need 5 acres. A lease is required to be finalised with the Shire of York before any Grants can be considered by LotteryWest.

Item 9.4.3 Appendices

9. OFFICER'S REPORTS

9.4 FINANCE REPORTS

9.4.4 Sponsorship – Victoria Cross Portrait – ANZAC Centenary Celebrations

FILE NO:	FI.DON
COUNCIL DATE:	21 May 2012
REPORT DATE:	11 May 2012
LOCATION/ADDRESS:	Not Applicable
APPLICANT:	Operation Pilgrimage Group
SENIOR OFFICER:	Ray Hooper, CEO
REPORTING OFFICER:	Gail Maziuk, Senior Admin Officer
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Communication from Operation Pilgrimage Group
DOCUMENTS TABLED:	Nil

Summary:

Request for financial sponsorship for a Victoria Cross Portrait – Lawrence Dominic McCarthy VC

Background:

'In the Company of Heroes 2012-2015' is a travelling exhibition honouring Australian and New Zealand Victoria Cross recipients. The exhibition will travel throughout Australia from November 2012 until April 2015 and will feature framed portraits, citations and biographies of 98 Victoria Cross recipients.

Lawrence Dominic McCarthy VC is a York hero who fought in the Great War between 1914 and 1918. His heroic acts were acknowledged with a Victoria Cross medal for extreme gallantry at Madame Wood, France on 23rd August 1918.

Consultation:

Nil

Statutory Environment:

Nil

Policy Implications:

Nil

Financial Implications:

\$2,500 financial contribution /sponsorship in 2012/13

Strategic Implications:

Nil

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not Applicable

Triple bottom Line Assessment:

Economic Implications:

\$2500 from the Municipal Sponsorship Budget

Social Implications:

Acknowledging a local war hero and promotion for York during the ANZAC Centenary Celebrations

Environmental Implications:

Nil

Officers Comment:

If sponsorship is endorsed, the Shire of York will eligible to receive the portrait, including a letter of authenticity, at the conclusion of the tour in May 2015

**RESOLUTION
280512**

Moved: Cr Hooper

Seconded: Cr Duperouzel

"That Council:

endorse the request for financial sponsorship for a Victoria Cross Portrait of Lt Lawrence Dominic McCarthy VC and include an allocation of \$2500 in the 2012/13 budget."

CARRIED: 5/0

Item 9.4.4 Appendices

9. OFFICER'S REPORTS

9.4 FINANCE REPORTS

9.4.5 Country Local Government Fund 2011/12 & 2012/13

FILE NO:	FI.FAG.8
COUNCIL DATE:	21 May 2012
REPORT DATE:	11 May 2012
LOCATION/ADDRESS:	Not Applicable
APPLICANT:	Shire of York
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	T Cochrane, DCEO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Nil
DOCUMENTS TABLED:	Nil

Summary:

That Council make arrangements for the transfer of funds between financial years for the Country Local Government Fund if a firm commitment cannot be provided by the Community Resource Centre for the Co-location Facility by the 10th June 2012 and endorse the change to the 2010/11 and 2012/13 financial years funding allocations.

Background:

The Country Local Government Fund – Royalties for Regions is part of the National Party electoral platform and the power sharing arrangements of the current government.

Royalties for Regions is a Coalition action to provide funding to local governments and rural communities primarily to address infrastructure backlogs.

Council completed and acquitted funds for the following projects associated with the 2008/09 funds:

Thorn Street Drainage	\$108,156
Townsite Drainage	\$100,000
Forrest Oval Project	<u>\$608,157</u>
	<u>\$816,313</u>

The above was based on the following allocations under this state government initiative and Council has been requested to nominate projects for the first funding round.

2008/09	\$816,313
2009/10	\$530,603
2010/11	\$408,156
2011/12	\$408,156

Council at the Council meeting held on the 11 April 2011 resolved as follows:

"That Council:

1. *endorse the following projects for the 2008/09 Country Local Government Fund in accordance with correspondence received from the Department of Regional Development and Lands for Royalties for Regions (attached dated 23 March 2011):*

Thorn Street Drainage (spent)	\$108,156
Townsite Drainage (spent \$60,000)	\$100,000
Forrest Oval Project	<u>\$608,157</u>
	<u>\$816,313</u>

2. *2010/11 Royalties for Region Funding project funding details:*

<i>Swimming Pool Upgrade</i>	<u>\$114,604</u>
<i>Co-location Facility</i>	<u>\$250,000</u>
<i>Forrest Oval Project – Stage 3</i>	<u>\$150,000</u>
	<u><u>\$514,604</u></u>

Note: Stage 3 refers to bowling greens, tennis courts and lighting for Bowls, Tennis and Netball.

3. *in accordance with the Forward Capital Works Plan 2010/11 to 2014/15 approve the following projects for the 2011/12 and 2012/13 financial years:*

2011/12 Royalties for Region Funding project funding details:

<i>Forrest Oval Project – Stage 4</i>	<u><u>\$395,845</u></u>
	<u><u>\$395,845</u></u>

Note: Stage 4 refers to second hockey field, parking, drainage, landscaping, fencing and entry/exit roads.

2012/13 Royalties for Region Funding project funding details:

<i>Swimming Pool – Wetdeck Area</i>	<u><u>\$395,845</u></u>
	<u><u>\$395,845</u></u>

Note: Project will be subject to CSRFF contribution total project \$700,000.

4. *update the Forward Capital Works Plan 2010/11 to 2014/15 with the above information and allocations.”*

Council previously reallocated funds to the 2011/12 financial year as confirmation was received from Debbie Rice of Regional Development & Lands that the Co-location Facility could not be expended prior to the 30th June 2011.

The planning for the budget is underway and a decision needs to be provided or arrangements made in the event that the funds cannot be utilised in the 2011/12 financial year.

Consultation:

The allocation of the funds to various projects has been the subject of much discussion between senior staff and Councillors at various forward planning sessions since the programme was announced. Both staff and councillors have received feedback from various groups and members of the York community.

Statutory Environment:

Council must act within the Local Government Act and Financial Regulations and be in compliance with the guidelines for the Country Local Government Fund.

Grant expenditure must be allocated specifically to community infrastructure.

Policy Implications:

Not applicable to this report.

Financial Implications:

The funds totalling \$514,604 and \$452,363 have been received, which is for the 2010/11 and 2011/12 Royalties for Region Funding projects.

No financial implications due to re-allocation of funds.

The Forward Capital Works Plan was reviewed and updated and changes endorsed at the January 2012 Council Meeting. Further costs to change the Forward Capital Works Plan may need to be factored in once a decision is received from the Community Resource Centre.

Strategic Implications:

Key Result Area 3: Community Development – Objective 1: To have in place the infrastructure to enable the community to develop.

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not applicable

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

The emphasis is on asset management and infrastructure provisions in the guidelines that will have long term economic benefit to the community.

This new funding provided an opportunity to address infrastructure shortfall issues for the long term benefit of the community.

The development of high level facilities and structures in York will assist in income generation in the business community and further enhance lifestyle attraction and investor readiness.

Social Implications:

The funding will allow for community benefit projects to be brought forward in the budget and Plan for the Future processes to benefit residents.

Environmental Implications:

All projects undertaken will need to comply with any environmental requirements.

Comment:

The Royalties for Regions programme has a strong emphasis on asset management and preservation in addition to infrastructure provisions to improve the lifestyle of rural residents.

The Objectives of the Royalties for Regions is a plan for the whole of Western Australia, with a focus on building communities in regional areas through six policy objectives:

- Building capacity in regional communities
- Retaining benefits in regional communities
- Improving services to regional communities
- Attaining sustainability
- Expanding opportunity
- Growing prosperity

The Guidelines are specific in what cannot be funded from Royalties for Regions.

There is a high degree of accountability and compliance associated with the funding including a half yearly payment and reporting system.

The Shire of York like most local governments has a Plan for the Future which has already identified infrastructure and asset preservation needs and this should be the basis for any allocations. This has been further developed with the Forward Capital Works Plan prepared by Dominic Carbone and Associates.

Where ever possible the funds should be leveraged with other grants to fully utilise existing financial opportunities and to achieve as many viable and sustainable projects possible to benefit the community in both the short and long term.

All projects considered should be assessed on whole of life costs in addition to the initial construction or development costs as operating or replacement costs can negate the initial value and benefit.

RESOLUTION

290512

Moved: Cr Lawrance

Seconded: Cr Hooper

"That Council:

1a. confirm the 2010/11 Royalties for Region Funding project funding details for the 2011/12 financial budget:

Co-location Facility	\$250,000
Forrest Oval Project – Stage 3	\$264,604
	<u>\$514,604</u>

Note: Stage 3 refers to bowling greens, tennis courts and lighting for Bowls, Tennis and Netball.

1b. In the event that the planning of the Co-location facility is not finalised and a firm commitment cannot be provided by the 10th June 2012 Council authorise these funds (\$250,000) to be allocated to the Forrest Oval Project in 2012/13 financial budget and a corresponding allocation be made for the Co-location facility in 2013/14 financial budget.

2a. Royalties for Region Funding (2011/12) project funding details:

Forrest Oval Project – Stage 3	\$452,363
	<u>\$452,363</u>

2b. Subject to 1b. above that the Council authorise the Forrest Oval Project allocation to be reduced by \$250,000 from the 2010/11 grant for the purpose of the Co-location facility.

3. 2012/13 Royalties for Region Funding project funding details:

Land Development Costs	\$200,000
Forrest Oval Development	\$252,363
	<u>\$452,363</u>

Note: Forrest Oval Development to include carparking, internal roads, landscaping and drainage.

4. update the Forward Capital Works Plan with the above information and allocations once a firm commitment has been provided by all relevant departments."

CARRIED: 5/0

9. OFFICER'S REPORTS

9.4 FINANCE REPORTS

9.4.6 Budget Variation – Forrest Oval Drainage

FILE NO:	CCP.7
COUNCIL DATE:	21 May 2012
REPORT DATE:	2 May 2012
LOCATION/ADDRESS:	Forrest Oval
APPLICANT:	N/A
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	R Hooper, CEO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Nil
DOCUMENTS TABLED:	Nil

Summary:

Proposal to re-allocate budget funds from townsite street upgrades to Forrest Oval drainage.

Background:

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

Consultation:

Council
Consultants
Contractors

Statutory Environment:

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

Policy Implications:

Nil

Financial Implications:

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

Strategic Implications:

Nil

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Yes - Various

Triple bottom Line Assessment:

Economic Implications:

Nil

Social Implications:

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

Environmental Implications:

Water flow will be controlled as an environmental benefit.

Officers Comment:

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

OFFICER RECOMMENDATION

“That Council:

Endorse the re-allocation of 2011/12 budget funds from Municipal Capital Expenditure – various street upgrades to Municipal Capital Expenditure – Forrest Oval Drainage.”

RESOLUTION

300512

Moved: Cr Hooper

Seconded: Cr Scott

“That Council:

Defer this item until the June 11, 2012 Ordinary Council Meeting for further discussion.”

CARRIED: 5/0

Note: Waiting on details of what road works can be accomplished in the 2011/12 financial year.

9. OFFICER'S REPORTS

9.4 FINANCE REPORTS

9.4.7 Contribution Request –

Detailed Road Costing Study Grain Freight Network Routes

FILE NO:	TR.RAI
COUNCIL DATE:	21 May 2012
REPORT DATE:	16 May 2012
LOCATION/ADDRESS:	Not Applicable
APPLICANT:	Max Trenorden MLC & Phillip Gardiner MLC
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	R Hooper, CEO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Correspondence - M Trenorden MLC & P Gardiner MLC
DOCUMENTS TABLED:	Nil

Summary:

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

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

Background:

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

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

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

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

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

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

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

On reaching a decision could you notify Brian Christie; email brian.christie@mp.wa.gov.au or telephone 0416 275 888.

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

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

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

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

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

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

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

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

Consultation:

Political Representatives

Brian Christie

Wheatbelt Railway Retention Alliance

Statutory Environment:

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

Section 3.1. General function

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

Policy Implications:

Nil

Financial Implications:

2012/2013 Budget Document

– general operating expense; Donations and Contributions

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

Section 6.2. Local government to prepare annual budget

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

* Absolute majority required.

Strategic Implications:

Key Result Area 7 - Community Services

Objectives:

1. To meet community needs in terms of physical infrastructure and overall community services.
2. To provide and maintain high quality services and infrastructure in an efficient and cost effective way.
3. To ensure a safe community environment.

Voting Requirements:
Absolute Majority Required: Yes

Site Inspection:
Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

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

Social Implications:

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

Environmental Implications:

Nil at this stage.

Comment:

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

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

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

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

OFFICER RECOMMENDATION

“That Council:

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

RESOLUTION
310512

Moved: Cr Scott

Seconded: Cr Hooper

“That Council:

Defer this item until further detail or information is received.”

CARRIED: 5/0

Item 9.4.7 Appendices

9.5 Late Reports

9.6 Confidential Reports

10. NEXT MEETING

RESOLUTION
320512

Moved: Cr Hooper

Seconded: Cr Duperouzel

“That Council:

hold the next Ordinary Meeting of the Council on June 11, 2012 at 3.00pm in the Council Chambers, York Town Hall, York.”

CARRIED: 5/0

11. CLOSURE

Cr Boyle thanked the Talbot Brook Community Group for the outstanding afternoon tea and also thanked everyone for their attendance and declared the meeting closed at 4.22pm.