



SHIRE OF YORK

**MINUTES OF THE ORDINARY
MEETING OF THE COUNCIL
HELD ON 17 OCTOBER, 2011
COMMENCING AT 3.00pm
IN THE GREENHILL HALL, GREENHILLS**

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, 17 OCTOBER 2011, COMMENCING AT
3.00PM IN THE GREENHILLS HALL, GREENHILLS.

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

1. OPENING

- 1.1 Declaration of Opening
Cr Tony Boyle, Shire President, declared the meeting open at 3.00pm
- 1.2 Chief Executive Officer to read the disclaimer
Ray Hooper, Chief Executive Officer, read the disclaimer
- 1.3 Announcement of Visitors
*Two Special Guests:
Tony Hunter – York & Districts Community Bank – Branch of Bendigo Bank
Gary Ashworth – Fuel Distributors of Western Australia Pty Ltd*
- 1.4 Announcement of any Declared Financial Interests
*Cr Denese Smythe – Item 9.1.6 – Impartial – Proximity
All Staff Present - Item 9.2.1 – Impartial - Proximity*

2. ATTENDANCE

- 2.1 Members
*Cr Tony Boyle, Shire President; Cr Pat Hooper, Cr Brian Lawrance; Cr Roy Scott;
Cr Denese Smythe; Cr Mark Duperouzel*
- 2.2 Staff
Ray Hooper, Chief Executive Officer, Gordon Tester; Manager of Health and Building Services; Jacky Jurmann, Manager Planning Services; Glen Jones, Manager Works & Projects; Gail Maziuk, Finance Officer/Project Co-Ordinator; Helen D'Arcy-Walker, Executive Support Officer
- 2.3 Apologies
Nil
- 2.4 Leave of Absence Previously Approved
*Cr Tony Boyle
Cr Mark Duperouzel*
- 2.5 Number of People in Gallery at Commencement of Meeting
There were 11 people in the Gallery at the commencement of the meeting.

RATES INCENTIVE PRIZES

Presentation of the Rates Incentive Prizes was held.

First Prize - \$1,000 Bank Account provided by the Shire of York and York & Districts Community Bank Branch of Bendigo Bank. Tony Hunter, Branch Manager of the Bendigo Bank thanked the community for their support. Mr Soren Nielson was in attendance to accept his prize.

Second Prize - \$200 of Unleaded Petrol donated by Fuel Distributors of WA Pty Ltd. Mr Gary Ashworth also thanked the community for their support. Mr Tony Ashford won second prize but was unable to attend (the Shire will ensure the prize is sent to Mr Ashford).

Third Prize – One night's accommodation up to the value of \$200 donated by Aspen Parks. Mr Peter Donegan won third prize but was unable to attend (the Shire will ensure the prize is sent to Mr Donegan)

Fourth Prize – Four tickets to the West Australian Symphony Orchestra donated by WASO. Mr Denis Thompson won fourth prize but was unable to attend (the Shire will ensure the prize is sent to Mr Thompson)

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

3.1 Previous Public Questions Taken on Notice

Mr C Scott
PO Box 752
YORK WA 6302

PUBLIC QUESTION TIME - COUNCIL MEETING 19 SEPTEMBER 2011

Thank you for the following questions submitted to the Council meeting on your behalf by Mrs K Scott.

Question 1:

Who gave the instruction to illegally remove the trees from our property?

Response:

As far as is known one of the contractors involved in the emergency service response and recovery from the 29th January, 2011 storm event entered your property and pruned storm damaged branches.

The records held by the Shire of York for the initial contract work are not property specific.

Question 2:

The name of the person/s who removed the trees, including the back hoe operator engaged to remove the stumps.

Response:

The trees were removed by the Shire of York following advice from you that they had been ruined by pruning and were no longer of value in your house location and outlook.

Question 3:

Copies of the Work Orders issued for the removal of the trees.

Response:

Not relevant as the Shire of York has acknowledged that it undertook the removal of the trees on your property at your request.

Robert Chester
'Allawuna'
PO Box 137
YORK WA 6302

SCHEME AMENDMENT NO. 36 - HELENA RD, ST RONAN'S

With reference to your question raised during public question time at the Ordinary Meeting of Council held on 19 September 2011:

"Why wasn't I notified regarding the rezoning of land adjacent to my property? Takes umbrage at not being notified."

Please be advised that the proposed scheme amendment was advertised for 42 days in accordance with the Town Planning Regulations 1967, which included in the newspaper, on Council's website and direct notification to adjoining landowners. The documentation was available for viewing by the public at the Council Office.

Your submission received by Council on 16 February 2011 was considered in the assessment of the proposal as outlined in the Report considered by Council at its Ordinary Meeting held on 16 May 2011. I have attached a copy of this report for your records together with your actual submission.

The application is currently under consideration by the Western Australian Planning Commission and the Minister for Planning for final approval. If approved, all submitters and adjoining landowners will be notified.

3.2 Written Questions
Nil

4. **PUBLIC QUESTION TIME**
Nil

5. **APPLICATIONS FOR LEAVE OF ABSENCE**
Nil

6. **PETITIONS / PRESENTATIONS / DEPUTATIONS**
Medical staff do not wish to be on call from Saturday noon and all day Sunday.

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

7.1 Minutes of the Ordinary Council Meeting held September 19, 2011

Confirmation

RESOLUTION
011011

Moved: Cr Scott

Seconded: Cr Hooper

"That the Minutes of the Ordinary Council Meeting held September 19, 2011 be confirmed as a correct record of proceedings.

CARRIED: 6/0

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Cr Tony Boyle welcomed new Councillors and thanked all candidates who stood at the election. Cr Boyle also thanked Cr Hooper for all the extra time and work he has put in over the last 6 years as Shire President.

9. OFFICER'S REPORTS

9.1 Development Services

9. OFFICER'S REPORTS

9.1 DEVELOPMENT REPORTS

9.1.1 Repositioning of Approved Shed at Lot 17 (160) Newcastle Street, York

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

FILE NO:	NE4.9761, P658
COUNCIL DATE:	17 October 2011
REPORT DATE:	3 October 2011
LOCATION/ADDRESS:	Lot 17 (160) Newcastle Street, York
APPLICANT:	E & A Pennington
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	J Jurmann, MPS
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	1 – Locality Plan 2 – Site Plan
DOCUMENTS TABLED:	Nil

Summary:

An application has been received to amend the location of a shed that was previously approved under delegated authority at Lot 17 (160) Newcastle Street, York.

The proposed amendment was notified to adjoining landowners and one submission was received objecting to the amendment. This objection is the subject of this report.

This report will show that the proposed shed is consistent with State and Council policies and the objectives of the residential zone.

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

Background:

On 17 May 2011 a planning application to construct a detached garage with a variation to Clause 6.10.1 of the Residential Design Codes was received by the Shire of York. The variation to the R-Codes was requested to enable the owner's motorhome to be garaged.

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

Approval was granted under delegated authority on 28 June 2011.

On 26 August 2011 a request to amend the location of the approved garage was received by Council, which would result in the shed being located closer to the side and rear boundaries.

Letters were sent to adjoining landowners advising of the request and one submission was received objecting to the proposed amendment.

Consultation:

The original application was advertised in accordance with the provisions of Clause 7.3 of the York Town Planning Scheme No. 2, including letters to adjoining landowners, newspaper and website advertising, and at the Council Offices. No submissions were received regarding the original application.

The amended application was notified to adjoining landowners in writing. The only aspect of the proposal being amended was the location and it was considered that it was appropriate to notify adjoining landowners as those being potentially affected.

One submission was received from an adjoining landowner in response to the notification objecting to the proposed new location of the shed as follows:

“We as adjoining property owners do object to the variation of position of the overheight and oversize shed, as its new position will give us an outlook of a huge wall of sheds near our rear boundary. In its original position set further away, it was spaced so as to be less imposing.

Alternatively to request a lowering of the max wall height to 3 metres as for lot 16 approval.

We trust that the Shire of York will continue to try to have a residential rather than an industrial view on these excessively large sheds.”

Planning comment:

1. The amended position of the shed complies with the setback requirements of the Residential Design Codes.
2. The Residential Design Codes does not require outbuildings to comply with rear setback requirements. Although it should be noted that the location complies.
3. It is considered that the land sizes in the York Estates are large enough to cater for larger sheds without affecting the residential amenity of the area or dominating the landscape.

Statutory Environment:

York Town Planning Scheme No. 2

The site is zoned Residential R5/10 under the provisions of the Scheme. The objectives of the zone are:

- (a) *To encourage single houses as the predominant form of residential development.*
- (b) *To require infill residential development in Heritage Precincts to be in accordance with Design Guidelines adopted by the local government.*
- (c) *To achieve a high standard of development and residential amenity.*

The site contains an existing dwelling and shed, and the proposed garage is defined as ancillary development that is permissible under the Scheme. The proposal is consistent with the objectives of the zone in that the dwelling will remain the predominant form of development on the site.

Clause 4.2 of the Scheme outlines the permitted development (i.e. development that does not require a planning application). Subclause (b) allows the erection of ancillary outbuildings without approval under the Scheme unless the proposal requires the exercise of discretion by the local government to vary the provisions of the Residential Design Codes (R-Codes). Accordingly, the erection of the shed as it exceeded the permissible floor area under Clause 6.10.1 requires planning approval under the Scheme.

A planning application was submitted and assessed under the provisions of the Scheme. It was deemed that the construction of an oversized outbuilding to house the owner’s motorhome was consistent with the provisions of the Scheme and the objectives of the R-Codes, and therefore it was appropriate to vary the provisions of the R-Codes. The approval was granted under delegation in accordance with Council’s Delegated Authority.

The proposed amendment to the approval has been assessed in accordance with Clause 10 of the Scheme as follows:

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

The proposal is considered consistent with the objectives of the Scheme, particularly with regards to the zone objectives of the Residential Zone where single houses are the predominant form of residential development. The proposed shed is ancillary to the

dwelling constructed on the lot, particularly as it will be located at the rear of the property.

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

There are no new schemes or amendments applicable to the lot.

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

Not applicable.

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

Not applicable.

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

State Planning Policy 3.1 – Residential Design Codes

Clause 6.10.1 sets out the acceptable design criteria for outbuildings as follows:

- i. *are not attached to a dwelling;*
- ii. *are not habitable;*
- iii. *collectively do not to exceed 60m² in area or 10% in aggregate of the site area, whichever is the lesser;*
- iv. *do not exceed a wall height of 2.4m;*
- v. *do not exceed a ridge height of 4.2m;*
- vi. *are not within the primary setback area;*
- vii. *do not exceed the private open space area required in Table 1;*
- viii. *comply with the siting and design requirements for the dwelling, but do not need to meet rear setback requirements in Table 1.*

The amended outbuilding application proposes to vary the requirements of (iii) and (iv) only. The amended location meets the siting requirements of Table 1 of 1.1m for the side setback and 2.6m for the rear boundary. Although, it should be noted that the proposal is not required to meet the rear setback requirements and could be located closer to the rear boundary.

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

Local Planning Policy – Outbuildings in Residential Zones

The Policy enables variations deemed consistent with the provisions of the R-Codes outlined within the Policy to be considered under the Building License process without the need for a planning approval as required in the Scheme.

The height of the proposed outbuilding is consistent with the provisions of the Policy, however the floor area proposed exceeds the area allowable under the Policy, and therefore, a planning application was required. It should be noted that the height of the proposed building meets the requirements of the Policy.

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

The lot is not reserved under the Scheme.

- (h) *The conservation of any place that has been entered in the Register within the meaning of the Heritage of Western Australia Act 1990, or which is included in the Heritage List*

under clause 5.1.2, and the effect of the proposal on the character or appearance of a heritage precinct.

The site is not heritage listed or located within a heritage precinct.

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

The proposed garage will house the owner's motorhome. The use is consistent for the overall residential use of the site. The size of the shed is consistent with shed sizes in the York Estates locality.

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

No social issues identified.

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

The site is not identified as having any particular cultural significance.

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

The natural environment will not be affected by the development.

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

The site is not affected by any natural constraints.

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

The proposal will not detrimentally affect the amenity of the locality.

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

The site is 5000m² in area and adjoins sites of similar size or larger. Therefore, larger outbuildings can be accommodated on these sites without appearing too large. It is considered that the bulk, scale and location of the shed is appropriate for the location.

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

Access to the site is existing.

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

The proposal will not result in the generation of any unacceptable levels of traffic.

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

Not applicable.

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

Existing.

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

Not applicable.

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

Not applicable.

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

No landscaping affected.

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

Proposal unlikely to cause soil erosion or degradation.

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

No community service or benefit affected by the proposal.

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

One submission was received from an adjoining landowner objecting to the amendment of the planning approval to relocate the garage closer to the boundaries. Refer to the consultation section of this report for assessment of the submission.

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

No impacts identified. The purpose of the shed is to house the owner's motorhome.

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

Not applicable.

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

There are a number of other large sheds approved in the York Estates that do not dominate the landscape or give the area an industrial appearance.

Clause 7.13 enables, 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 development. The construction of the garage has not commenced and therefore it is permissible to vary the planning consent.

Policy Implications:

The proposal is consistent with the objectives of the York Town Planning Scheme No. 2. The reasons provided for a variation to the size requirements in the R-Codes and Council's Outbuildings Policy are valid and approval was given on this basis.

There are no adverse Policy implications associated with this proposal.

Financial Implications:

The applicant has paid the applicable application fees.

Strategic Implications:

The proposal does not have any strategic implications.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Yes

Triple bottom Line Assessment:

Economic Implications:

There are no economic implications associated with this proposal.

Social Implications:

There are no social implications associated with this proposal.

Environmental Implications:

There are no environmental implications associated with this proposal.

Comment:

It should be noted that approval has been granted for the construction of the garage under delegated authority. The current application to be determined by Council applies only to the new position of the outbuilding.

**RESOLUTION
021011**

Moved: Cr Lawrance

Seconded: Cr Hooper

“That Council:

APPROVE the amended application to vary the location of the garage approved to be constructed at Lot 17 (160) Newcastle Street, York, subject to the following conditions:

- 1. Development must substantially commence within two (2) years from the date of this decision.***
- 2. Development must take place in accordance with the amended stamped approved plans.***
- 3. The shed is not to be used for habitable, commercial or industrial purposes.***

Notes to consent:

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

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

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

Note 4: This approval is not a building licence. In accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1960, an application for a building licence must be submitted to, and approval granted by the local government prior to change of classification or prior to the commencement of any structural works within the development hereby permitted.”

CARRIED: 6/0

Item 9.1.1 - Appendices

9. OFFICER'S REPORTS

9.1 DEVELOPMENT REPORTS

9.1.2 Extension of Consent – Lot 547 (14) Macartney Street, York

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

FILE NO:	MA1.30780, P593
COUNCIL DATE:	17 October 2011
REPORT DATE:	4 October 2011
LOCATION/ADDRESS:	Lot 547 (14) Macartney Street, York
APPLICANT:	Longsword Pty Ltd
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	J Jurmann, MPS
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Nil
DOCUMENTS TABLED:	Nil

Summary:

Council at its Ordinary Meeting held on 20 December 2010 approved the construction of a supermarket at Lot 547 (14) Macartney Street, York, subject to conditions of consent.

The conditions provided the applicant 12 months from the date of determination to substantially commence the development.

A request has been received from the applicant to extend the consent for a further 12 months for financial viability reasons.

It is recommended that Council approve the request to extend the consent, subject to the original conditions of consent.

Background:

Condition 1(a) of the planning consent states:

“Development must substantially commence within twelve (12) months from the date of this determination.”

The application was determined by Council at its Ordinary Meeting held on 20 December 2010 and therefore, the application, if not substantially commenced, will lapse on 20 December 2011.

The applicants, in their extension request, have advised that the extension is required to enable a tenant to be secured, which they have been trying to secure since granting of approval but current financial conditions have made difficult. They have also placed the property on the real estate market for sale or lease to try and attract an owner operator or tenant so the supermarket can be constructed.

In accordance with conditions 1(c) and (d) of the consent, the applicants have submitted and had amended plans approved on 8 April 2011 depicting a redesign of the façade of the building fronting Macartney Street.

Consultation:

Not required.

Statutory Environment:

York Town Planning Scheme No. 2

Clause 7.8 of the York Town Planning Scheme No. 2 states:

7.8.1 Where the local government grants planning consent for the development of land:

- (a) the development approved is to be substantially commenced within 2 years, or such other period as specified in the approval, after the date of the determination; and*
- (b) the approval lapses if the development has not substantially commenced before the expiration of that period.*

7.8.2 A written request may be made to the local government for an extension of the term of planning consent at any time prior to the expiry of the approval period in clause 7.8.1.

The consent in this case was granted for 12 months, which is less than the standard period specified in the Scheme. The application for extension was received prior to the consent lapsing.

Policy Implications:

The extension of the planning approval is consistent with the provisions of York Town Planning Scheme No. 2.

Financial Implications:

There are no financial applications for Council associated with granting the extension of time.

Strategic Implications:

The construction of a supermarket is consistent with the growth of the town centre.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Increased commercial premises and opportunities will support the economic development of the York, and more specifically the town centre. The construction of the supermarket will also provide employment opportunities.

Social Implications:

There are no social implications associated with the proposal to extend the consent.

Environmental Implications:

There are no environmental implications associated with the proposal to extend the consent.

Comment:

It is recommended that Council grant an extension to the consent for a further 12 months to provide the proponents time to secure a tenant or owner-operator to enable the construction of the supermarket.

It could be considered unreasonable to expect a project of this size to be substantially commenced within 12 months from being granted consent due to the complexity with approvals and design.

The majority of current approvals are being granted for 2 years in accordance with the provisions of the Scheme and the Western Australian Planning Commission grants their subdivision approvals for 3 years.

**RESOLUTION
031011**

Moved: Cr Smythe

Seconded: Cr Duperouzel

“That Council:

APPROVE the application to extend the planning consent dated 22 December 2010 determined by Council at its Ordinary Meeting held on 20 December 2010 for the construction of a supermarket at Lot 547 (14) Macartney Street, York, for a further 12 months, subject to the imposition of the original conditions of consent.”

CARRIED: 6/0

9. OFFICER'S REPORTS
9.1 DEVELOPMENT REPORTS
9.1.3 Advertising Signage Policy Adoption

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.2
COUNCIL DATE:	17 October 2011
REPORT DATE:	4 October 2011
LOCATION/ADDRESS:	Shire Wide
APPLICANT:	Shire of York
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	J Jurmann, MPS
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Draft Policy
DOCUMENTS TABLED:	Nil

Summary:

Council at its Ordinary Meeting held on 15 August 2011 considered a draft Local Planning Policy for Advertising Signage and resolved:

“That Council:

- 1. Resolve to adopt the proposed Local Planning Policy – Advertising Signage for advertising purposes;***
- 2. Advertise the proposed Local Planning Policy – Advertising Signage in accordance with the provisions of Clause 8.8.2 of the Shire of York Town Planning Scheme No 2 for a period of 42 days; and***
- 3. Resolve that after the expiry of the advertising period, consider a report detailing the submissions made relating to the proposed Local Planning Policy – Outbuildings prior to formally adopting the Policy.”***

The draft Policy was advertised in accordance with the resolution from 27 August 2011 to 11 October 2011. At the time of writing, no submissions had been received by Council regarding the proposal.

It is recommended that the draft Policy be adopted by Council without change.

Background:

Council at its Ordinary Meeting held on 15 August 2011 resolved to advertise a draft Local Planning Policy – Advertising Signage. The draft Policy was advertised and no submissions were received from the public during the submission period.

Advertisements play a vital role as a means of advertising the service and product available from a business or organisation. The display of advertisements is beneficial in providing a public service through providing information to the community.

The over-use of advertisements, however, contributes to an accumulation and eventual proliferation of signage clutter, to the extent that the advertisements become ineffective and impact negatively on the amenity of the streetscape and character of the area. Inappropriately located advertisements may also create a hazard to pedestrians and road users.

In order to ensure that advertisements are used for best advantage, organisations, businesses and property owners are encouraged to demonstrate the reasonable and appropriate use of advertisements, and focus more on providing short, distinct signage and branding to limit the number of words and the use of suitable contrasting colours and text that make advertisements distinct and clearly legible.

Consultation:

The new draft Policy was advertised in accordance with the provisions of the York Town Planning Scheme No. 2 and the Council resolution.

The closing date for submissions is 11 October 2011 and at the time of writing this report, no submission had been received. Any submissions received by Council following the writing of this report will be provided to all Councillors for consideration and if necessary, amendments will be made to the draft Policy for consideration at the Council meeting. Any submitters would also be notified of the Council meeting.

Statutory Environment:

York Town Planning Scheme No. 2

Clause 5.3 of the Scheme gives the Shire power to control the erection, placement and display of advertisements.

Currently Schedule 8 of the Scheme provides exemptions for certain advertisements. However, there are no other guidelines for the erection, placement or display of advertisements, with the exception of advertisements on a heritage place or within a heritage precinct.

There are no specifications or direction as to appropriate advertising within the current Scheme provisions. The draft Policy will provide the community with direction with regards to expectations regarding advertising.

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.

Local Planning Policy – Heritage Precincts and Places

The proposed Policy will be read in conjunction with the controls with the Local Planning Policy – Heritage Precincts and Places.

Policy Implications:

The proposed policy will provide Council and developers with guidelines for appropriate advertising signage within the Shire.

Existing lawful advertisements will not be affected by this Policy.

Financial Implications:

Costs associated with the re-advertising of the draft Policy.

Strategic Implications:

The proposed Policy is consistent with the provisions of the York Local Planning Strategy and Scheme. It is considered that the adoption of the proposed Policy will assist in achieving a more appropriate outcome for advertising signage within the Shire.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Landowners and developers will have more guidance before preparing planning applications for advertising signage, which will streamline the development preparation process.

Social Implications:

Inappropriate advertising can have adverse social impacts, including creating a hazard to pedestrians and traffic. Over-use of advertising can contribute to signage clutter and impact negatively on the amenity of the streetscape and character of the area.

Environmental Implications:

Inappropriate and accumulation of signage can detract from the natural and built environment.

Comment:

The proposed Policy provides clear direction on Council's expectations with regards to advertising signage.

RESOLUTION

041011

Moved: Cr Scott

Seconded: Cr Hooper

"That Council:

- 1. ADOPT the Local Planning Policy – Advertising Signage under the provisions of Clause 5.3 of the York Town Planning Scheme No. 2.***
- 2. ADVERTISE the final adoption of the Local Planning Policy – Advertising Signage."***

CARRIED: 6/0

Item 9.1.3 - Appendices

9. OFFICER'S REPORTS

9.1 DEVELOPMENT REPORTS

9.1.4 Scheme Amendment No. 31 – Lot 4 Great Southern Highway, 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: PS.TPS.26
COUNCIL DATE: 17 October 2011
REPORT DATE: 4 October 2011
LOCATION/ADDRESS: Lot 4 Great Southern Highway, York
APPLICANT: Peter D Webb & Associations on behalf of Lillyville Pty Ltd
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: J Jurmann, MPS
DISCLOSURE OF INTEREST: Nil
APPENDICES: 1 – Locality Plan
2 – Schedule of Submissions
3 – Scheme Maps
DOCUMENTS TABLED: Scheme Amendment Documentation

Summary:

Council at its Ordinary Meeting held on 18 August 2008 resolved to initiate Scheme Amendment No. 31 to rezone Lot 4 Great Southern Highway, York from 'General Agriculture' to 'Rural Residential'.

Following initiation of the scheme amendment, a request for permission to advertise was sent to the Environmental Protection Authority. Further information was requested and permission to advertise was finally granted on 28 June 2011.

The application has been advertised and a number of submissions have been received regarding the proposal. The issues raised in the submissions have been considered and where appropriate, amendments have been made to the scheme amendment documentation.

Council is now asked to resolve to amend the scheme and to request approval from the Western Australian Planning Commission and the Minister of Planning.

Background:

On 18 August 2008 at its Ordinary Meeting Council resolved to:

"That Council:

1. *Initiate Scheme Amendment No 31 in accordance with the attached document labelled Appendix A and the following:*
 - a. *rezone Lot 4 Great Southern Highway from General Agriculture Zone to Rural Residential Zone;*
 - b. *Add to Schedule 6 the following:*

Subject to the alteration to point 13 of Schedule 6 to read :

"No residential building may be constructed or occupied within 50 metres of any easement or reservation dedicated to a river crossing to connect to the Great Southern Highway Route as required by Mains Road W.A."

and the addition of:

"Advice Note: Subject to an advertising period of 42 days."

Following the resolution of Council, a request was sent to the Environmental Protection Authority (EPA) for permission to advertise in accordance with the Town Planning Regulations on 22 August 2008. The EPA responded with a request for information from the Department of Water and Department of Environment and Conservation to determine if environmental assessment was required prior to advertising.

The additional information request resulted in further environmental investigations being undertaken by the proponent, including hydrology modelling.

Finally on 28 June 2011, the EPA determined that the amendment did not require formal assessment, with advice provided, and granted permission to advertise.

Consultation:

Advertising commenced on 28 June and concluded on 30 August 2011. Affected landowners were notified by letter and advertisements were placed in the Avon Valley Gazette and on Council's website. The scheme documents were available for viewing at Council's Office.

Eight (8) submissions were received from government departments during the exhibition period and no submissions from the public were received. Support for the proposal was not received from Main Roads and Department of Health. Refer to the Schedule of Submissions in Appendix 2 of this report for details of the submissions, response from the applicant and officer's comments.

The content of the submissions have been considered and where appropriate amendments have been made to the scheme documentation.

Statutory Environment:

Planning and Development Act 2005

Town Planning Regulations 1967

York Local Planning Strategy

York Town Planning Scheme No. 2

Policy Implications:

The proposed rezoning of the lot is consistent with the provisions of the York Local Planning Strategy.

Financial Implications:

Fees for the scheme amendment, including advertising costs, will be incurred by the applicant in accordance with Council's Adopted Fees and Charges.

Strategic Implications:

As indicated above, the proposed rezoning is consistent with the objectives and actions of the Planning Strategy.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Yes

Triple bottom Line Assessment:

Economic Implications:

The development of the land into rural-residential lots will provide additional housing lots in close proximity to the York town site to meet the demand for rural lifestyle and large lot housing. The increase in population resulting from appropriate rezoning and subdivision of rural land will have positive impacts on York's economy.

Social Implications:

The proposal will result in additional housing choices for existing and new residents.

Environmental Implications:

The proposal has been assessed by a number of government agencies to ensure that any environmental impacts will be negated or managed appropriately through such measures as building envelopes and buffers.

Comment:

As indicated in the Council report for the initiation of the scheme amendment, it is considered unacceptable to defer the development of this lot, and any others, until the State Government identifies a route for the realignment of the Great Southern Highway.

Main Roads have been requested in writing to provide the status of the planning of the bypass, the proposed route of the bypass and timing for construction. To date, no response has been received.

It is recommended that two alternative routes, aligning with Hoops Road and Lightly Place, be identified in the ODP and that the land be reserved for potential road corridors accordingly.

Similarly, the Department of Health's comments have been addressed or can be addressed at ODP or subdivision stage. Issues raised such as buffers and proximity to watercourses have been carefully assessed and the proposed subdivision has been designed taking into consideration constraints of the site, which have been also assessed by the Department of Environment and Conservation and the Environmental Protection Authority.

The proposal is consistent with the York Local Planning Strategy and issues raised during assessment of the proposal have been addressed thoroughly to demonstrate that constraints can be managed satisfactorily to mitigate any potential adverse impacts.

It is recommended that Council give their final approval to the scheme amendment to enable appropriate development of this property.

**RESOLUTION
051011**

Moved: Cr Hooper

Seconded: Cr Smythe

"That Council, pursuant to Part 5 of the Planning and Development Act 2005, in respect to Amendment No. 31 to the York Town Planning Scheme No. 2, resolves to –

1. Adopt, in accordance with Part 5 of the Planning and Development Act 2005, for final approval the proposed amendment by:

(a) rezoning Lot 4 Great Southern Highway, York from 'General Agriculture' to 'Rural Residential';

(b) inserting into Schedule 6 of the Scheme, provisions for the land in relation to particular requirements of the Rural Residential zone;

Area	Requirements
<p>Lot 4 Great Southern Highway, York</p>	<ol style="list-style-type: none"> 1. Subdivision is to be generally in accordance with the Outline Development Plan approved by the Western Australian Planning Commission. 2. Natural vegetation is not to be cleared for any lot except: <ol style="list-style-type: none"> a. to comply with the requirements of the Bush Fire Act 1954. b. as may be reasonably required to construct an approved building and curtilage thereto within an approved building envelope. c. to gain vehicular access to the curtilage of an approved dwelling. d. as may be approved by the Council. 3. A building envelope with an area that is no greater than 15% of the lot area is to be approved by the Council for each lot. <p>The Council may request the nomination of a building envelope as a condition of any subdivision approval. Development is not permitted on a lot unless a building envelope has been identified and approved by Council.</p> 4. Unless in the opinion of Council a lot is suitably vegetated the Council may require a landscaping plan that identifies areas to be revegetated to be submitted with any application for planning consent. 5. The Council is not to permit development of second-hand relocated or transported dwellings or outbuildings on a lot. 6. Outbuildings approved by the Council are to be complementary to the dwelling on the land in terms of colour and texture of external building materials, and are to be located within the building envelope for that lot. 7. The disposal of liquid wastes on a lot is to be carried out by the installation of an Aerobic Treatment Unit (ATU) to the satisfaction of the Council and the Department of Health. <p>A dwelling is not to be occupied without the prior approval and installation of such a disposal system.</p> 8. On-site systems for the disposal of liquid wastes are to be separated by at least 50 metres from the nearest watercourse or water body. A greater separation may be required to account for soil conditions, slope, drainage, and vegetation. 9. The Council may permit the keeping of grazing animals on a lot subject to adequate measures to prevent: <ol style="list-style-type: none"> a. erosion; b. export of nutrients from the lot; or c. incursion into and damage to areas of remnant vegetation or replanted areas. 10. The Council may request the construction of contour banks and seepage interceptor drains as a condition of any subdivision approval. <p>Contour banks and drains which traverse a lot are to be maintained in working order by the owner of the lot to the satisfaction of the Council and shall not be altered without the prior approval of Council.</p> 11. The Council may request the installation of strategic firebreaks, gates, and other fire fighting

	<p>measures as conditions of any subdivision approval.</p> <p>12. No building or inappropriate land use may be permitted on land subject to the 100 Year ARI without first demonstrating that adequate measures have been taken to render the land free from inundation.</p> <p>13. No residential building may be constructed or occupied within 50 metres of any easement or reservation dedicated to a river crossing to connect to the Great Southern Highway route as required by Main Roads WA.</p> <p>14. All lots shall be fenced prior to sale of any lot.</p> <p>15. Developer Contributions.</p> <p>16. Public Open Space Contributions.</p>
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(c) Amend the Scheme Map, accordingly;

- 2. The applicant be advised that it is recommended that two alternative routes, aligning with Hoops Road, Lightly Place and Cold Harbour Road, be identified in the ODP and that the land be reserved for potential road corridors accordingly.**
- 3. Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation; and**
- 4. Forward Scheme Amendment No. 31 to the Western Australian Planning Commission and the Minister for Planning requesting final approval.”**

CARRIED: 6/0

The Officer Recommendation was amended to include Cold Harbour Road to give alternate route.

**RESOLUTION
061011**

Moved: Cr Hooper

Second: Cr Scott

“That Council:

Immediately approach the Minister for Transport requiring MRWA to take urgent action to finalise the alignment of the Southern Bypass for York.”

CARRIED 6/0

Item 9.1.4 - Appendices

9. OFFICER'S REPORTS

9.1 DEVELOPMENT REPORTS

9.1.5 Scheme Amendment No. 46 – Lot 50 Great Southern Highway

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.46
COUNCIL DATE: 17 October 2011
REPORT DATE: 5 October 2011
LOCATION/ADDRESS: Lot 50 Great Southern Highway, York
APPLICANT: Roberts Day Pty Ltd on behalf of
J M & DJ Donovan
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: J Jurmann, MPS
DISCLOSURE OF INTEREST: Nil
APPENDICES: 1 – Locality Plan
2 – Scheme Maps
3 – Indicative Concept Plan
DOCUMENTS TABLED: Scheme Amendment Documentation

Summary:

Council is in receipt of a request to initiate an amendment to the York Town Planning Scheme No. 2 to rezone Lot 50 Great Southern Highway, York from 'General Agriculture' to 'Development'.

The rezoning will facilitate the preparation of an Outline Development Plan for future mixed business and light/service industrial development.

Background:

Lot 50 Great Southern Highway, York is approximately 8 hectares in area and is located on the southern periphery of the York townsite at the intersection of Knotts Road and Great Southern Highway. It is currently used for agricultural purposes.

The site is surrounded by:

- Agricultural land directly to the south-east (zoned General Agriculture);
- Railway line and the Cooperative Bulk Handling grain facility to the south (zoned Industry and railway reserve);
- Bygraves cottage directly to the north (zoned General Agriculture and within the Blandstown Heritage Precinct);
- Balladong Historic Farm across Great Southern Highway to the north-east (currently zoned General Agriculture and subject to Scheme Amendment No. 45 to rezone to Special Use Zone); and
- Rural land across Knotts Road to the northern-west (zoned General Agriculture).

It is proposed to rezone the site from 'General Agriculture' to 'Development'. The Development zone will facilitate the preparation of an Outline Development Plan and the ability to control the desired type, mix and scale of land uses. Land uses associated with light/service industry and showroom commercial such as motor vehicle repairs, transport depot, manufacturing, farm equipment sales, etc would be supported, while land uses such as consulting rooms or offices could be prohibited to ensure they are more appropriately located in the town centre.

Consultation:

If this scheme amendment is initiated, consultation will be carried out in accordance with the Town Planning Regulations for scheme amendments.

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 subject site is located in the Townsite Expansion Precinct in the Strategy. The objective of the precinct is *“to provide flexibility in determining the Shire’s future land use requirements”*. The Strategy proposes options for future residential, industrial or rural residential development in the Townsite Expansion Precinct subject to resolution of the heavy haulage bypass alignment and expansion plans for the CBH grain facility.

The Strategy shows the subject site being directly affected by an eastern bypass alignment for heavy haulage around the York townsite. The Strategy also proposes a minor re-alignment of Knotts Road behind Bygraves cottage to minimise the traffic impact on the historic building and improve its integration with the Blandstown Heritage Precinct.

The ‘Blandstown/Balladong Precinct York Townsite Structure Plan’ prepared by the Shire in 2008 adopted a bypass route west of the CBH facility reflecting an early option identified in the ‘York Freight and Traffic Study Overview Report’ (2007) prepared by the Department of Planning and Infrastructure, Main Roads Western Australia and the Shire. The Blandstown Structure Plan stated that the bypass options in the Strategy *“are redundant due to the expansion of the CBH facility and the adverse impact upon heritage places west of Forrest Road”*.

The Plan nominated the subject site as ‘Mixed Business / Light and Service Industrial / Service Trades’ area and proposed a mix of lot sizes and development of a highly presentable streetscape through building design and landscaping on Great Southern Highway as a key entrance to the town and adjacent to the Heritage Precinct.

The site was also included in Scheme Amendment No. 40 that proposed to rezone land known as the Balladong Industrial Area for general industrial purposes. The amendment was advertised but not adopted by Council. The accompanying ODP was also not progressed due to the non-resolution of the drainage and bypass issues.

York Town Planning Scheme No. 2

The site is currently zoned 'General Agriculture' under the provisions of the Scheme. It is proposed to rezone the site to a 'Development' zone to enable the preparation of an Outline Development Plan for future mixed business and light/service industrial development.

The objectives of the Development zone are:

- (a) *“Designate land considered to be generally suitable for future development and to prevent such land being used or developed in a manner which could prejudice its possible future use for planning development;*
- (b) *Provide for the sustainable development of land in an orderly manner with appropriate levels of physical infrastructure and human services; and*
- (c) *Ensure the orderly development of the land, through a requirement for the preparation and endorsement of an Outline Development Plan in accordance with the provisions of section 5.10 of the Scheme, as a prerequisite to subdivision or development of land.*
- (d) *Establish zoning and density coding for land in the zone through the adoption of an Outline Development Plan.”*

The current provisions of the scheme have two separate zones – mixed business and industrial, which do not permit a mix of both uses. It is considered that the 'development' zone is the most appropriate to facilitate a mixed zone to enable mixed business and light/service industrial to coexist. Any development would need to be in accordance with the approved Outline Development Plan. The Daliak Precinct has been zoned 'Development' for a similar purpose, that is to permit a mix of residential and rural-residential uses that will be in accordance with an approved Outline Development Plan.

An indicative Concept Plan has been prepared by the applicant to accompany the Scheme Amendment. The Plan provides an indication how future subdivision may occur on the site and will be further defined in consultation with the Shire and relevant government agencies.

In general, the indicative Concept Plan provides for:

- 23 lots ranging from 2,500m² to 3,200m²;
- Lots that are regular in shape and sufficiently large enough to maximise development and associated utilities such as front landscaping, bin storage, parking areas, etc;
- A central subdivisional road with primary access from Knotts Road and Great Southern Highway;
- Lots abutting Great Southern Highway with the opportunity to develop showrooms along this frontage;
- Future realignment of Knotts Road south of Bygraves Cottage to improve the integration of the cottage with the Blandstown Heritage Precinct and improve vehicle sight lines at the intersection of Knotts Road and Great Southern Highway; and
- Indicative area of open space set aside for drainage.

A copy of the indicative plan is attached at Appendix 3 of this report.

Policy Implications:

There are no adverse policy implications associated with this proposal.

Financial Implications:

The applicant will be responsible for the payment of the scheme amendment fees in accordance with Council's adopted Fees and Charges.

Strategic Implications:

The key objective of the York Local Planning Strategy for Industrial and Rural Industries is to:

"Encourage development and diversification of industry that will strengthen and broaden the economic base of the Shire and provide employment opportunities for the community whilst minimising impacts on existing landowners."

Strategy (a) of the section 2.3.5 is to *"Provide suitably zoned and serviced industrial land to attract new industries to the Shire and to allow for future industrial and rural industry expansion"*.

The proposed rezoning is consistent with the provisions of the York Local Planning Strategy.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Yes

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

The rezoning of the subject site will provide much needed light/service industrial land that is imperative for the economic growth of York.

Social Implications:

Additional employment and business opportunities will have a positive impact on the community of York.

Environmental Implications:

Environmental constraints, such as flooding, can be addressed through design and management.

The plans developed in conjunction with Amendment No. 40 – Industrial Area identified significant drainage areas on the lot to cater for run-off from the larger industrial area. However, this amendment has not been finalised at this point in time, and is unlikely to be progressed further.

To determine the impact of run-off on the subject lot, a Drainage Management Plan will need to be prepared which will inform the Outline Development Plan. The Indicative Concept Plan identifies an open space area that can be used for drainage.

Comment:

The site is located on a key entry to the historic town of York and is adjacent to the Blandstown Heritage Precinct and the historic Balladong Farm. As such, development must assist in maintaining the heritage character of York through appropriate built form, signage and landscape development requirements. These controls will need to be included in the Outline Development Plan to guide future subdivision and development.

Access to the site is from Great Southern Highway and Knotts Road. Knotts Road may require widening as part of the bypass works.

**RESOLUTION
071011**

Moved: Cr Hooper

Seconded: Cr Lawrance

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

- 1. Initiate Scheme Amendment No. 46 to the York Local Planning Scheme No. 2 by:***
 - (a) Rezoning Lot 50 Great Southern Highway, York, from General Agriculture Zone to Development Zone.***
 - (b) Amending the Scheme Map accordingly; and***
- 2. Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation;***
- 3. Forward the Scheme Amendment to the Environmental Protection Authority and request permission to advertise;***
- 4. Upon receipt of consent to advertise from the Environmental Protection Authority, advertise the Scheme amendment for public comment for a period of 42 days in accordance with the Town Planning Regulations 1967.”***

CARRIED: 6/0

Item 9.1.5 – Appendices

9. OFFICER'S REPORTS

9.1 DEVELOPMENT REPORTS

9.1.6 Proposed Scheme Amendment – Crawford Court Precinct

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.PPD.4.1
COUNCIL DATE:	17 October 2011
REPORT DATE:	6 October 2011
LOCATION/ADDRESS:	Crawford Court Precinct
APPLICANT:	Shire of York
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	J Jurmann, MPS
DISCLOSURE OF INTEREST:	Cr Smythe
APPENDICES:	1 – Locality Map 2 – Consultation Map
DOCUMENTS TABLED:	Nil

Summary:

On 31 August 2011 Council received a request on behalf of the owner's of Lot 283 Northam-York Road, York to rezone the property from 'Rural-Residential' to 'Residential R2.5' to enable subdivision of the property to lots with a minimum lot size of 4000m².

Initial consultation has been conducted with the landowners in the Precinct, which indicates that the majority of landowners are in favour of a rezoning.

Council is requested to resolve to formally initiate a scheme amendment to rezone the Crawford Court Precinct from 'Rural-Residential' to 'Residential R2.5'.

Background:

The Crawford Court Precinct is an area bounded by Northam-York Road, Attfield Road, Steere Street and the Mount Brown Reserve, on the eastern side of the York townsite. The area comprises 12 existing lots – Lots 1, 2, 3, 6 and 7 Crawford Court, Lots 279-282 Herbert Road, Lot 283 Northam-York Road and Lot 4 Attfield Road with an area of 38.16 hectares. Refer to the Locality Map attached at Appendix 1.

At its Ordinary Meeting held on 20 November 2006, Council resolved to receive a draft Outline Development Plan for the Crawford Court Precinct and advertise it for public comment for a period of 28 days. That draft proposed limited subdivision of the lots zoned Rural Residential down to a minimum lot size of 1 hectare. The only exception was for one smaller lot to allow the excision of the heritage cottage on Lot 283. It was noted in the ODP report that a scheme amendment would be required in order to amend the R-Code accordingly.

Following conclusion of the consultation, the draft ODP was considered by Council at its Ordinary Meeting held on 19 February 2007 and Council resolved:

"That Council:

- 1. Modify the Crawford Court Precinct documentation with the acceptable submissions and formally advertise the revised document for a period of 28 days;*
- 2. Rezone those western portions of lots 279 – 283 as Residential R5, as a transitional buffer between Herbert Road development and the 1 hectare lots; and*

3. *Initiate Scheme Amendment No. 18 to amend the requirements of Schedule 6 of Town Planning Scheme No. 2 in relation to lots identified in the Crawford Court Outline Development Plan and amend the Scheme Amendment taking into account changes proposed in Condition 2.”*

The following month, at its Special Council Meeting held on 23 March 2007, Council resolved to rescind motions 2 and 3 above. The amended ODP documentation was subsequently modified and readvertised.

On 18 June 2007, Council adopted the ODP and resolved to request the Western Australian Planning Commission to approve and endorse the Plan prior to a Scheme Amendment to amend the density coding being initiated.

Council resolved to initiate Scheme Amendment No. 18 at its Ordinary Meeting held on 21 July 2008, which was a text amendment that proposed to amend Schedule 6 to include the reference to a 1 hectare minimum lot size.

After advertising, Scheme Amendment No. 18 was adopted for final approval, without modification, at the Ordinary Council meeting held on 20 October 2008. However, the Minister for Planning refused the amendment on 25 June 2009 for the following reasons:

- *“Rezoning of the subject land for more intensive development is not provided for in the Shire of York Local Planning Strategy. The proposal would represent ad hoc intensification of land use outside of an approved strategic framework, in conflict with the principles set out in State Planning Policy 3 – Urban Growth and Settlement.*
- *The subject site is not suitable for more intensive development given the drainage issues on the site, its location between urban areas and Mount Brown and lack of services. Approval to the scheme amendment would not result in a significant housing gain or significantly increased lot yield and would compromise the rural character of the area.”*

The recent amendments to the York Local Planning 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.

Consultation:

Following receipt of the request to initiate a scheme amendment for Lot 283 Northam-York Road, all landowners were sent a survey to complete advising the Shire if they were for or against rezoning and if they were prepared to financially contribute to the costs of the scheme amendment.

11 out of 12 landowners responded returned the survey and the results were as follows:

- 5 in favour of the rezoning and prepared to financially contribute;
- 2 in favour of the rezoning and not prepared to financially contribute;
- 3 against rezoning; and
- 1 did not respond (this property is subject to a Bailiff’s sale).

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:

- c) Prepared by the local government, approved by the Minister and published in the Gazette; or
- d) 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 site is currently zoned Rural-Residential under the provisions of the Scheme. The current minimum lot size is 1 hectare. The lots in the precinct are all currently greater than 1 hectare and therefore could be subdivided.

It is proposed to rezone the precinct to Residential with a coding of R2.5 that would enable subdivision of the lots to a minimum lot size of 4000m². This coding is consistent with existing Residential zoned lots on the eastern side of Northam-York (Panmure) Road.

Policy Implications:

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

Financial Implications:

There are two options available for payment of the costs associated with the Scheme Amendment:

1. The landowners that indicated that they are prepared to pay for the costs associated with the scheme amendment share the costs. However, the 7 landowners who do not pay still reap the rewards of the amendment; or
2. The Shire incur the costs of the scheme amendment for the precinct under the current planning budget and recover costs through developer contributions charged at the subdivision stage.

The second option is considered a more equitable distribution of costs for 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 and drainage management, may be imposed at the subdivision stage, but will need provisions incorporated in the scheme amendment documentation.

Social Implications:

The provision of larger lot residential land will provide additional housing choice for residents of York.

Environmental Implications:

Urban water management, 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:

The majority of landowners in the Crawford Court Precinct support the rezoning of the precinct from Rural-Residential to Residential R2.5 to enable subdivision of the existing lots to a minimum lot size of 4000m².

The rezoning is in accordance with the York Local Planning Strategy and the lot size proposed is consistent with other residential properties located on the eastern side of the Northam-York Road (Panmure Road).

It is considered appropriate that a Development Contributions Plan be developed to enable the costs of upgrading road and drainage infrastructure.

Cr Smythe declared an Interest Affecting Impartiality to this item and left the room at 3.30pm

RESOLUTION

081011

Moved: Cr Duperouzel

Seconded: Cr Scott

“That Council:

- 1. APPROVE the preparation of the scheme amendment documentation, including a developer contributions plan, with the intention to rezone the Crawford Court Precinct from ‘Rural-Residential’ to ‘Residential R2.5’.***
- 2. A further report be received by Council to initiate the scheme amendment.”***

CARRIED: 4/1

Cr Smythe returned to the room at 3.40pm

Item 9.1.6 – Appendices

9. OFFICER'S REPORTS

9.1 DEVELOPMENT REPORTS

9.1.7 Dentist Surgery – 129 & 129A 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: AV1.6663, P692
COUNCIL DATE: 17 October 2011
REPORT DATE: 11 October 2011
LOCATION/ADDRESS: Lot 889 (129 & 129A) Avon Terrace, York
APPLICANT: Lifetime Dental Pty Ltd
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: J Jurmann, MPS
DISCLOSURE OF INTEREST: Nil
APPENDICES: 1 – Amended Floor Plan
2 – Unjustifiable Hardship Report
DOCUMENTS TABLED: Nil

Summary:

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

“That Council:

APPROVE the planning application to change the use of Lot 889 (129 and 129A) Avon Terrace, York to consulting rooms (dental surgery) excluding the provision of any toilet facilities, subject to the following conditions of approval:

- 1. The development must take place in accordance with the stamped approved plans.*
- 2. The development must be substantially commenced within two (2) years from the date of determination.*
- 3. The development, including associated signage, shall be carried out in accordance with the Shire of York Local Planning Policy for Heritage Places and Precincts.*
- 4. Disabled access shall be provided to the building in accordance with the requirements of the Building Code of Australia.*
- 5. The signage must be maintained in accordance with the provisions of Clause 5.3.6 of the York Town Planning Scheme No. 2.*
- 6. Any additional advertising signage not approved under this application is subject to a separate planning application and approval by Council.*
- 7. Prior to the issue of the Building Licence, a cash-in-lieu contribution for two (2) car parking spaces shall be paid to the Shire of York in accordance with the adopted Fees and Charges.*
- 8. Clinical and related wastes shall be effectively segregated from general and recyclable waste at the time and source of generation, bagged, packaged or containerised as appropriate. An approved waste removal contractor shall be employed for regular removal of contaminated waste.*

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 specified in the approval, after the date of determination, the approval will lapse and be of no further effect.

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

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

Note 4: This approval is not a building licence. In accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1960, an application for a building licence must be submitted to, and approval granted by the local government prior to any change of classification or prior to the commencement of any structural works within the development hereby permitted."

The applicant has requested a review of the approval with regards to permitting the construction of a toilet facility, disabled access to the premises and timing for the payment of the car parking contributions.

It is recommended that the approval be amended as outlined in the resolution of this report to facilitate the construction of the dental surgery.

Background:

An application to change the use of two existing shops at 129 and 129A Avon Terrace to a dental surgery was submitted to Council on 12 August 2011. The shops were previously used as a book shop and gallery.

The application was approved by Council at its Ordinary Meeting held on 19 September 2011 subject to a number of conditions of consent. The applicant has requested a review of the approval and conditions relating to construction of a toilet facility, disabled access to the premises and timing of the car parking contributions.

Consultation with Councillors and Council's Building Surveyor has resulted in an agreement to review the approval and conditions as follows:

1. That an ambulatory toilet facility as opposed to a fully accessible toilet facility for people with disabilities can be constructed within the premises in accordance with the 'unjustifiable hardship' provisions of the Building Code of Australia. Refer to Appendix 2 for a report by Council's Building Surveyor.
2. That approval be given for minor changes to the front façade to enable the construction of disabled access.
3. That condition 7 be amended to enable the timing for the payment of the car parking contributions be changed to 12 months from date of determination.

This report will provide an assessment of the proposed amendments only. For a full statutory assessment of the proposal, refer to the Council Report of 19 September 2011.

Consultation:

- Councillors
- Building Surveyor
- Applicant

Statutory Environment:

- York Town Planning Scheme No. 2
- Local Planning Policy – Heritage Precincts and Places
- Building Code of Australia

Refer to the previous Council report for a full statutory assessment.

Policy Implications:

Local Planning Policy – Heritage Precincts and Places

The shops were constructed between 1850 and 1908 and the architecture is considered typical of shops of the era and is listed in Category 1B on the Municipal Heritage Inventory and on the Heritage List in accordance with Part 5 of the York Town Planning Scheme No. 2. Places listed in Category 1B are considered to be of considerable cultural heritage significance to the locality and worthy of recognition and protection.

In accordance with clause 5.1.4 the provisions of the adopted local planning policy must be considered in the assessment of a development application in relation to a property listed or situated in a heritage precinct.

Section 4 of the LPP relates to commercial development and the objectives of the section are:

- *“To facilitate commercial development that respects the existing character of an area.*
- *To ensure that the primacy and heritage significance of Avon Terrace is maintained.*
- *To protect and encourage the conservation of the important heritage places within the Central York Precinct.*
- *To ensure that all commercial development, including new development and the modification or extension of existing buildings, respects the scale, form, siting, appearance and general fabric of existing buildings and the streetscape in the Central York Precinct.*
- *To ensure that new development is of a high architectural quality that contributes to, and enhances, the Precinct as a whole.”*

It is proposed to carry out minor alterations to the front façade to enable the construction of disabled access to the dental surgery. The original pattern of the façade will be retained, including the side recessed entry and the large windows. A new door will be installed and should be matched to the original design of the building. A ramp will also be constructed at the entry and the materials and colour should match the existing and be in accordance with the LPP.

It is considered that the proposed minor changes to the front façade of the building are considered to be consistent with the objectives and provisions of the LPP.

Financial Implications:

With regards to the proposed amendments, it is considered appropriate to amend condition 7 to delay the payment of the car parking contributions will provide the applicant time to establish the business. However, it should be noted that the York Town Planning Scheme No. 2 does not specify the timing for payment of the contributions.

Strategic Implications:

The delay of the payment of the car parking contributions could be seen as a precedent for future development in a similar situation.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Yes

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

The proposal will result in positive financial implications for the economy of York.

Social Implications:

The establishment of a dental surgery in the town centre to provide a needed health service to the community of York will have positive impacts in the locality and surrounding districts.

Environmental Implications:

There are no environmental implications associated with this proposal for the consideration of the local government authority.

Comment:

As outlined in this report, the proposed amendments to the approval and conditions of the planning consent determined by Council at its Ordinary Meeting held on 17 October 2011 will facilitate the progress of this development.

The changes are considered minor and do not change the essence of the approval and will not result in detrimentally impacting on the heritage character of the building.

The continuity of use of heritage buildings without detracting from the overall integrity contribute to the character of the area is a positive outcome for York.

RESOLUTION**091011****Moved: Cr Scott****Seconded: Cr Smythe*****“That Council:***

APPROVE the amended planning application to change the use of Lot 889 (129 and 129A) Avon Terrace, York to consulting rooms (dental surgery), subject to the following conditions of approval:

- 1. The development must take place in accordance with the stamped approved plans.***
- 2. The development must be substantially commenced within two (2) years from the date of determination.***
- 3. The development, including associated signage, shall be carried out in accordance with the Shire of York Local Planning Policy for Heritage Places and Precincts.***
- 4. Access to the premises shall be provided to the building in accordance with the requirements of the Building Code of Australia, the Disability Discrimination Act (Aust.) 1992 and the Equal Opportunities Act (WA) 1984.***
- 5. The signage must be maintained in accordance with the provisions of Clause 5.3.6 of the York Town Planning Scheme No. 2.***
- 6. Any additional advertising signage not approved under this application is subject to a separate planning application and approval by Council.***
- 7. Payment of a cash-in-lieu contribution for two (2) car parking spaces shall be paid to the Shire of York in accordance with the adopted Fees and Charges within 12 months from the date of determination.***
- 8. Clinical and related wastes shall be effectively segregated from general and recyclable waste at the time and source of generation, bagged, packaged or containerised as appropriate. An approved waste removal contractor shall be employed for regular removal of contaminated waste.***

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 specified in the approval, after the date of determination, the approval will lapse and be of no further effect.*

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

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

Note 4: *This approval is not a building licence. In accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1960, an application for a building licence must be submitted to, and approval granted by the local government prior to any change of classification or prior to the commencement of any structural works within the development hereby permitted.”*

CARRIED: 6/0

Item 9.1.7 - Appendices

9.2 Administration Reports

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.1 Office Closure – Christmas Period

FILE NO:	OR.CMA
COUNCIL DATE:	17 October 2011
REPORT DATE:	3 October 2011
LOCATION/ADDRESS:	N/A
APPLICANT:	Shire of York
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	R Hooper, CEO
DISCLOSURE OF INTEREST:	All Staff
APPENDICES:	Nil
DOCUMENTS TABLED:	Nil

Summary:

Staff request Council's consideration for the closure of the office and library from noon on Friday 23rd December, 2011 to Monday 2nd January, 2012 inclusive, which are in addition to the public holidays.

Office Closure

Friday noon 23rd December 2011 (Office and Library)

Christmas Period

Saturday 24th, Monday 26th & Tuesday 27th December 2011 (Public Holidays)

Office Closure

Wednesday 28th December 2011 (Office and Library)

Thursday 29th December 2011 (Office and Library)

Friday 30th December 2011 (Office and Library)

Office Closure

Saturday 31st December, 2011 (Library)

New Year Period

Monday 2nd January 2012 (Public Holiday)

Office Re-Open

Tuesday 3rd January 2012

By taking this stance, the Council can inform the community well in advance of the office closure and allow ratepayers to make arrangements to meet their commitments.

Background:

For the past six years the Administration Office and Library were closed over this period and there is no record of this action causing any concern. Prior to this the Administration Office and Library have remained open to the public between the Christmas and New Year period and have been operated with only a skeleton staff.

Consultation:

Council Staff & CEO.

Statutory Environment:

Consideration for any planning items requiring attention within specific time frames will need to be considered, however as there is no January Meeting items would be deferred to February meeting in ordinary circumstances unless a Special Council meeting is warranted.

Policy Implications:

Nil.

Financial Implications:

Reductions in accrued annual leave entitlements/rostered days off/time in lieu at no additional costs to Council.

Strategic Implications:

Nil.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Standard Transport licence renewals can be conducted over the Internet and also via B-Pay.

Social Implications:

Some potential for loss of service to the community through the library, with plenty of time to advertise Council's intent this is not seen as causing a problem.

Environmental Implications:

Not applicable.

Comment:

The closure of the office and library will allow staff to have an extended period of leave in addition to the public holidays.

Closing the office at noon on Friday should provide sufficient time for those travelling or getting ready for the Christmas festivities.

Traditionally the number of inquiries and transactions taken in this period has been low. The Works Crew work on a skeleton staff through this period.

All Staff declared an Interest Affecting Impartiality and left the room at 3.41pm.

**RESOLUTION
101011**

Moved: Cr Duperouzel

Seconded: Cr Lawrance

“That Council:

- 1. Endorse the closure of the Administration Office over the Christmas/New Year Period, as follows:***

From noon on Friday 23rd December 2011 and recommence operations on Tuesday 3rd January 2012; and

- 2. Advertise the closure in the local paper, on Council’s website and notice boards in the months leading up to Christmas.”***

CARRIED: 6/0

All Staff returned to the room at 3.46pm.

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

FILE NO: CS.LCS.8.1
COUNCIL DATE: 17 October, 2011
REPORT DATE: 5 October, 2011
LOCATION/ADDRESS: N/A
APPLICANT: Shire of York
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: P Law, Information Officer
DISCLOSURE OF INTEREST: Nil
APPENDICES: Appendix A, B, C & D
DOCUMENTS TABLED: Nil

Summary:

The following is a summary of items for York Information Services for the months of August and September 2011.

Visitor Numbers- August (Appendix A): As compared to the same period 2010 the number of visitors coming through the doors has marginally increased from 1594 to 1633.

September (Appendix B): As compared to the same period 2010 the number of visitors coming through the doors has marginally increased from 2297 to 2360. However, there was no York Cup or York Jazz Festival this year to draw in larger numbers.

Enquiries for accommodation occur almost daily, but do peak come Friday and Saturday. Staff continue to determine visitor needs, attempt to determine accommodation vacancies and then refer the visitor on to at least three different accommodation providers. No bookings are made through this office.

Product Sales- August (Appendix C) Product sales are steady. Net sales for the month of August, after discounts, were \$1269.75, which was down by over \$200 from August 2010.

September (Appendix D) Product sales for the month of September have increased from earlier months. Net sales for September were \$2021.65, on increase of \$137 from the same period in 2010.

Sales figures include sale of stock items left from York Tourist Bureau, the prices of which have been heavily discounted.

New lines of locally produced York Souvenirs have been introduced to the retail store.

Rebranding- During the month of August phone calls were received at this office from other Visitor Centres making comment on our change from Visitor Centre to Information Services. All responses have been extremely positive. In general comments have been that they too would like to no longer be a "VC" as the costs associated are too high, unnecessary and there is no value in the memberships to the associations. Comments were that in small towns with small "VC's" they have gained no educational benefit, financial benefit or business support from these associations for which membership is a requirement. It is seen that the expenses for these associations could be better spent elsewhere.

The Manager from the Shire Depot has been consulted in regards to ordering new roman “I” signs to replace the italic “i” signs on the roads coming into York. We are required to change these over now as we no longer operate as a Visitor Centre and are no longer registered under the Accreditation scheme. He is also arranging a new sign to replace the York Tourist Bureau sign currently hanging from a power pole on Avon Terrace outside to Town Hall.

Arrangements are currently being made to update the Tourist Information bay on Great Southern Highway.

Wildflower Tours- After being approached by several members of the public, both local and visitors, the Information Officer approached the local Wildflower Society to gauge interest in setting up guided wildflower tours. Guided tours were run this year on a trial basis on the last Sundays in both August and September.

August saw 5 people in attendance.

September saw approximately 6 people turn up. However, a group of 6 turned up at the Town Hall office at 10.30am wanting to attend and there were approximately 5 people registered that did not attend.

Calendar of Events- This is emailed to a state wide data base on a fortnightly basis. The focus of this is events based in York. Events in neighbouring towns which are likely to bring tourism directly to York as a direct result of the event may at times be added as well. However, as we are promoting York, it is felt that to promote events that would intentionally drive people away from our town would be of detriment.

Town Hall Toilets- Visitor requests have been made for clearer signage for the Disabled toilet in the Town Hall. There is a huge baby change sign on the door and only a small disabled sign. A person with vision impairment and a person in a wheel chair, had difficulty locating the disabled toilet during the month of September, due to poor signage.

Weekend Internet Access- This is a very real need for visitors to our town. York Information Services is still awaiting the return of a computer that was given out on loan late in 2010. Unfortunately York Information Services desire to meet visitor needs is being hindered by outside parties.

Summer Trading Hours- York Information Services Officers are in the process of approaching all local business asking for details of closing times over the summer period. In previous years many businesses close their doors completely for a period of anywhere from 2 weeks to 4 months. Details will be made available with the next report.

Background:

No report made in August 2011 due to Information Services Officer illness.

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
111011**

Moved: Cr Hooper

Seconded: Cr Smythe

“That Council:

Receive the York Information Services report and commend the staff on the level of service provided to visitors and the community.”

CARRIED: 6/0

Item 9.2.2 - Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.3 Youth Report for September, 2011

FILE NO: CS.LCS.6
COUNCIL DATE: 12th October, 2011
REPORT DATE: 7th October, 2011
LOCATION/ADDRESS: N/A
APPLICANT: Shire of York
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: Lyn Kay, YDO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Appendix A
DOCUMENTS TABLED: Nil

Summary:

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

- **Active After School Programme:**

Term 4 will commence on Wednesday 26th October and Years 1, 2 & 3 will be learning basic skills for Basketball. Mrs Judy Davies will assist Youth Development Officer.

- **Term 3 Karaoke/Disco:**

Youth Development Officer organised a Disco on Friday 30th September at the Town Hall for:-

Kindy – Years 2	3pm-4.30pm	35 attended
Years 3, 4 & 5	4.30pm –6pm	45 attended
Years 6, 7 – Youth	6pm-10pm	75 attended

Lots of fun, singing with Debbie's Karaoke and dancing and Youth Development Officer would like to thank the volunteers who helped make this a successful day.

- **School Holiday Programme:**

Youth Development Officer organised on Monday 3rd October an Art/Pizza making day with 16 youth attending. They painted on their canvases some fantastic artwork and then made all their own pizzas, the most popular one was ham and pineapple, followed by a desert pizza of – Nutella, marshmallow and chocolate buds!

Youth Development Officer then organised different sports in the Recreation Centre.

On the 5th October Youth Development Officer organised a day of Rollerskating in Morley and a swim at Scarborough beach.

The bus, driven by volunteer Ted of Beverley, left at 7.30am, with lots of bruises, sand, stop-over for ice cream and lots of smiling but very tired youth we arrived back at the Shire Office at 6pm.

Youth Development Officer will be having 2 Sports filled days on the 12th and 13th of October at the Recreation Centre.

- **Youth Centre:**

The Youth Centre is at lock up stage and the internal fittings- gyprok, kitchen, tiling etc are now in the process of obtaining quotes.

Youth Development Officer is still waiting for a quote from Tiger Turf for the Basketball Court/volleyball/netball and other games to be situated in front of the Centre so we can follow up with obtaining financial assistant to build.

Youth Development Officer would appreciate any donations of fridge, Xbox, Wii, computers, table tennis table, air hockey etc.

- **Hang Out Centre:**

This is held every Thursday from 3pm-6pm and we average 15 Youth each week and also the local Police call in and are in contact with Youth Development Officer on developments around the Town with regards to Youth.

- **Salvation Army Breakfast Club:**

Youth Development Officer is working along side the Salvation Army on Friday mornings at the Pavilion from 7.30am-8.30am for children and parents to come and have a healthy **free** breakfast.

We are averaging 6 children a week and will be advertising it more to encourage more children to attend.

- **Youth Biz Summit:**

Youth Development Officer took 2 Youth from York District High School and 5 from Beverley District High School, along with volunteer Tammy Sing, to Cunderdin Agricultural College for a Youth Summit with over 400 youth from the Wheatbelt attending.

All Youth who attended had a fantastic, very informative fun packed day, offering ideas for careers with mentors giving great talks about “making the right choices and paths they should take”. We also had a tour of the College, including the abattoirs-where a lot of the lunch supplied was prepared by the students.

Background:

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

Consultation:

Youth
School
Police
Health
Councillors
Council Staff
Community Members

Statutory Environment:

Nil

Policy Implications:

Not Applicable

Financial Implications:

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

Strategic Implications:

Key Result Area 4 - Youth - Objectives:

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

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Nil

Social Implications:

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

Environmental Implications:

Not applicable

Comment:

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

RESOLUTION

121011

Moved: Cr Smythe

Seconded: Cr Hooper

“That Council:

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

CARRIED: 6/0

Item 9.2.3 - Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.4 Country Local Government Fund Review

FILE NO: FI.FAG.7
COUNCIL DATE: 17 October 2011
REPORT DATE: 10 October 2011
LOCATION/ADDRESS: N/A
APPLICANT: WA Regional Development Trust
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: R Hooper, CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES:
1. Correspondence from the Trust
2. Shire of York Submission
DOCUMENTS TABLED: Nil

Summary:

Under the Provisions of the Royalties for Regions Act 2009 a review is to be undertaken to determine whether there is a continuing need for the Country Local Government Fund and if so, in what form, with what budget parameters and for what purpose.

Background:

Currently the CLGF operates at two levels being direct grants to rural local governments and a regional grant system.

Consultation:

Avon-Midland Ward
South East Avon Regional Transition Group

Statutory Environment:

Royalties for Regions Act 2009

Policy Implications:

Not Applicable

Financial Implications:

Nil at this stage however if local government is successful in retaining 50% direct allocations York would receive \$452,363 per year for four years from 2013/14.

Strategic Implications:

Not Applicable

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not Applicable

Triple bottom Line Assessment:

Economic Implications:

The Country Local Government Fund has high impact on local and regional economies as capital works involve trades and businesses.

Social Implications:

There are high community benefits through the funding and provision of deferred infrastructure development.

Environmental Implications:

Not Applicable

Comment:

Royalties for Regions and in particular the Country Local Government Fund has been extremely beneficial to rural and regional areas as both an economic stimulus package and from an infrastructure and asset management perspective.

**RESOLUTION
131011**

Moved: Cr Hooper

Seconded: Cr Scott

“That Council:

Endorse the submission on the review of the Country Local Government Fund and approve its presentation to the WA Regional Development Trust.”

CARRIED: 6/0

Item 9.2.4 - Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.5 Blackspot Project – Mokine Road

FILE NO:	FI.FAG.2.1; MO1
COUNCIL DATE:	17 October 2011
REPORT DATE:	11 October 2011
LOCATION/ADDRESS:	Mokine Road, York
APPLICANT:	Main Roads WA
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	R Hooper, CEO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	1. Correspondence to Mr R Monger 2. Correspondence to Dept of Lands & Regional Development 3. Site Plan 4. Correspondence from Mr R Monger 5. Correspondence to Mr R Monger 6. Executive Summary – AA Moore 7. Correspondence to Mr R Monger 8. Correspondence from Mr R Monger 9. Correspondence to Main Roads WA 10. Correspondence from Main Roads WA 11. Correspondence to Mr R Monger 12. Memorandum to All Councillors
DOCUMENTS TABLED:	Nil

Summary:

Main Roads WA have requested a decision on whether the approved project to re-align a dangerous section of road is to proceed due to the high land price demand by the landowner.

Background:

A Road Safety Audit and grant application was prepared and submitted to Main Roads WA for State Blackspot funding for a section of Mokine Road between Ulster and Williams Roads.

The project was approved as a staged project with the 2010/11 project being for land acquisition, fencing, service relocation, survey and other preliminary matters.

An agreement was entered into with the landowner prior to any work being undertaken.

Works undertaken in 2010/11 amounted to \$17,594.50 with \$11,729.66 funded by MRWA and \$5,864.84 funded by the Shire of York.

On the 16th June, 2011 the landowner submitted a claim for \$50,000 for the 1.901 hectares of land involved.

On the 29th July, 2011 the Shire of York commissioned a sworn valuation for the area to be resumed and notified the landowner of this action.

On the 4th August, 2011 the Shire of York received a sworn valuation from AA Moore valuing the land at \$23,950.

This valuation was provided to the owner on the 8th August, 2011 and the Shire of York received advice from the landowner on the 15th August, 2011 that the offer of \$23,950 was offensive and refused the offer.

On the 16th August, 2011 Main Roads WA were advised of the status of the project and were provided with the following options:

1. To abandon the Blackspot Project and return the 2010/11 funding
2. To initiate action to compulsory acquire the affected land

Main Roads WA advised on the 31st August, 2011 that it has no objection to the project being abandoned and the Shire of York to return the 2010/11 grant of \$11,729.66.

On the 2nd September, 2011 the Shire of York requested the landowner to re-consider the offer to purchase the land. No response has been received to date.

Consultation:

Main Roads WA
Landowner
Department of Regional Development, Lands
Councillors

Statutory Environment:

Not applicable unless compulsory acquisition is to proceed.

Policy Implications:

Not applicable

Financial Implications:

Shire of York to refund \$11,729.66 to Main Roads WA to return the grant funds provided plus \$5,864.83 of municipal funds expended – 2010/11 funds.

For 2011/12 there will be a loss of Blackspot grant funds of \$73,260.

Costs of \$990.00 have been incurred in 2011/12 for a sworn valuation.

Strategic Implications:

Not applicable

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Numerous Site Visits

Triple bottom Line Assessment:

Economic Implications:

Upgrading of roads and traffic safety improvements is of high local and regional benefit in dealing with transport needs.

Social Implications:

Road trauma has a significant affect on the community and the lost opportunity to upgrade an identified blackspot is very detrimental to current and future community members.

Environmental Implications:

Not applicable

Comment:

It is extremely disappointing to abandon a road safety activity particularly when an agreement was in place to allow the project to proceed.

RESOLUTION

141011

Moved: Cr Lawrance

Seconded: Cr Scott

“That Council:

- 1. Abandon the approved State Blackspot Programme for a section of Mokine Road and refund the 2010/11 grant payment of \$11,729.66 to Main Roads WA.***
- 2. Authorise staff to remove the Shire funded fencing from the property.***
- 3. Re-allocate the Shire of York component of the 2011/12 project to safety improvements on Spencers Brook Road (\$36,630.00).”***

CARRIED: 6/0

Item 9.2.5 - Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.6 Strategic Community Plan

FILE NO: OR.RDT.5.2
COUNCIL DATE: 17 October 2011
REPORT DATE: 11 October 2011
LOCATION/ADDRESS: Shire of York
APPLICANT: Not Applicable
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: R Hooper, CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Shire of York Strategic Community Plan
DOCUMENTS TABLED: Nil

Summary:

The Strategic Community Plan prepared by an approved consultant in consultation with Council and the community is presented for adoption.

Background:

The Shire of York and other members of the South East Avon Regional Transition Group received funding to prepare individual Strategic Community Plans and a Regional Strategic Community Plan as part of the business, asset management and financial management planning requirements under structural reform and the new requirements for integrated planning for all local governments.

Consultation:

Community Survey
Community Focus Groups
Councillors
Staff

Statutory Environment:

Not applicable

Policy Implications:

Not applicable

Financial Implications:

All costs to date met from the State Government grant.

Strategic Implications:

Key Result Area 1: Strategic Planning

Objectives:

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

Voting Requirements:
Absolute Majority Required: No

Site Inspection:
Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

A Strategic Community Plan provides high level guidance for future development and activities and it provides a sense of direction and local and regional economic decision making.

Social Implications:

The plan is a high level guide to the community of what is to be aimed for over the next 10 years.

The document is a living one to be reviewed and updated at least annually.

Environmental Implications:

Nil at this stage.

Comment:

The Strategic Community Plan is a guidance document to define and achieve objectives of benefit to the current and future communities.

As integrated planning comes into effect from 1st July, 2012 the Community Plan will be linked to Asset Management Plans, Roman II, 10 Year Financial Plans, Forward Capital Plan and Annual Budgets.

**RESOLUTION
151011**

Moved: Cr Hooper

Seconded: Cr Scott

“That Council:

Adopt the Shire of York Strategic Community Plan as presented and advertise the plan within the community for a period of 21 days.”

CARRIED: 6/0

Item 9.2.6 - Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.7 SEARTG Business Plan

FILE NO: OR.RDT.5.2
COUNCIL DATE: 17 October 2011
REPORT DATE: 11 October 2011
LOCATION/ADDRESS: Shire of York
APPLICANT: Dominic Carbone & Associates
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: R Hooper, CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Additional Funding Proposal
DOCUMENTS TABLED: Nil

Summary:

The consultants for the South East Avon Regional Transition Group Business Plan have identified and quantified the next phases of the structural reform process and the requirements for additional funding to complete the assessment process.

The stages in this application relate primarily to Human Resource Management, Branding and Communications strategies.

Background:

The SEARTG received funding of \$150,000 for business planning and \$110,000 for Strategic Community planning which did not incorporate the HR and Branding activities.

Consultation:

Shires of Cunderdin, Beverley, Quairading and Tammin
Department of Local Government
Minister for Local Government
WALGA

Statutory Environment:

Not applicable

Policy Implications:

Not applicable

Financial Implications:

No nett impact on the municipal budget as the proposal is to be fully funded through grant allocations.

As the Shire of York is the host Council the grant, if received, will be a budget variation requiring an absolute majority decision.

Strategic Implications:

Without these components the RTG Business Plan will remain as a partial document which will not support a formal assessment of the outcomes in the context of structural reform.

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not Applicable

Triple bottom Line Assessment:

Economic Implications:

Nil at this stage

Social Implications:

The information is necessary for the community to fully assess the structural reform business plan and associated recommendations.

Environmental Implications:

Nil at this stage

Comment:

The proposed additional works are seen as being of high value in the business planning process and are needed to attain a fully accountable and measurable outcome.

The South East Avon RTG has been funded at a town level per head of population than other regional transition groups.

RESOLUTION

161011

Moved: Cr Hooper

Seconded: Cr Scott

“That Council:

- 1. *Fully endorse and support the additional funding request for the completion of the Regional Business Plan.***
- 2. *Submit the application to the Minister for Local Government on behalf of the South East Avon Regional Transition Group.”***

CARRIED: 6/0

Item 9.2.7 - Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.8 Electronic Advice of Sales Access

FILE NO: FI.RTS.1
COUNCIL DATE: 17 October 2011
REPORT DATE: 12 October 2011
LOCATION/ADDRESS: Shire of York
APPLICANT: Landgate
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: R Hooper, CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: EAS2 Proposal Pack
DOCUMENTS TABLED: Nil

Summary:

Landgate offers the Shire of York the opportunity to participate in their Electronic Advice of Sales Programme to assist conveyancers and property owners with information required for settlement of property sales

Background:

The Shire of York currently provides a paper based account enquiry system to provide information on rates orders and requisitions relating to property sales.

Consultation:

Landgate
Rates Officer

Statutory Environment:

Not applicable

Policy Implications:

Not applicable

Financial Implications:

Nil to the Shire of York except that enquiry fees will be transmitted at the end of each month rather than at the point of enquiry.

Any changes to the applicable fees and charges requires a minimum of four (4) weeks notice. Landgate does not charge a fee for providing the service.

Strategic Implications:

Not applicable

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Electronic access to property settlement processes will be of benefit to all parties involved.

Social Implications:

There is a community expectation of electronic access to most services.

Environmental Implications:

Not applicable

Comment:

The use of telecommunications for property transactions has been in place in the metropolitan area and it is of high benefit to the real estate industry.

The agreement and access offered by Landgate is a viable and beneficial option for an improved service.

RESOLUTION

171011

Moved: Cr Hooper

Seconded: Cr Scott

“That Council:

Authorise the Shire of York to enter into an agreement with Landgate for the Delivery of Advice of Sales Enquiries using the Electronic Advice of Sale 2 (EAS2) system.”

CARRIED: 6/0

Item 9.2.8 - Appendices

9.3 Works Reports

9.4 Financial Reports

9. OFFICER'S REPORTS

9.4 FINANCE REPORTS

9.4.1 Monthly Financial Reports – September 2011

FILE NO:	FI.FRP
COUNCIL DATE:	17 October 2011
REPORT DATE:	10 October 2011
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 September 2011 is hereby presented for the consideration of the Council.

Appendix A includes the following:

- Monthly Statements for the period ended 30 September 2011
- 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 September 2011;

Sundry Creditors as per General Ledger	\$18,403.64
Sundry Debtors as per General Ledger	\$317,395.32
Unpaid rates and services current year (paid in advance inc. ESL)	\$1,924,844.18
Unpaid rates and services previous years (inc. ESL)	\$490,070.58

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

181011

Moved: Cr Lawrance

Seconded: Cr Scott

“That Council:

Receive the Monthly Financial Report for August and ratify payments drawn from the Municipal and Trust accounts for the period ending 30 September 2011:

	<u>VOUCHER</u>	<u>AMOUNT</u>
MUNICIPAL FUND		
<i>Cheque Payments</i>	<i>29653 - 25698</i>	<i>\$ 164,112.56</i>
<i>Electronic Funds Payments</i>	<i>8419 - 8494</i>	<i>\$ 706,347.03</i>
<i>Direct Debits Payroll</i>		<i>\$ 157,819.50</i>
<i>Bank Fees</i>		<i>\$ 1,080.05</i>
<i>Corporate Cards</i>		<i>\$ 2,721.87</i>
<i>Shell Cards</i>		<i>\$ 72.50</i>
<i>TOTAL</i>		<i><u>\$1,032,153.51</u></i>
TRUST FUND		
<i>Cheque Payments</i>	<i>3861 - 3880</i>	<i>\$ 4,298.88</i>
<i>Direct Debits Licensing</i>		<i>\$ 138,419.80</i>
<i>TOTAL</i>		<i><u>\$ 142,718.68</u></i>
<i>TOTAL DISBURSEMENTS</i>		<i><u>\$1,174,872.19”</u></i>

CARRIED: 6/0

Note to this item

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

Item 9.4.1 - Appendices

9.5 Late Reports

9.6 Confidential Reports

10. NEXT MEETING

**RESOLUTION
191011**

Moved: Cr Smythe

Seconded: Cr Lawrance

“That Council:

hold a Special Meeting of the Council on October 24, 2011 at 3.00pm in the Pavilion, York for the purpose:

- ***Election of Deputy Shire President***
- ***Tenders – Bowls, Tennis and Lighting***
- ***Demolition of Grandstand and Redevelopment of York Racecourse – Spencers Brook Road, York***
- ***Proposal to Make Parking and Parking Facilities Amendment Local Law 2011.”***

CARRIED: 6/0

**RESOLUTION
201011**

Moved: Cr Scott

Seconded: Cr Hooper

“That Council:

hold the next Ordinary Meeting of the Council on November 21, 2011 at 3.00pm in the Lesser Hall, York.”

CARRIED: 6/0

11. CLOSURE

Cr Boyle gave a special thank you to the Greenhills ladies for the superb afternoon tea and thanked everyone for their attendance and declared the meeting closed at 4.20pm.